

**PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE  
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until December 22, 2009 on the following proposed amendments to the Rules of Superintendence.

Comments on the proposed amendments should be submitted in writing to: Diana Ramos-Reardon, Domestic Violence Program Manager, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215-3431, or Diana.Ramos-Reardon@sc.ohio.gov not later than December 22, 2009. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Original language of the rule appears as regular typescript.
2. Language to be deleted appears thus.
3. Language to be added appears thus.

1 **RULE 10. Notifying Law Enforcement Agencies of Criminal or Civil Protection**  
2 **Orders.**

3  
4 (A) Upon issuance of a civil or criminal protection order by a court pursuant to  
5 section 2903.213, 2903.214, division (E)(2) of 2919.26(E)(2), or 3113.31 of the Revised  
6 Code, the court shall complete Form 10-A. Form 10-A and a copy of the order shall be  
7 filed by the court with the local enforcement agency for entry in the National Crime  
8 Information Center database and nationwide dissemination. To accommodate local court  
9 or law enforcement procedures, the format of Form 10-A may be modified provided the  
10 modification does not affect the substantive content of Form 10-A.

11  
12 (B) A court shall follow the guidelines in Form 10-B for thorough and  
13 accurate completion of Form 10-A and facilitate correct entry of criminal or civil  
14 protection orders in the National Crime Information Center.

15  
16 **Commentary (July 1, 1997)**

17  
18 This rule was adopted, effective July 1, 1996, and implements R.C. 2919.26 and  
19 3113.31.

20  
21 **Commentary (March 1, 2000)**

22  
23 This rule was amended, effective March 1, 2000 to implement R.C. 2903.213 and  
24 2903.214.

25  
26  
27 **RULE 10.01. Standard Civil Protection Order Forms -- Domestic Relations**  
28 **Division.**

29  
30 (A) The domestic relations division of the court of common pleas shall  
31 distribute upon request a forms and instructions packet for use in civil protection order  
32 proceedings under section 3113.31 of the Revised Code. The packet shall include, at a  
33 minimum, forms and instructions that are substantially similar to Forms 10.01-A through  
34 10.01-H.

35  
36 (B) An action for a civil protection order pursuant to section 3113.31 of the  
37 Revised Code shall be commenced by filing a petition form that is substantially similar to  
38 Form 10.01-D.

39  
40 (C) In every case in which the domestic relations division of the court of  
41 common pleas issues or approves an ex parte civil protection order, a full hearing civil  
42 protection order, or a consent agreement pursuant to section 3113.31 of the Revised  
43 Code, the court shall use, as applicable, forms that are substantially similar to Forms  
44 10.01-H through 10.01-J.

45  
46 (D) Every ex parte civil protection order, full hearing civil protection order,  
47 and consent agreement that the domestic relations division of the court of common pleas

48 issues or approves pursuant to section 3113.31 of the Revised Code shall include a cover  
49 sheet that is substantially similar to Form 10.01-G.

50  
51 (E) In every case in which the court modifies the terms of a full hearing civil  
52 protection order or a consent agreement pursuant to section 3113.31 of the Revised Code,  
53 it shall use the applicable forms that are substantially similar to Forms 10.01-L and  
54 10.01-M.

55  
56 (F) In every case in which the court terminates a full hearing civil protection  
57 order or a consent agreement prior to its original expiration date pursuant to section  
58 3113.31 of the Revised Code, it shall use the applicable form that is substantially similar  
59 to Form 10.01-L.

60  
61 (G) In every case in which a motion for contempt is filed for a violation of a  
62 full hearing civil protection order or a consent agreement, the court shall include the  
63 applicable form that is substantially similar to Form 10.01-P to any court papers  
64 informing the parties about the allegation and hearing date.

65  
66 **Commentary (January 1, 1998)**

67  
68 On December 9, 1994, Am.Sub.H.B. No. 335 became effective, which made significant  
69 changes to Ohio's domestic violence laws. Section 4 of Am.Sub.H.B. No. 335, states as follows:  
70

71 The General Assembly hereby requests the Supreme Court, in consultation with  
72 the Department of Human Services, to prescribe a form that is to be filed by a  
73 petitioner seeking a civil protection order under section 3113.31 of the Revised  
74 Code and that makes reference to all the forms of relief that a court is authorized  
75 to grant under division (E) of section 3113.31 of the Revised Code, as amended  
76 by this act, contains space for the petitioner to request any of those forms of  
77 relief, and includes instructions for completing the form so that a petitioner may  
78 file the form without the assistance of an attorney.

79  
80 The Supreme Court, in consultation with its Domestic Violence Task Force, developed Forms  
81 10.01-C and 10.01-D in response to the General Assembly's request in Am.Sub.H.B. No. 335.

82  
83 During its eighteen months of study, the Supreme Court's Domestic Violence Task Force  
84 determined that *pro se* victims of domestic violence often do not have access to the forms  
85 necessary to obtain a civil protection order pursuant to section 3113.31 of the Revised Code.  
86 The Task Force also found that due to the variety of protection order forms used by Ohio courts, it  
87 can be difficult for law enforcement officers to recognize valid protection orders and understand  
88 the pertinent provisions of such orders. Further, the Task Force discovered that misconceptions  
89 exist in regard to the penalties for violating protection orders. The Court developed this rule and  
90 Forms 10.01-A, 10.01-B, and 10.01-E through 10.01-J to address these concerns.

91  
92 This rule applies to all courts of common pleas that have jurisdiction over civil protection  
93 orders and consent agreements pursuant to section 3113.31 of the Revised Code.  
94  
95

96 **RULE 10.03. Standard Criminal Protection Order Forms and Standard General**  
97 **Civil Stalking or Sexually Oriented Protection Order Forms.**  
98

99 (A) A court that has jurisdiction to issue a criminal protection order pursuant  
100 to section 2903.213 of the Revised Code shall distribute upon request a form packet for  
101 use in criminal protection order proceedings. The packet shall include, at a minimum, a  
102 form that is substantially similar to Form 10.03-A.  
103

104 (B) A court that has jurisdiction to issue a general civil ~~stalking or sexually~~  
105 ~~oriented offense~~ protection order pursuant to section 2903.214 of the Revised Code shall  
106 distribute upon request a forms and instructions packet for use in general civil ~~stalking or~~  
107 ~~sexually oriented offense~~ protection order proceedings. The packet shall include, at a  
108 minimum, forms and instructions that are substantially similar to Forms 10.03-D, 10.03-  
109 E, and 10.03-G.  
110

111 (C) In every case in which the court issues a criminal protection order  
112 pursuant to section 2903.213 of the Revised Code, it shall use the applicable form that is  
113 substantially similar to Form 10.03-B and a cover sheet that is substantially similar to  
114 Form 10.03-H.  
115

116 (D) In every case in which the court issues a general civil ~~stalking or sexually~~  
117 ~~oriented offense~~ protection order pursuant to section 2903.214 of the Revised Code, it  
118 shall use the applicable form that is substantially similar to Form 10.03-E or Form 10.03-  
119 F and a cover sheet that is substantially similar to Form 10.03-H.  
120

121 **Commentary (March 1, 2000)**  
122

123 In Sub. H.B. 302, effective July 29, 1998, the General Assembly revised the law relative  
124 to issuance of stalking protection orders and the violation of those orders. Following the  
125 enactment of Sub. H.B. 302, the Supreme Court of Ohio Standard Forms Committee developed  
126 Sup. R. 10.03 and forms relative to the application for and issuance of general civil protection  
127 orders and criminal stalking protection orders.

**FORM 10-A: PROTECTION NOTICE TO NCIC**

(Required fields appear in bold print)

**New Initial NCIC Form**

**Modification of Previous NCIC Form**

\_\_\_\_\_ of \_\_\_\_\_ Pages

**SUBJECT NAME** \_\_\_\_\_  
(LAST) (FIRST) (M.I.)

**ADDRESS** \_\_\_\_\_  
(STREET) (CITY) (STATE) (ZIP)

**PHYSICAL DESCRIPTION:** HGT \_\_\_\_\_ WGT \_\_\_\_\_ HAIR \_\_\_\_\_ EYES \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_

**NUMERICAL IDENTIFIER (NOTE: Only ONE of the 4 numerical identifiers is needed.)**  
1. SSN \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 2. DOB \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
3.\* DRIVER'S LIC. NO. \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRATION YR. \_\_\_\_\_  
4.\* VEHICLE LIC. NO. \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRATION YR. \_\_\_\_\_ LIC. TYPE \_\_\_\_\_  
(\* If #3 or #4 is used as a numerical identifier, entire line MUST be completed.)

**BRADY HANDGUN DISQUALIFIERS:**

**(Under 18 U.S.C. § 922(d)(8), requires all a "yes" response to disqualify all three questions Brady disqualifies the subject from purchasing a handgun or possessing any firearm, including a rifle, pistol, revolver, or ammunition.)**

- Does order protect an intimate partner or child(ren)?  YES  NO
  - Did subject have opportunity to participate in hearing regarding order?  YES  NO
  - Does order find subject a credible threat or explicitly prohibit physical force?  YES  NO
- IS THE SUBJECT BRADY DISQUALIFIED?**  YES  NO

**CASE / ORDER NO.** \_\_\_\_\_ (15 DIGIT MAXIMUM)

**COURT ORIGINATING AGENCY IDENTIFIER** \_\_\_\_\_ (9 DIGIT ORI ASSIGNED BY NCIC)

R.C. 2903.213  R.C. 2903.214 NAME OF JUDGE \_\_\_\_\_  
 R.C. 2919.26  R.C. 3113.31

**DATE OF ORDER** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ **EXPIRATION OF ORDER** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(IN R.C. 2919.26 CASES, NONEXP MAY BE USED)

**TERMS AND CONDITIONS OF ORDER (Mark all that are applicable) :**

- 01 The subject is restrained from assaulting, threatening, abusing, harassing, following, interfering, or stalking the protected person and/or the child(ren) of the protected person.
- 02 The subject shall not threaten a member of the protected person's family or household.
- 03 The protected person is granted exclusive possession of the residence or household.
- 04 The subject is required to stay away from the residence, property, school, or place of employment of the protected person or other family or household member.
- 05 The subject is restrained from making any communication with the protected person, including but not limited to, personal, written, or telephone contact, or their employer, employees, or fellow workers, or others with whom the communication would be likely to cause annoyance or alarm the victim.
- 06 The subject has visitation or custody rights of the children named in this order.
- 07 The subject is prohibited from possessing and/or purchasing a firearm or other weapon.
- 08 See the Miscellaneous Field for comments regarding the specific terms and conditions of the order.  
Miscellaneous comments: \_\_\_\_\_

- 09 The protected person is awarded temporary exclusive custody of the children named.

**LIST ALL PROTECTED PERSONS** (Total of 9 allowed, may attach additional forms; **SSN is NOT necessary if DOB is given**):

**PROTECTED PERSON** \_\_\_\_\_  
(LAST) (FIRST) (M.I.)  
DOB \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ SSN \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_

**PROTECTED PERSON** \_\_\_\_\_  
(LAST) (FIRST) (M.I.)  
DOB \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ SSN \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_

**PROTECTED PERSON** \_\_\_\_\_  
(LAST) (FIRST) (M.I.)  
DOB \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ SSN \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_

**Authorized by (signature):** \_\_\_\_\_ **Date** \_\_\_\_\_  
(circle one) Judge/Magistrate

OHP  
DATA  
ONLY  
#EPO

MIS/

## **INSTRUCTIONS FOR COMPLETING PROTECTION NOTICE TO NCIC**

These instructions will facilitate the proper completion of Form 10-A, Protection Notice to NCIC, in compliance with requirements of Ohio and federal law. Thorough and accurate completion of Form 10-A is critical as this form is the sole method used to enter the terms and conditions of the protection orders issued by the Court into the computerized index of criminal justice information maintained by the National Crime Information Center (NCIC). Inaccurate or inconsistent information in Form 10-A will result in delay in entering the protection order into NCIC and enforcing said order. Form 10-A must be completed each time the court approves, issues, modifies, renews or terminates a protection order or consent agreement, regardless whether it is an *ex parte* or full hearing order.

### **ELEMENTS OF FORM 10-A**

- (A)** The required fields in Form 10-A appear in **BOLD**.
- (B)** Form 10-A is the primary method used to inform law enforcement of the terms and conditions of the protection order. The court should be cautious to mark the appropriate box in the upper right corner of the form. The box next to “Initial NCIC Form” shall be checked anytime the court is issuing a protection order out of the same set of facts for the first time, i.e., an *ex parte* order or a full hearing order where an *ex parte* order was not issued. The box next to “Modification of Previous NCIC” shall be checked anytime the Court has already issued a protection order arising out of the same facts and is now modifying or terminating the order or is making a clerical or orthographical correction to the form.
- (C)** **SUBJECT’S NAME, RACE & SEX.** The subject’s full name including first and last name, race and sex are mandatory identifiers that must be provided to have the form accepted by NCIC. The other identifiers under physical description, i.e., height (HGT), weight (WGT), hair, and eyes are not mandatory, yet they are helpful information to ensure the correct person is identified if a violation of the order occurs. Similarly, the address is not mandatory information.
- (D)** **NUMERICAL IDENTIFIER.** The FBI requires certain numerical identifiers be entered to properly identify the person subject to the protection order. While completion of all the numerical identifiers is very useful, the FBI mandates that only **one** of the following numerical identifiers is entered to have the form accepted by NCIC:
1. **SOCIAL SECURITY NUMBER (SSN)**
  2. **DATE OF BIRTH (DOB)**
  3. **DRIVER’S LICENSE NUMBER (DRIVERS LIC. NO):** In the instance the driver’s license number is to be provided, the state that issued the driver’s

license and the expiration date of the driver's license must also be included for this entry to be accepted by NCIC.

4. VEHICLE LICENSE NUMBER (VEHICLE LIC. NO): In the instance the vehicle's license plate is to be provided, the state that issued the license plate and the expiration date of the license plate must also be included for this entry to be accepted by NCIC.

- (E) BRADY DISQUALIFIERS:** Federal law makes it illegal for certain persons subject to a protection order to purchase or possess a firearm, including a rifle, pistol or revolver, or ammunition. This section guides the Court in properly identifying those persons subject to a protection order that are also Brady disqualified. An affirmative response to all three questions on Form 10-A results in disqualifying the person subject to a protection order from purchasing or possessing a firearms pursuant to 18 U.S.C. section 922 (g)(8).

Generally, a person subject to a protection order is Brady disqualified under 18 USC 922 (g)(8) when the protected party is a spouse, former spouse, person living or who lived as a spouse, a child of the person subject to the protection order or a child of a spouse, former spouse, person living or who lived as a spouse. The person subject to the protection order was afforded an opportunity to be heard, and the Court after evaluating all the evidence found that the person subject to the order poses a credible threat of harm to the protected party.

- (F) CASE/ORDER NO.** The case/order number of the protection order is required. This element in Form 10-A is particularly relevant where the Court modifies, renews or terminates a protection order. Law enforcement and NCIC will use the case/order number to cross-reference the appropriate order. In addition, law enforcement also uses this information to verify the currency of an order.

- (G) COURT ORIGINATING AGENCY IDENTIFIER.** To accept a Form 10-A entry into the federal protection order database, NCIC mandates the Court issuing the protection order to include its agency identifier. The agency identifier is a unique nine digit alphabetic and/or numeric series issued by the FBI that easily allows identification of the court issuing the order. Although the Name of Judge is not a mandatory field, it is prudent to include the name of the judicial officer issuing the protection order. Similarly, NCIC does not require a court to indicate under which Revised Code section the order is being issued. However, this information is useful for law enforcement to quickly determine the relationship between the parties and determine how to assess risk in the instance when the order is violated.

- (H) DATE OF ORDER AND EXPIRATION OF ORDER.** The court must note on the form the date the protection order was issued and the date when it will expire. The protection order database will purge the orders automatically on their expiration date. In the instance a protection order is terminated prior to the

original expiration, it is critical the Court explicitly indicate on Form 10-A the new expiration date to allow proper removal of the order from the database.

- (I) TERMS AND CONDITIONS OF ORDER.** Check every box that corresponds to all provisions of the protection order as ordered by the Court. Note the numbering next to each term and condition in Form 10-A does not correspond to the order the provisions are listed in the protection orders. However, the provisions in the protection order forms cross-reference by number the terms and conditions listed in Form 10-A.

The Court should submit a modified Form 10-A to the appropriate law enforcement reporting agency in every instance that any court order, i.e., divorce decree or custody order, results in the modification of a term or a protected party in a protection order.

- (J) LIST ALL PROTECTED PERSONS.** Provide the full name and date of birth for all persons who are protected by the protection order. The protected persons' social security number, race and gender are not required entry in Form 10-A.

- (K) AUTHORIZED SIGNATURE.** The Judge or Magistrate who issued the protection order must sign and date Form 10-A.

# GENERAL INFORMATION ABOUT DOMESTIC VIOLENCE PROTECTION ORDERS

## DEFINITIONS YOU NEED TO KNOW

**Domestic Violence** is when a family or household member uses physical violence, threats, intimidation and/or emotional, sexual, and economic abuse to maintain power and control over the other person, usually within an intimate relationship. Domestic Violence is most often a combination of psychological and physical actions; the physical results are just the most visible. Domestic violence is a pattern of conduct in which one intimate partner uses force or threats of force to control the other person.

Ohio law has determined that some forms of abuse do not constitute criminal behavior or behavior requiring the court's intervention. For example, psychological battering, economic abuse, or verbal harassment without evidence of threats or physical harm are not recognized by Ohio law as domestic violence that allows a petitioner to obtain a protection order or request that criminal charges be filed.

When a family or household member tries to cause you bodily harm by hitting, pushing, beating, or physically hurting you, that is domestic violence. When a family or household member makes you afraid that you will be harmed, that is domestic violence. When a family or household member stalks, commits sexually oriented offenses against you, or forces sexual relations on you, that is domestic violence. When a family or household member abuses your children, that is domestic violence.

### IN A CIVIL DOMESTIC VIOLENCE CASE:

**Petition for a Domestic Violence Civil Protection Order (“CPO”)** is the document a domestic violence victim, the victim's parent or an adult household member of the victim must file with the domestic relations division of the court of common pleas to obtain a civil protection order against an alleged offender.

**Ex parte Domestic Violence Civil Protection Order (“CPO”)** is an emergency order the court issues in response to the Petition for a Civil Protection Order after an *ex parte* hearing. The *ex parte* hearing is described in Form 10.01-A, Side 3.

**Full Hearing Domestic Violence Civil Protection Order (“CPO”)** is the final order the court issues after a full hearing. The full hearing is described in Form 10.01-A, Side 3. The Full Hearing CPO replaces the *ex parte* CPO. Sometimes the final order issued by the court is a **Consent Agreement and Domestic Violence Civil Protection Order**, Form 10.01-J, upon terms agreed to by the parties.

**Petitioner** is the person asking or “petitioning” the court for protection. By filing the Petition for a CPO, YOU are the Petitioner.

**Respondent** is the alleged domestic violence offender. Petitioner seeks protection from the Respondent by filing for a CPO.

### IN A CRIMINAL DOMESTIC VIOLENCE CASE:

**Motion for a Domestic Violence Criminal Temporary Protection Order (“DVTPO”)** is the document that must be filed in a criminal case if a victim of domestic violence or victim of a sexually oriented offense wishes to obtain a protection order against an alleged offender. The criminal case must allege the offender committed negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, endangering children, any offense of violence, or any sexually oriented offense against a family or household member. The prosecutor has a form for this purpose.

**Domestic Violence Criminal Temporary Protection Order (“DVTPO”)** is the order the court issues in response to the Motion for Temporary Protection Order. The DVTPO requires the offender to stop abusing and to stay away from the victim(s) named in the Motion for Temporary Protection Order. A DVTPO expires when the alleged offender's criminal case ends or when a new CPO is issued based on the same facts.

**Alleged Victim** is the person asking the court for protection in the Motion for a DVTPO.

**Defendant** is the person the Motion for a DVTPO is filed against. The Defendant is the person accused of the crimes of negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, endangering children, any sexually oriented offense, or any offense of violence against a family or household member.

**FEES**

UNDER FEDERAL AND STATE LAW YOU CANNOT BE CHARGED ANY COSTS OR FEES FOR OBTAINING A PROTECTION ORDER.

**CIVIL PROTECTION ORDERS**

**What is a Domestic Violence Civil Protection Order (“CPO”)?**

A CPO is issued by a domestic relations division of the court of common pleas to protect a victim of domestic violence. A CPO is intended to prevent further domestic violence. It orders someone who has been abusive to do or not do certain things in the future. You may want to consider getting a CPO even if you have a DVTPO from a criminal court because a CPO lasts longer and provides more benefits – such as child custody and support orders. Domestic violence includes the commission of sexually oriented offenses.

Violating a CPO is a crime. If the Respondent violates the CPO, he or she may be arrested, jailed, and fined for disobeying the CPO. A CPO can remain in effect for up to five years. If the Respondent violates the CPO, you can call the police, go back to the domestic relations division of the court of common pleas to file a contempt charge, and go to the prosecutor's office to have the Respondent charged with the crime of violating the CPO.

**Why get a Domestic Violence Civil Protection Order?**

If you are a victim of domestic violence, a CPO may help you. Once domestic violence starts, the violence often happens more often and gets increasingly severe. A CPO may stop this cycle of violence because the court orders the Respondent to stop hurting or threatening you and your family or household members. A court can use a CPO to order the Respondent to stay away from you for up to five years. A CPO can give you time to "sort things out" and decide what you want to do next without having to be afraid all of the time. If your children have seen domestic violence, a CPO may give all of you a chance to get some help so that you and your children are safe.

Domestic violence is a crime. A CPO tells the Respondent you and the court are serious about requiring the Respondent to stop his or her abusive behavior and not to hurt or threaten you again.

A CPO sets some "rules" that the Respondent must obey while the CPO is in effect. These rules may require the Respondent to pay child or spousal support; give up possession of a home or car; and/or obey the court's orders about visitation.

A CPO issued by a domestic relations division of the court of common pleas may last longer than a DVTPO issued by a criminal court and can provide more kinds of help. You should know that if you get a CPO based upon the same facts as the DVTPO, the DVTPO from the criminal court will automatically end, even if the criminal case continues.

**Who can get a Domestic Violence Civil Protection Order?**

You can apply for a CPO if you are related to the Respondent by blood or marriage AND have lived with Respondent at any time; OR you are living with or have lived with the Respondent during the past five years; OR you used to be married to the Respondent; OR you have a child with the Respondent, whether or not you ever married or lived together.

You can also get a CPO for any member of your household.

You may be able to get a CPO if you have been dating the Respondent; if you share family or financial responsibilities with the Respondent; AND you have an intimate relationship with the Respondent.

Remember that a CPO has limits. If you suspect that the Respondent will not obey the terms of a CPO, contact your local domestic violence program or the Ohio Domestic Violence Network at 800-934-9840.

**Do I need an attorney to obtain a Domestic Violence Civil Protection Order?**

No, but you are often better off having legal representation in your CPO proceeding. Neither the clerk of courts nor other court employees can give you legal advice. Having an attorney represent you is especially helpful when your case involves contested custody and visitation and/or when an attorney represents the Respondent. If you cannot afford an attorney, contact your local legal aid office at 866-LAWOHIO (toll free), bar association, or Ohio State Legal Services (800-589-5888) for information on low cost or free legal representation.

**Must there be a court hearing for me to obtain a Domestic Violence Civil Protection Order?**

Yes. There are two hearings involved in a CPO case: the *ex parte* hearing and the full hearing.

**Ex Parte Hearing:** At this hearing only you are present. The Respondent is not present.

An *ex parte* hearing is held the same day a petition for Civil Protection Order is filed. If a Petition for a CPO is filed early enough in the day, an *ex parte* hearing is held that same day. At the *ex parte* hearing, you take an oath to tell the truth and a judge or magistrate hears your statement of what happened. If the judge or magistrate finds that the events you described meet the requirements of the law, the court will issue an *Ex Parte* CPO and schedule a full hearing. If the Respondent is asked to vacate the home in which you live, there will be a full hearing within 7 business days. Otherwise, a full hearing will be set within 10 business days. The Court can hold a full hearing only after the Respondent has been served with the *Ex Parte* CPO. You may need to fill out forms for the clerk of courts to cause service.

**Full Hearing:** The full hearing is the final hearing.

At this hearing, both you and the Respondent can testify. You must be present at the full hearing. You should bring any witnesses and other evidence to support your case. If the court issues a Full Hearing CPO, it remains in force until the date indicated in the CPO, with five years being the maximum.

If the Respondent does not show up for the full hearing, you can still obtain a final CPO. However, if the Respondent is not served with the *Ex Parte* CPO before the full hearing, the court postpones the full hearing until the Respondent is served. If the full hearing is postponed, the *EX PARTE* CPO remains in effect until the full hearing is held.

**You may bring an advocate with you to the *ex parte* and full hearings for support. Some domestic violence shelters and victim assistance programs can provide advocates to go with you to these hearings. Contact your local domestic violence program or the Ohio Domestic Violence Network, 800-934-9840, for program and shelter information**

**DOMESTIC VIOLENCE CRIMINAL TEMPORARY PROTECTION ORDERS**

Your local criminal court grants a DVTPO. You ask the court for a DVTPO when a criminal complaint is filed alleging someone has committed domestic violence or a sexually oriented offense against you. The DVTPO orders someone who has abused you to do or stop doing certain things in the future. Violating a DVTPO is a crime. If the Defendant violates the DVTPO, the Defendant may be arrested, jailed, and fined for disobeying the DVTPO. Violating a DVTPO is also a reason for the court to revoke the Defendant's bail. A DVTPO lasts only until the criminal case is ended or a CPO, based on the same facts, is issued by a domestic relations division of the court of common pleas.

**RESOURCES**

You can find information about Domestic Violence Civil Protection Orders in Ohio Revised Code Section 3113.31 and information about Domestic Violence Criminal Temporary Protection Orders in Ohio Revised Code Section 2919.26.

You may be able to find additional information about domestic violence at the following Websites:

Ohio Domestic Violence Network	<a href="http://www.odvn.org">www.odvn.org</a>
Ohio State Legal Services Association's DV Resource Center	<a href="http://www.ohiodvresources.org">www.ohiodvresources.org</a>
National Resource Center on Domestic Violence	<a href="http://www.nrcdv.org">www.nrcdv.org</a>

**PLEASE NOTE:** Computer use can be monitored. It is impossible to completely clear all website footprints. If you are in danger, please use a safer computer that your abuser cannot access directly or remotely. For example, computers at a public library, internet café, domestic violence shelter, or community technology center, which can be found through [www.ctcnet.org](http://www.ctcnet.org), would be safer computers.

# HOW TO OBTAIN A DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (“CPO”)

## FORMS TO FILL OUT FOR A DOMESTIC VIOLENCE CPO

To obtain a CPO, you need the following documents. You can get all of these documents from the clerk of court’s office:

1. Petition for Domestic Violence Civil Protection Order Form 10.01-D.
2. Domestic Violence *Ex Parte* Civil Protection Order Form 10.01-H.
3. If you are requesting temporary custody of a child, Information for Parenting Proceeding Affidavit Form 10.01-F.
4. If you request financial support, you might need to fill out additional forms that the clerk of court’s office will provide you.

Complete the Petition for a CPO form. Complete additional forms if applicable. Take these documents to the clerk of court’s office.

## FILING THE PETITION FOR A DOMESTIC VIOLENCE CPO FORM

Present your completed forms to the filing window/counter of the clerk of court’s office for filing. Do **NOT** file the *Ex Parte* CPO form at this time.

A clerk of court’s office employee helps you file your documents. You should know that neither the clerk of courts nor other court employees can provide you with legal advice.

There is **NO FEE** for filing the Petition for a CPO form.

Ask a clerk of court’s office employee or your local domestic violence assistance group about your local court procedures.

## VICTIM ADVOCATE

Ohio law permits you to have a victim advocate with you at all times in court during protection order proceedings. Victim advocate means a person who provides support and assistance for a victim of an offense during court proceedings. Contact your local victim assistance program, local domestic violence program, or the Ohio Domestic Violence Network, 800-934-9840, for advocate information.

## ATTENDING THE *EX PARTE* COURT HEARING

You must appear in front of a judge or magistrate for the *ex parte* hearing. The judge or magistrate listens to your testimony.

You should tell the judge or magistrate what the Respondent did to make you fear that you or a family member may be in danger. Tell the judge or magistrate if the Respondent injured you, attempted to injure you, or threatened you.

Tell the judge or magistrate what you would like the court to do to help keep you and other family members safe and to protect the children. For example, you might ask the judge or magistrate to:

1. Order the Respondent to stay away from you;
2. Order the Respondent to be removed from your home;
3. Order the Respondent to get counseling;
4. Award you custody of any children;
5. Order the Respondent to have visitation only under conditions that will keep you and the children safe;
6. Order the Respondent to pay you child support and/or spousal support (alimony);
7. Order the Respondent to be prohibited from having any weapons;
8. Award you possession of a car for your use;
9. Award you possession of your personal property and the children’s personal property.

If the judge or magistrate determines that you or your family or household members are in danger of domestic violence the judge or magistrate signs an *Ex Parte* CPO at the hearing. ~~The judge or magistrate may sign your form or prepare a form.~~

The judge or magistrate then sets a second hearing (called a “full hearing”) within 7 to 10 business days to give the Respondent a chance to be heard. You must appear at the full hearing. Some issues, such as support, may be postponed until this second hearing.

Take the signed *Ex Parte* CPO to the clerk of court’s office and have it filed. Tell the clerk’s office where law enforcement officers can find the Respondent to serve him or her with the *Ex Parte* CPO and other necessary papers.

### YOU MUST ATTEND THE FULL HEARING

The full hearing on the Petition for a CPO will be set within 7 to 10 business days after the *ex parte* hearing. You **must** attend the full hearing. You may have an attorney present with you at the full hearing.

At the full hearing you must tell what happened again. This time you tell what happened in more detail. Bring with you any witnesses and evidence you have, such as photographs, answering machine tapes, other audio and video recordings, papers such as police reports, hospital records, etc, and any other evidence that will help you prove that the Respondent committed domestic violence against you or another family or household member. Tell the judge or magistrate why you fear the Respondent. You may call the Respondent as a witness to help you prove your case. Tell the judge or magistrate again what you want the court to do to help keep you and your family members safe.

The respondent may have an attorney. You may want to ask for a continuance in order to get an attorney. The Respondent may also present evidence and call you as a witness. You may be asked questions by the Respondent or their attorney.

After the hearing, if the judge or magistrate decides you are entitled to a CPO, the court issues a new CPO called a “Domestic Violence Full Hearing CPO.” This CPO is usually more detailed than the *Ex Parte* CPO issued after the first hearing. The judge or magistrate could also deny your Petition for a CPO if the court decides you are not entitled to a CPO. The law does not allow the court to issue a protection order against you, unless the Respondent has filed a separate action against you.

At the full hearing, you and the Respondent can decide to enter into a Consent Agreement instead of having a hearing in front of the judge or magistrate. If you decide to enter into a Consent Agreement, give the judge or magistrate the Consent Agreement and Domestic Violence Civil Protection Order form contained in the “How to Get a Domestic Violence Protection Order” packet. The court should also have a Consent Agreement and Domestic Violence Civil Protection Order form available.

### ENFORCING YOUR CPO

Your CPO remains in effect for five years, unless the court sets a different expiration date.

**Violating a CPO is a crime.** If the Respondent violates the CPO, it is a crime. Immediately contact the police.

You may also bring a contempt action in domestic relations division of the court of common pleas for CPO violations. A contempt action is brought because the Respondent is disregarding the court’s order. You must complete and file a contempt motion with the clerk of court’s office to begin a contempt action against the Respondent.

### CRIMINAL COURT

In addition to the *ex parte* hearing and full hearing in domestic relations division of the court of common pleas, you should attend all meetings and hearings as requested by the prosecutor and the court related to any criminal case filed against the Respondent.

Tell the domestic relations division of the court of common pleas about any pending criminal cases. Tell the criminal court about any pending domestic relations division of the court of common pleas cases.

Any Domestic Violence Criminal Temporary Protection Order (DVTPO) issued by a criminal court expires as soon as the criminal case is ended. A DVTPO issued by a criminal court also expires when a CPO is issued by the domestic relations division of the court of common pleas based upon the same facts.

IN THE \_\_\_\_\_ COURT OF COMMON PLEAS  
 \_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_  
**Petitioner** : Case No. \_\_\_\_\_  
 \_\_\_\_\_  
 Address : Judge \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 City, State, Zip Code :

Date Of Birth: \_\_\_\_\_ : **PETITION FOR DOMESTIC VIOLENCE  
 CIVIL PROTECTION ORDER (R.C. 3113.31)**  
 v. \_\_\_\_\_ :

\_\_\_\_\_  
**Respondent** : **Notice to Petitioner:** Throughout this form,  
 \_\_\_\_\_ : check every  that applies.  
 Address :

\_\_\_\_\_  
 City, State, Zip Code : **Do NOT write your address at left or below if  
 you are requesting confidentiality.  
 DO NOT WRITE YOUR ADDRESS ON THIS  
 FORM IF YOU ARE REQUESTING CONFIDENTIALITY.**

Date Of Birth: \_\_\_\_\_ : **PLEASE PROVIDE AN ADDRESS WHERE YOU CAN  
 RECEIVE NOTICES FROM THE COURT.**

1. Petitioner is a family or household member of Respondent, and a victim of domestic violence and seeks relief on Petitioner's own behalf. The relationship of Petitioner-to Respondent is that of:

- |  |   |
|--|---|
| <input type="checkbox"/> Spouse of Respondent  | <input type="checkbox"/> Child of Respondent  |
| <input type="checkbox"/> Former spouse of Respondent   | <input type="checkbox"/> Parent of Respondent   |
| <input type="checkbox"/> The natural parent of Respondent's child  | <input type="checkbox"/> Person "living as a spouse of Respondent" defined as:  |
|  | <ul style="list-style-type: none"> <li>• now cohabiting;</li> <li>• or cohabited within five years prior to the alleged act of domestic violence</li> </ul> |
| <input type="checkbox"/> Other relative (by blood or marriage) of Respondent/ Petitioner who has lived with Respondent at any time |   |

2. Petitioner seeks relief on behalf of the following family or household members:

NAME	DATE OF BIRTH	HOW RELATED TO		RESIDES WITH
		PETITIONER	RESPONDENT	

3. Respondent has engaged in the following act(s) of domestic violence (describe the acts as fully as possible, add additional pages if necessary):

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4. Petitioner requests that the Court grant relief under Ohio Revised Code 3113.31 to protect the petitioner and or the family or household members named in this petition from domestic violence by granting a civil protection order that:

(a) Directs Respondent not to abuse Petitioner and the family or household members named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them.

(b) Requires Respondent to leave and not return to or interfere with the following residence and grants Petitioner exclusive possession of the residence: \_\_\_\_\_

(c) Divides household and family personal property and directs Respondent not to remove, damage, hide, or dispose of any property or funds that Petitioner owns or possesses.

(d) Temporarily allocates parental rights and responsibilities for the care of the following minor children and suspends Respondent's visitation rights until a full hearing is held (include names and birth dates of the minor children):

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(e) Establishes temporary visitation rights with the following minor children and requires visitation to be supervised or occur under such conditions that the Court determines will insure the safety of Petitioner and the minor children (include names and birth dates of the minor children):

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(f) Requires Respondent to provide financial support for Petitioner and the other family or household members named in this Petition.

(g) Requires Respondent to complete batterer counseling, substance abuse counseling, or other counseling as determined necessary by the Court.

(h) Requires Respondent to refrain from entering, approaching, or contacting (including contact by telephone, fax, e-mail, and voice mail) the residence, school, business, and place of employment of Petitioner and the family or household members named in this Petition.

(i) Requires Respondent to permit Petitioner or other family or household member to have exclusive use of the following motor vehicle: \_\_\_\_\_

(j) Includes the following additional provisions: \_\_\_\_\_

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- 5. Petitioner further requests that the Court issue an *ex parte* (emergency) protection order under Ohio Revised Code 3113.31(D) and (E) and this Petition.
- 6. Petitioner further requests that the Court issue no mutual protection orders or other orders against Petitioner unless all of the conditions of Ohio Revised Code 3113.31 (E) (4) are met.
- 7. Petitioner further requests that if Petitioner has a victim advocate, the Court permit the victim advocate to accompany Petitioner at all stages of these proceedings as required by Ohio Revised Code 3113.31(M).
- 8. Petitioner further requests that the Court grant such other relief as the Court considers equitable and fair.
- 9. Petitioner lists here all present court cases and pertinent past court cases (including civil, criminal, divorce, juvenile, custody, visitation, and bankruptcy cases) that relate to the Respondent, you, your children, your family, or your household members:

CASE NAME	CASE NUMBER	COURT/COUNTY	TYPE OF CASE	RESULT OF CASE

I hereby swear or affirm that the answers above are true, complete and accurate to the best of my knowledge. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury under Ohio Revised Code 2921.11.

Sworn to and subscribed before me on this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF PETITIONER

**DO NOT WRITE YOUR ADDRESS BELOW IF YOU ARE REQUESTING CONFIDENTIALITY. PLEASE PROVIDE AN ADDRESS WHERE YOU CAN RECEIVE NOTICES FROM THE COURT.**

~~Address where Petitioner can be contacted:~~

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
Signature of Attorney for Petitioner (if applicable)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Attorney Registration Number

\_\_\_\_\_  
Phone Number

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

# Order of Protection

Per R.C. 3113.31(F)(2), this order is indexed at

Case No. \_\_\_\_\_

Judge/Magistrate \_\_\_\_\_

County \_\_\_\_\_

State

**OHIO**

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

**DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (CPO) EX PARTE (R.C. 3113.31)**

### PETITIONER:

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First

Middle

Last

v.

### PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: \_\_\_\_\_ DOB: \_\_\_\_\_

Petitioner's Family or Household Member(s):

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

### RESPONDENT:

--	--	--

First

Middle

Last

Relationship to Petitioner: \_\_\_\_\_

Address where Respondent can be found: \_\_\_\_\_

### RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
DRIVER'S LIC. NO. & EXP. DATE		STATE	

Distinguishing Features: \_\_\_\_\_

FIREARMS ACCESS – PROCEED WITH CAUTION

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this order is not required for enforcement.)

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

### THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against the Petitioner and other protected persons named in this order, as set forth below.

Additional terms of this order are set forth below.

The terms of this order shall be effective until \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ .  
DATE CERTAIN

**WARNING TO RESPONDENT: See the warning page attached to the front of this Order.**

This proceeding came on for an *ex parte* hearing on \_\_\_\_\_, \_\_\_\_\_ (Respondent not being present), upon the filing of a petition by Petitioner for a domestic violence civil protection order (CPO) against the Respondent, pursuant to Ohio Revised Code 3113.31. In accordance with R.C. 3113.31(D)(1), the court held an *ex parte* hearing on the same day that the petition was filed.

The Court finds that the protected persons herein are in immediate and present danger of domestic violence and for good cause shown, the following temporary orders are necessary to protect the persons named in this order from domestic violence.

**ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT**

- 1. **RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]
- 2. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence: \_\_\_\_\_  
\_\_\_\_\_
- 3. **EXCLUSIVE POSSESSION OF THE RESIDENCE** located at: \_\_\_\_\_  
is granted to: \_\_\_\_\_. Respondent shall not interfere with this individual's right to occupy the residence including, but not limited to canceling utilities or insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- 4. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 5. **RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this order even with the permission of a protected person. [NCIC 04]
- 6. **RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this order, and not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, **even with Petitioner's permission.** If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- 7. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Respondent may not violate this order even with the permission of a protected person. [NCIC 05]
- 8. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** \_\_\_\_\_ **to:** \_\_\_\_\_, who is granted exclusive use of this motor vehicle.
- 9. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 10. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this order.

**11. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON.** Respondent shall turn over all deadly weapons in Respondent's possession to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

**12. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS: [NCIC 09]**

\_\_\_\_\_

This order applies to the following child(ren): \_\_\_\_\_

**13. VISITATION ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

(A) Respondent's visitation rights are suspended; or

(B) As a limited exception to paragraph 6 and 7, temporary visitation rights are established as follows: [NCIC 06]

\_\_\_\_\_

This order applies to the following child(ren): \_\_\_\_\_

**14. LAW ENFORCEMENT AGENCIES**, including but not limited to, \_\_\_\_\_, are ordered to assist Petitioner in gaining physical custody of the child(ren) if necessary.

**15. RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows: \_\_\_\_\_

**16. RESPONDENT MAY PICK UP CLOTHING** and personal items from the above residence only in the company of a uniformed law enforcement officer within 7 days of the filing of this Order. Arrangements may be made by contacting: \_\_\_\_\_

**17. RESPONDENT SHALL NOT CONSUME, USE, OR POSSESS** illegal drugs or beverages containing alcohol.

**18. IT IS FURTHER ORDERED: [NCIC 08]** \_\_\_\_\_

**19. IT IS FURTHER ORDERED** that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. Under State and Federal law, the Clerk shall not charge any fees for filing, issuing, registering, or serving this protection order.

**20. ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL**

\_\_\_\_\_, \_\_\_\_\_ unless earlier modified by or dismissed by order of this court.  
Except for paragraphs 12, 13, 14, and 15 above, this order survives a divorce, dissolution of marriage, or legal separation.

**IT IS SO ORDERED.**

\_\_\_\_\_  
**MAGISTRATE**

\_\_\_\_\_  
**JUDGE**

**NOTICE TO RESPONDENT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

**A FULL HEARING** on this Order, and on all other issues raised by the Petition, shall be held

before Judge \_\_\_\_\_

or Magistrate \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ a.m./p.m. at the following location:

\_\_\_\_\_

\_\_\_\_\_

**TO THE CLERK**

**COPIES OF THIS ORDER SHALL BE DELIVERED TO:**

Petitioner

Respondent (by personal service)

Police Department Where Petitioner Resides: \_\_\_\_\_

The \_\_\_\_\_ County Sheriff

Police Department Where Petitioner Works: \_\_\_\_\_

Other: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
COUNTY, OHIO

# Order of Protection

Per R.C. 3113.31(F)(2), this order is indexed at

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

County \_\_\_\_\_

State

**OHIO**

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

**DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (CPO)  
FULL HEARING (R.C. 3113.31)**

**WITH SUPPORT ORDER**

### PETITIONER:

\_\_\_\_\_

First

Middle

Last

v.

### PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: \_\_\_\_\_ DOB: \_\_\_\_\_

Petitioner's Family or Household Member(s):

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

### RESPONDENT:

\_\_\_\_\_

First

Middle

Last

Relationship to Petitioner: \_\_\_\_\_

Address where Respondent can be found:

\_\_\_\_\_

\_\_\_\_\_

### RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
DRIVER'S LIC. NO. & EXP. DATE		STATE	

Distinguishing Features: \_\_\_\_\_

\_\_\_\_\_

**FIREARMS ACCESS – PROCEED WITH CAUTION**

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this order is not required for enforcement.)

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

### THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing further acts of abuse or threats of abuse against the Petitioner and other protected persons named in this order, as set forth below.

Additional terms of this order are set forth below.

The terms of this order shall be effective until \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (DATE CERTAIN – FIVE YEARS MAXIMUM)

**WARNING TO RESPONDENT: See the warning page attached to the front of this Order.**

This proceeding came on for a hearing on \_\_\_\_\_, \_\_\_\_\_ before the Court and the *Ex Parte* Order filed on \_\_\_\_\_, \_\_\_\_\_. The following individuals were present: \_\_\_\_\_

The Court hereby makes the following findings of fact: \_\_\_\_\_

The Court further finds by a preponderance of the evidence: 1) that the Petitioner or Petitioner's family or household member(s) are in danger of or have been a victim of domestic violence or sexually oriented offenses as defined in Ohio Revised Code 3113.31(A), committed by Respondent; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this order from domestic violence.

**ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT**

1. **RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]

2. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence: \_\_\_\_\_

3. **EXCLUSIVE POSSESSION OF THE RESIDENCE** located at: \_\_\_\_\_ is granted to: \_\_\_\_\_. Respondent shall not interfere with this individual's right to occupy the residence including, but not limited to canceling utilities or insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

4. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_

5. **RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this order even with the permission of a protected person. [NCIC 04]

6. **RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this order, and not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, **even with Petitioner's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

7. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Respondent may not violate this order even with the permission of a protected person. [NCIC 05]

8. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** \_\_\_\_\_ **to:** \_\_\_\_\_ who is granted exclusive use of this motor vehicle.

9. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows:

\_\_\_\_\_  
\_\_\_\_\_

10. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this order.

11. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON.** Respondent shall turn over all deadly weapons in Respondent's possession to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_

\_\_\_\_\_  
Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

12. **PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:** [NCIC 09]

\_\_\_\_\_

This order applies to the following child(ren): \_\_\_\_\_

13. **VISITATION ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

(A) Respondent's visitation rights are suspended; or

(B) As a limited exception to paragraph 6 and 7, temporary visitation rights are established as follows: [NCIC 06]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This order applies to the following child(ren): \_\_\_\_\_

14. **LAW ENFORCEMENT AGENCIES** including but not limited to \_\_\_\_\_ are ordered to assist Petitioner in gaining physical custody of the child(ren) if necessary.

15. **RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

16. **RESPONDENT MAY PICK UP CLOTHING** and personal items from the above residence only in the company of a uniformed law enforcement officer within 7 days of the filing of this Order. Arrangements may be made by contacting:

\_\_\_\_\_

17. **RESPONDENT SHALL NOT CONSUME, USE, OR POSSESS** illegal drugs or beverages containing alcohol.

18. **IT IS FURTHER ORDERED:** [NCIC 08] \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM: \_\_\_\_\_

Respondent shall contact this program within \_\_\_\_\_ days after receiving this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if the Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the court to receive information from the counseling program.

Respondent is ordered to appear before Judge \_\_\_\_\_ or Magistrate \_\_\_\_\_, on \_\_\_\_\_ at \_\_\_\_\_ m., to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court. If you fail to appear at this hearing, the court may issue a warrant for your arrest.

20. IT IS FURTHER ORDERED that the Clerk of Court shall cause a copy this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies this Order to Petitioner upon request. This Order is granted without bond. Under state and federal law, the Clerk shall not charge any fees for filing, issuing, registering, or serving this protection order.

21. ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF FIVE YEARS FROM ISSUANCE, OR UNTIL \_\_\_\_\_, \_\_\_\_\_ unless earlier modified or ~~dismissed~~ terminated by order of this court. Except for paragraphs 12, 13, 14, and 15 above, this order survives a divorce, dissolution of marriage, or legal separation. Until this order is delivered to Respondent, the terms of the *Ex Parte* CPO remain in effect.

IT IS SO ORDERED.

APPROVED and ADOPTED by:

\_\_\_\_\_  
MAGISTRATE

\_\_\_\_\_  
JUDGE

**NOTICE TO RESPONDENT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

**NOTICE OF FINAL APPEALABLE ORDER**

Copies of the foregoing Order, which is a final appealable order, were mailed by ordinary U.S. mail or hand-delivered to the parties indicated on the

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

By: \_\_\_\_\_  
CLERK OF COURT

**TO THE CLERK:**

**COPIES OF THIS ORDER SHALL BE DELIVERED TO**

- Petitioner  Attorney for Petitioner
- Respondent  Attorney for Respondent
- Counseling Program: \_\_\_\_\_
- The \_\_\_\_\_ County Sheriff
- Police Department Where Petitioner Resides: \_\_\_\_\_
- Police Department Where Petitioner Works: \_\_\_\_\_
- CSEA
- Other: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
COUNTY, OHIO

# Order of Protection

Per R.C. 3113.31(F)(2), this order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge \_\_\_\_\_

County

State

OHIO

## CONSENT AGREEMENT AND DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)

WITH SUPPORT ORDER

### PETITIONER:

First

Middle

Last

v.

### PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: \_\_\_\_\_ DOB: \_\_\_\_\_

Petitioner's Family or Household Member(s):

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

### RESPONDENT:

First

Middle

Last

Relationship to Petitioner: \_\_\_\_\_

Address where Respondent can be found:

\_\_\_\_\_

\_\_\_\_\_

### RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
DRIVER'S LIC. NO. & EXP. DATE			STATE

Distinguishing Features: \_\_\_\_\_

\_\_\_\_\_

FIREARMS ACCESS – PROCEED WITH CAUTION

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this order is not required for enforcement.)

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

### THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against the Petitioner and other protected persons named in this order, as set forth below.

Additional terms of this order are set forth below.

The terms of this order shall be effective until \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (DATE CERTAIN – FIVE YEARS MAXIMUM)

**WARNING TO RESPONDENT: See the warning page attached to the front of this Order.**

This proceeding came on for a hearing on \_\_\_\_\_, \_\_\_\_\_ before the Court and the *Ex Parte* Order filed \_\_\_\_\_, \_\_\_\_\_. The following individuals were present: \_\_\_\_\_

The parties agree to waive their notice and hearing rights and their rights under Civil Rule 53, including the right to request findings of fact and conclusions of law and to file objections to the Magistrate's Decision in this matter.

**ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT**

- 1. **RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]
- 2. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence: \_\_\_\_\_
- 3. **EXCLUSIVE POSSESSION OF THE RESIDENCE** located at: \_\_\_\_\_ is granted to: \_\_\_\_\_. Respondent shall not interfere with this individual's right to occupy the residence including, but not limited to canceling utilities or insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- 4. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_
- 5. **RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this order even with the permission of a protected person. [NCIC 04]
- 6. **RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this order, and not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons, wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, **even with Petitioner's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- 7. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Respondent may not violate this order even with the permission of a protected person. [NCIC 05]
- 8. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** \_\_\_\_\_ **to:** \_\_\_\_\_, who is granted exclusive use of this motor vehicle.
- 9. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows: \_\_\_\_\_
- 10. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this order.

**11. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON.** Respondent shall turn over all deadly weapons in Respondent's possession to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

**12. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS: [NCIC 09]**

\_\_\_\_\_

This order applies to the following child(ren): \_\_\_\_\_

**13. VISITATION ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

(A) Respondent's visitation rights are suspended; or

(B) As a limited exception to paragraph 6 and 7, temporary visitation rights are established as follows: [NCIC 06]

\_\_\_\_\_

This order applies to the following child(ren): \_\_\_\_\_

**14. LAW ENFORCEMENT AGENCIES**, including, but not limited to, \_\_\_\_\_, are ordered to assist Petitioner in gaining physical custody of the child(ren) if necessary.

**15. RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows:

**16. RESPONDENT MAY PICK UP CLOTHING** and personal items from the above residence only in the company of a uniformed law enforcement officer within 7 days of the filing of this Order. Arrangements may be made by contacting:

**17. RESPONDENT SHALL NOT CONSUME, USE, OR POSSESS** illegal drugs or beverages containing alcohol.

**18. IT IS FURTHER ORDERED:** [NCIC 08] \_\_\_\_\_

**19. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:** \_\_\_\_\_

**Respondent shall contact this program within \_\_\_\_\_ days after receiving this Order and immediately arrange for an initial appointment.** The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if the Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the court to receive information from the counseling program.

Respondent is ordered to appear before Judge \_\_\_\_\_ or Magistrate \_\_\_\_\_ on, \_\_\_\_\_, at \_\_\_\_\_ m., to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court. If you fail to appear at this hearing, the court may issue a warrant for your arrest.

20. IT IS FURTHER ORDERED that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. Under state and federal law, the Clerk shall not charge any fees for filing, issuing, registering, or serving this protection order.

21. ALL OF THE TERMS OF THIS ORDER REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF FIVE YEARS FROM ISSUANCE, OR UNTIL \_\_\_\_\_, \_\_\_\_\_ unless earlier modified or ~~dismissed~~ terminated by order of this Court. Except for paragraphs 12, 13, 14, and 15 above, this order survives a divorce, dissolution of marriage, or legal separation. Until this order is delivered to Respondent, the terms of the *Ex Parte* CPO remain in effect.

IT IS SO ORDERED.

APPROVED and ADOPTED by:

\_\_\_\_\_  
MAGISTRATE

\_\_\_\_\_  
JUDGE

**NOTICE TO RESPONDENT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

*I have read this Consent Agreement and Civil Protection Order and agree to its terms.*

*I have read this Consent Agreement and Civil Protection Order and agree to its terms.*

\_\_\_\_\_  
SIGNATURE OF PETITIONER

\_\_\_\_\_  
SIGNATURE OF RESPONDENT

\_\_\_\_\_  
Address of Petitioner

\_\_\_\_\_  
Address of Respondent

\_\_\_\_\_  
Signature of Attorney for Petitioner

\_\_\_\_\_  
Signature of Attorney for Respondent

\_\_\_\_\_  
Address of Attorney for Petitioner

\_\_\_\_\_  
Address of Attorney for Respondent

**NOTICE OF FINAL APPEALABLE ORDER**

Copies of the foregoing Order, which is a final appealable order, were mailed by ordinary U.S. mail or hand-delivered to the parties indicated on the

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

By: \_\_\_\_\_  
CLERK OF COURT

**TO THE CLERK**

**COPIES OF THIS ORDER SHALL BE DELIVERED TO:**

- Petitioner
- Respondent
- Counseling Program: \_\_\_\_\_
- The \_\_\_\_\_ County Sheriff
- Police Department Where Petitioner Resides: \_\_\_\_\_
- Police Department Where Petitioner works: \_\_\_\_\_
- CSEA
- Other: \_\_\_\_\_
- Attorney for Petitioner
- Attorney for Respondent

IN THE COURT OF COMMON PLEAS  
COUNTY, OHIO

\_\_\_\_\_ : Case No. \_\_\_\_\_  
Petitioner : \_\_\_\_\_  
 : \_\_\_\_\_  
 : \_\_\_\_\_  
 v. : Judge \_\_\_\_\_  
 : \_\_\_\_\_  
 : \_\_\_\_\_  
 : \_\_\_\_\_  
 : \_\_\_\_\_  
 \_\_\_\_\_ : MOTION TO MODIFY OR TERMINATE DOMESTIC  
Violence Civil Protection Order/Consent  
Respondent : AGREEMENT

Petitioner/Respondent moves this Court to modify or terminate the Domestic Violence Civil Protection Order/  
Consent Agreement issued on \_\_\_\_\_ . In the original proceeding,  
I was the  Petitioner  Respondent.

The terms of the civil protection order/consent agreement to be modified or terminated are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The reasons for the modification or termination are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are the Petitioner, you cannot be assessed court fees or other costs for filing a Motion to Modify or  
Terminate Domestic Violence Civil Protection Order/Consent Agreement.

Respectfully submitted,

\_\_\_\_\_  
SIGNATURE OF PETITIONER/RESPONDENT

Address where Petitioner/Respondent can be contacted:

---

---

---

Signature for Attorney of Petitioner/Respondent (if applicable)

Name

---

---

Address

Attorney Registration Number

Telephone Number

Fax Number

Email

REQUEST FOR SERVICE

Please serve a copy of the foregoing Motion upon  
by certified mail or personal service at the following address:

---

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**IN THE COURT OF COMMON PLEAS**

COUNTY, OHIO

Petitioner : Case No. \_\_\_\_\_

Date of Birth: \_\_\_\_\_ : Judge \_\_\_\_\_

**JUDGMENT ENTRY ON MOTION TO MODIFY/  
TERMINATE DOMESTIC VIOLENCE CIVIL PROTECTION  
ORDER/CONSENT AGREEMENT**

**v.**

Respondent  
Date of Birth: \_\_\_\_\_

This proceeding came on for a hearing on \_\_\_\_\_, \_\_\_\_\_ before the Court upon the motion of  Petitioner  Respondent to modify/terminate the Domestic Violence Civil Protection Order or Consent Agreement issued on \_\_\_\_\_, \_\_\_\_\_.

The Petitioner was present.  The Petitioner was not present, but had reasonable notice and opportunity to be heard.

The Respondent was present.  The Respondent was not present, but had reasonable notice and opportunity to be heard.

The Court has considered the following factors:

1. Petitioner  consents  does not consent to the  modification  termination of the Domestic Violence Civil Protection Order or Consent Agreement.
2. Petitioner  continues to fear  does not fear the Respondent.
3. The current nature of the relationship between the Petitioner and Respondent is as follows: \_\_\_\_\_
4. Relative proximity of the Petitioner's and Respondent's workplaces and residences.
5. Petitioner and Respondent  have  do not have minor children together.
6. Respondent has  complied  failed to comply with the terms and conditions of the original protection order or consent agreement.
7. Respondent  has  does not have a continuing involvement with illegal drugs or alcohol.
8. Respondent  has been  has not been convicted of or pleaded guilty to an offense of violence since the protection order was issued or the consent agreement was approved.
9. Other protection orders, consent agreements, restraining orders, or no contact orders  have been  have not been issued against the Respondent pursuant to Revised Code sections 3113.31 or 2919.26, any other provision of state law, or the law of any other state.
10. Respondent  participated  has not participated in a domestic violence treatment, intervention program, or other counseling addressing domestic violence.
11. Respondent  completed  has not completed the domestic violence treatment, intervention program, or other counseling addressing domestic violence.
12. \_\_\_\_\_ (time) has elapsed since the protection order was issued or the consent agreement was approved.
13. The age and health of the Respondent is as follows: \_\_\_\_\_
14. The last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred on: \_\_\_\_\_

15. Other information considered concerning the safety and protection of the Petitioner or other protected parties:

\_\_\_\_\_

Based on all relevant factors including those set in Revised Code section 3113.31(E)(8), the court finds:

The terms of the original civil protection order or consent agreement are no longer appropriate. The order shall be **modified** as follows: \_\_\_\_\_

\_\_\_\_\_

The civil protection order or consent agreement is no longer needed. The order is **terminated**.

The civil protection order or consent agreement remains in full force and effect. The motion is **denied**.

**A new Protection Notice to NCIC, Form 10-A, has been prepared to show the modification or termination of the prior order. In the event of modification, a Modified Domestic Violence Civil Protection Order ( Form 10.01-#) has been filed with this entry.**

The costs of this action are  assessed against the Respondent  waived.

**IT IS SO ORDERED.**

**APPROVED and ADOPTED BY:**

\_\_\_\_\_  
**MAGISTRATE**

\_\_\_\_\_  
**JUDGE**

**IN THE COURT OF COMMON PLEAS**  
**COUNTY, OHIO**

# Order of Protection

Per R.C. 3113.31(E)(8), this order is indexed at

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

County \_\_\_\_\_

State

**OHIO**

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

**MODIFIED DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)**

**PETITIONER:**

First Middle Last

**v.**

**PERSON(S) PROTECTED BY THIS ORDER:**

Petitioner: \_\_\_\_\_ DOB \_\_\_\_\_

Petitioner's Family or Household Member(s): \_\_\_\_\_

\_\_\_\_\_ DOB \_\_\_\_\_

\_\_\_\_\_ DOB \_\_\_\_\_

\_\_\_\_\_ DOB \_\_\_\_\_

\_\_\_\_\_ DOB \_\_\_\_\_

**RESPONDENT:**

First Middle Last

Relationship to Petitioner: \_\_\_\_\_

Address where Respondent can be found: \_\_\_\_\_

**RESPONDENT IDENTIFIERS**

<u>SEX</u>	<u>RACE</u>	<u>HT</u>	<u>WT</u>
<u>EYES</u>	<u>HAIR</u>	<u>DATE OF BIRTH</u>	
<u>DRIVER'S LIC. NO. &amp; EXP. DATE</u>		<u>STATE</u>	

Distinguishing Features: \_\_\_\_\_

**FIREARMS ACCESS – PROCEED WITH CAUTION**

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this order is not required for enforcement.)

**THE COURT HEREBY FINDS:**

That it has jurisdiction over the parties and subject matter, and the Petitioner and Respondent were provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth in the companion judgment entry.**

**THE COURT HEREBY ORDERS:**

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against the Petitioner and other protected persons named in this order. Additional terms of this order are set forth below.

The terms of this order shall be effective until \_\_\_\_ / \_\_\_\_ / \_\_\_\_ **(SHALL BE SAME EXPIRATION DATE AS IN CIVIL PROTECTION ORDER FULL HEARING OR CONSENT AGREEMENT)**

**WARNING TO RESPONDENT: See the warning page attached to the front of this Order.**

This proceeding came on for a hearing on \_\_\_\_\_ . Based on the evidence presented and consideration of factors set forth in Revised Code section 3113.31(E)(8), the Court finds that the motion to modify the prior Domestic Violence Civil Protection Order issued on \_\_\_\_\_ is well taken.

**ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT**

- 1. RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]
- 2. RESPONDENT SHALL IMMEDIATELY VACATE** the following residence: \_\_\_\_\_
- 3. EXCLUSIVE POSSESSION OF THE RESIDENCE** located at: \_\_\_\_\_ is granted to: \_\_\_\_\_ . Respondent shall not interfere with this individual's right to occupy the residence including, but not limited to canceling utilities or insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- 4. RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_
- 5. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this order even with the permission of a protected person. [NCIC 04]
- 6. RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this order, and not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, **even with Petitioner's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- 7. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Respondent may not violate this order even with the permission of a protected person. [NCIC 05]
- 8. RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** \_\_\_\_\_ **to:** \_\_\_\_\_ who is granted exclusive use of this motor vehicle.
- 9. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows: \_\_\_\_\_
- 10. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this order.

**11. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON.** Respondent shall turn over all deadly weapons in Respondent's possession to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

**12. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS: [NCIC 09]**

\_\_\_\_\_

\_\_\_\_\_

This order applies to the following child(ren): \_\_\_\_\_

**13. VISITATION ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

(A) Respondent's visitation rights are suspended; or

(B) As a limited exception to paragraph 6 and 7, Respondent's visitation rights are established as follows: [NCIC 06] \_\_\_\_\_

\_\_\_\_\_

This order applies to the following child(ren): \_\_\_\_\_

**14. LAW ENFORCEMENT AGENCIES** including but not limited to \_\_\_\_\_ are ordered to assist Petitioner in gaining physical custody of the child(ren) if necessary.

**15. RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows: \_\_\_\_\_

**16. RESPONDENT MAY PICK UP CLOTHING** and personal items from the above residence only in the company of a uniformed law enforcement officer within 7 days of the filing of this Order. Arrangements may be made by contacting: \_\_\_\_\_

**17. RESPONDENT SHALL NOT CONSUME, USE, OR POSSESS** illegal drugs or beverages containing alcohol.

**18. IT IS FURTHER ORDERED: [NCIC 08]** \_\_\_\_\_

**19. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:** \_\_\_\_\_

**Respondent shall contact this program within \_\_\_\_\_ days after receiving this Order and immediately arrange for an initial appointment.** The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if the Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

**Respondent is ordered to appear before Judge \_\_\_\_\_ or Magistrate \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ m., to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court. If you fail to appear at this hearing, the court may issue a warrant for your arrest.**

**20. IT IS FURTHER ORDERED** that the Clerk of Court shall cause a copy this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies this Order to Petitioner upon request. This Order is granted without bond. Under state and federal law, the Clerk shall not charge any fees for filing, issuing, registering, or serving this protection order to the Petitioner.

**21. ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF NOT TO EXCEED THE DATE SET IN THE PRIOR ORDER OR UNTIL \_\_\_\_\_** unless earlier modified or terminated by order of this court. Except for paragraphs 12, 13, 14, and 15 above, this order survives a divorce, dissolution of marriage, or legal separation. Until this order is delivered to Respondent, the terms of the prior Domestic Violence CPO remain in effect.

**IT IS SO ORDERED.**

**APPROVED and ADOPTED by:**

\_\_\_\_\_  
**MAGISTRATE**

\_\_\_\_\_  
**JUDGE**

**NOTICE TO RESPONDENT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

**NOTICE OF FINAL APPEALABLE ORDER**  
Copies of the foregoing Order, which is a final appealable order, were mailed by ordinary U.S. mail or hand-delivered to the parties indicated on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
By: \_\_\_\_\_  
**CLERK OF COURT**

**TO THE CLERK:**  
**COPIES OF THIS ORDER SHALL BE DELIVERED TO**  
 Petitioner \_\_\_\_\_  Attorney for Petitioner  
 Respondent \_\_\_\_\_  Attorney for Respondent  
 Counseling Program: \_\_\_\_\_  
 The \_\_\_\_\_ County Sheriff  
 Police Department Where Petitioner Resides: \_\_\_\_\_  
 Police Department Where Petitioner Works: \_\_\_\_\_  
 CSEA \_\_\_\_\_  
 Other: \_\_\_\_\_

# **INSTRUCTIONS FOR COMPLETING A MOTION FOR CONTEMPT FOR VIOLATING A DOMESTIC VIOLENCE CIVIL PROTECTION ORDER**

## **ENFORCING YOUR CIVIL PROTECTION ORDER**

You may bring a contempt action in the court that issued your domestic violence civil protection order (CPO) if the other party is not obeying the order. You may hire an attorney to assist you. You must file a contempt motion with the clerk of court to begin a contempt action.

## **SOME HINTS BEFORE YOU BEGIN**

- All forms must be typed or printed.
- When you write your name on the Motion for Contempt of a Domestic Violence Civil Protection Order, use the same name that is on your CPO.
- Fill out the Motion as completely and accurately as possible.

## **FORMS YOU WILL NEED**

You will need the following documents. You can get all of these documents from the clerk of courts.

### **1. MOTION FOR CONTEMPT OF A DOMESTIC VIOLENCE CIVIL PROTECTION ORDER**

Complete the Motion as explained below:

- Fill in the name of the court, the case number and the judge's last name.
- If you obtained the CPO, you are the Petitioner.** Fill in your name and address. If you want your address to be confidential, do not write your address anywhere on the Motion. However, you must include someone's mailing address to allow the court to send you legal notices about your case.
- If the court issued the CPO against you, you are the Respondent.** Fill in your name and address.
- Fill in the other party's name and address.
- Complete the first paragraph.
- In the numbered paragraphs, check every box that applies. There is space at the end of this document for any facts or explanations that you want to tell the court. Attach additional pages if needed.
- Signing the Motion:** Try to fill out the Motion before you go to the courthouse. AFTER YOU HAVE FILLED OUT THE MOTION, TAKE IT TO A NOTARY PUBLIC TO HAVE YOUR SIGNATURE NOTARIZED. **DO NOT SIGN THE MOTION UNLESS YOU ARE IN FRONT OF A NOTARY PUBLIC. An employee of the clerk of court may be available to notarize your Motion.**
- Complete the Instructions for Service at the end of the Motion. This tells the clerk of court how you want the Motion delivered.

### **2. SUMMONS/CONTEMPT RIGHTS NOTICE**

You do not need to fill in any information on this form. It explains certain legal rights and obligations. It must be attached to the Motion for Contempt of a Domestic Violence Civil Protection Order.

**TAKE THESE DOCUMENTS TO THE CLERK OF COURT.**

## **FILING THE MOTION FOR CONTEMPT OF A DOMESTIC VIOLENCE CPO**

- Present your completed Motion and Summons/Contempt Rights Notice to the filing window/counter of the clerk of court's office for filing.
- A clerk of court's office employee helps you file your documents.
- The court shall not charge a fee for filing a contempt motion to you if the CPO was issued for your protection.
- Ask a clerk of court's office employee or your local domestic violence assistance provider about your local court procedures.

## **VICTIM ADVOCATE**

Ohio law permits you to have a victim advocate with you at all times in court during protection order proceedings. Victim advocate means a person who provides support and assistance for a victim of an offense during court proceedings. Contact your local victim assistance program, local domestic violence program, or the Ohio Domestic Violence Network, 800-934-9840, for advocate information.

## **ATTENDING THE CONTEMPT HEARING**

At the hearing, you should tell the judge or magistrate what the other party did to fail to comply with the CPO. If you have any physical evidence (photographs, documents, broken property, etc), bring it to this hearing. If you have any witnesses to the violations, bring them to this hearing. If you want the court to order any witness to appear at the hearing, you can ask the clerk of court to issue a subpoena. This needs to be done as far in advance of the hearing as possible.

The court will give each party the opportunity to present evidence and witnesses.

After all the evidence is presented at the contempt hearing, the court may find that the Respondent or Petitioner has failed to comply with the CPO. If so, the court may order the offending party to do or stop certain acts to comply with the terms of the CPO. The court can also order the offending party to serve time in jail, pay a fine, or both.

**IN THE COURT OF COMMON PLEAS**  
**COUNTY, OHIO**

Petitioner \_\_\_\_\_ : Case No. \_\_\_\_\_

:

Address \_\_\_\_\_ : Judge \_\_\_\_\_

:

City, State, Zip Code \_\_\_\_\_ : **MOTION FOR CONTEMPT OF A DOMESTIC VIOLENCE CIVIL PROTECTION ORDER**

**v.**

:

**Notice: Throughout this form, check every  that applies**

:

Respondent \_\_\_\_\_ : **DO NOT WRITE YOUR ADDRESS ON THIS FORM IF YOU ARE REQUESTING CONFIDENTIALITY. PLEASE PROVIDE AN ADDRESS WHERE YOU CAN RECEIVE NOTICES FROM THE COURT.**

:

Address \_\_\_\_\_ : **DO NOT WRITE YOUR ADDRESS ON THIS FORM IF YOU ARE REQUESTING CONFIDENTIALITY. PLEASE PROVIDE AN ADDRESS WHERE YOU CAN RECEIVE NOTICES FROM THE COURT.**

:

City, State, Zip Code \_\_\_\_\_

Petitioner  Respondent moves this Court to find \_\_\_\_\_  
in contempt of this Court's Civil Protection Order dated \_\_\_\_\_ for the reasons below.

For any item that needs additional explanation, you may use paragraph 18 and/or attach additional pages as needed.

1.  Respondent violated the Civil Protection Order by engaging in one or more of the following acts against me and/or another protected person:
- Harmed or attempted to harm
  - Threatened
  - Followed
  - Stalked
  - Harassed
  - Forced sexual relations upon
  - Committed a sexually oriented offense
  - Other \_\_\_\_\_

2.  Respondent failed to vacate the residence at \_\_\_\_\_

3.  Respondent interfered with the exclusive possession of the residence located at \_\_\_\_\_

Furthermore, Respondent interfered with my right to occupy the residence by

- Canceling utilities
- Canceling insurance
- Interrupted telephone service
- Interrupted mail delivery
- Interrupted delivery of any other documents or items

- 4.  Respondent failed to surrender keys and/or garage door openers to the residence for which exclusive use was ordered in the Civil Protection Order.
- 5.  Respondent entered or interfered with the residence, school, business, place or employment, or day care provider of the protected person(s).
- 6.  Respondent violated the stay away provision of the Civil Protection Order.
- 7.  Respondent violated the no contact provision of the Civil Protection Order.
- 8.  Respondent failed to surrender the keys to the motor vehicle for which exclusive use was granted to the Petitioner in the Civil Protection Order.
- 9.  Respondent removed, damaged, hid or disposed of personal property or pets in violation of the Civil Protection Order.
- 10.  Respondent caused or encouraged another person to do acts prohibited by the Civil Protection Order.
- 11.  Respondent violated the Civil Protection Order by possessing, using, carrying, obtaining or failing to turn over a deadly weapon.
- 12.   Petitioner  Respondent violated the temporary allocation of parental rights and responsibilities (custody).
- 13.   Petitioner  Respondent violated the visitation order.
- 14.   Petitioner  Respondent violated the support provision of the Civil Protection Order.
- 15.  Respondent consumed, used, and/or possessed illegal drugs and/or beverages containing alcohol in violation of the Civil Protection Order.
- 16.   Petitioner  Respondent failed to attend the ordered counseling program.
- 17.  List other violations of the Civil Protection Order here: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 18.  Additional explanation here: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I hereby swear or affirm that the statements above are true, complete and accurate to the best of my knowledge. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury under Ohio Revised Code section 2921.11.**

**SIGNATURE OF PETITIONER/RESPONDENT**

**DO NOT WRITE YOUR ADDRESS BELOW IF YOU**

**ARE REQUESTING CONFIDENTIALITY. PLEASE  
PROVIDE AN ADDRESS WHERE YOU CAN RECEIVE  
NOTICES FROM THE COURT.**

Sworn to and subscribed before me on this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Address

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
Signature of Attorney (if applicable)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Attorney Registration Number

\_\_\_\_\_  
Phone Number

**INSTRUCTIONS FOR SERVICE**

Please serve a copy of the Motion and Summons/Contempt Rights Notice upon \_\_\_\_\_  
by  personal service or  certified mail, return receipt requested at the following address: \_\_\_\_\_

## **SUMMONS/CONTEMPT RIGHTS NOTICE**

(1) **An Order to Appear and Show Cause is attached. You have been ordered by the court to appear at a hearing.** Your failure to appear at this hearing may result in the issuance of an order for your arrest. If this case involves alleged failure to pay support, the Court may also issue an order for the payment of support and withholding an amount from you personal earnings or by withholding or deducting an amount from your other assets.

(2) **You have a right to be represented by legal counsel in this matter.** If you are indigent and cannot afford to hire an attorney, you may apply for a public defender or court appointed counsel. This application must be filed within three business days after receipt of the attached summons.

(3) **The Court may refuse to grant you a continuance** at the time of the hearing for the purpose of obtaining counsel if you fail to make a good faith effort to retain counsel or court appointed counsel.

(4) **The following penalties could be imposed upon you** if you are found in contempt:

**STATUTORY PENALTIES: FOR A FIRST OFFENSE, YOU MAY BE FINED NOT MORE THAN \$250 AND IMPRISONED NO MORE THAN THIRTY DAYS, OR BOTH. FOR A SECOND OFFENSE, YOU MAY BE FINED NOT MORE THAN \$500 AND IMPRISONED NOT MORE THAN SIXTY DAYS, OR BOTH. FOR A THIRD OFFENSE, YOU MAY BE FINED NOT MORE THAN \$1,000 AND IMPRISONED NOT MORE THAN 90 DAYS, OR BOTH. (R.C. 2705.05)**

**IMPRISONMENT UNTIL COMPLIANCE: IF YOU ARE FOUND IN CONTEMPT FOR THE FAILURE TO PERFORM AN ACT REQUIRED BY LAW, WHICH THE COURT FINDS YOU CAN YET PERFORM, YOU MAY BE IMPRISONED UNTIL YOU PERFORM THAT ACT. (R.C.2705.06)**

**ADDITIONAL PENALTIES: IN ADDITION TO ALL PENALTIES IMPOSED BY STATUE, THE COURT HAS THE INHERENT POWER TO IMPOSE ADDITIONAL SANCTIONS FOR CONTEMPT OF COURT.**

IN THE \_\_\_\_\_ COURT  
\_\_\_\_\_ COUNTY, OHIO

# Order of Protection

Per R.C. 2919.26(G)(2), this order is indexed at

Case No. \_\_\_\_\_

Judge/Magistrate \_\_\_\_\_

County \_\_\_\_\_

State

**OHIO**

## DOMESTIC VIOLENCE CRIMINAL TEMPORARY PROTECTION ORDER (DVTPO) (R.C. 2919.26)

New Order

Modification of Previous Order

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

STATE OF OHIO/CITY OF \_\_\_\_\_

v.

**DEFENDANT**

**ALLEGED VICTIM:**

First

Middle

Last

**PERSON(S) PROTECTED BY THIS ORDER:**

Alleged Victim \_\_\_\_\_

DOB: \_\_\_\_\_

Alleged Victim's Family or Household Member(s):

DOB: \_\_\_\_\_

DOB: \_\_\_\_\_

DOB: \_\_\_\_\_

DOB: \_\_\_\_\_

**DEFENDANT:**

First

Middle

Last

Address where Defendant can be found:

**DEFENDANT IDENTIFIERS**

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
DRIVER'S LIC. NO. & EXP. DATE			STATE

Distinguishing Features: \_\_\_\_\_

FIREARMS ACCESS – PROCEED WITH CAUTION

**Ex Parte DVTPO Granted:** \_\_\_\_\_

**Date Issued**

**DVTPO Granted:** \_\_\_\_\_

**Date Issued**

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this order is not required for enforcement.)

**THE COURT HEREBY FINDS:**

That it has jurisdiction over the parties and subject matter, and the Defendant has been or will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

**THE COURT HEREBY ORDERS:**

That the above named Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this order, as set forth below.

Additional terms of this order are set forth below.

**WARNING TO DEFENDANT: See the warning page attached to the front of this Order.**

(Ex Parte)

(Temporary)

Upon a hearing held on \_\_\_\_\_, \_\_\_\_\_ OR \_\_\_\_\_, \_\_\_\_\_ the Court finds that the motion for a Domestic Violence Temporary Protection Order is well taken. The Court finds that the safety and protection of protected persons named in this Order may be impaired by the continued presence of Defendant. Therefore, the following orders, which are designed to ensure the safety and protection of protected persons named in this Order, are issued to Defendant as pretrial conditions of release in addition to any bail set under Criminal Rule 46.

**ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE DEFENDANT**

- 1. **DEFENDANT SHALL NOT ABUSE** protected persons named in this order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]
- 2. **DEFENDANT SHALL NOT ENTER** the residence, school, business, place of employment, or child care providers of the protected persons named in this Order, including the buildings, grounds and parking lots at those locations. Defendant may not violate this order even with the permission of a protected person. [NCIC 04]
- 3. **DEFENDANT SHALL NOT INTERFERE** with protected persons' right to occupy any residence by canceling utilities or insurance and interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- 4. **DEFENDANT SHALL SURRENDER** all keys and garage door openers to the following residence:

\_\_\_\_\_ at the earliest possible opportunity after of service of this Order to the law enforcement agency that serves Defendant with this Order or as follows:

\_\_\_\_\_

- 5. **DEFENDANT SHALL STAY AWAY FROM PROTECTED PERSONS NAMED IN THIS ORDER**, and shall not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons wherever protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with the protected persons' permission**. If Defendant accidentally comes in contact with protected persons in any public or private place, Defendant must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- 6. **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Defendant may not violate this order even with the permission of a protected person. [NCIC 05]
- 7. **DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order.
- 8. **DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act prohibited by this order.
- 9. **DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON**. Defendant shall turn over all deadly weapons in Defendant's possession to the law enforcement agency that serves Defendant with this Order as follows:

\_\_\_\_\_

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

- 10. **DEFENDANT MAY PICK UP CLOTHING** and personal items from the following residence: \_\_\_\_\_ only in the company of a uniformed law enforcement officer within 7 days of the filing of this Order or the date of Defendant's release on bond in connection with this charge, whichever is later. Arrangements may be made by contacting: \_\_\_\_\_

\_\_\_\_\_

11. DEFENDANT SHALL NOT CONSUME, USE, OR POSSESS illegal drugs or beverages containing alcohol.

12. IT IS FURTHER ORDERED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. DEFENDANT IS ADVISED THAT VISITATION ORDERS DO NOT PERMIT DEFENDANT TO VIOLATE ANY OF THE TERMS OF THIS ORDER.

14. IT IS FURTHER ORDERED that a copy of this Order shall be delivered to Defendant on the same day that the Order is entered.

15. THIS ORDER REMAINS IN EFFECT: (1) until modified by this court; or (2) until the criminal proceeding arising out of the complaint upon which these orders were issued is disposed by this court or by the common pleas court to which the defendant is bound over for prosecution; or (3) until a court issues a Civil Protection Order (CPO) arising out of the same activities as those that were the basis of the complaint filed in this action.

~~IT IS SO ORDERED.~~

IT IS SO ORDERED.

\_\_\_\_\_  
JUDGE/MAGISTRATE – DATE OF EX PARTE  
DVTPPO

\_\_\_\_\_  
JUDGE/MAGISTRATE – DATE OF EX PARTE DVTPPO

\_\_\_\_\_  
MAGISTRATE – DATE OF DVTPPO

\_\_\_\_\_  
JUDGE – DATE OF DVTPPO

**NOTICE TO DEFENDANT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

**A HEARING** on this order shall be held before

Judge \_\_\_\_\_ or

Magistrate \_\_\_\_\_

on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.,

(the next court day) at the following location:

\_\_\_\_\_

\_\_\_\_\_

**TO THE CLERK:**

**COPIES OF THIS ORDER SHALL BE DELIVERED TO:**

Prosecutor

Alleged Victim

Defendant (by personal service)

Attorney for Defendant

Police Department Where Alleged Victim Resides: \_\_\_\_\_

Police Department Where Alleged Victim Works: \_\_\_\_\_

The \_\_\_\_\_ County Sheriff

Other \_\_\_\_\_

Service acknowledged: \_\_\_\_\_  
Defendant Signature

\_\_\_\_\_  
Date

**WAIVER OF HEARING**

I HAVE BEEN ADVISED OF MY RIGHT TO HAVE A HEARING ON THE MOTION FOR A DOMESTIC VIOLENCE CRIMINAL PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.

DEFENDANT: \_\_\_\_\_

DATE: \_\_\_\_\_

# Order of Protection

Per R.C. 2903.213(G)(2), this order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

STATE OF OHIO/CITY OF \_\_\_\_\_

v.

DEFENDANT

Case No. \_\_\_\_\_

Judge/Magistrate \_\_\_\_\_

County \_\_\_\_\_

State

**OHIO**

**CRIMINAL PROTECTION ORDER (CRPO)  
(R.C. 2903.213)**

New Order

Modification of Old Order

## ALLEGED VICTIM

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First

Middle

Last

## PERSON(S) PROTECTED BY THIS ORDER:

Alleged Victim \_\_\_\_\_ DOB: \_\_\_\_\_

Alleged Victim's Family or Household Member(s): \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

## DEFENDANT:

--	--	--

First

Middle

Last

Address where Respondent can be found:

\_\_\_\_\_

\_\_\_\_\_

## DEFENDANT IDENTIFIERS

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
DRIVER'S LIC. NO. & EXP. DATE			STATE

Distinguishing Features: \_\_\_\_\_

\_\_\_\_\_

FIREARMS ACCESS – PROCEED WITH CAUTION

**Ex Parte CRPO Granted:** \_\_\_\_\_

**Date Issued**

**CRPO Granted:** \_\_\_\_\_

**Date Issued**

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this order is not required for enforcement.)

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant has been provided with reasonable notice and the opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

### THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing acts of abuse or threats of abuse.

That the above named Defendant be restrained from contact with the Alleged Victim and other protected persons named in this order, as set forth below. Additional terms of this order are set forth below.

**WARNING TO DEFENDANT: See the warnings page attached to the front of this Order.**

This matter came before the Court on \_\_\_\_\_, 20 \_\_\_\_\_ for hearing on alleged victim's Motion for Criminal Protection Order. The Court finds the motion of the alleged victim for a Criminal Protection Order is well taken. The court finds that the safety and protection of the alleged victim and protected persons named in this order may be impaired unless the court acts. The following provisions of this order are designed to enhance the safety of those covered by its terms. They are issued to the defendant as pretrial conditions of defendant's release, in addition to any bail.

**ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE DEFENDANT**

**1. DEFENDANT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, contacting, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]

**2. DEFENDANT SHALL NOT ENTER** the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Defendant may not violate this order even with the permission of a protected person. [NCIC 04]

**3. DEFENDANT SHALL NOT INTERFERE** with protected persons' right to occupy the residence including, but not limited to canceling utilities, insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

**4. DEFENDANT SHALL SURRENDER** all keys and garage door openers to the following residence:  
\_\_\_\_\_  
at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_

**5. DEFENDANT SHALL STAY AWAY** from protected persons named in this order, and shall not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons, wherever protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with protected persons' permission.** If Defendant accidentally comes in contact with protected persons in any public or private place, Defendant must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

**6. DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order.

**7. DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Defendant may not violate this order even with the permission of a protected person. [NCIC 05]

**8. DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act prohibited by this order.

**9. DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON.** Defendant shall turn over all deadly weapons in Defendant's possession to the law enforcement agency that serves Defendant with this Order or as follows: \_\_\_\_\_

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

**10. IT IS FURTHER ORDERED:** [NCIC 08] \_\_\_\_\_

**11. IT IS FURTHER ORDERED** that a copy of this Order shall be delivered to Defendant on the same day that the Order is entered.

12. **THIS ORDER REMAINS IN EFFECT:** (1) until modified by this court; or (2) until the criminal proceeding arising out of the complaint upon which these orders were issued is disposed by this court or by the common pleas court to which the defendant is bound over for prosecution; or (3) until the court issues a General Civil Stalking Protection Order (GCSPPO) arising out of the same activities as those that were the basis of the complaint filed in this action.

**IT IS SO ORDERED.**

\_\_\_\_\_  
**JUDGE/MAGISTRATE – DATE OF EX PARTE CRPO**

\_\_\_\_\_  
**JUDGE/MAGISTRATE – DATE OF EX PARTE CRPO**

\_\_\_\_\_  
**MAGISTRATE – DATE OF CRPO**

\_\_\_\_\_  
**JUDGE – DATE OF CRPO**

**NOTICE TO DEFENDANT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON’S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

*NOTES: By its own definitions [see R.C. 2903.213(A)], this statute does not apply to a complaint that involves a person who is a family or household member. In those cases where the Alleged Victim is a family or household member of the defendant, use Domestic Violence Criminal Temporary Protection Order (DVTPO) forms and procedures under R.C. 2919.26, and/or Civil Protection Order (CPO) forms and procedures under R.C. 3113.31.*

**A HEARING** on this order shall be held before

Judge \_\_\_\_\_

or Magistrate \_\_\_\_\_

on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.

(the next court day) at the following location:

\_\_\_\_\_

\_\_\_\_\_

**TO THE CLERK**

**COPIES OF THIS ORDER SHALL BE DELIVERED TO:**

Prosecutor

Alleged Victim

Defendant (by personal service)

Attorney for Defendant

Police Department Where Alleged Victim Resides: \_\_\_\_\_

Police Department Where Alleged Victim works: \_\_\_\_\_

The \_\_\_\_\_ Sheriff’s Department

Other: \_\_\_\_\_

Service acknowledged:

\_\_\_\_\_  
**Defendant Signature**

\_\_\_\_\_  
**Date**

**WAIVER OF HEARING**

**I HAVE BEEN ADVISED OF MY RIGHT TO HAVE A HEARING ON THE MOTION FOR A CRIMINAL STALKING PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.**

**DEFENDANT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**IN THE COURT OF COMMON PLEAS**  
**COUNTY, OHIO**

<b>Petitioner</b>	:	<b>Case No.</b>	
Address	:	<b>Judge</b>	
City, State, Zip Code	:	<b>PETITION FOR <u>GENERAL CIVIL STALKING OR SEXUALLY ORIENTED OFFENSE PROTECTION ORDER (SSOOPOGCPO)</u></b>	
Date Of Birth:	:		
v.	:	<b>Notice to Petitioner:</b> Throughout this form, check every <input type="checkbox"/> that applies.	
<b>Respondent</b>	:	<b>Do NOT write your address at left or below if you are requesting confidentiality DO NOT WRITE YOUR FORM IF YOU ARE REQUESTING CONFIDENTIALITY.</b>	
Address	:	<b><u>PLEASE PROVIDE ANOTHER ADDRESS WHERE YOU CAN RECEIVE NOTICES FROM THE COURT.</u></b>	
City, State, Zip Code	:		
Date Of Birth:	:	<b>The Respondent does NOT have to be related to Petitioner in any way in order for Petitioner to be eligible for relief.</b>	

1. Petitioner seeks relief on Petitioner's own behalf.

2. Petitioner seeks relief on behalf of the following family or household members:

NAME	DATE OF BIRTH	HOW RELATED TO PETITIONER

Ohio law defines Menacing by Stalking as follows:

*"No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person."* R.C. 2903.211(A)(1).

*"No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A) (1) of this section (above)""* R.C. 2903.211(A)(2).

*Sexually oriented offenses are defined in Revised Code Section 2950.01.*

3. Petitioner states that Respondent has engaged in the following act(s) which create an immediate and present danger. For either (a) ~~or~~, (b), or (c) below attach additional paper if you need more room:

(a) For a general civil stalking protection order due to stalking, describe the nature and extent of the pattern of conduct that causes you to believe that Respondent will cause you physical harm or causes (or has caused) mental distress. Also describe any previous convictions of Respondent for the crime of Menacing by Stalking if known.

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(b) For a general civil sexually oriented offense protection order due to a sexually oriented offense, describe the acts of Respondent as fully as possible. You do not need to include any pattern of conduct information for a ~~sexually oriented offense~~ protection order due to a sexually oriented offense.

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(c) For electronic monitoring of the Respondent, describe the nature and extent of the Respondent's conduct prior to the filing of this petition that puts you or your family or household members' health, welfare, or safety at risk. Also describe how the Respondent presents a continuing danger to you or your family or household members.

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4. Petitioner requests ~~that the Court grant relief under section 2903.214 of the Ohio Revised Code 2903.214 for the safety and protection of the~~ Petitioner and the family or household members named in this Petition by granting a General Civil Stalking or Sexually Oriented Offense Protection Order that:

(a) Requires Respondent not to abuse the Petitioner and the family or household members named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, contacting, forcing sexual relations upon them, or by committing sexually oriented offenses against them.

(b) Requires Respondent to refrain from entering the residence, school, business, place of employment, or day care centers of Petitioner and the family or household members named in this Petition, including the buildings, grounds and parking lots at those locations.

(c) Requires Respondent not to interfere with Petitioner's right to occupy the residence including, but not limited to canceling any utilities, insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items.

- (d) Requires Respondent not to remove, damage, hide or dispose of any property or pets owned or possessed by the Petitioner and Petitioner's family or household members named in this Petition.
- (e) Requires Respondent not to possess, use, carry, or obtain any deadly weapon.
- (f) Requires Respondent to be electronically monitored.
- (g) Includes the following additional provisions: \_\_\_\_\_  
\_\_\_\_\_
- 5. Petitioner further requests that the Court issue an *ex parte* (emergency) protection order under Ohio Revised Code 2903.214(D) and this Petition.
- 6. Petitioner further requests that the Court not issue any mutual protection orders or other orders against Petitioner unless all of the conditions of R.C. 2903.214(E)(3) are met.
- 7. Petitioner further requests that if Petitioner has a victim advocate, the court permit the victim advocate to accompany Petitioner at all stages of these proceedings as required by R.C. 2903.214(L).
- 8. Petitioner further requests that the Court grant such other relief as the Court considers equitable and fair.
- 9. The following is a list of all present and past court cases involving Respondent, that Petitioner knows of:

CASE NAME	CASE NUMBER	COURT/COUNTY	OUTCOME OF CASE

I hereby swear or affirm that the answers above are true, complete and accurate to the best of my knowledge. I understand that falsifying this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsifying this document may also subject me to criminal penalties for perjury under Ohio Revised Code 2921.11.

\_\_\_\_\_  
SIGNATURE OF PETITIONER

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**DO NOT WRITE YOUR ADDRESS BELOW IF YOU ARE REQUESTING CONFIDENTIALITY. PLEASE PROVIDE ANOTHER ADDRESS WHERE YOU CAN RECEIVE NOTICES FROM THE COURT.**

Address where Petitioner can be contacted:

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Signature of Attorney for Petitioner (if applicable)

Name

Address

City, State, Zip Code

Attorney Registration Number

Telephone Number

Fax

Email

IN THE COURT OF COMMON PLEAS  
COUNTY, OHIO

# Order of Protection

Per R.C. 2903.214(F)(2), this order is indexed at

Case No. \_\_\_\_\_

Judge/Magistrate \_\_\_\_\_

County \_\_\_\_\_

State

**OHIO**

LAW ENFORCEMENT AGENCY WHERE INDEXED

**GENERAL CIVIL STALKING OR SEXUALLY ORIENTED  
OFFENSE PROTECTION ORDER (SSOOPOGCP) EX PARTE  
(R.C. 2903.214)**

( )

PHONE NUMBER

### PETITIONER:

--	--	--

First

Middle

Last

v.

### PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: \_\_\_\_\_ DOB: \_\_\_\_\_

Petitioner's Family or Household Member(s): \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

### RESPONDENT:

--	--	--

First

Middle

Last

Address where Respondent can be found:

\_\_\_\_\_  
\_\_\_\_\_

### RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
DRIVER'S LIC. NO. & EXP. DATE			STATE

Distinguishing Features: \_\_\_\_\_

FIREARMS ACCESS – PROCEED WITH CAUTION

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this order is not required for enforcement.)

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

### THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against the Petitioner and other protected persons named in this order, as set forth below. Additional terms of this order are set forth below.

The terms of this order shall be effective until \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ .  
DATE CERTAIN

**WARNING TO RESPONDENT: See the warning page attached to the front of this Order.**

This proceeding came on for an *ex parte* hearing on \_\_\_\_\_, \_\_\_\_\_ (Respondent not being present), upon the filing of a petition by Petitioner for a general civil stalking or sexually oriented offense protection order (SSOOCPO) against the Respondent, pursuant to Ohio Revised Code 2903.214. In accordance with R.C. 2903.214(D)(1), the court held an *ex parte* hearing not later than the next day that the court was in session after the petition was filed.

The court finds that the Respondent has threatened the protected persons named herein with bodily harm, has caused mental distress, or has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code against protected persons named in this order herein are in immediate and present danger and.

The court finds that the protected persons named herein are in immediate and present danger of sexually oriented offenses.

Therefore, for good cause shown, the court finds the following temporary orders are necessary for the safety and protection of the persons to be protected by this order. to protect the persons named in this order.

**ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT**

1. **RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]

2. **RESPONDENT SHALL NOT ENTER** the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this order even with the permission of a protected person. [NCIC 04]

3. **RESPONDENT SHALL NOT INTERFERE** with protected persons' right to occupy the residence including, but not limited to canceling utilities, insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items.

4. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the following residence:  
\_\_\_\_\_ at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_

5. **RESPONDENT SHALL STAY AWAY FROM** protected persons named in this order, and shall not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, **even with protected persons' permission.** If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

6. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order.

7. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Respondent may not violate this order even with the permission of a protected person. [NCIC 05]

8. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act prohibited by this order.

9. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON.** Respondent shall turn over all deadly weapons in Respondent's possession to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

10. IT IS FURTHER ORDERED: [NCIC 08] \_\_\_\_\_

11. IT IS FURTHER ORDERED that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. Under Federal and State Law, the Clerk shall not charge any fees for filing, issuing, registering, or serving this protection order.

12. ALL OF THE TERMS OF THIS ORDER REMAIN IN FULL FORCE AND EFFECT UNTIL \_\_\_\_\_ , \_\_\_\_\_ unless earlier modified or dismissed by order of this Court.

IT IS SO ORDERED.

\_\_\_\_\_  
MAGISTRATE

\_\_\_\_\_  
JUDGE

**NOTICE TO RESPONDENT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

A FULL HEARING on this order shall be held before

Judge \_\_\_\_\_ or

Magistrate \_\_\_\_\_

on \_\_\_\_\_ , at \_\_\_\_\_ a.m./p.m.

at the following location:

\_\_\_\_\_

\_\_\_\_\_

**TO THE CLERK:**

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

Petitioner

Respondent (by personal service)

Police Department Where Petitioner Resides: \_\_\_\_\_

Police Department Where Petitioner Works: \_\_\_\_\_

The \_\_\_\_\_ Sheriff's Department

Other: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
COUNTY, OHIO

# Order of Protection

Per R.C. 2903.214(F)(2), this ~~order~~ Order is indexed at

Case No.

Judge

County

State

**OHIO**

LAW ENFORCEMENT AGENCY WHERE INDEXED

~~GENERAL CIVIL STALKING OR SEXUALLY ORIENTED  
OFFENSE PROTECTION ORDER (SSOOPO GCPO) FULL  
HEARING (R.C. 2903.214)~~

( ) -  
PHONE NUMBER

### PETITIONER:

[Empty box for Petitioner Name]

First Middle Last

v.

### PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: \_\_\_\_\_ DOB: \_\_\_\_\_  
Petitioner's Family or Household Member(s): \_\_\_\_\_  
\_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_ DOB: \_\_\_\_\_

### RESPONDENT:

[Empty box for Respondent Name]

First Middle Last

Address where Respondent can be found:

\_\_\_\_\_  
\_\_\_\_\_

### RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
DRIVER'S LIC. NO. & EXP. DATE		STATE	
Distinguishing Features: _____			

FIREARMS ACCESS – PROCEED WITH CAUTION

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this ~~order~~ Order is not required for enforcement.)

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this ~~order~~ Order are set forth below.**

### THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against the Petitioner and other protected persons named in this ~~order~~ Order, as set forth below. Additional terms of this ~~order~~ Order are set forth below.

The terms of this ~~order~~ Order shall be effective \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ .  
DATE CERTAIN – MAXIMUM FIVE YEARS

**WARNING TO RESPONDENT: See the warning page attached to the front of this Order.**

This proceeding came on for a hearing on \_\_\_\_\_, \_\_\_\_\_ before the Court and the ~~General~~ Civil ~~Stalking or Sexually Oriented Offense~~ Protection Order *Ex Parte* filed \_\_\_\_\_, \_\_\_\_\_, all in accordance with R.C. 2903.214.

The following individuals were present: \_\_\_\_\_

The Court hereby makes the following findings of fact: \_\_\_\_\_

The court finds by a preponderance of the evidence that 1) the Respondent has knowingly engaged in a pattern of conduct that caused Petitioner to believe that the Respondent will cause physical harm or cause or has caused mental distress; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this order from stalking offenses.

The court finds by a preponderance of the evidence that 1) the Petitioner or Petitioner's family or household member(s) are in danger of or have been a victim of a sexually oriented offense as defined in Ohio Revised Code 2950.01, committed by Respondent; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this order from sexually oriented offenses.

The court finds by clear and convincing evidence that 1) the Petitioner or Petitioner's family or household member reasonably believed the Respondent's conduct prior to the filing of the petition endangered the health, welfare, or safety of the Petitioner or Petitioner's family or household member(s), 2) the Respondent presents a continuing danger to the Petitioner or Petitioner's family or household member(s), and 3) the following orders are equitable, fair, and necessary to protect the person(s) named in this order.

**ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT**

1. **RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]

2. **RESPONDENT SHALL NOT ENTER** the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this ~~order~~ Order even with the permission of a protected person.[NCIC 03]

3. **RESPONDENT SHALL NOT INTERFERE** with protected persons' right to occupy the residence including, but not limited to canceling utilities, insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items.

4. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the following residence:  
\_\_\_\_\_  
at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:  
\_\_\_\_\_

5. **RESPONDENT SHALL STAY AWAY** from protected persons named in this ~~order~~Order, and shall not be present within 500 feet \_\_\_\_\_ (distance) of any protected persons, wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, ***even with protected persons' permission***. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This ~~order~~ Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

6. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order.

7. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this ~~order~~ Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Respondent may not violate this ~~order~~ Order even with the permission of a protected person. [NCIC 05]

8. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act prohibited by this ~~order~~ Order .

9. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON.** Respondent shall turn over all deadly weapons in Respondent’s possession to the law enforcement agency that serves Respondent with this Order or as follows: \_\_\_\_\_

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

10. **IT IS FURTHER ORDERED:** [NCIC 08] \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. **RESPONDENT IS ORDERED TO COMPLETE** the following counseling, rehabilitation, or batterer’s treatment program: \_\_\_\_\_

**Respondent shall contact this program within 7 days after receiving this Order and immediately arrange for an initial appointment.** The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if the Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the court to receive information from the counseling program.

**Respondent is ordered to appear before Judge \_\_\_\_\_ or Magistrate \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ m., to review Respondent’s compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court. If you fail to appear at this hearing, the court may issue a warrant for your arrest.**

12. **RESPONDENT SHALL NOT CONSUME, USE, OR POSSESS** illegal drugs or beverages containing alcohol.

13. **RESPONDENT** is ordered to report to \_\_\_\_\_  
for the installation of a global positioning system for the purpose of electronic monitoring for the duration of this Order or until \_\_\_\_\_, whichever expires first. The court \_\_\_\_\_ further \_\_\_\_\_ imposes \_\_\_\_\_ the \_\_\_\_\_ following \_\_\_\_\_ terms \_\_\_\_\_ and conditions:  
\_\_\_\_\_

**14. IT IS FURTHER ORDERED** that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. Under Federal and State Law, the Clerk shall not charge any fees for filing, issuing, registering, or serving this protection order.

**4415. ALL OF THE TERMS OF THIS ORDER REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF FIVE YEARS FROM ISSUANCE, OR UNTIL \_\_\_\_\_, \_\_\_\_\_ unless earlier modified or dismissed by order of this Court.**

**IT IS SO ORDERED.**

**APPROVED and ADOPTED by:**

\_\_\_\_\_  
MAGISTRATE

\_\_\_\_\_  
JUDGE

**NOTICE TO RESPONDENT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

\_\_\_\_\_  
Signature of Attorney for Petitioner (if applicable)

\_\_\_\_\_  
Signature of Attorney for Respondent (if applicable)

\_\_\_\_\_  
Print Name & Attorney Registration Number

\_\_\_\_\_  
Print Name & Attorney Registration Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Phone

**NOTICE OF FINAL APPEALABLE ORDER**

Copies of the foregoing Order, which is a final appealable order, were mailed by ordinary U.S. mail or hand-delivered to the parties indicated on the following date:

\_\_\_\_\_, \_\_\_\_\_

By: \_\_\_\_\_

CLERK OF COURT

**TO THE CLERK**

**COPIES OF THIS ORDER SHALL BE DELIVERED TO:**

- Petitioner  Attorney for Petitioner
- Respondent  Attorney for Respondent
- Police Department Where Petitioner Resides:

Police Department Where Petitioner Works: \_\_\_\_\_

The \_\_\_\_\_ Sheriff's Department

Other: \_\_\_\_\_

**WAIVER OF HEARING  
WAIVER**

~~I have been advised of my right to have a hearing on the motion for a civil stalking protection order and hereby knowingly and voluntarily waive the hearing on the motion and agree to be bound by the terms set forth above.~~

Respondent, \_\_\_\_\_, waives the right to contest the facts alleged in the Petition for General Civil Protection Order, herein referred to as Protection Order, and acknowledges as follows:

1. I waive the right to have a full hearing on the Protection Order;
2. I waive the right to cross-examine witnesses and review evidence submitted in support of the Protection Order;
3. I waive the right to present witnesses and evidence on my own behalf; and
4. I waive the right to request specific factual findings from the Court concerning the issuance of the Protection Order.

I understand that based on the foregoing waivers a General Civil Protection Order may be entered against me.

**RESPONDENT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

# INSTRUCTIONS FOR OBTAINING A GENERAL CIVIL STALKING OR SEXUALLY ORIENTED OFFENSE PROTECTION ORDER (SSOOPO GCPO)

These instructions are intended to assist you in preparing the Petition for a General Civil Stalking or Sexually Oriented Offense Protection Order (SSOOPO GCPO), which can only be heard by the Common Pleas Court in your county. Throughout the petition you are called *Petitioner* and the person you are filing this petition against is called *Respondent*.

## SOME HINTS BEFORE YOU BEGIN

- All forms must be typed or printed.
- When you print your name on the Petition, use the same name you use when you write your signature.
- Write your name and Respondent's name the same way throughout the Petition.
- Fill out the Petition as completely and accurately as possible.
- If you have any questions about completing the Petition, ask the clerk of court's office for assistance or contact your local domestic violence program or the Ohio Domestic Violence Network at 800-934-9840.
- Under Federal and State Law no fees may be charged to obtain a protection order.

## FILLING OUT THE PETITION: Mark each instruction below after you read and complete it

- On the front page, leave the "Case No." line and "Judge" lines blank.** The clerk of court's office will fill in this information.
- On the top left-hand side of the front page, fill in the requested information about yourself.** If you do not want your present address to be known, write "confidential" in the space for your address, but list someone else's address where you can receive notices from the court.
- Also on the top left-hand side of the front page, fill in the requested information about Respondent as best you can.** You may use Respondent's work address if you do not know Respondent's home address. If you do not know Respondent's date of birth, leave that line blank. Do not attempt to obtain this information unless it is safe to do so.
- Paragraph 1:** If you are filing the Petition on behalf of yourself, mark the first box.
- Paragraph 2:** If you are filing the Petition on behalf of a family or household member, mark the box and fill in their name(s) and the other information requested in the chart. You may attach additional pages if you need more room.
- Paragraph 3(a):** State the date(s) of the incident(s) that ~~brought~~ caused you to file the Petition. Exact date(s) is not necessary; approximate timeframe may be sufficient. If you are requesting a stalking general civil protection order due to stalking, provide a brief description of the pattern of conduct (two or more instances) that caused you to believe that the Respondent will cause physical harm or cause mental distress to you or another family member. ~~If you are requesting a sexually oriented offense protection order, you do not have to provide a description of a pattern of conduct, only a brief description of what happened that caused you to request the sexually oriented offense protection order.~~ (NOTE: Petitioner and/or Respondent need not be related in any way for Petitioner to obtain ~~either type of the~~ protection order.) If you are aware of any prior convictions of the Respondent for menacing by stalking or similar offenses, or prior convictions of Respondent for any sexually oriented offenses, list what information you know about those convictions. You may attach additional pages if you need more room to complete your description.
- Paragraph 3(b):** State the date(s) of the incident(s) that caused you to file the Petition. Exact date(s) is not necessary; approximate timeframe may be sufficient. If you are requesting a general civil protection order due to a sexually oriented offense, you do not have to provide a description of a pattern of conduct. A brief description of what happened that caused you to request the protection order will be enough. (NOTE: Petitioner and/or Respondent need not be related in any way for Petitioner to obtain the protection order.) If you are aware of any prior convictions of the Respondent for menacing by stalking or similar offenses, or prior convictions of Respondent for any sexually oriented offenses, list what information you know about those convictions. You may attach additional pages if you need more room to complete your description.
- Paragraph 3(c):** State the date(s) of the incident(s) that caused you to file the Petition and request electronic monitoring of the Respondent. Exact date(s) is not necessary; approximate timeframe may be sufficient. If you are requesting electronic monitoring of the Respondent, describe the nature and extent of the Respondent's conduct prior to the filing of this petition that puts you or your family or household members' health, welfare, or safety at risk. Also describe how the Respondent presents a continuing danger to you or your family or household members.
- Paragraph 4:** Indicate the action you want the court to take by marking the boxes next to the numbered paragraphs that apply to your situation.
- Paragraph 4 (f):** Write any special court orders you believe would help protect you and your family or household members.
- Paragraph 5:** Be sure to mark the box next to Paragraph 5 if you need an emergency ("ex parte") protection order.
- Paragraph 9:** List ALL present or past court cases or investigations that involve Respondent. This includes all criminal, divorce, custody, visitation, and any other case that may have a bearing on the safety of you or your family or household members. Write the case name, the court, the case number, and the outcome of the case, if known. You may attach additional pages if you need more room.

**SIGNING THE PETITION:** Try to fill out the Petition before you go to the courthouse. AFTER YOU HAVE FILLED OUT THE PETITION, TAKE IT TO A NOTARY PUBLIC TO HAVE YOUR SIGNATURE NOTARIZED. **DO NOT SIGN THE PETITION UNLESS YOU ARE IN FRONT OF A NOTARY PUBLIC.** An employee of the Clerk of Courts office may be available to take your oath.

**FILING THE PETITION:** After you have your signature notarized, file your Petition at the clerk of court's office. The Clerk of Court's office will tell you when and where your *ex parte* hearing will take place. **There is no filing fee for a Petition for a ~~CSPO~~ GCPO.**

<b>FEES</b>
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Under Federal and State Law, you cannot be charged any costs or fees for obtaining a protection order.