

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

Amendments to Rules 10, 10.01 and 10.03 and Domestic Violence Forms of the Rules of Superintendence for the Courts of Ohio were adopted by the Court and become effective July 1, 2010. The history of these amendments is as follows:

November 23, 2009	Initial publication for comment
May 25, 2010	Final adoption by conference
July 1, 2010	Effective date of proposed amendments

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

(A) Upon issuance of a civil or criminal protection order by a court pursuant to section 2151.34, 2903.213, 2903.214, division (E)(2) of 2919.26, or 3113.31 of the Revised Code, the court shall complete “Form 10-A.” “Form 10-A” and a copy of the order shall be filed by the court with the local enforcement agency for entry in the “National Crime Information Center” database and nationwide dissemination. To accommodate local court or law enforcement procedures, the format of “Form 10-A” may be modified, provided the modification does not affect the substantive content of “Form 10-A.”

(B) A court shall follow the instructions in “Form 10-B” for thorough and accurate completion of “Form 10-A” and to facilitate correct entry of criminal or civil protection orders in the “National Crime Information Center” database.

Commentary (July 1, 1997)

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

Commentary (March 1, 2000)

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

RULE 10.01. Standard Civil Protection Order Forms -- Domestic Relations Division.

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

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

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

(D) Every ex parte civil protection order, full hearing civil protection order, and consent agreement that the domestic relations division of a court of common pleas issues or approves pursuant to section 3113.31 of the Revised Code shall include a cover sheet that is substantially similar to “Form 10.01-G.”

(E) In every case in which the domestic relations division of a court of common pleas modifies the terms of a full hearing civil protection order or a consent agreement pursuant to section 3113.31 of the Revised Code, it shall use the applicable forms that are substantially similar to “Forms 10.01-L and 10.01-M.”

(F) In every case in which the domestic relations division of a court of common pleas terminates a full hearing civil protection order or a consent agreement before its original expiration date pursuant to section 3113.31 of the Revised Code, it shall use the applicable form that is substantially similar to “Form 10.01-L.”

Commentary (January 1, 1998)

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

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

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

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

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

RULE 10.03. Standard Criminal Protection Order Forms and Standard Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order Forms.

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

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

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

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

Commentary (March 1, 2000)

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

FORM 10-A: PROTECTION ORDER NOTICE TO NCIC

(Required fields appear in bold print)

Initial NCIC Form

Modification of Previous 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 DISQUALIFIERS:

(Pursuant to 18 U.S.C. 922(g)(8), a "yes" response to all three Brady questions disqualifies the subject from purchasing or possessing any firearms, 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

CASE / ORDER NO. _____ (15 DIGIT MAXIMUM)

COURT ORIGINATING AGENCY IDENTIFIER _____ (9 DIGIT ORI ASSIGNED BY NCIC)

R.C. 2903.213 R.C. 2903.214 R.C. 2151.34 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 this 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** _____

Judge/Magistrate (circle one)

OHP
DATA
ONLY
#EPO

MIS/

FORM 10-B: HOW TO COMPLETE A PROTECTION NOTICE TO NCIC

These instructions are intended to assist the court in 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 the NCIC index and enforcing the order. Form 10-A must be completed each time the court approves, issues, modifies, renews, or terminates a protection order or consent agreement, regardless of 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 court must check the box next to "Initial NCIC Form" 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 court must check the box next to "Modification of Previous NCIC" 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 the court must provide 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 the court to provide certain numerical identifiers 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 be entered to have the form accepted by NCIC:
1. SOCIAL SECURITY NUMBER ("SSN");
 2. DATE OF BIRTH ("DOB");
 3. DRIVER'S LICENSE NUMBER ("DRIVER'S 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 firearms pursuant to 18 U.S.C. 922(g)(8).

Generally, a person subject to a protection order is Brady disqualified under 18 U.S.C. 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, or person living or who lived as a spouse. The court must afford the person

subject to the protection order an opportunity to be heard and, after evaluating all the evidence, find 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 a required element. It is particularly relevant when 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 if 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 automatically purge the orders on their expiration date. If a protection order is terminated before 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.** The court must 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 sequence of the remedies listed in the protection orders. However, the remedies 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.** The court must provide the full name and date of birth for all persons who are protected by the protection order. The protected person's 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.

FORM 10.01-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.

State 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 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 to obtain a civil protection order against an alleged offender.

Domestic Violence Civil Protection Order ("CPO") *Ex Parte* 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 this form on page 3.

Domestic Violence Civil Protection Order ("CPO") Full Hearing is the final order the Court issues after a full hearing. The full hearing is described in this form on page 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, who is a family or household member. 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 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 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 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. The 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 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 for me 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 Court 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 seven business days. Otherwise, a full hearing will be set within ten 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 Court 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.

RESOURCES

You can find information about Domestic Violence Civil Protection Orders in R.C. 3113.31 and information about Domestic Violence Temporary Protection Orders in R.C. 2919.26.

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

Ohio Domestic Violence Network

www.odvn.org

Ohio State Legal Services Association's DV Resource Center

www.ohiodvresources.org

National Resource Center on Domestic Violence

www.nrcdv.org

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, would be safer computers.

FORM 10.01-A: GENERAL INFORMATION ABOUT DOMESTIC VIOLENCE PROTECTION ORDERS

Amended: July 1, 2010

Discard all previous versions of this form

FORM 10.01-B: 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 Civil Protection Order *Ex Parte*, 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 Court 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 local Court procedures.

VICTIM ADVOCATE

State 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 and/or magistrate signs an *Ex Parte* CPO.

The judge or magistrate then sets a second hearing (called a “full hearing”) within seven to ten 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 seven to ten 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 the Respondent’s 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 Civil Protection Order ‘CPO’ Full Hearing.” 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 10.01-J 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 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, 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 about any pending criminal cases. Tell the criminal court about any pending domestic relations division of the Court cases.

Any Domestic Violence 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 based upon the same facts.

FORM 10.01-C: HOW TO COMPLETE A PETITION FOR A DOMESTIC VIOLENCE CIVIL PROTECTION ORDER

These instructions will help you to prepare the Petition for Domestic Violence Civil Protection Order. Only the domestic relations division of the Court in your county hears a Petition for a Domestic Violence Civil Protection Order. **Throughout the Petition, you are called Petitioner and the person you are filing this Petition against (the alleged domestic violence offender) is called Respondent.**

SOME HINTS BEFORE YOU BEGIN

- All forms must be typed or printed.
- When you write 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 victim assistance program, domestic violence program, or the Ohio Domestic Violence Network at 800-934-9840.
- Under federal and state law you **cannot be charged any fees** 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 fills 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. Do not write your address anywhere on the Petition if you want it to be confidential. However, you must include someone's mailing address on the Petition to allow the Court to send you legal notices concerning your case.
- 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 to protect yourself, mark the first box and the box that describes your relationship to Respondent.
- Paragraph 2:** If you are filing the Petition to protect 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:** State the date(s) of the incident(s) that caused you to file the Petition. Provide a brief description of what happened. You may attach additional pages if you need more room to complete your description. You may attach an affidavit instead of or in addition to the written description.
- Paragraph 4:** Indicate what action you want the Court to take by marking the boxes next to the numbered paragraphs that apply to your situation.
- Paragraph 4(b):** Provide the address of the residence that you want Respondent to stay away from. If you do not want your present address known, write "address confidential." Do not write your address anywhere on the Petition if you want it to be confidential.
- Paragraphs 4(d) and (e):** If you want temporary custody of your minor children or want the Court to establish temporary visitation rights, list the names and birth dates of the children. If you have children whose custody or visitation will be at issue in this domestic violence case, you must also complete and file a Parenting Proceeding Affidavit, Form 10.01-F. There is a separate form and instructions for the Parenting Proceeding Affidavit, Form 10.01-E and Form 10.01-F.
- Paragraph 4(i):** If you want the Court to grant you use of a motor vehicle, describe that vehicle.
- Paragraph 4(j):** Write any special court orders you believe would help ensure you and your family or household members' safety and protection.
- Paragraph 5:** If you need an emergency ("*ex parte*") protection order mark the box next to Paragraph 5.
- Paragraph 9:** List ALL present court cases and pertinent past court cases or investigations that involve you or a household member that may be related to you, your children, your family, or household members. This list should include all civil, criminal, divorce, juvenile, custody, visitation, and bankruptcy cases. Write the case name, the court, the case number, if known, the type of case, and the result of the case. If the case is not over, write "pending." 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 Court's 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 CPO.**

IN THE _____ COURT
 _____ 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. :

Notice to Petitioner: Throughout this form, check every that applies.

Respondent :

 Address :

 City, State, Zip Code :

 Date of Birth: _____ :
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.

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"/> Foster Parent |
| <input type="checkbox"/> Other relative (by blood or marriage) of Respondent/ Petitioner who has lived with Respondent at any time | <input type="checkbox"/> Person "living as a spouse of Respondent" defined as: <ul style="list-style-type: none"> • now cohabiting; • or cohabited within five years before the alleged act of domestic violence |

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): _____

4. Petitioner requests that the Court grant relief under R.C. 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): _____

(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): _____

(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: _____

5. Petitioner further requests that the Court issue an *ex parte* (emergency) protection order under R.C. 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 R.C. 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 R.C. 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 R.C. 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.

NOTARY PUBLIC

Signature of Attorney for Petitioner (if applicable)

Name

Address

Attorney Registration Number

Phone Number

FORM 10.01-E: HOW TO COMPLETE THE INFORMATION FOR PARENTING PROCEEDING AFFIDAVIT

These instructions will help you prepare the Information for Parenting Proceeding Affidavit. The Affidavit must be filed if you are requesting a parenting (custody) order in a Petition for a Domestic Violence Civil Protection Order. **IF ANOTHER COURT IS ADDRESSING OR HAS ADDRESSED CUSTODY ISSUES INVOLVING THE CHILDREN, CUSTODY ISSUES WILL BE HANDLED IN THAT CASE, NOT THE DOMESTIC VIOLENCE CASE.**

FILLING OUT THE FORM: Check each instruction below after you read and complete it

- Print or type only.** Attach an additional page to the Affidavit for your answers if you need more room.
 - At the top of the front page, fill in the names.** YOU are the "Petitioner." The person you want protection from is the "Respondent." Leave the Case No. and Judge lines blank for the Clerk of Court to complete.
 - First Paragraph.** Fill in your legal name in the blank line.
 - Paragraph 1:** Check this box if you wish your current address to remain confidential.
 - Paragraph 2:** On the blank line fill in the number of children that are subject to this court case. For each table at the top write in the child's name, place of birth, date of birth, sex, and address unless confidential. As you write on each line going across the table start with the length of time, the address unless confidential, the adult the child lived with at that time, and the relationship of that adult to the child. There are three tables. If you have more than three children that are subject to this court case, attach additional pages containing the requested information for each of those additional children.
 - Paragraph 3:** Mark the box showing whether or not you have participated as party, witness, or in any capacity concerning any civil or criminal case regarding custody or visitation of any of the children that are subject to this court case. If you have been involved in such a case fill in the details requested in lines a, b, c, and d.
 - Paragraph 4:** Mark the box showing whether or not you have any information concerning any case that could affect the current case including any case relating to custody, domestic violence and or protection orders, dependency, neglect, or abuse allegations or adoptions other than those listed in paragraph 3. If you do have such information, fill in the details requested in lines a, b, c, and d.
 - Paragraph 5:** List the criminal background and history of yourself and members of your household including any convictions or guilty pleas of any offense resulting in a child being an abused or neglected child, any offense that is a violation of R.C. 2919.25, any sexually oriented offense defined by R.C. 2950.01, and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.
 - Paragraph 6:** Check the first box if you do not know of any person not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case. Check the second box if you do know anyone who is not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case. If you check the second box you will fill in the required information for each person that you know who is not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case.
- Paragraph 7:** You have an on-going duty to notify the Court of any custody, visitation, parenting time, divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, parentage, termination of parental rights, or domestic violence case concerning the children that are subject to this case.

SIGNING THE FORM: AFTER YOU HAVE FILLED OUT THE FORM, TAKE THE FORM TO THE CLERK OF COURT'S OFFICE OR TO A NOTARY PUBLIC TO HAVE YOUR SIGNATURE NOTARIZED. DO NOT SIGN THE FORM UNLESS YOU ARE IN FRONT OF A NOTARY PUBLIC.

IN THE _____ COURT
 _____ COUNTY, OHIO

 Petitioner

Case No. _____

v.

Judge: _____

 Respondent

**INFORMATION FOR PARENTING PROCEEDING
 AFFIDAVIT (R.C. 3127.23(A))**

**(Filed with Petition for Domestic Violence Civil
 Protection Order)**

NOTE: By law, an affidavit **must** be filed and served with the first pleading filed by each party in every parenting (custody/visitation) proceeding in this Court, including a Petition for a Domestic Violence Civil Protection Order. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, attach an additional page.**

I (full legal name) _____, being sworn according to law, certify these cases involve the custody of a child or children and the following statements are true:

1. I am requesting the Court to not disclose my current address or that of the child(ren). My address is confidential pursuant to R.C. 3127.23(D) and should be placed under seal in that the health, safety, or liberty of myself and/or the child(ren) would be jeopardized by the disclosure of the identifying information.
2. **(Number):** _____ **Minor child(ren) are subject to this case as follows:**

(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name		Place of birth	Date of birth	Sex
Period of residence	<input type="checkbox"/> Address Confidential	Person child lived with (name & address)		Relationship
to present	<input type="checkbox"/> Address Confidential			
to	<input type="checkbox"/> Address Confidential			
to	<input type="checkbox"/> Address Confidential			
to	<input type="checkbox"/> Address Confidential			

b. Child's name		Place of birth	Date of birth	Sex
Period of residence	<input type="checkbox"/> Address Confidential	Person child lived with (name & address)		Relationship
to present	<input type="checkbox"/> Address Confidential			
to	<input type="checkbox"/> Address Confidential			
to	<input type="checkbox"/> Address Confidential			
to	<input type="checkbox"/> Address Confidential			

c. Child's name		Place of birth	Date of birth	Sex
Period of residence	<input type="checkbox"/> Address Confidential	Person child lived with (name & address)		Relationship
to present	<input type="checkbox"/> Address Confidential			
to	<input type="checkbox"/> Address Confidential			
to	<input type="checkbox"/> Address Confidential			
to	<input type="checkbox"/> Address Confidential			

e. Additional children are listed on Attachment 2(d). (Provide requested information for additional children on an attachment labeled 2d.)

3. **Participation in custody case(s): (only one)**

I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this case.

I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this case. Explain:

- a. Name of each child _____
- b. Type of case _____
- c. Court and State _____
- d. Date and court order or judgment (if any): _____

4. **Information about custody case(s): (only one)**

I HAVE NO INFORMATION of any cases that could affect the current case, any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case.

I HAVE THE FOLLOWING INFORMATION concerning cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case, other than listed in Paragraph 3. Explain:

- a. Name of each child _____
- b. Type of case _____
- c. Court and state _____
- d. Date of court order or judgment (if any): _____

5. List all of the criminal convictions including guilty pleas for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

NAME	CASE NUMBER	COURT/STATE/COUNTY	CHARGE

6. **Persons not a party to this case: (only one)**

I DO NOT KNOW OF ANY PERSON not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case.

I KNOW THAT THE FOLLOWING NAMED PERSON(S) not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case:

a. Name and address of person _____

has physical custody claims custody rights claims visitation rights

Name of each child _____

b. Name and address of person _____

has physical custody claims custody rights claims visitation rights

Name of each child _____

c. Name and address of person _____

has physical custody claims custody rights claims visitation rights

Name of each child _____

- 7. I understand that I have a continuing duty to advise this Court of any custody, visitation, parenting time, divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, parentage, termination of parental rights, or protection from domestic violence case concerning the child(ren) in this state or any other state about which information is obtained during this case.

OATH OF AFFIANT

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 R.C. 2921.11.

AFFIANT

Sworn to and subscribed before me on this _____ day of _____ , _____

NOTARY PUBLIC

FORM 10.01-G: WARNING CONCERNING THE ATTACHED DOMESTIC VIOLENCE PROTECTION ORDER

NOTE: Rules 10.01 and 10.02 of the Rules of Superintendence for the Courts of Ohio require this Warning to be attached to the **FRONT** of all civil and criminal domestic violence protection orders issued by the courts of the State of Ohio. **TO BE USED WITH FORMS 10.01-H, 10.01-I, 10.01-J, 10.01-M, and 10.02-A.**

WARNING TO RESPONDENT / DEFENDANT

Violating the attached Protection Order is a crime, punishable by imprisonment or fine or both, and can cause your bond to be revoked or result in a contempt of court citation against you.

This Protection Order is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. Territories pursuant to the Violence Against Women Act, 18 U.S.C. 2265. Violating this Protection Order may subject you to federal charges and punishment.

As a result of this Order or Consent Agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

Only the Court can change this Order. The Petitioner/Alleged Victim cannot give you legal permission to change this Order. If you go near the Petitioner/Alleged Victim, even with the Petitioner's/Alleged Victim's consent, you may be arrested. If you and the Petitioner/Alleged Victim want to resume your relationship you must ask the Court to modify or terminate this Protection Order. Unless the Court modifies or terminates this Order, you can be arrested for violating this Protection Order. You act at your own risk if you disregard this WARNING.

WARNING TO PETITIONER / ALLEGED VICTIM

You **cannot** change the terms of this Order by your words or actions. Only the Court can allow the Respondent/Defendant to contact you or return to your residence. This Order **cannot** be changed by either party without obtaining a written court order.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violation of this Protection Order, regardless of whether it is a criminal or civil Protection Order, is a crime under R.C. 2919.27. Law enforcement officers with powers to arrest under R.C. 2935.03 for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2919.26, 2919.27 and 3113.31. If you have reasonable grounds to believe that Respondent/Defendant has violated this Protection Order, it is the preferred course of action in Ohio under R.C. 2935.03 to arrest and detain Respondent/Defendant until a warrant can be obtained. Federal and state law prohibit charging a fee for service of this Order.

IN THE COURT OF COMMON PLEAS

COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

() -
 PHONE NUMBER

Case No.

Judge _____

County

State

OHIO

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

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____
 Petitioner's Family or Household Member(s) (May attach additional forms):
 _____ 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: _____

WARNING TO LAW ENFORCEMENT: RESPONDENT HAS 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 R.C. 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 telephone 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, day care centers, 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 those 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 the law enforcement agency that served Respondent with the Order or as follows _____ and Petitioner 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 paragraphs 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 seven days of the filing of this Order. Arrangements may be made by contacting: _____

17. **RESPONDENT SHALL NOT USE OR POSSESS** alcohol or illegal drugs.

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 federal and state 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's Office
 Police Department Where Petitioner Works: _____
 Other: _____

IN THE COURT OF COMMON PLEAS

COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

Case No.

Judge _____

County State OHIO

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

 LAW ENFORCEMENT AGENCY WHERE INDEXED
 () -

 PHONE NUMBER

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____
 Petitioner's Family or Household Member(s) (May attach additional form):
 _____ 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: _____

WARNING TO LAW ENFORCEMENT: RESPONDENT HAS 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 R.C. 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 telephone 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, day care centers, 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 those 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 protected person**. [NCIC 05]

8. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE**, _____, to the law enforcement agency that served Respondent with the Order or as follows _____ and Petitioner 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 paragraphs 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 seven days of the filing of this Order. Arrangements may be made by contacting: _____

17. **RESPONDENT SHALL NOT USE OR POSSESS** alcohol or illegal drugs.

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 _____ a.m. / p.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 this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies of 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.

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 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's Office
 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)(3), this Order is indexed at

Case No.

Judge

County

State

OHIO

LAW ENFORCEMENT AGENCY WHERE INDEXED

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

WITH SUPPORT ORDER

() -

PHONE NUMBER

PETITIONER:

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner:
Petitioner's Family or Household Member(s)(May attach additional forms):

DOB

DOB

DOB

DOB

DOB

First

Middle

Last

v.

RESPONDENT:

RESPONDENT IDENTIFIERS

Table with columns: SEX, RACE, HT, WT, EYES, HAIR, DATE OF BIRTH, DRIVER'S LIC. NO., EXP. DATE, STATE

First

Middle

Last

Relationship to Petitioner:

Address where Respondent can be found:

Distinguishing Features:

WARNING TO LAW ENFORCEMENT: RESPONDENT HAS 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 on _____ . The following individuals were present: _____

The parties agree to waive their notice and hearing rights and their rights under Civ. R. 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 telephone 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, day care center, 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 those 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 the law enforcement agency that served Respondent with the Order or as follows _____ and Petitioner 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 paragraphs 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 seven days of the filing of this Order. Arrangements may be made by contacting: _____

17. **RESPONDENT SHALL NOT USE OR POSSESS** alcohol or illegal drugs.

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 _____ a.m. / p.m, to review Respondent's compliance with the 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 federal and state 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 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's Office
- 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 :

_____ :
Address : Judge _____

_____ :
City, State, Zip Code :

v. :

**MOTION TO MODIFY OR TERMINATE DOMESTIC
VIOLENCE CIVIL PROTECTION ORDER OR CONSENT
AGREEMENT**

_____ :
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 :

_____ :
City, State, Zip Code :

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

The terms of the civil protection order or 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 or Consent Agreement.

Respectfully submitted,

SIGNATURE OF PETITIONER/RESPONDENT

Address where Petitioner/Respondent can be contacted:

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.

Signature of Attorney for 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: _____

IN THE COURT OF COMMON PLEAS
COUNTY, OHIO

Petitioner : Case No. _____

Date of Birth: _____ :
Judge _____

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

Respondent :
Date of Birth: _____ :

Upon the motion of Petitioner Respondent, this proceeding came on for a hearing on _____
before the Court 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 civil 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 R.C. 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 R.C. 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 (Form10.01-M) 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 section R.C. 3113.31(E)(8), this Order is indexed at

Case No.

Judge _____

County State OHIO

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

LAW ENFORCEMENT AGENCY WHERE INDEXED

() -
PHONE NUMBER

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____
Petitioner's Family or Household Member(s)(May attach additional forms):

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: _____

WARNING TO LAW ENFORCEMENT: RESPONDENT HAS 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 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 R.C. 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 telephone 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, day care centers, 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 those 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 protected person.** [NCIC 05]
- 8. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE** _____ to the law enforcement agency that served Respondent with the Order or as follows _____ and Petitioner 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 paragraphs 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 seven days of the filing of this Order. Arrangements may be made by contacting: _____

17. **RESPONDENT SHALL NOT USE OR POSSESS** alcohol or illegal drugs.

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 _____ a.m. / p.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 of 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 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 Civil Protection Order 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's Office
 Police Department Where Petitioner Resides: _____
 Police Department Where Petitioner Works: _____
 CSEA
 Other: _____

FORM 10.01-N: HOW TO COMPLETE A MOTION FOR CONTEMPT FOR VIOLATING A DOMESTIC VIOLENCE CIVIL PROTECTION ORDER

ENFORCING YOUR CIVIL PROTECTION ORDER

Violating a Domestic Violence Civil Protection Order (“CPO”) is a crime. If the Order is violated, call the police or prosecutor. You may also bring a contempt action in the Court that issued your 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.

FORM YOU WILL NEED

You can get the Motion from the Clerk of Court. 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 the Motion 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.

FILING THE MOTION FOR CONTEMPT OF A DOMESTIC VIOLENCE CPO

- Present your completed Motion to the filing window/counter of the Clerk of Court’s office for filing.
- A Clerk of Court’s office employee helps you file the Motion.
- 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

State 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 obey 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.

- 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, day care center, or child care provider of the protected persons.
- 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 used or possessed alcohol and/or illegal drugs 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 R.C. 2921.11.

SIGNATURE OF PETITIONER/RESPONDENT

Case No. _____

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 _____, _____.

Address

NOTARY PUBLIC

Signature of Attorney (if applicable)

Name

Address

Attorney Registration Number

Phone Number

INSTRUCTIONS FOR SERVICE

Please serve a copy of the foregoing Motion upon _____ by personal service or certified mail, return receipt requested at the following address: _____

IN THE _____ COURT
 _____ COUNTY, OHIO

Order of Protection

Per R.C. 2919.26(G)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

() -
 PHONE NUMBER

STATE OF OHIO/CITY OF _____
 v. _____

DEFENDANT

Case No. _____

Judge _____

County _____

State

OHIO

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

New Order Modification of Previous Order

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: _____

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: _____

**WARNING TO LAW ENFORCEMENT:
 RESPONDENT HAS FIREARMS ACCESS –
 PROCEED WITH CAUTION**

Ex Parte DVTPO Granted: _____ (Date)

DVTPO Granted: _____ (Date)

(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 DVTPPO)

(DVTPPO)

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 in addition to any bail set under Crim. R. 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, day care centers, 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 telephone 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 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 those 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 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]
- 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 seven 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 USE OR POSSESS alcohol or illegal drugs.

12. IT IS FURTHER ORDERED: [NCIC 08] _____

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 of by this Court or by the court of common pleas to which the defendant is bound over for prosecution; or (3) until a Court issues a Domestic Violence 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.

MAGISTRATE – DATE OF *EX PARTE* DVTPO

JUDGE – DATE OF *EX PARTE* DVTPO

MAGISTRATE – DATE OF DVTPO

JUDGE – DATE OF DVTPO

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's Office

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 TEMPORARY 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
_____ COUNTY, OHIO

STATE OF OHIO/CITY OF _____ :

Case No. _____

v. _____

Judge _____

DEFENDANT _____ :

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

_____ (Name of person), moves the Court to issue a protection order containing terms designed to ensure the safety and protection of the complainant or the alleged victim in the above captioned case, in relation to the named defendant, pursuant to its authority to issue a protection order under R.C. 2903.213.

A complaint, a copy of which has been attached to this motion, has been filed in this Court charging the named defendant with a violation of R.C. 2903.11 (*Felonious Assault*), 2903.12 (*Aggravated Assault*), 2903.13 (*Assault*), 2903.21 (*Aggravated Menacing*), 2903.211 (*Menacing by Stalking*), 2903.22 (*Menacing*), or 2911.211 (*Aggravated Trespass*) or a violation of a municipal ordinance substantially similar to R.C. 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211, or the commission of sexually oriented offenses as defined in R.C. 2950.01.

I understand that I must appear before the Court, at a time set by the Court not later than the next day that the Court is in session after the filing of this motion, for a hearing on the motion, and that any protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint or until the issuance under R.C. 2903.214 of a protection order arising out of the same activities as those that were the basis in the attached complaint.

Signature of Alleged Victim

Address of Alleged Victim

NOTES: (1) *This form must be provided by the Clerk of Court, per R.C. 2903.213(B).*

(2) *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 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.*

IN THE _____ COURT
 _____ COUNTY, OHIO

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 _____

County _____ State **OHIO**

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

New Order Modification of Previous Order

ALLEGED VICTIM

 First Middle Last

PERSON(S) PROTECTED BY THIS ORDER:

Alleged Victim _____ DOB: _____
 Alleged Victim's Family or Household Member(s) (May attach additional form):
 _____ 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: _____

- WARNING TO LAW ENFORCEMENT: DEFENDANT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**
- Ex Parte CRPO Granted:** _____ (Date)
- CRPO Granted:** _____ (Date)

(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 against and contacting 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.

This matter came before the Court on _____ 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, 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, day care centers, 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 telephone 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 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 those 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 court of common pleas to which the Defendant is bound over for prosecution; or (3) until the Court issues a Civil Stalking Protection Order ("CSPO") or Civil Sexually Oriented Offense Protection Order ("CSOOPO") arising out of the same activities as those that were the basis of the complaint filed in this action.

IT IS SO ORDERED.

MAGISTRATE – DATE OF EX PARTE CRPO

JUDGE – 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 the Domestic Violence Temporary Protection Order ("DVTPO") forms and procedures under R.C. 2919.26, and/or Domestic Violence Civil Protection Order ("DVCPO") 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 _____ County Sheriff's Office

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 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**

Petitioner	:	Case No.	
Address	:	Judge	
City, State, Zip Code	:	PETITION FOR CIVIL STALKING PROTECTION ORDER OR CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION ORDER (R.C. 2903.214)	
Date of Birth: _____	:		
v.	:	Notice to Petitioner: Check every <input type="checkbox"/> that applies.	
Respondent	:	DO NOT WRITE YOUR ADDRESS ON THIS FORM IF YOU ARE REQUESTING CONFIDENTIALITY. PLEASE PROVIDE ANOTHER ADDRESS WHERE YOU CAN RECEIVE NOTICES FROM THE COURT.	
Address	:		
City, State, Zip Code	:		
Date of Birth: _____	:	The Respondent does NOT have to be related to Petitioner in any way for Petitioner to be eligible for relief.	

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 R.C. 2950.01.

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

(a) For a civil stalking protection order due to menacing by 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.

(b) For a 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 protection order due to a sexually oriented offense.

(c) For electronic monitoring of the Respondent, describe the nature and extent of the Respondent's conduct before 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.

4. Petitioner requests the Court grant relief under R.C. 2903.214 for the Petitioner and the family or household members named in this Petition by granting a Civil Stalking Protection Order or Civil 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, child care providers, 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 R.C. 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 R.C. 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.

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)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

()

PHONE NUMBER

Case No. _____

Judge _____

County _____

State

OHIO

CIVIL STALKING PROTECTION ORDER *EX PARTE*
(R.C. 2903.214)

CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION
ORDER *EX PARTE* (R.C. 2903.214)

PETITIONER:

FirstMiddleLast

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____

Petitioner's Family or Household Member(s): _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT:

FirstMiddleLast

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: _____

WARNING TO LAW ENFORCEMENT: RESPONDENT HAS 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 civil stalking protection order or civil sexually oriented offense protection order against the Respondent, pursuant to R.C. 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 protected persons named herein are in immediate and present danger and, for good cause shown, the following temporary orders are necessary 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, day care centers, 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 telephone 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 those 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**
_____ , _____ .

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 _____ County Sheriff's Office
 Other: _____

IN THE COURT OF COMMON PLEAS
 _____ COUNTY, OHIO

Order of Protection

Per R.C. 2903.214(F)(3), this Order is indexed at

 LAW ENFORCEMENT AGENCY WHERE INDEXED

() - _____
 PHONE NUMBER

Case No.

Judge _____

County State **OHIO**

CIVIL STALKING PROTECTION ORDER FULL HEARING (R.C. 2903.214)

CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION ORDER FULL HEARING (R.C. 2903.214)

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: _____

WARNING TO LAW ENFORCEMENT: RESPONDENT HAS 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 Civil Stalking Protection Order *Ex Parte* or Civil Sexually Oriented Offense Protection Order *Ex Parte* filed on _____ 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 R.C. 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 before 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, day care centers, 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 03]

3. **RESPONDENT SHALL NOT INTERFERE** with protected persons' right to occupy the residence including, but not limited to canceling utilities, insurance, interrupting telephone 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 those 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. **RESPONDENT IS ORDERED TO COMPLETE** the following counseling program: _____

Respondent shall contact this program within seven 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 _____ a.m. / p.m., to review Respondent's compliance with this Counseling Order. Respondent is warned: If you fail to attend the 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 USE OR POSSESS** alcohol or illegal drugs.
- 13. **RESPONDENT SHALL BE SUBJECT TO ELECTRONIC MONITORING.** Respondent is ordered to report to _____ for the placement 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.

15. ALL OF THE TERMS OF THIS ORDER REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF FIVE YEARS FROM ISSUANCE, OR UNTIL _____

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 following date:

_____, _____

By: _____
CLERK OF COURT

TO THE CLERK

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

- Petitioner
- Respondent
- Police Department Where Petitioner Resides: _____
- Police Department Where Petitioner Works: _____
- The _____ County Sheriff's Office
- Other: _____
- Attorney for Petitioner
- Attorney for Respondent

WAIVER

I, _____, understand that I have the right to a full hearing on the Petition for Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order, and acknowledge each of the following:

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

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

RESPONDENT: _____

DATE: _____

FORM 10.03-G: HOW TO OBTAIN A CIVIL STALKING PROTECTION ORDER OR CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION ORDER

These instructions are intended to assist you in preparing the Petition for a Civil Stalking Protection Order or Sexually Oriented Offense Protection Order, which can only be heard by the court of common pleas 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 caused you to file the Petition. Exact date(s) is not necessary; approximate time frame may be sufficient. If you are requesting a civil stalking 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. (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(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 civil sexually oriented offense 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 before 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 Court’s 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.

FEES

Under federal and state law, you cannot be charged any costs or fees for filing and obtaining a protection order.

FORM 10.03-H: WARNING CONCERNING THE ATTACHED PROTECTION ORDER

NOTE: Rule 10.03 of the Rules of Superintendence for the Courts of Ohio requires this Warning to be attached to the **FRONT** of all protection orders issued pursuant to R.C. 2903.213 and 2903.214 by the courts of the State of Ohio. **TO BE USED WITH FORMS 10.03-B, 10.03-E, and 10.03-F.**

WARNING TO RESPONDENT/ DEFENDANT

Violating the attached Protection Order is a crime, punishable by imprisonment or fine or both, and can cause your bond to be revoked or result in a contempt of court citation against you.

This Protection Order is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. Territories pursuant to the Violence Against Women Act, 18 U.S.C. 2265. Violating this Protection Order may subject you to federal charges and punishment.

As a result of this Order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

Only the Court can change this Order. The Petitioner/Alleged Victim cannot give you permission to violate this order. If you go near the Petitioner or other protected persons, even with their consent, you may be arrested. You act at your own risk if you disregard this WARNING. If you want to change the Order you must ask the Court.

WARNING TO PETITIONER / ALLEGED VICTIM

You cannot change the terms of this Order by your words or actions. This Order **cannot** be changed by either party without obtaining a written court order.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violating this Protection Order, whether it is a criminal or civil Protection Order, is a crime under R.C. 2919.27. Law enforcement officers with powers to arrest for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2919.27, 2903.213, and 2903.214. If you have reasonable grounds to believe that Respondent/Defendant has violated this Protection Order, in Ohio under R.C. 2935.03, you should arrest and detain Respondent/Defendant until you can obtain a warrant. Federal and state laws prohibit charging a fee for service of this order.

FORM 10.04-A: NOTICE CONCERNING POSSESSION OR PURCHASE OF FIREARMS

NOTE: Rule 10.04 of the Rules of Superintendence for the Courts of Ohio requires notice of possible firearm restrictions be provided to the Defendant before entering a guilty plea or plea of no contest to a misdemeanor crime of violence against a family or household member.

Pursuant to R.C. 2943.033, you are advised that if you enter a guilty plea or plea of no contest to a misdemeanor crime involving violence where you are or were any of the following:

- A spouse, person living as a spouse, former spouse of the Alleged Victim;
- A parent or child of the Alleged Victim;
- A parent or child of a spouse, person living as a spouse, or former spouse of the Alleged Victim;
- The natural parent of any child of whom the Alleged Victim is the other natural parent or the putative natural parent

it may be unlawful for you to ship, transport, purchase, or possess a firearm or ammunition as a result of any conviction for a misdemeanor offense of violence pursuant to federal law under 18 U.S.C. 922(g)(9).

If you have any questions whether this law makes it illegal for you to ship, transport, purchase, or possess a firearm or ammunition, you should consult an attorney.