

Civil Stalking Protection Orders & Mediation:
An Untenable Pairing or an Innovative Solution?

Magistrate Richard Altman
 James Petas
 Diana Ramos-Reardon
 Hon. John Russo
 Jennifer Shack

Welcome & Introductions

- Magistrate Richard Altman, Fulton & Henry Counties, Ohio Chairperson, Supreme Court of Ohio Commission on Dispute Resolution
- James Petas, Senior Mediator, Member, Supreme court of Ohio Commission on Dispute Resolution
- Diana Ramos-Reardon, Policy Counsel, Supreme Court of Ohio
- Hon. John Russo, Cuyahoga County Court of Common Pleas
- Jennifer Shack, Director of Research, Resolution Systems Institute (RSI)

Background: CSPO Mediation is Prohibited

- In 1997, the Supreme Court of Ohio adopted a rule to regulate the manner in which mediation would be used in court proceedings
- The rule expressly prohibits the use of mediation in the prosecution or adjudication of domestic violence and protection order cases

Ohio Revised Code §2903.214

This special statutory relief is not limited by the nature of the relationships between the parties.



Traditional Case Types

- Sexually Oriented Offenses
- Menacing by Stalking
- Intimate Partners & Non-intimate Partners
- Competing Cases

What has Changed?



- Increase in Non-Traditional Case Types – NEW!**
- Neighbor v Neighbor
 - Landlord v Tenant
 - Tenant v Tenant
 - Employee v Supervisor
 - Co-Workers
 - Roommates
 - Siblings
 - Extended Family/In-Laws
 - Social Acquaintances
 - Current and Former Dating Partners

Increase in Cases

In Franklin County, Ohio there can be as many as 120 civil stalking protection order cases filed in one week.

30-50% of the cases may involve non-traditional allegations such as neighbors fighting, landlords and tenants disputing, or co-employees in conflict with one another

Mediation: An Innovative Solution?

Partnership

Supreme Court of Ohio Commission on Dispute Resolution
&
Supreme Court of Ohio Domestic Violence Advisory Committee

Pilot Court Mediation Program

- Temporary Rules Enacted
 - Rules of Superintendence 1.01 – 1.08
 - Effective June 1, 2017 – December 31, 2018
 - Competitive Selection of Pilot Courts

12 Courts
 Cuyahoga
 Fulton
 Geauga
 Henry
 Licking
 Lucas
 Medina
 Portage
 Summit
 Trumbull
 Warren
 Williams

Pilot Court Mediation Program - Rules

- Common platform to conceptualize and conduct mediation of civil protection order cases
- Required training session for all pilot court sites
- Criteria to identify eligible and ineligible cases for mediation

Pilot Court Mediation Program - Rules

- Cases involving domestic violence, family or household members, and sexually oriented offenses are expressly noted as ineligible
- Evaluative component to test the viability of pilot project
- Expressly incorporates privilege and confidentiality
- Public records limitations and protections

Successes & Challenges of Implementation

Successes

- Settlement
- Community acceptance
- Positive participant feedback
- Widespread court interest
- IT WORKS!

Challenges

- Creating a culture of change
- Timing of mediation
- Mediated agreements?
- Court Administration
- Quality Assurance

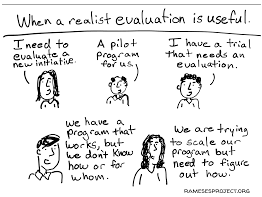
What Is Evaluation, Anyway?

- Ongoing v time-limited
- Performance Assessment
- Process Review
- Actionable Recommendations



When Should I Evaluate?

- New program
- Big changes to program
- Problems with program
- It's been a while
- Always*



How Do I Get Started?

- Use validated tools
- Consult with other courts/programs
- Get expert advice to gain capacity
- Make it your own

How Do I Make Sure I Get the Data?

- Match data to program
- Integrate it into administration
- Make it part of mediation process
- Communicate

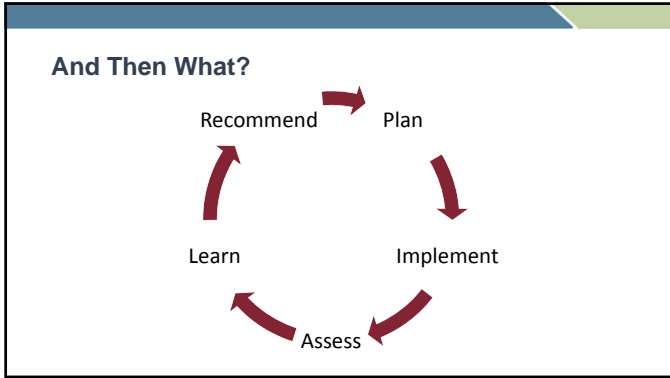
What Else Should I Know?

It's all about whether and why: the best explanation from the available information.



What Can Evaluation Tell Me?

- Civil Stalking Pilot Outcomes
- 18 cases mediated
 - 15 agreements
 - 1 – 7 mediations per program



~~Un~~Tenable Solutions –
Next Steps

- Next Steps**
- CSPO Mediation must be voluntary
 - More emphasis on pre-mediation screening
 - More prevalent use of caucus
 - Training Requirements
 - Domestic violence education
 - Bench cards for judicial officers
 - Safety protocols
 - Grant funding – Caution!
 - Litigant education
 - Participant feedback, evaluation, and monitoring

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RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

Temp.Sup.R. 1.01. Definitions.

As used in Temp.Sup.R. 1.01 through 1.08:

(A) Civil stalking protection order

“Civil stalking protection order” means an order issued pursuant to R.C. 2903.214.

(B) Domestic violence

“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).

(C) Family or household member

“Family or household member” has the same meaning as in R.C. 3113.31(A)(3).

(D) Mediation

“Mediation” has the same meaning as in R.C. 2710.01(A).

(E) Mediation communication

“Mediation communication” has the same meaning as in R.C. 2710.01(B).

(F) Mediation party

“Mediation party” has the same meaning as in R.C. 2710.01(E).

(G) Serious physical harm

“Serious physical harm” has the same meaning as “serious physical harm to persons” in R.C. 2901.01(A)(5).

(H) Sexually oriented offense

“Sexually oriented offense” has the same meaning as in R.C. 2950.01(A).

Temp.Sup.R. 1.02. Pilot Project Courts.

(A) Designation

The Chief Justice of the Supreme Court shall designate up to twelve courts of common pleas to participate in a mediation of civil stalking protection order cases pilot project

pursuant to Temp.Sup.R. 1.01 through 1.08. Such courts shall be styled “pilot project courts.” The Commission on Dispute Resolution shall recommend to the Chief Justice courts for designation as pilot project courts. The Chief Justice shall designate a court as a pilot project court only if the court agrees to participate in the pilot project.

(B) Mediation authority

Notwithstanding any rule of the Rules of Superintendence for the Courts of Ohio or local rules of court to the contrary, participating judges and magistrates of a pilot project court shall be authorized to mediate civil stalking protection order cases pursuant to the requirements of Temp.Sup.R. 1.01 through 1.08.

(C) Training

In each pilot project court, the following individuals shall complete an orientation and training seminar on mediation of civil stalking protection order cases to be offered by the Dispute Resolution Section of the Supreme Court:

- (1) Each participating judge or magistrate of the court who will use mediated agreements in civil stalking protection order cases;
- (2) Each mediator who will be appointed to mediate civil stalking protection order cases;
- (3) Any other court personnel the participating judges deem appropriate.

Temp.Sup.R. 1.03 Scope of Pilot Project.

(A) Cases eligible for mediation

A participating judge or magistrate of a pilot project court shall accept a civil stalking protection order case for mediation if all of the following conditions are met:

- (1) The case is within the statutory jurisdiction of the court;
- (2) The petitioner and respondent have the capacity to negotiate an agreement that is satisfactory;
- (3) The petitioner and respondent are knowingly and voluntarily participating based on informed consent, in good faith, free from coercion or intimidation, and absent from coercive, controlling, or abusive conduct.

(B) Cases not eligible for mediation

A participating judge or magistrate of a pilot project court shall not accept a civil stalking protection order case for mediation if any of the following conditions are met:

- (1) The petitioner is a family or household member of the respondent;
- (2) The allegations in the civil stalking protection order petition involve domestic violence or a sexually oriented offense;
- (3) The mediation may result in excusing the violence or violent conduct of the respondent or would be used to negotiate any type of violence alleged in the petition;
- (4) The pattern of conduct or threat of violence from the respondent limits the petitioner from negotiating without fear, intimidation, or concern for the safety of a family or household member;
- (5) Any other circumstance that disfavors the use of mediation in the case, including but not limited to any of the following:
 - (a) Ongoing physical violence;
 - (b) Threats of serious physical harm or the threatened use of firearms;
 - (c) Coercion or intimidation based on past violence;
 - (d) The petitioner's fear of the respondent despite the implementation of safety precautions;
 - (e) Controlling or manipulative conduct or hostility from the respondent toward the petitioner or the mediation process;
 - (f) Any other circumstance deemed relevant that puts the petitioner, respondent, or mediator at risk of harm or abuse.

(C) Process for mediation

- (1) A participating judge or magistrate of a pilot project court hearing a civil stalking protection order case may assess the case for mediation eligibility after the filing of the petition and before the full hearing.
- (2) Upon determining the suitability of a civil stalking protection order case for mediation, the judge or magistrate may grant an ex parte civil protection order and shall hold the mediation before the full hearing.

(3) The judge or magistrate, at the judge's or magistrate's sole discretion and for good cause shown, may continue the case and shall extend the duration of the ex parte civil protection order, if one has been granted, to allow adequate time for effective screening of the parties and scheduling and holding the mediation.

(D) Requirements during mediation

A civil stalking protection order case determined to be eligible for mediation shall be subject to both of the following requirements:

- (1) Regardless of the expressed interest of the petitioner and respondent to mediate the civil stalking protection order case, it shall be at the sole discretion of the mediator to accept or terminate the case after assessing the capacity of the parties to mediate;
- (2) The mediator shall take reasonable precautions to create a safe mediation environment.

Temp.Sup.R. 1.04 Pilot Project Evaluation.

The Commission on Dispute Resolution and the Advisory Committee on Domestic Violence shall collect, analyze, correlate, and interpret information and data concerning the mediation of civil stalking protection order cases from each of the pilot project courts. The Chief Justice of the Supreme Court or the Chief Justice's designee may require pilot project courts to provide any necessary information and data in order for the Commission on Dispute Resolution and the Advisory Committee on Domestic Violence to discharge this duty.

Temp.Sup.R. 1.05 Privilege.

(A) General and exception

Except as provided in R.C. 2710.05, mediation communications in connection with civil stalking protection order cases eligible for mediation are privileged pursuant to R.C. 2710.03.

(B) Waiver

The privilege for mediation communications in civil stalking protection order cases eligible for mediation may be waived pursuant to R.C. 2710.04.

Temp.Sup.R. 1.06 Confidentiality.

(A) General

Mediation communications in connection with civil stalking protection order cases eligible for mediation are confidential pursuant to R.C. 2710.07. No one shall disclose such communications unless all mediation parties and the mediator consent to disclosure in writing or on the record in open court.

(B) Exceptions to confidentiality

(1) Mediation parties may share mediation communications with their attorneys and a victim advocate.

(2) A mediator shall inform a participating judge or magistrate of a pilot court or report to the proper authorities the following mediation communications:

- (a) Allegations of abuse or neglect of a child;
- (b) The imminent threat of physical harm to self or another person;
- (c) Statements to plan or hide an ongoing crime;
- (d) Statements that reveal a felony.

(C) Penalties

A participating judge or magistrate hearing a civil stalking protection order case may impose penalties for any improper disclosure made in violation of this rule.

Temp.Sup.R. 1.07 Public Access.

Information collected from or generated by participating judges, magistrates, mediators, court personnel, and mediation parties pursuant to mediation of civil stalking protection order cases shall not be available for public access pursuant to Sup.R. 44 through 47.

Temp.Sup.R. 1.08 Term of Temporary Rules.

Temp.Sup.R. 1.01 through 1.08 adopted by the Supreme Court on May 2, 2017, shall take effect June 1, 2017, and shall remain in effect through December 31, 2018, unless extended, modified, or withdrawn by the Supreme Court prior to that date. Any mediation of a civil stalking protection order case pending after the term of these temporary rules shall continue pursuant to the requirements of the rules until final disposition thereof.

RULE 99. Effective Date.

[Existing language unaffected by the amendments is omitted to conserve space]

| (BBB) New Temp.Sup.R. 1.01 through 1.08, adopted by the Supreme Court of Ohio on May 2, 2017, shall take effect on June 1, 2017.



CIVIL STALKING PROTECTION ORDER MEDIATION PILOT PROJECT

FREQUENTLY ASKED QUESTIONS

What is mediation?

Mediation is a voluntary process in which a mediator facilitates communication and negotiation between the parties to assist them reach a voluntary agreement regarding the allegations in the civil stalking protection order (CSPO) petition. Whether and how a case resolves depends on the parties.

In mediation, the parties have control over the outcome of the case. In litigation, control over a cases' outcome, i.e., granting or denying of the CSPO, is in the hands of a judge or magistrate. Although the goal of mediation is to reach a voluntary agreement, you are not required to reach an agreement in mediation. If the mediation is unsuccessful, the case will go back before a judge or magistrate to determine the granting or denying of the protection order.

Who will mediate my case?

A mediator can be a magistrate, lawyer or non-lawyer professional who meets established training requirements. Mediators are neutral and impartial third parties, who

- Do not give legal advice;
- Do not have a financial interest in the outcome of the case;
- Do not make decisions about the case;
- Do not have the power to grant or deny the CSPO.

A mediator helps parties discuss their conflict so that they are better able to develop and analyze options to voluntarily resolve the dispute if they want to do so.

Can my case be mediated?

Although mediation is generally not allowed for CSPO cases, the Supreme Court of Ohio established a pilot project to study the usefulness of mediation in certain CSPO cases. This

Court was selected among Ohio's 88 counties to participate in the pilot project. Not all CSPO cases can be mediated.

Who determines whether a case will be offered mediation services?

The decision to offer mediation in is at the discretion of the Court and mediator on a case by case basis.

What cases are not appropriate for mediation?

Mediation is not appropriate under any of the following circumstances:

- The petitioner is a family or household member of the respondent.
- The allegations involve domestic violence or a sexually oriented offense.
- The mediation may result in excusing the violence or violent conduct or would be used to negotiate any type of violence alleged in the petition.
- The petitioner cannot negotiate without fear, intimidation, or concern for the safety of a family or household member.
- There is ongoing physical violence.
- There are threats of serious physical harm or the threatened use of firearms.
- There is coercion or intimidation based on past violence.
- The petitioner fears the respondent despite the safety precautions.
- Respondent's controlling or manipulative conduct or hostility toward the petitioner or the mediation process will not allow a positive or successful outcome.
- Any other circumstance deemed relevant by the court or mediator that puts the petitioner, respondent, or mediator at risk of harm or abuse.

What participants can expect?

Mediation conferences are relatively informal, even though they are official Court proceedings.

- Mediation is voluntary. If you elect to mediate, you can refuse to continue with the mediation at any time.

- The parties should expect to be treated respectfully by the mediator and other party, including his or her lawyer and victim advocate.
- The mediator will meet separately with the parties to make sure there is no coercion, explain how mediation works, and ascertain the parties have capacity to mediate.
- Mediation may take place in one room or in separate rooms, depending on safety concerns. When the parties are in separate rooms, the mediator will go from one room to the other communicating with each party important information.
- Mediation communications are confidential. Unless the parties and mediator give written permission to disclose, the information discussed during the mediation cannot be disclosed.

There are few exceptions to the confidentiality rule. The mediator will let the Court know if:

- (1) An agreement has been reached. The parties will decide how the agreement will take effect.
- (2) The mediation did not occur. The case will be set for a full hearing.
- (3) The mediation was terminated. The case will be set for a full hearing.
- (4) No agreement reached. The case will be set for a full hearing.

What the court expects?

The Court expects parties to come to mediation with an open mind and to demonstrate respect for all participants throughout the mediation process.



CIVIL STALKING PROTECTION ORDER MEDIATION PILOT PROJECT

INFORMATION FOR COURTS

Mediation

Temp. Sup.R. 10.01 through 1.08 allow designated pilot project courts to mediate civil stalking protection order (CSPO) cases. Generally, mediation means any process in which a mediator facilitates communication and negotiation between parties to assist them in reaching an agreement regarding their dispute. While mediation does not guarantee a settlement, it offers some benefits over traditional adjudicatory hearings, including:

- Timelier and less expensive way of resolving disputes
- Increased satisfaction and willingness to comply with the terms of an agreement
- Tailored to a particular situation and interests of parties
- Preserving a relationship or terminating the relationship less acrimonious

Additionally, mediated agreements tend to withstand the test of time. Notwithstanding the many benefits of mediation, it is important to realize that voluntary agreements may not be easily enforceable.

Mediation sessions may be terminated at any time by any party or the mediator as it is a voluntary process. Although the goal of mediation is to reach an agreement, the parties are not required to reach an agreement in mediation. If the mediation is unsuccessful in the context of a CSPO case, the case will proceed to the full hearing where the judicial officer will grant or deny the protection order. Petitioner and Respondent are permitted to have a support person, e.g., attorney, friend, spouse, victim advocate or any other person designated by a party, during the mediation.

To promote candid, honest, and open communication between parties Temp.Sup.R. 1.05 and 1.06 provide that mediation communications are privileged and confidential. This means that what is said and shared in mediation will not be subject to discovery or admissible in evidence in a subsequent court proceeding unless the parties agree to disclose their communications. There are exceptions to the privilege and

confidentiality provision, including sharing with the court a written mediation agreement or disclosing to the court threats of violence or attempts to commit or conceal a crime. Mediation parties may, however, share mediation communications with their attorneys and a victim advocate. Penalties may be imposed for any improper disclosure of mediation communications.

Referral

Temp.Sup.R. 1.03(A) provides designated pilot project courts the construct for determining which CSPO cases may be appropriately referred to mediation. If a CSPO case is referred to mediation and the parties are unable to reach an agreement, for whatever reason, the case must be scheduled for a full hearing to rule on the petition. In counties where a magistrate may also serve as a mediator, the judicial officer adjudicating the petition cannot be the same person who served as mediator.

Temp. Sup.R. 1.03(B) outlines the criteria that make CSPO cases ineligible for mediation. The court should take particular note that the following cases are not eligible for mediation and should be scheduled for full hearing as set forth cases in R.C. 2903.214:

- Parties who are family or household members (spouse of Respondent; former spouse of Respondent; natural parent of Respondent's child; child of Respondent; parent of Respondent; foster parent; person living as spouse of respondent—now cohabiting or cohabited within 5 years before alleged acts; or other relative related by blood or marriage who has lived with Respondent at any time).
- Domestic violence act (any of the following if alleged between family or household members: attempting to cause or recklessly causing bodily injury; placing another person by the threat of force in fear of imminent serious physical harm or committing menacing by stalking or aggravated trespass; committing any act with respect to a child that would result in the child being an abused child; or committing a sexually oriented offense).
- Sexually oriented offense (e.g., rape; sexual battery; gross sexual imposition; sexual imposition; importuning; voyeurism; compelling prostitution; promoting prostitution; pandering obscenity; pandering obscenity involving a minor; pandering sexually oriented matter involving a minor, or illegal use of minor in nudity-oriented material or performance).

CSPO cases that are ineligible for mediation must be scheduled for a full hearing to rule on the petition.

Screening

As in all mediation cases, screening is a critical aspect of the process. Upon determining that a CSPO case is appropriate for mediation, the continuous screening for safety and capacity to mediate is the hallmark of the process. The Petitioner and Respondent should be interviewed separately to ascertain each party's informed consent and voluntary participation. The court may use any screening instrument it finds appropriate for CSPO cases. See, for example, Sample Interview Questionnaire.

Outcome

When a CSPO case is referred to mediation, the referral may result in a number of outcomes. Each outcome may entail a different procedural consideration and response. The chart below summarizes the implication of each of the contemplated resolutions.

Outcome	Court's Procedural Considerations
Incorporate agreement as a term of the CSPO	<ul style="list-style-type: none"> • Grant CSPO (Form 10.03-F) • Indicate applicability of paragraphs 1-9 in CSPO • Make reference to agreement in paragraph 10 in CSPO • Require Respondent to sign the waiver • If ex parte CSPO issued, send Form 10-A and note new expiration date
Dismiss the Petition without prejudice	<ul style="list-style-type: none"> • Receive Petitioner's motion to dismiss CSPO • Issue judgement entry • If ex parte CSPO issued, send Form 10-A to remove
Treat agreement as court order	<ul style="list-style-type: none"> • Receive Petitioner's motion to dismiss CSPO • Issue judgment entry, which will incorporate agreement and notice invoking of the court's future jurisdiction • If ex parte CSPO issued, send Form 10-A to remove • See <i>Henneke v. Glisson</i>, 2008-Ohio-6759 (12th Dist.); <i>Wilson v. Rowe</i>, 2016-Ohio-523 (5th Dist.), and <i>Infinite Sec. Solutions, L.L.C. v. Karam Properties II, Ltd.</i>, 143 Ohio St.3d 346 (2015-Ohio-1101.)
Mediation did not occur; party no show	<ul style="list-style-type: none"> • Determine if appropriate to schedule another session • If ex parte CSPO granted, determine need to amend • Set case for full hearing to grant or deny CSPO • If ex parte CSPO issued, prepare Form 10-A
No agreement/ Mediation terminated	<ul style="list-style-type: none"> • Set case for full hearing to grant or deny CSPO • If ex parte CSPO issued, send Form 10-A to remove or modify • Refer to victim advocate for safety planning



THE SUPREME COURT *of* OHIO

CIVIL STALKING PROTECTION ORDER MEDIATION PILOT PROJECT PARTICIPANT FEEDBACK FORM

Please complete the survey at the end of the session before leaving the mediation room. The information you provide is invaluable for informing and shaping future mediation rules for civil stalking protection order (CSPO) cases.

I am (check one):

- Petitioner Respondent Petitioner's Attorney Respondent's
 Attorney Victim Advocate Other (Please specify): _____

1. When the judge or magistrate talked to you about mediation, did you feel like you could choose whether to come?

- Yes, very much Somewhat No

2. Did you reach a written agreement in the mediation?

- Yes No

3. If you reached an agreement, please describe:

- The Agreement was included in the Civil Stalking Protection Order
 The Agreement included a request to dismiss the Civil Stalking Protection Order
 The Agreement extended the duration of the Ex Parte Civil Stalking Protection Order
 The Agreement was entered as a court order, but not as a protection order

4. How do you feel about the mediation?

- It was fair It was not fair

5. Would you say that the mediator:

- Favored you Was neutral Favored the other party

6. **Were you able to talk about the issues and concerns that were most important to you?**
- I was able to talk about all of the issues and concerns that were most important to me
 - I was able to talk about most of the issues and concerns that were most important to me
 - I was able to talk about some of the issues and concerns that were most important to me
 - I was able to talk about none of the issues and concerns that were most important to me
7. **How well would you say the mediator understood your views?**
- Very well
 - Somewhat
 - Not at all
8. **During the mediation, did you feel scared of the other party to say what you wanted to say?**
- Yes, very much
 - Somewhat
 - No
9. **Did you feel you had an opportunity to help decide the outcome of the dispute?**
- Yes, definitely
 - I had some input
 - No
10. **Did the mediation help you understand the other party's view better?**
- Yes
 - No
11. **Overall, how do you feel about your experience with mediation?**
- Very satisfied
 - Satisfied
 - Dissatisfied
 - Very dissatisfied
12. **Would you recommend mediation to others?**
- Yes
 - No
13. **Was the mediation conducted in a timely manner?**
- Yes
 - No
14. **How has the mediation process helped you?**
15. **What would have made it even more helpful?**
16. **Other comments:**

MEDIATION SCREENING QUESTIONNAIRE

This questionnaire is a tool we use to give you an opportunity to inform us of any fears you may have because of past or present violence, or threats of violence in the family. The information we receive will assist us in providing you with a safe environment for a successful mediation session.

Mediation can be an extremely powerful tool that allows you to express your opinions clearly while teaching you new communication skills that will benefit both you and the other party. However, we realize to successfully express your feelings, you first must feel safe and secure during the mediation process. As a result of honestly answering all the questions in this form, we will be better prepared to help you in your situation.

Please think about these questions and write out brief answers for us to look at before your mediation appointment. If you have any fears about filling out this form, please just bring the form with you to your pre-mediation screening appointment and we can easily talk about your concerns at that time.

****YOUR ANSWERS TO THESE QUESTIONS WILL BE KEPT STRICTLY CONFIDENTIAL AND WILL NOT BE SEEN BY THE COURT, ATTORNEYS, OR THE OTHER PARTY.****

Thank you for your time in completing this form. We believe that if you and the other party keep an open mind and attempt to work towards a resolution, your mediation experience will be a successful one that resolves many areas of disagreement that you and the other party may have.

Very truly yours,

Mediation Coordinator

NAME: _____

Is there any reason for you to be afraid of the other party in this case? **YES / NO**

Has the other party ever threatened you or your children with physical violence? **YES / NO**

Has the other party ever used any type of physical force towards you or your children? (i.e. hitting, pushing, choking, kicking, etc.) If yes, explain in detail including dates. **YES / NO**

Has the other party ever prevented you from leaving a situation when you wanted to? **YES / NO**

Has there been any physical violence due to the use of drugs or alcohol? **YES / NO**

Has anyone ever suggested that you or the other party should attend anger management classes or receive help for drug or alcohol abuse? **YES / NO**

Have you ever called the police to protect you or your children from the other party? **YES / NO**

Have you or the other party ever been convicted of domestic violence or a related offense? If yes, please list who, when, what Court and if they are on probation or parole: **YES / NO**

Have you ever had a restraining order against the other party? If yes, please tell me when and if it is still in effect. **YES / NO**

Have you ever stayed in a shelter to protect yourself or your children from the other party? If yes, please tell me when. **YES / NO**

Are you scared to answer any of these questions for any reason? If yes, why? **YES / NO**

Has the other party ever threatened to keep or harm the children or any other friends or family members if you did not cooperate with them? **YES / NO**

What kind of body language signs does the other party exhibit if they are angry, upset, or stressed?

What kind of body language signs do you exhibit if you are angry, upset, or stressed?

If you begin to feel uncomfortable during the mediation, would you be able to ask the Mediator for a break or ask to speak to the Mediator in private? **YES / NO**

Do you or the other party ever have problems controlling your emotions when you get angry, upset or stressed? **YES / NO**

*****If there is anything else you would like to tell the Mediator about your situation, please use the remaining space at the bottom of this page or space on the back.**

Henry County Mediation Screening Questionnaire

IN THE COURT OF COMMON PLEAS _____ COUNTY, OHIO
General Division

Petitioner

:

Case No. _____

v.

:

Judgment Entry Adopting Agreement

:

Respondent

This matter is before the Court upon a CSPO Mediation Agreement signed by both parties and dated _____. The Court has reviewed said CSPO Mediation Agreement, accepts the same and adopts the CSPO Mediation Agreement as an Order of this Court (as if fully rewritten herein). Further, both parties are advised that the Court does hereby retain jurisdiction to enforce this CSPO Mediation Agreement as an Order of this Court, following the Dismissal of this matter as set forth below.

Further, as per the terms of the CSPO Mediation Agreement, the Petition and any accompanying Ex Parte Orders, if any, previously entered in this matter, be and hereby are dismissed, without prejudice.

IT IS SO ORDERED.

JUDGE

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

Petitioner : Case No. _____

v. : Judge _____

Respondent : **JUDGMENT ENTRY ON MOTION TO DISMISS
CIVIL STALKING PROTECTION ORDER**

Upon request of _____ (Petitioner), Petitioner's Petition for Civil Stalking Protection Order filed on _____ is voluntarily dismissed without prejudice.

The Ex Parte Civil Stalking Protection Order issued on _____ is hereby dissolved and set aside.

Furthermore, the Court directs law enforcement to amend the expiration date of the Ex Parte Civil Stalking Protection Order to _____ and remove the order from the active NCIC Protection Order file. The Court has sent Form 10-A of the Rules of Superintendence for Ohio Courts to law enforcement and indicated the expiration date of the Ex Parte Civil Stalking Protection Order.

Petitioner and _____ (Respondent) have mediated the disputes alleged in the Petition for Civil Stalking Protection Order and have reached an agreement, which was memorialized in the CSPO Mediation Agreement and signed by the Petitioner and Respondent. The terms of the agreement are incorporated herein.

The court hereby retains jurisdiction to enforce the CSPO Mediation Agreement reached between the Petitioner and Respondent on _____ .

The court costs for this action are waived.

IT IS SO ORDERED.

MAGISTRATE

JUDGE

TO THE CLERK:
COPIES OF THIS ORDER SHALL BE DELIVERED TO:
<input type="checkbox"/> Petitioner
<input type="checkbox"/> Attorney for Petitioner
<input type="checkbox"/> Respondent
<input type="checkbox"/> Attorney for Respondent
<input type="checkbox"/> Other:

MOTION TO DISMISS AND VACATE CIVIL STALKING PROTECTION ORDER

IN THE COURT OF COMMON PLEAS
COUNTY, OHIO

Petitioner : Case No. _____

v. : Judge _____

Respondent : **MOTION TO DISMISS AND VACATE
CIVIL STALKING PROTECTION ORDER**

Now comes the Petitioner, _____ and moves this Court to dismiss without prejudice the Petition for a Civil Stalking Protection Order case filed on _____. Petitioner moves that the Ex Parte Civil Stalking Protection Order issued on _____ be dismissed.

The reason for this request to dismiss the Civil Stalking Protection Order action is that the Petitioner and Respondent have mediated the disputes alleged in the Petition and have reached an agreement.

Respectfully submitted,

SIGNATURE OF PETITIONER

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

NOTARY PUBLIC

REQUEST FOR SERVICE

Please serve a copy of the foregoing Motion upon Respondent, _____ by certified mail, pursuant to Civ,R, 65.1, at the following address: _____

PETITIONER

v.

CSPO MEDIATION AGREEMENT
(Temp.Sup.R. 1.01-1.08)

RESPONDENT

A mediation conference was held on _____ in accordance with Temp.Sup.R. 1.01 through 1.08.

The Petitioner agrees to dismiss the Civil Stalking Protection Order petition filed on _____ without prejudice.

The parties agree the Court retains jurisdiction to enforce this Agreement and the terms of this Agreement should be incorporated into the dismissal judgment entry. Furthermore, the parties acknowledge and agree that this Agreement does not have the full force and effect of a Civil Stalking Protection Order and is not enforceable as a protection order pursuant to R.C. 2903.214 or 2919.27.

The parties agree to incorporate this Agreement by reference as a term of the Civil Stalking Protection Order. The Respondent acknowledges that by mediating the allegations in the petition, Respondent has waived the right to have a full hearing; waived the right to cross-examine witnesses and review evidence in support of the CSPO; waived right to present witnesses and evidence, and waived the right to object to the issuance of the CSPO.

Furthermore, the parties agree to the following:

By signature below, we acknowledge that we have read, understand, and agree to this Agreement.

Petitioner: _____
Signature Date

Respondent: _____
Signature Date