

PLEASE ANSWER THE FOLLOWING QUESTIONS

Are there Criminal Charges filed in any Court? _____
Yes Yes No

Is there a Restraining Order against the Respondent in another Court?

Yes No

If Yes, Which Court? _____

If Charges are filed in another Court you need to supply this Court with a copy of the Complaint and the Temporary Orders issued by that Court.

Is the Respondent in Jail? _____
Yes No

Are there charges pending with the Prosecutor? _____
Yes No

Are there any types of reports filed with Law Enforcement? _____
Yes No

If Yes, which Law Enforcement Agency? _____

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 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 Criminal Domestic Violence 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 victims 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

You **cannot** be charged any costs or fees for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, or obtaining a protection order.

DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS (CPO)

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

A CPO is issued by a domestic relations 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 5 years. If the Respondent violates the CPO, you can call the police, go back to the domestic relations 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 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 on the same day a Petition for Civil Protection Order is filed. If a Petition for a CPO is filed early enough in the day, an *ex parte* hearing is held that same day. At the *ex parte* hearing, you take an oath to tell the truth and a judge or magistrate hears your statement of what happened. If the judge or magistrate finds that the events you described meet the requirements of the law, the Court will issue an *Ex Parte* CPO and schedule a full hearing. If the Respondent is asked to vacate the home in which you live, there will be a full hearing within 7 business days. Otherwise, a full hearing will be set within 10 business days. The Court can hold a full hearing only after the Respondent has been served with the *Ex Parte* CPO. You may need to fill out forms for the Clerk of 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 5 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.

CRIMINAL DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDERS (DVTPO)

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 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 web sites:

- | | |
|--|--|
| 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 |
| Supreme Court of Ohio – Domestic Violence Program | www.supremecourt.ohio.gov/domviol |

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, may be safer computers.

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 schedules a second hearing (called a "full hearing") within 7 to 10 business days to give the Respondent a chance to be heard. You must appear at the full hearing. Some issues, such as support, may be postponed until this second hearing.

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

DISCOVERY

Unless you have received an order from the Court regarding discovery, you have **no** obligation to comply with a deposition notice, interrogatories, request for production of documents, physical or mental examination, or request for admissions.

If ordered, the Court will indicate each of the following:

1. The time and place where discovery will be held;
2. The names of persons who can be in the room during discovery, including a victim advocate;
3. The necessary terms and conditions to keep everyone safe, including keeping the Petitioner's address confidential.

Discovery must be completed prior to the full hearing.

YOU MUST ATTEND THE FULL HEARING

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

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

The Respondent may have an attorney. You may want to ask for a continuance in order to get an attorney. The Respondent may also present evidence and call you as a witness. You may be asked questions by the Respondent or 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 and the Respondent decide to enter into a Consent Agreement, complete Form 10.01-J: Consent Agreement and Domestic Violence Civil Protection Order, which is contained in the Protection Order packet, and give it to the judge or magistrate. The Consent Agreement and Domestic Violence Civil Protection Order form is also available from your local court web site, the Supreme Court of Ohio web site, or your local court clerk of courts.

ENFORCING YOUR CPO

Your CPO remains in effect for 5 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 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 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 court about any pending criminal cases. Tell the criminal court about any pending domestic relations 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 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 (the party to be protected) 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 the 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, contact your local victim assistance program, domestic violence program, or the Ohio Domestic Violence Network at 800-934-9840.

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/Magistrate" 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 provide another mailing address where you can safely receive notices from the Court.
- On the top left-hand side of the front page, fill in the requested information about the Respondent as best you can.** You may use the Respondent's work address if you do not know Respondent's home address. If you do not know the 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 the 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 the Respondent to stay away from. If you do not want your present address known, write "address 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 protect you and your family or household members.
- Paragraph 5:** If you need an emergency (“*ex parte*”) protection order mark the box next to Paragraph 5.
- Paragraph 9:** List ALL present and pertinent past court cases or investigations that involve the Respondent, you, or a family or household member. This includes all civil, criminal, divorce, juvenile, custody, visitation, and bankruptcy cases that may have a bearing on your or your family or household members’ safety. 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 THE PETITION 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 notarize the petition for you.**

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, if one has been requested.

FEES

You **cannot** be charged any costs or fees for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, or obtaining a protection order.

DISCOVERY

Unless you have received an order from the Court regarding discovery, you have no obligation to comply with a deposition notice, interrogatories, request for production of documents, physical or mental examination, or request for admissions.

If ordered, the Court will indicate each of the following:

1. The time and place where discovery will be held;
2. The names of persons who can be in the room during discovery, including a victim advocate;
3. The necessary terms and conditions to keep everyone safe, including keeping the Petitioner’s address confidential.

Discovery must be completed prior to the full hearing.

IN THE _____ COMMON PLEAS _____ COURT
 _____ AUGLAIZE _____ COUNTY, OHIO

Petitioner : **Case No.** _____

 Address : **Judge/Magistrate** MARK E. SPEES

 City, State, Zip Code :

Date of Birth _____ / _____ / _____ : **PETITION FOR DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)**

v. :

Respondent :

 Address :

 City, State, Zip Code :

Date of Birth _____ / _____ / _____ :

CHECK EVERY THAT APPLIES. IF YOU ARE REQUESTING YOUR ADDRESS REMAIN CONFIDENTIAL, DO NOT WRITE YOUR ADDRESS ON THIS FORM. PLEASE PROVIDE ANOTHER MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE NOTICES FROM THE COURT. THIS FORM IS A PUBLIC RECORD.

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"/> 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" is 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	

- (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 (by any means) the residence, school, business, and place of employment of or approaching or contacting (by any means) 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.

DO NOT SIGN THIS FORM UNLESS YOU ARE IN FRONT OF THE PERSON WHO WILL NOTARIZE THE PETITON FOR YOU.

SIGNATURE OF PETITIONER

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

NOTARY PUBLIC

IF YOU ARE REQUESTING YOUR ADDRESS REMAIN CONFIDENTIAL, DO NOT WRITE YOUR ADDRESS ON THIS FORM. PLEASE PROVIDE ANOTHER MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE NOTICES FROM THE COURT. THIS FORM IS A PUBLIC RECORD.

Petitioner's Safe Address:

Signature of Attorney for Petitioner (if applicable)

Name of Attorney (if applicable)

Attorney's Address

City, State, Zip Code

Attorney's Registration Number

Attorney's Telephone

Attorney's Fax

Attorney's Email

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 MAY BE HANDLED IN THAT CASE, NOT IN 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 A NOTARY PUBLIC TO HAVE YOUR SIGNATURE NOTARIZED. DO NOT SIGN THE FORM UNLESS YOU ARE IN FRONT OF THE PERSON WHO WILL NOTARIZE THE PARENTING PROCEEDING AFFIDAVIT FOR YOU.

IN THE _____ COMMON PLEA _____ COURT
 _____ AUGLAIZE _____ COUNTY, OHIO

_____ Petitioner	:	_____ Case No.
	:	
v.	:	_____ Judge: MARK E. SPEES
	:	
_____ Respondent	:	INFORMATION FOR PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))

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. Therefore, an affidavit must be filed with a Petition for Domestic Violence Civil Protection Order if children are involved. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the children 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 children. 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 children would be jeopardized by the disclosure of the identifying information.

2. (Number): _____ **Minor child/children is/are subject to this case as follows:**

(Insert the information requested below. The residence information must be given for the last 5 years.)

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

Case No. _____

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

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

d. 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): (check 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:

Case No. _____

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

4. **Information about custody case(s): (check 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: (check 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 _____

Case No. _____

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 children 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.

DO NOT SIGN THE FORM UNLESS YOU ARE IN FRONT OF THE PERSON WHO WILL NOTARIZE THE PARENTING PROCEEDING AFFIDAVIT FOR YOU.

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 may 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.

Only the Court may change this Protection Order. The Petitioner/Alleged Victim cannot give you legal permission to change this Order. If you go near the Petitioner/Alleged Victim or other protected person, even with their permission, you may be arrested. Only the Court may modify or terminate this Protection Order. Unless the Court modifies or terminates this Order, you may 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 may allow the Respondent/Defendant to contact you or return to your residence. This Protection Order **cannot** be changed by either party without obtaining a written court order.

NOTICE ABOUT FIREARMS AND OTHER DEADLY WEAPONS

As a result of this Protection 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, 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 or ammunition, you should consult with a lawyer.

This Protection Order may be subject to the exceptions pursuant to 18 U.S.C. 925(a)(1) **only** with respect to the official use of government-issued firearms or ammunition for the use of any department or agency of the United States, Ohio, or its political subdivision. This exception does not apply if the Defendant/ Respondent has been convicted of an offense of violence, for example, domestic violence, menacing by stalking, etc. against a family or household member.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violation of 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 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 may be obtained. Federal and state law prohibits 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

Case No.

Judge/Magistrate

State

OHIO

LAW ENFORCEMENT AGENCY WHERE INDEXED

() -

PHONE NUMBER

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

PETITIONER:

Empty box for Petitioner's name

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Form for protected persons including fields for Name, Family or Household Members, and Date of Birth (DOB).

RESPONDENT:

Empty box for Respondent's name

First Middle Last

RESPONDENT IDENTIFIERS

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

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 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. 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.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO THE RESPONDENT

1. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

2. **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 or interrupting telephone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

3. **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:

4. **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]

5. **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]

6. **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, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voice mail; delivery service; social networking media; blogging; writings; electronic communications, or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person.** [NCIC 05]

- 7. **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.

- 8. **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:

- 9. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

- 10. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while the Order remains in effect unless Respondent is excepted for official use pursuant to 18 U.S.C. 925(a)(1). [NCIC 07]

- RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS AND CONCEALED CARRY WEAPON LICENSE** 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]

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

This Order applies to the following child(ren):

- 12. **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 5 and 6, temporary visitation rights are established as follows: [NCIC 06]

This Order applies to the following child(ren):

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

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

15. **RESPONDENT MAY PICK UP CLOTHING** and personal effects 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:

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

17. **IT IS FURTHER ORDERED:** [NCIC 08]

18. **ALL DISCOVERY SHALL STRICTLY COMPLY** with Civ.R. 65.1(D).

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 Civ.R. 65.1. 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. No costs or fees shall be assessed against the Petitioner for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, 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 11, 12, 13, and 14 above, this Order survives a divorce, dissolution of marriage, or legal separation.

IT IS SO ORDERED.

JUDGE/MAGISTRATE

NOTICE TO RESPONDENT

THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERM OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. 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
- Police Department Where Petitioner Resides:

- Sheriff's Office:

- Police Department Where Petitioner Works:

- CSEA
- Other:

**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 may 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.

Only the Court may change this Protection Order. The Petitioner/Alleged Victim cannot give you legal permission to change this Order. If you go near the Petitioner/Alleged Victim or other protected person, even with their permission, you may be arrested. Only the Court may modify or terminate this Protection Order. Unless the Court modifies or terminates this Order, you may 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 may allow the Respondent/Defendant to contact you or return to your residence. This Protection Order **cannot** be changed by either party without obtaining a written court order.

NOTICE ABOUT FIREARMS AND OTHER DEADLY WEAPONS

As a result of this Protection 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, 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 or ammunition, you should consult with a lawyer.

This Protection Order may be subject to the exceptions pursuant to 18 U.S.C. 925(a)(1) **only** with respect to the official use of government-issued firearms or ammunition for the use of any department or agency of the United States, Ohio, or its political subdivision. This exception does not apply if the Defendant/ Respondent has been convicted of an offense of violence, for example, domestic violence, menacing by stalking, etc. against a family or household member.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violation of 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 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 may be obtained. Federal and state law prohibits 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

Case No.

[Empty box for Case No.]

Judge

State

OHIO

LAW ENFORCEMENT AGENCY WHERE INDEXED

() - _____

PHONE NUMBER

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

WITH SUPPORT ORDER

PETITIONER:

[Empty box for Petitioner Name]

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner _____ DOB: _____

Petitioner's Family or Household Members :

(Additional forms attached)

_____, DOB: _____
_____, DOB: _____
_____, DOB: _____
_____, DOB: _____

RESPONDENT:

[Empty box for Respondent Name]

First Middle Last

RESPONDENT IDENTIFIERS

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

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. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until / / (DATE CERTAIN - 5 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 members 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.

RESPONDENT SHALL NOT ABUSE harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO THE RESPONDENT

1. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

2. **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 or interrupting telephone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

3. **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:

4. **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]

5. **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]

6. 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, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voice mail; delivery service; social networking media; blogging; writings; electronic communications; or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

7. 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.

8. 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:

9. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON to do any act prohibited by this Order.

10. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON at any time while this Order remains in effect, unless Respondent is excepted for official use pursuant to 18 U.S.C. 925(a)(1). [NCIC 07]

RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS AND CONCEAL CARRY WEAPON LICENSE 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]

Upon the expiration of this Order, any deadly weapons, including firearms and ammunition, held in protective custody by law enforcement pursuant to this Order shall be disposed of as unclaimed property pursuant to R.C. 2981.12 unless the Respondent files a motion for return with this Court within 30 days before the expiration of this Order.

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

This Order applies to the following child(ren):

12. 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 5 and 6, temporary visitation rights are established as follows:
[NCIC 06]

This Order applies to the following child(ren):

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

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

15. RESPONDENT MAY PICK UP CLOTHING and personal effects 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:

16. RESPONDENT SHALL NOT USE OR POSSESS alcohol or illegal drugs.

17. IT IS FURTHER ORDERED: [NCIC 08]

18. 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.

19. 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 Civ.R. 65.1. 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. No costs or fees shall be assessed for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, or serving this Order.

20. 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 11, 12, 13, and 14 above, this Order survives a divorce, dissolution of marriage, or legal separation. Until this Order is served upon the Respondent pursuant to Civ.R. 65.1, the terms of the Ex Parte CPO remain in effect.

21. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order. Accordingly, the Court adopts the magistrate's granting of the Order.

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. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served on the parties indicated pursuant to Civ. R. 65.1(C)(3) on _____ 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:
- Sheriff's Office: _____
- Police Department Where Petitioner Resides: _____
- Police Department Where Petitioner Works: _____
- CSEA
- Other: _____

**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 may 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.

Only the Court may change this Protection Order. The Petitioner/Alleged Victim cannot give you legal permission to change this Order. If you go near the Petitioner/Alleged Victim or other protected person, even with their permission, you may be arrested. Only the Court may modify or terminate this Protection Order. Unless the Court modifies or terminates this Order, you may 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 may allow the Respondent/Defendant to contact you or return to your residence. This Protection Order **cannot** be changed by either party without obtaining a written court order.

NOTICE ABOUT FIREARMS AND OTHER DEADLY WEAPONS

As a result of this Protection 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, 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 or ammunition, you should consult with a lawyer.

This Protection Order may be subject to the exceptions pursuant to 18 U.S.C. 925(a)(1) **only** with respect to the official use of government-issued firearms or ammunition for the use of any department or agency of the United States, Ohio, or its political subdivision. This exception does not apply if the Defendant/ Respondent has been convicted of an offense of violence, for example, domestic violence, menacing by stalking, etc. against a family or household member.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violation of 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 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 may be obtained. Federal and state law prohibits 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

Case No.

[Empty box for Case No.]

Judge

State

OHIO

LAW ENFORCEMENT AGENCY WHERE INDEXED

() - _____

PHONE NUMBER

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

WITH SUPPORT ORDER

PETITIONER:

[Empty box for Petitioner Name]

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____

Petitioner's Family or Household Members:

Additional forms attached.)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT:

[Empty box for Respondent Name]

First Middle Last

RESPONDENT IDENTIFIERS

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

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. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until ____ / ____ / ____ (DATE CERTAIN – 5 YEARS MAXIMUM)

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

Case No. _____

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.

RESPONDENT SHALL NOT ABUSE harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO THE RESPONDENT

1. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

2. **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 or interrupting telephone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

3. **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:

4. **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]

5. **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]

Case No. _____

6. **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, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voice mail; delivery service; social networking media; blogging; writings; electronic communications; or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person.** [NCIC05]

7. **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.

8. **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:

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

10. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while this Order remains in effect, unless Respondent is excepted for official use pursuant to 18 U.S.C. 925(a)(1). [NCIC 07]

RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS AND CONCEALED CARRY WEAPON LICENSE 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]

Upon the expiration of this Order, any deadly weapons, including firearms and ammunition, held in protective custody by law enforcement pursuant to this Order shall be disposed of as unclaimed property pursuant to R.C. 2981.12 unless the Respondent files a motion for return with this Court within 30 days before the expiration of this Order.

Case No. _____

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

This Order applies to the following child(ren):

12. **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 5 and 6, temporary visitation rights are established as follows: [NCIC 06]

This Order applies to the following child(ren):

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

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

15. **RESPONDENT MAY PICK UP CLOTHING** and personal effects 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:

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

17. **IT IS FURTHER ORDERED:** [NCIC 08]

Case No. _____

18. **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.

19. **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 Civ.R. 65.1. 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. No costs or fees shall be assessed against the Petitioner for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, or serving this Order.

20. **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 11,12, 13, and 14 above, this Order survives a divorce, dissolution of marriage, or legal separation. Until this Order is served upon the Respondent pursuant to Civ.R. 65.1, the terms of the *Ex Parte* CPO remain in effect.

21. **IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE**, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order. Accordingly, the Court adopts the magistrate's granting of the Order.

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. 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 (Safe Mailing Address)

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 this Order, which is a final appealable order, were to be served on the parties indicated pursuant to Civ.R. 65.1(C)(3) on _____ 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: _____
- Sheriff's Office: _____
- Police Department Where Petitioner Resides: _____
- Police Department Where Petitioner Works: _____
- CSEA
- Other: _____

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

These instructions are contemplated in light of Form 10-A, Protection Notice to NCIC, to ensure the court's protection order or consent agreement entry is accepted into the protection order database of the National Crime Information Center ("NCIC"). Thorough and accurate completion of Form 10-A is critical, as this form is the sole method to enter the terms and conditions of a protection order into the computerized index of criminal justice information. 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.

Courts are encouraged to verify with law enforcement that orders are being entered in a timely fashion. The delay in entering a protection order or consent agreement may not only result in the failure to enforce the order, but may also result in the improper authorization of the subject of a protection order to possess or purchase a firearm or ammunition.

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 must mark the appropriate box "Initial NCIC Form" or "Modification of Previous Form."

The court must check "Initial NCIC Form" anytime the court is issuing a protection order for the first time based on a current filing, i.e., an *ex parte* order or a full hearing order where an *ex parte* order was not issued. The court must check "Modification of Previous NCIC" for any subsequent change in the terms and conditions of a protection order, including modifications due to a clerical or orthographical correction or termination of the order.

- (C) **SUBJECT'S INFORMATION.** The subject's full name, including first and last name; race; and sex are mandatory identifiers pursuant to federal guidelines. The other identifiers, i.e., height ("HGT"), weight ("WGT"), hair, and eyes, are not mandatory, yet they are helpful information to ensure the correct person is identified. Similarly, the address is not mandatory information.

- (D) **NUMERICAL IDENTIFIER.** Pursuant to federal guidelines, the court must provide at least **one** of four numerical identifiers to properly identify the subject of the protection order:

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 provided, the state that issued the driver's license and the expiration date of the driver's license must also be included;
4. **VEHICLE LICENSE NUMBER ("VEHICLE LIC. NO.");** In the instance the vehicle's license plate is provided, the state that issued the license plate and the expiration date of the license plate must also be included.

The court should consider providing additional numerical identifiers, if information is available.

- (E) **BRADY DISQUALIFIERS.** Pursuant to 18 U.S.C. 922(g)(8), all three factors must be met to be federally disqualified from possessing or purchasing firearms or ammunition due to the issuance of a protection order:

- (1) The parties have an intimate relationship:
 - Spouse of the person;
 - Former spouse of the person;
 - An individual who cohabits or has cohabited with the person;
 - An individual who is a parent of a child of the person.
- (2) The court observed the parties' due process rights, i.e., notice of hearing and opportunity to be heard; **AND**
- (3) A finding that the person subject to the order poses a credible threat of harm to the protected party.

The subject of a protection order may be Brady disqualified pursuant to 18 U.S.C. 922(g)(1) through (9), state law, or a court order.

- (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 (a.k.a. "ORI"). This is a unique 9 digit alphabetic and numeric series issued by the FBI to identify the court issuing the order.

Although the "Name of Judge/Magistrate" 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 captured through the Ohio Courts Network and is useful for law enforcement to quickly determine the possible scope of the order and assess risk.

- (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. Civil protection orders expire on a date certain within 5 years of being issued. The protection order database will automatically purge the orders on their expiration date.

In a Criminal Protection Order (R.C. 2903.213) or Temporary Domestic Violence Protection Order (R.C. 2919.26), the order terminates by operation of law upon the disposition of the criminal case. The court may indicate "NONEXP" as the expiration date when the court does not know the exact date the order will expire. The court must submit to law enforcement another Form 10-A indicating "Modification of Previous Form" stating the expiration of the order when such a date is known so that the order can be purged from the NCIC protection order file.

If a protection order or consent agreement is terminated before the original expiration, the court must also submit to law enforcement another Form 10-A indicating "Modification of Previous Form" and state the new expiration date for removal of the order from the protection order file.

- (I) **TERMS AND CONDITIONS OF ORDER.** The court must check every box that corresponds to terms of the protection order. Note that the numbering next to each term and condition in Form 10-A does not correspond to the sequence of the remedies in a protection order or consent agreement. However, the remedies in the protection order forms are cross-referenced with the terms and conditions listed in Form 10-A, e.g. NCIC 01.

The court should submit a new Form 10-A indicating "Modification of Previous Form" to law enforcement in every instance that a term of the court order, i.e., divorce decree or custody order, results in a modification of the protection order.

- (J) **LIST ALL PROTECTED PERSONS.** A maximum of 9 persons, including the petitioner, may be listed as protected parties in a protection order. The full name and date of birth for each protected person must be provided. The protected person's social security number, race, and gender are not required entries in Form 10-A.

- (K) **AUTHORIZED SIGNATURE.** The judge or magistrate who issued the protection order must sign and date Form 10-A. Pursuant to Civ.R. 65.1, an ex parte civil protection order issued by a magistrate and filed with the clerk of court has the full force and effect of a court order.

PROTECTION ORDER NOTICE TO NCIC (Required fields appear in bold print)

Initial NCIC Form

Modification of Previous Form

Pursuant to Rules 10.01, 10.02, 10.03, and 10.05 of the Rules of Superintendence for the Courts of Ohio, this information shall be promptly entered into the National Crime Information Center index.

SUBJECT NAME _____ (LAST) _____ (FIRST) _____ (M.I.)

ADDRESS _____ (STREET) _____ (CITY) _____ (STATE) _____ (ZIP)

PHYSICAL DESCRIPTION: HGT _____ WGT _____ HAIR _____
EYES _____ RACE _____ SEX M F

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. _____

(* 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 the Order protect an intimate partner or child(ren)? YES NO
- Did the subject have an opportunity to participate in the hearing regarding the Order? YES NO
- Does the Order find the 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 R.C. 2919.26 R.C. 3113.31

NAME OF JUDGE/MAGISTRATE _____

DATE OF ORDER _____ / _____ / _____ **EXPIRATION OF ORDER** _____ / _____ / _____
(IN R.C. 2919.26 AND 2903.213 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 as identified in the Miscellaneous Field.
- 08 See the Miscellaneous Field for comments regarding the specific terms and conditions of this Order.
Miscellaneous comments: _____

OHP
DATA

ONLY
#EPO

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

Subject's Name _____

Case/Order No. _____

LIST ALL PROTECTED PERSONS (Total of 9 allowed. **SSN is NOT necessary if DOB is given.**)

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
DOB ____ / ____ / ____ **SSN** ____ - ____ - ____ **RACE** _____
SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
DOB ____ / ____ / ____ **SSN** ____ - ____ - ____ **RACE** _____
SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
DOB ____ / ____ / ____ **SSN** ____ - ____ - ____ **RACE** _____
SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
DOB ____ / ____ / ____ **SSN** ____ - ____ - ____ **RACE** _____
SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
DOB ____ / ____ / ____ **SSN** ____ - ____ - ____ **RACE** _____
SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
DOB ____ / ____ / ____ **SSN** ____ - ____ - ____ **RACE** _____
SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
DOB ____ / ____ / ____ **SSN** ____ - ____ - ____ **RACE** _____
SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
DOB ____ / ____ / ____ **SSN** ____ - ____ - ____ **RACE** _____
SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
DOB ____ / ____ / ____ **SSN** ____ - ____ - ____ **RACE** _____
SEX M F

Authorized by (signature): _____ **Date** ____ / ____ / ____
 Judge/Magistrate (circle one)