

IN THE COURT OF COMMON PLEAS

COUNTY, OHIO

Petitioner

Case No.

Address

Judge/Magistrate

City, State, Zip Code

v.

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

Respondent

Address

City, State, Zip Code

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.

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

1. The terms of the civil protection order or consent agreement to be modified or terminated are:

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

2. The reasons for the modification or termination are:

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

3. Court fees cannot be assessed against the Petitioner for filing a Motion to Modify or Terminate Domestic Violence Civil Protection Order or Consent Agreement, which is in connection with a previously issued protection order or approved consent agreement.

Respectfully submitted,

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

Safe mailing address where the Court may contact the moving party (YOU).

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

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

\_\_\_\_\_  
Name

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

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Email

**REQUEST FOR SERVICE**

Please serve a copy of this Motion upon the ☐Petitioner ☐Respondent, \_\_\_\_\_

\_\_\_\_\_  
pursuant to Civ.R. 65.1(C)(3) at the following address:

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

## 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 \_\_\_\_\_

State

**OHIO**

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

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

First

Middle

Last

v.

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

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

Petitioner's Family or Household Members:

(☐ Additional forms attached)

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

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

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

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

**RESPONDENT:**

First

Middle

Last

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

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

**RESPONDENT IDENTIFIERS**

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

Distinguishing features: \_\_\_\_\_

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

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith &amp; 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 \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (SHALL BE SAME EXPIRATION DATE AS IN CIVIL PROTECTION ORDER OR CONSENT AGREEMENT)

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

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

**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 this 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.

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

\_\_\_\_\_

\_\_\_\_\_

This Order applies to the following child(ren):

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☐ **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]

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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:

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☐ **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:

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

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

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☐ **18. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

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**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 previous CPO remain in effect.
- 21. IF THE HEARING 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 the foregoing 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: \_\_\_\_\_



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

- ☐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)