

IN THE DELAWARE MUNICIPAL COURT OF DELAWARE COUNTY, OHIO

Justice Center, 70 North Union Street, Delaware, Ohio 43015 • Voice: 740.203.1550 • Facsimile: 740.203.1599 • www.municipalcourt.org

Motions for Protection Orders

When a person causes or threatens physical harm to a family or household member resulting in criminal charges filed in court, the family or household member may file a written motion in the criminal case for a Domestic Violence Temporary Protection Order. Under similar facts, if the defendant is not a family or household member, the injured/threatened person may file a written motion for a Criminal Protection Order.

Revised Code §§ 2903.213 and 2919.26 authorize protection orders and each provide that a “motion for a protection order . . . shall be prepared on a form that is provided by the clerk of the court.” Both statutes specify that motions for protection orders contain language substantially as set forth in the respective statutes. A fill-in-the-blank form suitable for use in applying for a protection order under either statute is included in this packet.

The Supreme Court of Ohio has prescribed a number of forms required to be used by law-enforcement agencies and courts in administering procedures related to protection orders. Supreme Court Superintendence Rule 10.02 provides that courts make available a packet that includes Forms 10-C, 10.1, and 10.02-A which relate to orders sought in cases where the applicant is a family or household member of the defendant. These forms are included in this packet and provide additional information regarding the process. Also in this packet is Form 10.03-B for use where the defendant is NOT a family or household member of the applicant, and a general information guide for protection orders in such circumstances. These documents are included for information purposes only. The only form that an applicant must execute and submit to the court is the Motion for a Protection Order which is included in this packet.

Crime victims in Ohio have the following rights under the Ohio Constitution, Article I, Section 10(A):

- (1) to be treated with fairness and respect for the victim's safety, dignity and privacy;
- (2) upon request, to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings;
- (3) to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated;
- (4) to reasonable protection from the accused or any person acting on behalf of the accused;
- (5) upon request, to reasonable notice of any release or escape of the accused;
- (6) except as authorized by section 10 of Article I of this constitution, to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;
- (7) to full and timely restitution from the person who committed the criminal offense or delinquent act against the victim;
- (8) to proceedings free from unreasonable delay and a prompt conclusion of the case;
- (9) upon request, to confer with the attorney for the government; and
- (10) to be informed, in writing, of all rights enumerated in this section.

A crime victim and government prosecutor may assert these rights and any other right afforded to victims by law. If rights are denied, the victim or victim's lawful representative may petition for relief in the court of appeals which is required to “promptly consider and decide the petition.”

While the Clerk and Court make these forms available, the clerk, the court, and their staff are not permitted to provide legal advice to the public, parties or witnesses in cases. Rather, for more information said persons may contact the following:

Delaware City Prosecutor (misdemeanor cases)	740.203.1175
Delaware County Prosecutor (felony cases)	740.833.2690
Delaware Co. Victim Advocate Services (misdemeanor cases)	740.833.2845 or 2843
Delaware County Victim Services (felony cases)	740.833.2710
Delaware Municipal Court (misdemeanor cases)	740.203.1550
Delaware County Common Pleas Court Clerk (felony cases)	740.833.2500

IN THE DELAWARE MUNICIPAL COURT, DELAWARE COUNTY, OHIO

Justice Center • 70 North Union Street, Delaware, Ohio 43015 • Voice: 740.203.1570 • Facsimile: 740.203.1599 • e-filing@municipalcourt.org

State of Ohio/City-Village of

vs.

Case No. 20 _____ CR _____

Motion for Protection Order

Defendant

R.C. § 2919.26 [by/for family/household member of Defendant]

R.C. § 2903.213 [NOT by/for family/household member of Defendant]

- 1. The undersigned moves the court to issue an order for the safety and protection of the following: (check A or B)
[] A. Family or household member of Defendant.
[] B. NOT family or household member of Defendant.
2. The undersigned must appear for hearing (to be w/in 24 hrs of the filing hereof) at 10:00am on _____ or, unless otherwise shown or notified, at 10:00 am on the first weekday (not a holiday) after alleged offense/file date hereof.
3. A protection order granted pursuant to this motion will be a condition of pretrial release and last only until disposition of this case, issuance of a civil protection order or approval of a consent agreement under R.C. § 3113.31 or R.C. § 2903.214 arising out of the same facts that are the basis of the complaint filed in this case.

[] Victim [] Arresting Officer [] Other Print name Agency & Unit No. Other

When filed, this form becomes a public record. To keep victim address confidential, do not write address on this form. Instead, provide alternate mailing address where the victim can safely receive court notices. Check at least one below:

- [] Victim contact mail address _____
[] Victim email address _____
[] Keep victim contact information confidential. Send notices to Delaware County Victim Advocate Services, 844 US Rt. 42 North, Delaware, OH 43015; vhooper@co.delaware.oh.us

CrTrW Protection Order Motion1156060122 Ver 01Jun2022 © 2022 K.Pelanda

1Offenses of Violence – R.C. 2901.01(A)(9)

2Sexually Oriented Offenses - R.C. 2950.01(A)

- §2903.01 Aggravated Murder1,2
§2903.02 Murder1,2
§2903.03 Arson1,2
§2903.04 Involuntary manslaughter1,2
§2903.11 Felonious assault1,2
§2903.12 Aggravated assault1
§2903.13 Assault1
§2903.15 Permitting child abuse1
§2903.21 Aggravated menacing1
§2903.211 Menacing by stalking1,2
§2903.22 Menacing1
§2903.34(A)(1) Patient abuse1
§2905.01 Kidnapping1,2
§2905.02 Abduction1,2
§2905.03(B)Unlawful Restr. w. sexual motive2
§2905.11 Extortion1

- §2905.32 Trafficking in persons1,2
§2907.02 Rape1,2
§2907.03 Sexual battery1,2
§2907.04 Unlawful conduct with minor2
§2907.05 Gross sexual imposition1,2
§2907.06 Sexual Imposition2
§2907.07 Importuning2
§2907.08 Voyeurism2
§2907.21 Compelling prostitution2
§2907.22 Promoting prostitution2
§2907.32 Pandering obscenity2
§2907.321 Pandering child obscenity2
§2907.322 Pandering sex. oriented mtl. child2
§2907.323 Illegal use of minor2
§2909.02 Aggravated arson1
§2909.03 Arson1

- §2909.24 Terrorism1
§2911.01 Aggravated robbery1
§2911.02 Robbery1
§2911.11 Aggravated Burglary1
§2911.12(A)(1), (2), or (3) Burglary1
§2917.01 Inciting to violence1
§2917.02 Aggravated riot1
§2917.03 Riot1
§2917.31 Inducing panic1
§2919.22 Child Endangering1,2
§2919.25 Domestic violence1
§2921.03 Intimidation1
§2921.04 Intimidation of attorney, or witness1
§2921.34 Escape1
§2923.161 Improper discharge of firearm1
former §2907.12 Felonious sexual penetration

**FORM 10-C:
WARNING CONCERNING THE ATTACHED
PROTECTION ORDER OR CONSENT AGREEMENT**

NOTE: Rules 10.01, 10.02, 10.03, and 10.05 of the Rules of Superintendence for the Courts of Ohio require this Warning to be attached to the **FRONT** of all civil and criminal **EX PARTE** or **FULL HEARING** protection orders issued by the courts of the State of Ohio.

WARNING TO RESPONDENT / DEFENDANT

Violating the attached Protection Order is a crime, punishable by incarceration, fine, or both and may cause the revocation of your bond or result in a contempt of court citation against you.

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

Only the Court may change the terms of this Protection Order. The Petitioner/Alleged Victim/Protected Person cannot give you legal permission to change this Order. If you go near the Petitioner/Alleged Victim/ Protected Person, even with the person's permission, you may be arrested. Only the Court may change or end this Protection Order. Unless the Court changes or ends 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 a federal crime for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to 18 U.S.C. 922(g)(8) for the duration of this Order. If you have any questions whether the law makes 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 counties in Ohio. Violation of this 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. 2151.34, 2903.213, 2903.214, 2919.26, 2919.27, and 3113.31. If you have reasonable grounds to believe that the 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 the Respondent/ Defendant until a warrant may be obtained. Federal and state law prohibits charging a fee for service of this Order to the Petitioner/Alleged Victim or protected parties.

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 Legal Help | www.ohiolegalhelp.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.

General Information about Criminal Protection Orders

Not for Family or Household Members

When a person who is NOT your family or household member causes or threatens physical harm to you, or causes you to fear for your safety, resulting in criminal charges filed in court, you may file a written application in the criminal case for a Criminal Protection Order. If an offender is a family or household member, the affected complainant may be able to file a motion for a Domestic Violence Temporary Protection Order. This guide relates only to protection-order requests by persons who are NOT family or household members.

Under Ohio law not all forms of abuse constitute criminal behavior that may result in a protection order. For example, psychological or economic abuse, or verbal harassment without evidence of threats or physical harm are not recognized by Ohio law as criminal violence that can result in criminal charges or a protection order.

A victim of violence or threats of violence may apply for a protection order if the defendant is charged with felonious, aggravated, or simple assault, aggravated menacing, menacing by stalking, or misdemeanor menacing, aggravated trespass, or a sexually oriented offense. Typically, a court hearing is conducted within 24 hours of when an application is filed. The applicant must appear at the hearing.

Frequently Asked Questions

How much does it cost to apply for a protection order?

\$0. You cannot be charged any cost or fee for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, or obtaining a protection order.

What is a Criminal Protection Order?

A protection order requires the defendant to stop abusing and to stay away from the person(s) named in the order. The order is limited in time and expires when the criminal case ends. If a defendant is convicted of certain offenses, the court has discretion to issue a new order that may prohibit further contact by the defendant with the victim after the conviction. Application forms for protection orders can typically be obtained from law officers investigating the offenses, the prosecutor, and the clerk of the court where the criminal case is filed. Violating a protection order is a crime that can result in arrest, jail, and fines.

Why apply for a Criminal Protection Order?

A protection order can require the defendant to stay away from the complainant and the complainant's home, school, and/or workplace, at least until the criminal case is concluded. The order also establishes other requirements for the defendant that can promote ensuring the safety and protection of the applicant while the criminal case is pending. This 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.

Who can apply for a Criminal Protection Order?

You can apply for a Criminal Protection Order if you are NOT related to the defendant by blood or marriage AND DO NOT live with Respondent. Under similar circumstances, related persons and household members may apply for a Domestic Violence Protection Order which involves a different application and procedures.

In some cases, you may apply for a protection order that covers other members of your family or household, such as minor children.

Be mindful that protection orders have limits. If issued, an order is merely a court document that orders the defendant to comply. If you suspect that the defendant will not obey the terms of a protection order, you may confer with the prosecutor or a victim advocate for more information.

Do I need an attorney to obtain a Criminal Protection Order?

No, but you may benefit by consulting with a legal representative before participating in a court hearing. A municipal or county prosecutor will be present at the hearing and advocate for the protection order. Neither the Clerk of Court nor other Court employees can give you legal advice. 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 to obtain a Criminal Protection Order?

Yes. The court cannot issue a protection order without a hearing where both the defendant and alleged victim have a right to be present. At the hearing, both you and the defendant can testify. You MUST be present at the hearing. Hearings are typically conducted within 24 hours of filing the application. This allows little time for a prosecutor to prepare; you may bring any witnesses and other evidence to the hearing to support your application.

You may also bring a friend or family member with you to your hearing for support. Your local law enforcement agency, county sheriff, or the prosecutor office may employ one or more "victim advocates" to assist you. The law officer(s) who investigate the case and the court clerk's office can help you contact prosecutor on your case who can provide more information regarding victim advocates.

ProtectionOrderNotDV FAQs.wpd11May22

IN THE _____ COURT
 _____ COUNTY, OHIO

Order of Protection

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

LAW ENFORCEMENT AGENCY WHERE INDEXED

() -
 PHONE NUMBER

STATE OF OHIO/
 CITY OF

v.

DEFENDANT

ALLEGED VICTIM:

First Middle Last

v.

DEFENDANT:

First Middle Last

Address where Defendant can be found:

Case No. _____

Judge _____

State

OHIO

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

New Order Modification of Previous Order

PERSON(S) PROTECTED BY THIS ORDER:

Alleged Victim _____ DOB: _____

Alleged Victim's Family or Household Members:
 (Additional forms attached)

_____ DOB: _____
 _____ DOB: _____
 _____ DOB: _____
 _____ DOB: _____

DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/	/
DRIVER'S LIC. NO.		EXP. DATE	STATE

Distinguishing features: _____

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

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

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant 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 Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this Order. Additional terms of this Order are set forth below.

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

2. **DEFENDANT SHALL NOT INTERFERE** with the protected persons' right to occupy any residence by canceling utilities or insurance or interrupting telecommunication (e.g., telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

3. **DEFENDANT SHALL SURRENDER** all keys and garage door openers to the following residence

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

4. **DEFENDANT SHALL STAY AWAY FROM THE PROTECTED PERSONS NAMED IN THIS ORDER,** and shall not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with protected persons' permission.** If the Defendant accidentally comes in contact with protected persons in any public or private place, the Defendant must depart *immediately.* This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

5. **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order **even with the permission of a protected person.** [NCIC 05]

6. **DEFENDANT SHALL NOT** use any form of electronic surveillance on protected persons.

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

8. **THE ALLEGED VICTIM IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Alleged Victim, from the possession of Defendant:

Exchange of the listed companion animals or pets shall take place as follows:

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

10. **DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION** at any time while the Order remains in effect to bring about a cessation of violence pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

DEFENDANT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition disability applies.

11. **DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS, INCLUDING FIREARMS AND AMMUNITION**, owned by Defendant or in Defendant’s possession to the law enforcement agency that serves Defendant with this Order no later than _____ or as follows:

Any law enforcement agency is authorized to accept possession of deadly weapons, including firearms, and ammunition pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Defendant’s deadly weapons, including firearms, and ammunition for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a civil protection order or consent agreement has not been issued or approved arising out of the same activities as those that were the basis of the complaint filed in this action, Defendant may reclaim any deadly weapons, including firearms, and ammunition held in protective custody by law enforcement pursuant to this Order, unless Defendant is otherwise disqualified as verified by a check of the NCIC protection order file.

12. **DEFENDANT’S CONCEALED CARRY WEAPON LICENSE**, if any, is now subject to R.C. 2923.128.

13. **DEFENDANT MAY PICK UP CLOTHING** and personal effects from the following residence:

only in the company of a uniformed law enforcement officer upon release or within seven or _____ days of the filing of this Order or the date of Defendant’s release on bond in connection with this charge, whichever is later. Arrangements may be made by contacting:

14. **DEFENDANT SHALL NOT USE OR POSSESS** alcohol or illegal drugs.

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

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

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

18. **THIS ORDER IS EFFECTIVE** until the occurrence of one of the following: (1) it is modified by this Court; or (2) the criminal proceeding arising out of the complaint upon which this Order were issued is disposed by this Court or by the court of common pleas to which the Defendant is bound over for prosecution; or (3) a court issues a Domestic Violence Civil Protection Order (“CPO”) arising out of the same activities as those that were the basis of the complaint filed in this action.

IT IS SO ORDERED.

_____	_____	_____	_____
MAGISTRATE	DATE <i>EX PARTE</i> DVTPO	JUDGE	DATE <i>EX PARTE</i> DVTPO
_____	_____	_____	_____

_____	_____	_____	_____
MAGISTRATE	DATE DVTPO	JUDGE	DATE DVTPO

NOTICE TO DEFENDANT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF 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.

A HEARING on this Order shall be held before
 Judge/Magistrate _____
 on _____ / _____ /
 at _____ a.m. p.m.,
 at the following location:

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON DEFENDANT (by personal service). COPIES OF THIS ORDER SHALL BE DELIVERED TO:

Prosecutor
 Alleged Victim
 Defendant's Attorney /Public Defender
 Law Enforcement Agency Where Alleged Victim Resides:

 Law Enforcement Agency Where Alleged Victim Works:

 Sheriff's Office / Police Department:

 Other: _____

Service acknowledged:

_____ DEFENDANT

_____ DATE

WAIVER OF HEARING

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

_____ DEFENDANT

_____ DATE

IN THE Delaware Municipal COURT
Delaware COUNTY, OHIO

Order of Protection

Per R.C. 2903.213(G)(3), this Order is indexed at

Case No.

Judge _____

LAW ENFORCEMENT AGENCY WHERE INDEXED
 () -

State OHIO

PHONE NUMBER
 STATE OF OHIO/
 CITY OF _____

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

v.

New Order Modification of Previous Order

DEFENDANT

PERSON(S) PROTECTED BY THIS ORDER:

ALLEGED VICTIM:

First Middle Last

v.

Alleged Victim _____ DOB: _____

Alleged Victim's Family or Household Members:
 Additional forms attached

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

DEFENDANT:

First Middle Last

Address where Defendant can be found:

DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	/ /
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Distinguishing features: _____

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

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

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant 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 Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this Order. Additional terms of this Order are set forth below.

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

wherever those protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with the protected persons' permission**. If Defendant accidentally comes in contact with protected persons in any public or private place, Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

- 5. **DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.
- 6. **THE ALLEGED VICTIM IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Alleged Victim from the possession of the Defendant:

Exchange of the listed companion animals or pets shall take place as follows:

- 7. **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order **even with the permission of a protected person**. [NCIC 05]
- 8. **DEFENDANT SHALL NOT** use any form of electronic surveillance on protected persons.
- 9. **DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.
- 10. **DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while the Order remains in effect for the safety and protection of the protected persons named in this Order. Furthermore, Defendant may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

DEFENDANT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

- 11. **DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Defendant or in Defendant's possession to the law enforcement agency that serves Defendant with this Order no later than _____ or as follows:

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Defendant's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a civil protection order has not been issued arising out of the same activities as those that were the basis of the complaint filed in this action, Defendant may

reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Defendant is otherwise disqualified as verified by a check of the NCIC protection order file.

12. DEFENDANT’S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

13. DEFENDANT SHALL NOT USE OR POSSESS alcohol or illegal drugs.

14. IT IS FURTHER ORDERED: [NCIC 08]

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

16. THIS ORDER IS EFFECTIVE until the occurrence of one of the following: (1) it is modified by this Court; or (2) the criminal proceeding arising out of the complaint upon which these orders were issued is disposed by this Court or by the court of common pleas to which the Defendant is bound over for prosecution; or (3) a court issues a Civil Stalking Protection Order (CSPO) or Civil Sexually Oriented Offense Protection Order (CSOPO) arising out of the same activities as those that were the basis of the complaint filed in this action pursuant to R.C. 2903.213(B).

IT IS SO ORDERED.

_____	_____	_____	_____
MAGISTRATE	DATE EX PARTE CRPO	JUDGE	DATE EX PARTE CRPO
_____	_____	_____	_____
MAGISTRATE	DATE CRPO	JUDGE	DATE CRPO

NOTICE TO DEFENDANT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF 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.

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

A HEARING on this Order shall be held before
 Judge/Magistrate _____

on _____ / _____ / _____
 at _____ a.m. p.m.,

at the following location:

TO THE CLERK:

**A COPY OF THIS ORDER SHALL BE SERVED ON
 DEFENDANT (by personal service).
 COPIES OF THIS ORDER SHALL BE DELIVERED TO:**

Prosecutor
 Alleged Victim
 Defendant's Attorney /Public Defender
 Law Enforcement Agency Where Alleged Victim Resides:

Law Enforcement Agency Where Alleged Victim Works:

Sheriff's Office / Police Department:

Other: _____

Service acknowledged:

DEFENDANT

DATE

WAIVER OF HEARING

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

DEFENDANT

DATE