

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(2), this order is indexed at

MAHONING COUNTY SHERIFF'S OFFICE
LAW ENFORCEMENT AGENCY WHERE INDEXED
(330) 480 - 5030
PHONE NUMBER

Case No. _____

Judge/Magistrate BETH A. SMITH

County

MAHONING

State

OHIO

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

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

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

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: _____

FIREARMS ACCESS – PROCEED WITH CAUTION

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

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against the Petitioner and other protected persons named in this order, as set forth below.

Additional terms of this order are set forth below.

The terms of this order shall be effective until _____ / _____ / _____ .
DATE CERTAIN

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

This proceeding came on for an *ex parte* hearing on _____, _____ (Respondent not being present), upon the filing of a petition by Petitioner for a domestic violence civil protection order (CPO) against the Respondent, pursuant to Ohio Revised Code 3113.31. In accordance with R.C. 3113.31(D)(1), the court held an *ex parte* hearing on the same day that the petition was filed.

The Court finds that the protected persons herein are in immediate and present danger of domestic violence and for good cause shown, the following temporary orders are necessary to protect the persons named in this order from domestic violence.

ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT

- 1. **RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]
- 2. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence: _____

- 3. **EXCLUSIVE POSSESSION OF THE RESIDENCE** located at: _____
is granted to: _____. Respondent shall not interfere with this individual's right to occupy the residence including, but not limited to canceling utilities or insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- 4. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows: _____

- 5. **RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this order even with the permission of a protected person. [NCIC 04]
- 6. **RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this order, and not be present within 500 feet or _____ (distance) of any protected persons wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, **even with Petitioner's permission.** If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- 7. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Respondent may not violate this order even with the permission of a protected person. [NCIC 05]
- 8. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** _____ **to:** _____, who is granted exclusive use of this motor vehicle.
- 9. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows: _____

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

11. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON. Respondent shall turn over all deadly weapons in Respondent's possession to the law enforcement agency that serves Respondent with this Order or as follows: _____

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

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

This order applies to the following child(ren): _____

13. VISITATION ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.

(A) Respondent's visitation rights are suspended; or

(B) As a limited exception to paragraph 6, temporary visitation rights are established as follows: [NCIC 06]

This order applies to the following child(ren): _____

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

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

16. RESPONDENT MAY PICK UP CLOTHING and personal items from the above residence only in the company of a uniformed law enforcement officer within 7 days of the filing of this Order. Arrangements may be made by contacting: _____

17. RESPONDENT SHALL NOT CONSUME, USE, OR POSSESS illegal drugs or beverages containing alcohol.

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

19. IT IS FURTHER ORDERED that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. Under State and Federal law, the Clerk shall not charge any fees for filing, issuing, registering, or serving this protection order.

20. ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL

_____, _____ unless earlier modified by or dismissed by order of this court.
Except for paragraphs 12, 13, 14, and 15 above, this order survives a divorce, dissolution of marriage, or legal separation.

IT IS SO ORDERED.

MAGISTRATE/JUDGE

NOTICE TO RESPONDENT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

A FULL HEARING on this Order, and on all other issues raised by the Petition, shall be held before Judge _____ or Magistrate _____ on the _____ day of _____, 20 _____ at _____ a.m./p.m. at the following location:

Mahoning County Domestic Relations Court

120 Market St., Basement Level, Youngstown, Ohio

TO THE CLERK
COPIES OF THIS ORDER SHALL BE DELIVERED TO:

- Petitioner
- Respondent (by personal service)
- Police Department Where Petitioner Resides: _____
- The _____ County Sheriff
- Police Department Where Petitioner Works: _____
- Other: _____

NOTICE TO ATTORNEYS AND PARTIES

Pursuant to Civil Rule 53, and Local Rule 13, the parties shall have ten (10) days from the date of the filing of this Order to file a Motion to Set Aside the foregoing Order with the Clerk of Court's Office. The Motion must state the party's objections with particularity. Any such Motions must be served upon all parties to this action, and a copy must be provided to the Domestic Relations Court. The pendency of a Motion to Set Aside does not stay the effectiveness of the Magistrate's Order unless the Magistrate or the Court grants a stay. **THE PETITIONER IS CAUTIONED THAT SHOULD HE OR SHE FAIL TO APPEAR FOR THE FULL HEARING, THE PETITION MAY BE DISMISSED.**

Instructions for Service: Pursuant to Rule 10 of the Rules of Superintendence, the Court has completed Form 10-A. The Clerk of Courts is instructed to file a time-stamped copy of Form 10-A with the Mahoning County Sheriff's office.