

IN THE COURT OF COMMON PLEAS  
 MAHONING COUNTY, OHIO

# Order of Protection

Per section R.C. 3113.31(E)(8), this Order is indexed at

MAHONING COUNTY SHERIFF'S OFFICE  
 LAW ENFORCEMENT AGENCY WHERE INDEXED  
 (330 ) 480 - 5034  
 PHONE NUMBER

Case No.

Judge BETH A. SMITH

County MAHONING State OHIO

**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 Member(s) (May attach additional forms):  
 \_\_\_\_\_ DOB: \_\_\_\_\_  
 \_\_\_\_\_ DOB: \_\_\_\_\_  
 \_\_\_\_\_ DOB: \_\_\_\_\_  
 \_\_\_\_\_ DOB: \_\_\_\_\_

**RESPONDENT:**

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 Petitioner and Respondent were provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth in the companion judgment entry.**

**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.

**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 telephone 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, 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]
- 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 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]
- 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 protected person.** [NCIC 05]
- 8. **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.
- 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 paragraphs 6 and 7, Respondent's 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 seven days of the filing of this Order. Arrangements may be made by contacting: \_\_\_\_\_

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

18. **IT IS FURTHER ORDERED:** [NCIC 08] \_\_\_\_\_

19. 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.

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

21. ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF NOT TO EXCEED THE DATE SET IN THE PRIOR ORDER OR UNTIL \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ unless earlier modified or terminated 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. Until this Order is delivered to Respondent, the terms of the prior Domestic Violence Civil Protection Order remain in effect. This is an interim order pursuant to Civil Rule 53(D)(4)(e)(ii).

IT IS SO ORDERED.

APPROVED and ADOPTED by:

\_\_\_\_\_  
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.**

**NOTICE OF FINAL APPEALABLE ORDER**

Copies of the foregoing Order, which is a final appealable order, were mailed by ordinary U.S. mail or hand-delivered to the parties indicated on the

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

By: \_\_\_\_\_  
CLERK OF COURT

**TO THE CLERK:**

**COPIES OF THIS ORDER SHALL BE DELIVERED TO**

- Petitioner
- Respondent
- Counseling Program: \_\_\_\_\_
- The Mahoning County Sheriff's Office
- Police Department Where Petitioner Resides: \_\_\_\_\_
- Police Department Where Petitioner Works: \_\_\_\_\_
- CSEA
- Other: \_\_\_\_\_

**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 Department.

**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 Motion 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.**