

**YOU ARE WANTING TO FILE FOR A PROTECTION ORDER – PLEASE ANSWER THE FOLLOWING QUESTIONS TO DETERMINE WHICH PACKET TO COMPLETE**

**A minor may not file for a protection order – must be filed by an adult on behalf of the minor**

1. The alleged victim lives in Clermont County – Yes \_\_\_\_\_ No \_\_\_\_\_  
If you answered yes, continue to question 2.  
If you answered no, STOP – you must file in the county in which the victim lives
2. The respondent (alleged offender) is under the age of 18 – Yes \_\_\_\_\_ No \_\_\_\_\_  
If you answered yes, continue to question 3.  
If you answered no, STOP – you are in the wrong court. You should be in either Domestic Relations or Municipal Court.
3. Are you alleging the respondent (alleged offender) has engaged in domestic violence against a family member who resides with or has resided with respondent (alleged offender) – parent, foster parent, child or others related by blood or marriage; also other parent of a common child even if never lived together?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If no, continue to question 4.  
If yes, request a Domestic Violence Civil Protection Order Packet.

Are you asking the Court to make a parenting/custody order in the Domestic Violence Civil Protection Order? (This would only apply if the Petitioner (alleged victim) and the Respondent (alleged offender) have a child or children together)

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, request the Parenting Proceeding Affidavit.

4. Do you believe you are the victim of felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing or aggravated trespass, a sexually oriented offense, or a violation of municipal ordinance that is substantially equivalent to any of these offenses and the respondent is under the age of 18?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, request a Delinquency Protection Order Packet.

***IF YOUR ANSWERS TO QUESTIONS 3 AND 4 ARE BOTH NO, YOU MAY WANT TO CONTACT AN ATTORNEY FOR LEGAL ADVICE.***

***LAWYER REFERRAL SERVICE – (513) 732-2050.***



## PROTECTION ORDERS OVERVIEW CARD

TYPE OF ORDER	FOR WHOM?	JURISDICTION, VENUE & STANDARD OF PROOF	LENGTH OF ORDER, OBJECTIONS & VIOLATION
<p><b>Domestic Violence Civil Protection Order (DV CPO)</b></p> <p><b>Domestic Violence Juvenile Civil Protection Order (DV JCPO)</b></p> <p><b>Dating Violence Civil Protection Order (DT CPO)</b> <b>R.C. 3113.31</b></p>	<ul style="list-style-type: none"> <li>Domestic violence, menacing by stalking, aggravated trespass, child abuse or sexually oriented offense committed by a family or household member</li> <li>Acts committed by an adult against an adult with whom the person has a dating relationship</li> <li>Criminal charges not required</li> <li>Person may seek relief on the person's own behalf</li> <li>In a domestic violence case, any parent or adult household member may seek relief on behalf of any other family or household member</li> <li>In a domestic violence case, custody and support issues may be addressed</li> </ul>	<ul style="list-style-type: none"> <li>Common Pleas Court Domestic Relations division if respondent is 18 years or older</li> <li>Common Pleas Court Juvenile division if respondent is under 18 years old</li> <li><i>Ex Parte</i> order solely signed by a magistrate per <b>Civ.R. 65.1</b></li> <li>Hearing within 7 or 10 court days if <i>Ex Parte</i> order issued, depending if respondent is ordered to vacate or evicted from residence</li> <li>Normal civil action if no <i>Ex Parte</i> order issued or requested</li> <li>Venue: County where petitioner currently or temporarily resides</li> <li>Standard of proof: Preponderance of the evidence</li> </ul>	<ul style="list-style-type: none"> <li>In effect for a specified time up to 5 years and may be renewed</li> <li>In effect for a specified time not to exceed the respondent's 19th birthday, if respondent is a juvenile</li> <li>Objections filed after issuance of final appealable order per <b>Civ.R. 65.1</b></li> <li>Criminal violation under <b>R.C. 2919.27</b></li> <li>Prosecution without service if judicial officer or law enforcement officer provided notice about the order</li> <li>Contempt of court under <b>R.C. 3113.31</b></li> <li>Adjudicated a delinquent juvenile under <b>R.C. 2919.27</b></li> </ul>
<p><b>Juvenile Civil Protection Order (JCPO)</b> <b>R.C. 2151.34</b></p>	<ul style="list-style-type: none"> <li>Felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, aggravated trespass, and sexually oriented offense committed by a juvenile</li> <li>Criminal charges not required</li> <li>Any person on behalf of that person</li> <li>Any parent or adult family or household member may seek relief on behalf of any other family or household member</li> <li>Any person who the court deems as an appropriate person may seek relief on behalf of a child</li> </ul>	<ul style="list-style-type: none"> <li>Common Pleas Court Juvenile division if respondent is under 18 years old</li> <li><i>Ex Parte</i> order solely signed by a magistrate per <b>Civ.R. 65.1</b></li> <li>Hearing within 10 court days if <i>Ex Parte</i> order issued</li> <li>Normal civil action if no <i>Ex Parte</i> order issued or requested</li> <li>Venue: County where petitioner resides</li> <li>Standard of proof: Preponderance of the evidence; clear and convincing for electronic monitoring</li> </ul>	<ul style="list-style-type: none"> <li>In effect for a specified time not to exceed the respondent's 19th birthday</li> <li>Objections filed after issuance of final appealable order per <b>Civ.R. 65.1</b></li> <li>Criminal violation under <b>R.C. 2919.27</b></li> <li>Prosecution without service if judicial officer or law enforcement officer provided notice about the order</li> <li>Contempt of court under <b>R.C. 2151.34</b></li> <li>Adjudicated a delinquent juvenile under <b>R.C. 2919.27</b></li> </ul>

# PROTECTION ORDERS OVERVIEW CARD

TYPE OF ORDER	FOR WHOM?	JURISDICTION, VENUE & STANDARD OF PROOF	LENGTH OF ORDER, OBJECTIONS & VIOLATION
<p align="center"><b>Civil Stalking Protection Order (CSPO)</b></p> <p align="center">or</p> <p align="center"><b>Civil Sexually Oriented Offense Protection Order (CSOOPO)</b></p> <p align="center"><b>R.C. 2903.214</b></p>	<ul style="list-style-type: none"> <li>Menacing by stalking or sexually oriented offense</li> <li>Criminal charges not required</li> <li>Person may seek relief on the person's own behalf</li> <li>Any parent or adult household member may seek relief on behalf of any other family or household member</li> </ul>	<ul style="list-style-type: none"> <li>Common Pleas Court if respondent is 18 years or older</li> <li><i>Ex Parte</i> order solely signed by a magistrate per <a href="#">Civ.R. 65.1</a></li> <li>Hearing within 10 court days if <i>Ex Parte</i> order is issued</li> <li>Normal civil action if no <i>Ex Parte</i> order issued or requested</li> <li>Venue: County where petitioner resides</li> <li>Standard of proof: Preponderance of the evidence; clear and convincing for electronic monitoring</li> </ul>	<ul style="list-style-type: none"> <li>In effect for a specified time up to 5 years and may be renewed</li> <li>Objections filed after issuance of final appealable order per <a href="#">Civ.R. 65.1</a></li> <li>Criminal violation under <a href="#">R.C. 2919.27</a></li> <li>Prosecution without service if judicial officer or law enforcement officer provided notice about the order</li> <li>Contempt of court under <a href="#">R.C. 2903.214</a></li> </ul>
<p align="center"><b>Domestic Violence Temporary Protection Order (DV TPO)</b></p> <p align="center"><b>R.C. 2919.26</b></p>	<ul style="list-style-type: none"> <li>Criminal charges of domestic violence, stalking, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, sexually oriented offense or any offense of violence per <a href="#">R.C. 2901.01</a> against a family or household member</li> <li>Either misdemeanor or felony charge</li> </ul>	<ul style="list-style-type: none"> <li>Municipal or County Court (generally) or Common Pleas Court</li> <li>Venue: Court that has jurisdiction over criminal case</li> </ul>	<ul style="list-style-type: none"> <li>In effect for the duration of criminal case or until a DV CPO, per <a href="#">R.C. 3113.31</a>, is issued arising out of the same activities</li> <li>Criminal violation under <a href="#">R.C. 2919.27</a></li> <li>Prosecution without service if judicial officer or law enforcement officer provided notice about the order</li> </ul>
<p align="center"><b>Criminal Protection Order (CrPO)</b></p> <p align="center"><b>R.C. 2903.213</b></p>	<ul style="list-style-type: none"> <li>Criminal charges of felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, aggravated trespass, menacing or sexually oriented offense against someone who is NOT a family or household member</li> <li>Excludes DV and offenses of violence against family or household member</li> <li>Either misdemeanor or felony charge</li> </ul>	<ul style="list-style-type: none"> <li>Municipal or County Court (generally) or Common Pleas Court</li> <li>Venue: Court that has jurisdiction over criminal case</li> </ul>	<ul style="list-style-type: none"> <li>In effect for the duration of criminal case or until CSPO or CSOOPO, per <a href="#">R.C. 2903.214</a>, is issued arising out of the same activities</li> <li>Criminal violation under <a href="#">R.C. 2919.27</a></li> <li>Prosecution without service if judicial officer or law enforcement officer provided notice about the order</li> </ul>

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Protection Order Forms: For technical assistance on protection order forms and related matters, contact the Domestic Violence Program at 614.387.9408. Forms may be found at: [sc.ohio.gov/JCS/domesticViolence](http://sc.ohio.gov/JCS/domesticViolence) | Updated 07/2018

## FORM 10.05-A: INFORMATION ABOUT FILING A JUVENILE CIVIL PROTECTION ORDER OR A JUVENILE DOMESTIC VIOLENCE CIVIL PROTECTION ORDER PETITION

- If you have any questions about completing the Petition for a Juvenile Civil Protection Order or Domestic Violence Juvenile Civil Protection Order (Form 10.05-B), contact the local victim assistance program, domestic violence program, or Ohio Domestic Violence Network at 800-934-9840.
- Neither the Clerk of Court's Office nor the local domestic violence program can give legal advice. If you need legal advice, talk to a lawyer. Only a lawyer can give you legal advice.
- There is NO FEE for filing the Petition.
- Once completed, take the Petition and other necessary documents to the Clerk of Court's Office.
- If you want an emergency order, also known as an Ex Parte Protection Order, check "want" in paragraph 2 of the Petition.
- The Court will consider your request for an Ex Parte Protection Order and may ask you questions.
- Regardless if an Ex Parte Protection Order was requested, granted, or denied, a full hearing will be scheduled.
- You must attend the full hearing. Your victim advocate may also be present at the hearing.
- On the day of the full hearing, be prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) ask Respondent questions.
- Respondent may be represented by a private lawyer or a court-appointed lawyer. [R.C. 2151.34(O)] You may represent yourself or ask the Court for a continuance to obtain a lawyer. [R.C. 2151.34(D)(2)(a)(iii) or 3113.31(D)(2)(a)(iii)]
- Respondent or Respondent's lawyer may present evidence and may ask you questions.
- The Court cannot issue a protection order against you unless Respondent has filed a Petition.

### DEFINITIONS

**Aggravated Assault**  
[R.C. 2903.12]

No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly cause serious physical harm to another or to another's unborn.

No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, as defined in [the law].

**Aggravated Menacing**  
[R.C. 2903.21]

No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.

**Aggravated Trespass**  
[R.C. 2911.211]

No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing

another person to believe that the offender will cause physical harm to the person.

**Assault**

[R.C. 2903.13]

No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn. No person shall recklessly cause serious physical harm to another or to another's unborn.

**Domestic Violence**

[R.C. 3113.31]

"Domestic violence" means the occurrence of one or more of the following acts against a family or household member: attempting to cause or recklessly causing bodily injury; placing another person by the threat of force in fear of imminent serious physical harm or committing [menacing by stalking or aggravated trespass]; committing any act with respect to a child that would result in the child being an abused child, as defined [by law]; or committing a sexually oriented offense.

**Family or Household Member**

[R.C. 3113.31(A)(3) through (4)]

"Family or household member" means any of the following:

Any of the following who is residing with or has resided with Respondent, such as a spouse, a person living as a spouse, or a former spouse of Respondent; a parent, a foster parent, or a child of Respondent, or another person related by consanguinity or affinity (blood or marriage) to Respondent; a parent or a child of a spouse, person living as a spouse, or former spouse of Respondent, or another person related by consanguinity or affinity (blood or marriage) to a spouse, person living as a spouse, or former spouse of Respondent.

The natural parent of any child of whom Respondent is the other natural parent or is the putative other natural parent.

"Person living as a spouse" means a person who is living or has lived with Respondent in a common law marital relationship, who otherwise is cohabiting with Respondent, or who otherwise has cohabited with Respondent within five years prior to the date of the alleged occurrence of the act in question.

**Felonious Assault**

[R.C. 2903.11]

No person shall knowingly cause serious physical harm to another or to another's unborn. [R.C. 2903.11(A)(1)]

No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

No person, with knowledge that the person has tested positive as a carrier of a virus that causes AIDS, shall knowingly do any of the following: (1) engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct; (2) engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes AIDS; or (3) engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.

**Menacing**

[R.C. 2903.22]

No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.

**Menacing by Stalking**

[R.C. 2903.211]

No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network,

computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation [this law].

**Pattern of Conduct**  
[R.C. 2903.211(D)(1)]

Pattern of conduct means two or more actions or incidents closely related in time.

**Mental Distress**  
[R.C. 2903.211(D)(2)]

Mental distress means: (a) any mental illness or condition that involves some temporary substantial incapacity **OR** (b) any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, regardless if psychiatric treatment, psychological treatment, or other mental health services was requested or received.

**Sexually Oriented Offense**  
[R.C. 2950.01]

Sexually oriented offenses are defined at R.C. 2950.01.

**PETITION FOR JUVENILE CIVIL PROTECTION ORDER  
INFORMATION SHEET**

**Petitioner's Parent(s)/Guardians(s) Name(s):** \_\_\_\_\_  
\_\_\_\_\_

**Petitioner's Parent(s)/Guardian(s) Street Address:** \_\_\_\_\_  
\_\_\_\_\_

**Petitioner's Parent(s)/Guardian(s) City, State and Zip:** \_\_\_\_\_

**Petitioner's Parent(s)/Guardian(s) Phone Number:** \_\_\_\_\_

**Respondent's Parent(s)/Guardian(s) Name(s):** \_\_\_\_\_  
\_\_\_\_\_

**Respondent's Parent(s)/Guardian(s) Street Address:** \_\_\_\_\_  
\_\_\_\_\_

**Respondent's Parent(s)/Guardian(s) City, State and Zip:** \_\_\_\_\_

**Respondent's Parent(s)/Guardian(s) Telephone Number:** \_\_\_\_\_

**In order for the Respondent to be properly served with the Juvenile Civil Protection Order, please provide the following information to the best of your ability:**

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

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

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

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

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

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

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

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







9. Petitioner requests the Court grant relief under R.C. 2151.34 or 3113.31. Check all that apply.

- a. Directs Respondent to not abuse Petitioner and the other persons named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, contacting, forcing sexual relations upon, or committing sexually oriented offenses against them.
- b. Directs Respondent to not enter or have limited access to the following places (include name and address, as applicable) where Petitioner and the persons named in this Petition may be found, including the buildings, grounds, and parking lots at these places.

Residence: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

School: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Business or Place of Employment: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Other (specify): \_\_\_\_\_  
 \_\_\_\_\_

- c. Directs Respondent to not approach or have contact by any means with Petitioner and persons named in this Petition.
- d. Directs Respondent not to remove, damage, hide, or dispose of any property, companion animals, or pets owned by Petitioner.
- e. Grants Petitioner permission to take Petitioner's companion animals or pets, as described below, away from the possession of Respondent:  
 \_\_\_\_\_  
 \_\_\_\_\_
- f. Directs Respondent to not possess, use, carry, or obtain any deadly weapon, firearms, and ammunition.
- g. Directs Respondent to be electronically monitored because Respondent's conduct has put or puts the health, welfare, or safety of Petitioner and the persons named in this Petition at risk. Describe Respondent's conduct and how Respondent continues to present a danger to Petitioner and the persons named in this Petition. **If you need more space, attach an additional page.**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- h. Directs Respondent to complete batterer counseling, substance abuse counseling, or other counseling as determined necessary by the Court.

i. Directs the wireless service provider to separate Petitioner’s account from Respondent’s account, per R.C. 3113.45 to 3113.459. Petitioner will assume all financial responsibility for any costs associated with the wireless service number and any costs for the device associated with the wireless service number. Respondent’s billing telephone number is: \_\_\_\_\_

Petitioner’s contact information is on page 1 of this Petition. The wireless service numbers to be transferred to Petitioner which are used by Petitioner or the minor children in the care of Petitioner is:

\_\_\_\_\_

\_\_\_\_\_

j. Includes the following additional provisions: \_\_\_\_\_

\_\_\_\_\_

10. Petitioner further requests that the Court grant such other relief as the Court considers equitable and fair.

**I swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that making false statements in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and may also subject me to criminal penalties for perjury under R.C. 2921.11.**

\_\_\_\_\_  
**SIGNATURE OF PETITIONER**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
Name of Attorney (if applicable)

\_\_\_\_\_  
Attorney’s Fax

\_\_\_\_\_  
Signature of Petitioner’s Attorney

\_\_\_\_\_  
Attorney’s Registration Number

\_\_\_\_\_  
Attorney’s Address

\_\_\_\_\_  
Attorney’s Telephone

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Attorney’s Email

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION  
CLERMONT COUNTY, OHIO

\_\_\_\_\_  
**Petitioner** : Case No. \_\_\_\_\_

**v.** : **JUDGE JAMES A. SHRIVER**

\_\_\_\_\_  
**Respondent**

**REQUEST FOR SERVICE**

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(2), please serve Respondent a copy of the Petition, *ex parte* protection order, if granted, and any other accompanying documents to the address below and as follows:

\_\_\_\_\_  
\_\_\_\_\_  
 Personal service  Certified Mail, Return Receipt Requested  
 Other (specify) \_\_\_\_\_

Other (address): \_\_\_\_\_  
 Personal Service  Certified Mail, Return Receipt Requested  
 Other (specify) \_\_\_\_\_

SPECIAL INSTRUCTIONS TO SHERIFF:

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

\_\_\_\_\_  
**SIGNATURE OF ATTORNEY OR PETITIONER**

**RETURN OF SERVICE**

Respondent was served on \_\_\_\_\_.

\_\_\_\_\_  
Officer and Badge Number Law Enforcement Agency

\_\_\_\_\_  
Date

**CLERK'S CERTIFICATE OF MAILING**

Service of Process was sent by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

Attest: \_\_\_\_\_ Deputy Clerk