

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.

Ohio 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 a 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 domestic violence offender.

Ex Parte Civil Protection Order (CPO) 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 on the reverse side of this form.

Full Hearing Civil Protection Order (CPO) is the final order the court issues after a full hearing. The full hearing is described on the reverse side of this form. 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** 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; and Petitioner seeks protection from the Respondent by filing for a CPO.

IN A CRIMINAL DOMESTIC VIOLENCE CASE:

Motion for a 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 sexually oriented offenses wishes to obtain a protection order against an alleged domestic violence offender. 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.

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 domestic violence offender to stop abusing and to stay away from the victim(s) named in the Motion for Temporary Protection Order. A DVTPO expires when the alleged domestic violence offender's criminal case ends or when a CPO is issued based on the same incident(s) of domestic violence.

Alleged Victim is the person asking the court for protection in the Motion for a Criminal DVTPO. YOU are the Alleged Victim.

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 offense of violence, or any sexually oriented offense against a family or household member.

FEES

UNDER FEDERAL AND STATE LAW YOU CANNOT BE CHARGED ANY COSTS OR FEES FOR OBTAINING A PROTECTION ORDER.

CIVIL PROTECTION ORDERS

What is a 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 five years. If the Respondent violates the CPO, you can call the police or go back to the domestic relations court to file a contempt motion.

Why get a 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. A 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 that 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 parenting time.

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, the DVTPO from criminal court will end although the criminal case will continue.

Who can get a Civil Protection Order?

You can apply for a CPO if you are related to the Respondent by blood or marriage AND have lived with the Respondent at any time; OR you are living with the Respondent 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 apply for a CPO for any member of your household.

You can apply for 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 Respondent.

REMEMBER that a CPO has limits. If you suspect that the Respondent will not obey the terms of a CPO, contact the domestic violence program indicated in the resource section of this form or the Ohio Domestic Violence Network at 800-934-9840.

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

No, but you are often better off having legal representation in your CPO proceeding. Having an attorney represent you is especially helpful when your case involves contested custody and parenting time and/or when an attorney represents the Respondent. If you cannot afford an attorney, contact your local legal aid office, 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 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 the same day a petition for a Civil Protection Order is completed. If the Petition for a CPO is completed too late in the day, the petitioner will complete the process to include the *ex parte* hearing, but any order will be filed the next business day with the Clerk of Courts and the petitioner will need to return to pick up the filed order.

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 full hearing within 7 court working days. Otherwise, a full hearing will be set within 10 court working days. The court cannot hold a full hearing until the Respondent has been served with the *Ex Parte* CPO.

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 who can support your case. If the court issues a Full Hearing CPO, it remains in force until the date indicated in the CPO, with five 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, or expires as a result of non-service after one year.

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 TEMPORARY PROTECTION ORDERS

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 by a plea, a conviction, a dismissal of charges, or a CPO is issued by a domestic relations court.

RESOURCES

You may be able to find additional information about domestic violence at the following Websites:

Ohio Domestic Violence Network

www.odvn.org

Ohio State Legal Services Association's DV Resource Center

www.ohiodvresources.org

National Resource Center on Domestic Violence

www.nrcdv.org

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, which can be found through www.ctcnet.org, would be safer computers.