

HOW TO OBTAIN A DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (“CPO”)

Forms to Fill Out for a Domestic Violence CPO

To obtain a CPO, you will need the following documents. You can get all of these documents from the Butler County Domestic Relations Court or go to http://www.butlercountyohio.org/drcourt/pages/domestic_violence.htm:

1. Petition for a Domestic Violence Civil Protection Order Form 10.01-D.
2. If you are requesting temporary custody of a child, Information for Parenting Proceeding Affidavit Form 10.01-F.
3. If you request financial support, you might need to fill out a Financial Affidavit Form. The court can provide you with this form if it is required.

Complete the Petition for a CPO form. Complete the Parenting Proceeding Affidavit and financial affidavit forms if applicable. Take these documents to the Domestic Violence Unit of the Butler County Domestic Relations Court.

Filing the Petition for a Domestic Violence CPO Form

Present your completed Petition for a CPO form and, if needed, your completed Parenting Proceeding Affidavit and financial affidavit forms, to the Domestic Violence Unit of the Domestic Relations Court.

An employee of the Domestic Violence Unit will help you process your documents.

There is **NO FEE** for filing the Petition for a CPO form.

Ask an employee of your local domestic violence assistance group about your local court procedures.

Victim Advocate

Ohio law permits you to have a victim advocate with you at all times in court during protection order proceedings. Victim advocate means a person who provides support and assistance for a victim of an offense during court proceedings. Contact the Butler County Sheriff's Office, Victim Assistance Program, (513) 887-3430; Dove House, Court/Victim Advocate Program, (513) 863-7099 or the Ohio Domestic Violence Network (800) 934-9840 for advocate information.

Attending the *Ex Parte* Court Hearing

You must appear in front of a judge or magistrate for the *ex parte* hearing. The judge or magistrate listens to your testimony.

You should tell the judge or magistrate what the Respondent did to make you fear that you or a family member may be in danger. Tell the judge or magistrate if the Respondent injured you, attempted to injure you, or threatened you.

Tell the judge or magistrate what you would like the court to do to help keep you and other family members safe and to protect the children. For example, you might ask the judge or magistrate to:

1. Order the Respondent to stay away from you;
2. Order the Respondent to be removed from your home;
3. Order the Respondent to get counseling;
4. Award you custody of any children;
5. Order the Respondent to have parenting time only under conditions that will keep you and the children safe;
6. Order the Respondent to pay you child support and/or spousal support (alimony);
7. Order the Respondent to be prohibited from having any weapons;
8. Award you possession of a car for your use;
9. Award you possession of your personal property and the children's personal property.

If the judge or magistrate determines that you or your family or household members are in danger of domestic violence, the judge or magistrate signs an *Ex Parte* CPO at the hearing.

The judge or magistrate then sets a second hearing (called a "full hearing") in 7 or 10 court working days to give the Respondent a chance to be heard. You must also appear at the full hearing. Some issues, such as support, may be postponed until this second hearing.

You Must Attend the Full Hearing

The full hearing on the Petition for a CPO will be set in 7 or 10 business days after the *ex parte* hearing. You must attend the full hearing. You may have any attorney present with you at the full hearing.

At the full hearing you must tell what happened again. This time you tell what happened in more detail. Bring with you any witnesses and evidence you have, photos, answering machine tapes, or papers such as police reports, hospital records, etc, or any other evidence that will help you prove that the Respondent injured you or another family member, attempted to injure you, or threatened you. Tell the judge or magistrate why you fear the Respondent. You may call the Respondent as a witness to help you prove your case. Tell the judge or magistrate again what you want the court to do to help keep you and other family members safe.

The Respondent may have an attorney. You may want to ask for a continuance in order to get an attorney. The respondent may also present evidence and call you as a witness. You may be asked questions by the Respondent or their attorney.

After the hearing, if the judge or magistrate decides you are entitled to a CPO, the court issues a new CPO called a "Full Hearing CPO." This CPO is usually more detailed than the *Ex Parte* CPO issued after the first hearing. The judge or magistrate could also deny your Petition for a CPO if the court decides you are not entitled to a CPO. The court may not issue any orders against you unless the Respondent has filed a separate action against you.

At the full hearing, you and the Respondent can decide to enter into a Consent Agreement instead of having a hearing in front of the judge or magistrate. The court will prepare a Consent Agreement form.

Enforcing Your CPO

Your CPO remains in effect for two years, unless the court sets a different expiration date. You may file a motion to extend the CPO for up to five years.

Violating a CPO is a crime. If the Respondent violates the CPO, it is a crime. Immediately contact the police.

You may also bring a contempt action in domestic relations court for CPO violations. A contempt action is brought because the Respondent is disregarding the court's order. You must contact the domestic relations court or your attorney to begin a contempt action against the Respondent.

Criminal Court

In addition to the *ex parte* hearing and full hearing in domestic relations court, you should attend all meetings and hearings as requested by the prosecutor and the court in any criminal case filed against the Respondent.

Tell the domestic relations court about any pending criminal cases. Tell the criminal court about any pending domestic relations court cases.

Any temporary protection order (TPO) issued by a criminal court expires as soon as the criminal case is ended by dismissal or date of sentencing. A TPO issued by a criminal court also expires when a CPO is issued by the domestic relations court based upon the same facts.