

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

Case No.

Judge BETH A. SMITH

Mahoning County Sheriff's Office
LAW ENFORCEMENT AGENCY WHERE INDEXED

State OHIO

(330) 480 - 5034

PHONE NUMBER

DOMESTIC VIOLENCE CIVIL PROTECTION ORDER
(CPO) FULL HEARING (R.C. 3113.31)
WITH SUPPORT ORDER

PETITIONER:

Empty box for Petitioner name

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Form for protected persons with fields for Name, DOB, and Family Members

RESPONDENT:

Empty box for Respondent name

First Middle Last

RESPONDENT IDENTIFIERS

Table with columns for 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 Respondent was 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. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until / / (DATE CERTAIN - 5 YEARS MAXIMUM)

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

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This proceeding came on for a hearing on _____ / _____ / _____ before the Court and the Ex Parte Order filed on _____ / _____ / _____. The following individuals were present:

The Court hereby makes the following findings of fact:

The Court further finds by a preponderance of the evidence: 1) that the Petitioner or Petitioner's family or household members are in danger of or have been a victim of domestic violence or sexually oriented offenses as defined in R.C. 3113.31(A) committed by Respondent; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this Order from domestic violence.

RESPONDENT SHALL NOT ABUSE harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO THE RESPONDENT

1. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

2. **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 or interrupting telephone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

3. **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:

4. **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]

5. **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

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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]

6. **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, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voice mail; delivery service; social networking media; blogging; writings; electronic communications; or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

7. **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.

8. **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:

9. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

10. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while this Order remains in effect, unless Respondent is excepted for official use pursuant to 18 U.S.C. 925(a)(1). [NCIC 07]

RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS AND CONCEALED CARRY LICENSE 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]

Upon the expiration of this Order, any deadly weapon(s), including firearms, ammunition, and/or concealed carry license held in protective custody by law enforcement pursuant to this Order shall be disposed of as unclaimed property pursuant to R.C. 2981.12 unless the Respondent files a motion for return with this Court within 30 days before the expiration of this Order.

Upon the dismissal of this Order prior to expiration, any deadly weapon(s), including firearms, ammunition, and/or concealed carry license held in protective custody pursuant to this Order may be returned to Respondent upon the following conditions: (A) Respondent makes a request for the return of same; and

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(B) the law enforcement agency determines that the weapon(s) in question are not stolen and that the Respondent is not under any disability which prevents the Respondent from owning or possessing a weapon.

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

This Order applies to the following child(ren):

12. **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 5 and 6, temporary visitation rights are established as follows:
[NCIC 06]

This Order applies to the following child(ren):

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

14. **RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows:

15. **RESPONDENT MAY PICK UP CLOTHING** and personal effects 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:

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

17. **IT IS FURTHER ORDERED:** [NCIC 08]

18. **RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

Respondent shall contact this program within _____ days after receiving

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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.**

19. IT IS FURTHER ORDERED that the Clerk of Court shall cause a copy of this Order to be delivered to the Respondent as required by Civ.R. 65.1. 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. No costs or fees shall be assessed for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, or serving this Order.

20. ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF FIVE YEARS FROM ISSUANCE, OR UNTIL _____ / _____ / _____ **unless** earlier modified or terminated by order of this Court. Except for paragraphs 11, 12, 13, and 14 above, this Order survives a divorce, dissolution of marriage, or legal separation. Until this Order is served upon the Respondent pursuant to Civ.R. 65.1, the terms of the *Ex Parte* CPO remain in effect.

21. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order. Accordingly, the Court adopts the magistrate's granting of the Order.

IT IS SO ORDERED.

MAGISTRATE

JUDGE

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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. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served on the parties indicated pursuant to Civ. R. 65.1(C)(3) on _____ day of _____, 20 _____

By: **SEE DOCKET FOR SERVICE**
CLERK OF COURT

TO THE CLERK:

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

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

NOTICE TO ATTORNEYS AND PARTIES

Pursuant to Civil Rule 65.1(F)(3)(d), a party may file written objections to a court's adoption, modification or rejection of a magistrate's denial or granting of a protection order after full hearing, or any terms of such an order, within 14 days of the court's filing of this order. If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. The timely filing of any objections under this rule shall not stay the execution of this order.

**ADDITIONAL NOTICE TO RESPONDENT
TO UPDATE ADDRESS**

RESPONDENT IS HEREBY CAUTIONED AND ADVISED TO UPDATE THE CLERK OF COURTS AS TO ANY CHANGE OF ADDRESS SO THAT THE COURT CAN PROVIDE RESPONDENT WITH NOTICE AS TO ANY MODIFICATION, DISMISSAL OR RENEWAL OF THIS ORDER.