

WARNING CONCERNING THE ATTACHED DOMESTIC VIOLENCE PROTECTION ORDER

NOTE: Rules of Superintendence 10.01 and 10.02 require this Warning to be attached to the FRONT of all civil and criminal domestic violence protection orders issued by the courts of the State of Ohio.

WARNING TO RESPONDENT / DEFENDANT

Violating the attached Protection Order is a crime, punishable by imprisonment or fine or both, and can cause your bond to be revoked or result in a contempt of court citation against you.

This Protection Order is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. Territories pursuant to the Violence Against Women Act of 1994, 18 U.S.C. Section 2265. Violating this Protection Order may subject you to federal charges and punishment. You may also be subject to federal penalty for possessing, transporting, or accepting a firearm under the Gun Control Act, 18 U.S.C. Section 922(g)(8).

Only the Court can change this order. The Petitioner cannot give you legal permission to change this order. If you go near the Petitioner, even with the Petitioner's consent, you may be arrested. If you and the Petitioner / Complainant/ Victim want to resume your relationship you must ask the Court to modify or dismiss this Protection Order. Unless the Court modifies this order, you can be arrested for violating this Protection Order. You act at your own risk if you disregard this WARNING.

WARNING TO PETITIONER / COMPLAINANT / VICTIM

You cannot change the terms of this order by your words or actions. Only the Court can allow the Respondent/Defendant to contact you or return to your residence. If you and the Respondent want to resume your relationship, you must ask the Court to modify or dismiss this Protection Order.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violation of this Protection Order, regardless of whether it is a criminal or civil Protection Order, is a crime under R.C. 2919.27. Law enforcement officers with powers to arrest under R.C. 2935.03 for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2919.26, 2919.27 and R.C. 3113.31. If you have reasonable grounds to believe that Respondent / Defendant has violated this Protection Order, it is the preferred course of action in Ohio under R.C. 2935.03 to arrest and detain Respondent / Defendant until a warrant can be obtained.

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

Petitioner : Case No. _____
Date Of Birth: _____ : Judge _____

v.

Respondent : **DOMESTIC VIOLENCE *EX PARTE*
CIVIL PROTECTION ORDER (R.C. 3113.31)**
Date Of Birth: _____ :

**NOTICE TO RESPONDENT: SEE THE
ATTACHED WARNING AND NOTICE OF
FULL HEARING BELOW.**

**NAME(S) AND DATE OF BIRTH OF FAMILY OR HOUSEHOLD
MEMBERS OF PETITIONER PROTECTED BY THIS ORDER:**

Petitioner

Child

Child

Child

Other _____

This proceeding came on for an *ex parte* hearing on _____, _____. The Court finds: 1) the facts contained in the Petition are true in that Respondent engaged in domestic violence against the family or household member(s) named in the Petition as defined in R.C. 3113.31; and 2) the following orders are equitable and fair, necessary to protect the family or household member(s) named in the Petition from domestic violence, and supported by good cause as shown at the *ex parte* hearing. Violence Against Women Act, 42 U.S.C. 13981, Full Faith and Credit Declaration: The Court further finds that it has jurisdiction over the parties and matter under Ohio law and that notice and an opportunity to be heard will be provided to Respondent within the time required by Ohio law.

The Court hereby issues the following orders to Respondent (the applicable orders are marked in the boxes below):

☒ **1. RESPONDENT SHALL NOT ABUSE** the family or household member(s) named in this Order by harming, attempting to harm, threatening, molesting, following, stalking, bothering, harassing, annoying, contacting, or forcing sexual relations on them. [NCIC 01 and 02]

☐ **2. RESPONDENT SHALL IMMEDIATELY VACATE** the following residence: _____
_____.

☒ **3. EXCLUSIVE POSSESSION OF THE RESIDENCE** located at: _____
_____ is granted to: Petitioner. Respondent shall not interfere with this individual's right to occupy the residence by canceling utilities or insurance, interrupting phone 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 to the law enforcement officer who serves Respondent with this Order or as follows: _____
_____.

☒ **5. RESPONDENT SHALL STAY AWAY FROM THE FAMILY OR HOUSEHOLD MEMBER(S) NAMED IN THIS ORDER.** Respondent shall not be present within 500 yards (distance) of them, and shall refrain from entering any place where they may be found. This order to stay away includes, but is not limited to, the buildings, grounds, and parking lots of their residences, schools, businesses, places of employment, day care centers, and babysitters. If Respondent accidentally comes in contact with the family or household member(s) named in this Order in any public or private place, Respondent must depart immediately. [NCIC 04]

☒ **6. RESPONDENT SHALL NOT CONTACT**, the family or household member(s) named in this Order or their residences, businesses, places of employment, schools, day care centers, and babysitters. Contact includes, but is not limited to, telephone, fax, e-mail, and voice mail. [NCIC 05]

☐ **7. RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF AND ALL KEYS TO THE FOLLOWING MOTOR VEHICLE**, including license tags and stickers, title, and registration papers: _____
to: Petitioner, who 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 family or household member(s) named in this Order. Household and family 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.** Respondent shall turn over all deadly weapons in Respondent's possession at the earliest possible opportunity to the law enforcement officer who serves Respondent with this Order. Any law enforcement agency receiving such deadly weapon(s) shall hold them in protective custody until further Court order. The Respondent is hereby put on notice that a court order must first be obtained for the return of any weapons. The failure to file a formal motion to obtain such an order within 30 days of the date of the termination of this protection order, will, and does constitute a knowing and voluntary abandonment of the property and therefore the property will be subject to a forfeiture. [NCIC 07]

☐ **11. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:**

Temporary custody is awarded to: _____

☐ **Petitioner has sole custody by law (R.C. 3109.042) (Unmarried female with no prior custody order)**

This order applies to the following child(ren): _____

Law enforcement officers shall assist Petitioner in gaining custody of the child(ren) if necessary.

12. VISITATION ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER. If there is a visitation order, Respondent should bring it to the full hearing for the Court to review. Until the full hearing is held,

☐ (A) Respondent's visitation rights are suspended; or

☐ (B) as a limited exception to paragraph 5, temporary visitation rights are established as follows:

This order applies to the following child(ren): _____

☐ **13. RESPONDENT SHALL SUPPORT** the family or household member(s) named in this Order by following the attached Support Order, which is incorporated herein by reference.

☐ **14. RESPONDENT MAY PICK UP CLOTHING** and personal items from the above residence only upon reasonable notice to Petitioner and in the company of a uniformed law enforcement officer within 7 days of the filing of this Order. Arrangements may be made by contacting: _____

☐ **15. RESPONDENT SHALL NOT CONSUME, USE, OR POSSESS** illegal drugs, or beverages containing alcohol.

☐ **16. IT IS FURTHER ORDERED** that: _____

☒ **17. THIS MATTER IS REFERRED TO A MAGISTRATE FOR A FULL HEARING PURSUANT TO CIVIL RULE 53.**

☐ **18. THIS MATTER SHALL PROCEED TO A FULL HEARING PURSUANT TO OHIO REVISED CODE 3113.31(D)(3).**

19. NOTICE TO RESPONDENT: ONLY THE COURT CAN CHANGE THIS ORDER. THE PETITIONER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE THIS ORDER. IF YOU GO NEAR THE PETITIONER, EVEN WITH THE PETITIONER'S CONSENT, YOU MAY BE ARRESTED. IF YOU AND THE PETITIONER / COMPLAINANT/ VICTIM WANT TO RESUME YOUR RELATIONSHIP YOU MUST ASK THE COURT TO MODIFY OR DISMISS THIS PROTECTION ORDER. UNLESS THE COURT MODIFIES THIS ORDER, YOU CAN BE ARRESTED FOR VIOLATING THIS PROTECTION ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

20. **IT IS FURTHER ORDERED** that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by law. "Delivered" for this purpose means service in accordance with Rules 4 through 4.6 of the Rules of Civil Procedure. 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, and **shall remain in effect for FIVE (5) YEARS from the date of its filing.** The Clerk of Courts shall provide certified copies of this order to Petitioner upon request. Costs of this matter are continued for further order.

21. This order does not impose any legal obligation upon Petitioner to avoid contact with the Respondent.

IT IS SO ORDERED.

MAGISTRATE

JUDGE

A FULL HEARING on this Order, temporary custody, support rights, and all other issues raised by the Petition shall be held on the Second floor of the Dayton-Montgomery County Courts Bldg., at 301 West Third Street, Dayton, Ohio before Magistrate _____ on _____ at _____ a.m./p.m.

SERVICE OF ALL DOCUMENTS TO:

- ☒ Montgomery County Sheriff's Office
- ☒ Petitioner
- ☒ Respondent (by personal service)
- ☒ Attorney for Petitioner
- ☒ Police Dept. Where Petitioner Resides: _____
- ☐ Police Dept. Where Petitioner Works: _____
- ☐ Child(ren)'s School and/or Daycare Provider: _____
- ☐ Other: _____
- ☐ Other: _____