

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.

IN THE COURT OF COMMON PLEAS, _____ DIVISION
_____ COUNTY, OHIO

Petitioner : **Case No.** _____

 Address (Safe mailing address) : **Judge/Magistrate** _____

 City, State, Zip Code :

Date of Birth: ____ / ____ / ____ :

v. :

Respondent :

 Address (If home address unknown, put the school or work address) :

 City, State, Zip Code :

Date of Birth: ____ / ____ / ____ : Respondent is under 18 years old

**PETITION FOR JUVENILE CIVIL PROTECTION ORDER
OR JUVENILE DOMESTIC VIOLENCE CIVIL
PROTECTION ORDER (R.C. 2151.34 and 3113.31)**

IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE PUT A MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

- 1. I need or a witness needs a foreign language interpreter in _____ or an American Sign Language interpreter per Sup.R. 88.
- 2. I want do not want an **ex parte (emergency) protection order** per R.C. 2151.34 or 3113.31. Petitioner further requests a full hearing trial even if the ex parte protection order is granted, denied, or not requested.
- 3. Who needs protection?
 - Me
 - My minor child
 - A family or household member, who is not a minor child
 - Other: _____
- 4. The relationship of Petitioner to Respondent is that of:
 - Parent or foster parent of Respondent
 - Respondent is the parent of my child
 - Relative by blood or marriage of Respondent or Petitioner and has lived with Respondent (please specify how you are related): _____

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

Case No. _____

IN THE COURT OF COMMON PLEAS
COUNTY, OHIO

Petitioner _____ : Case No. _____
v. _____ : Judge/Magistrate _____
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