

As Reported by the Senate Judiciary--Civil Justice Committee

124th General Assembly

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Sub. H. B. No. 548

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Damschroder, Sullivan, Ogg, Lendrum, Carey, Hartnett, Distel, Sferra,
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Wolpert, Salerno, Key, Fedor, Patton, Buehrer, Hoops, Young, Boccieri,
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Brown, Oakar, Mason, Sykes, Beatty, S. Smith, Strahorn, Britton, DeBose,
Jerse, Wilson, Collier
SENATOR Austria**

A B I L L

To amend sections 2903.213, 2903.214, 2919.25, 1
2919.26, 2919.27, 2919.272, and 3113.31 of the 2
Revised Code to clarify that no fees, cost, 3
deposit, or money may be charged relative to 4
certain protection orders and consent agreements or 5
relative to the filing or prosecution of domestic 6
violence charges and to expand the out-of-state 7
protection orders that are within the scope of the 8
laws regarding out-of-state protection orders. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2903.213, 2903.214, 2919.25, 10
2919.26, 2919.27, 2919.272, and 3113.31 of the Revised Code be 11

amended to read as follows: 12

Sec. 2903.213. (A) Except when the complaint involves a 13
person who is a family or household member as defined in section 14
2919.25 of the Revised Code, upon the filing of a complaint that 15
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 16
2903.211, 2903.22, or 2911.211 of the Revised Code or a violation 17
of a municipal ordinance substantially similar to section 2903.13, 18
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, the 19
complainant, the alleged victim, or a family or household member 20
of an alleged victim may file a motion that requests the issuance 21
of a protection order as a pretrial condition of release of the 22
alleged offender, in addition to any bail set under Criminal Rule 23
46. The motion shall be filed with the clerk of the court that has 24
jurisdiction of the case at any time after the filing of the 25
complaint. If the complaint involves a person who is a family or 26
household member, the complainant, the alleged victim, or the 27
family or household member may file a motion for a temporary 28
protection order pursuant to section 2919.26 of the Revised Code. 29

(B) A motion for a protection order under this section shall 30
be prepared on a form that is provided by the clerk of the court, 31
and the form shall be substantially as follows: 32

"Motion for Protection Order 33
..... 34
Name and address of court 35

State of Ohio 36
v. No. 37

..... 38

Name of Defendant 39

(Name of person), moves the court to issue a protection order 40
containing terms designed to ensure the safety and protection of 41

the complainant or the alleged victim in the above-captioned case,
in relation to the named defendant, pursuant to its authority to
issue a protection order under section 2903.213 of the Revised
Code.

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A complaint, a copy of which has been attached to this
motion, has been filed in this court charging the named defendant
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21,
2903.211, 2903.22, or 2911.211 of the Revised Code or a violation
of a municipal ordinance substantially similar to section 2903.13,
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code.

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I understand that I must appear before the court, at a time
set by the court not later than the next day that the court is in
session after the filing of this motion, for a hearing on the
motion, and that any protection order granted pursuant to this
motion is a pretrial condition of release and is effective only
until the disposition of the criminal proceeding arising out of
the attached complaint or until the issuance under section
2903.214 of the Revised Code of a protection order arising out of
the same activities as those that were the basis of the attached
complaint.

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Signature of person

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Address of person"

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(C)(1) As soon as possible after the filing of a motion that
requests the issuance of a protection order under this section,
but not later than the next day that the court is in session after
the filing of the motion, the court shall conduct a hearing to
determine whether to issue the order. The person who requested the
order shall appear before the court and provide the court with the
information that it requests concerning the basis of the motion.

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If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim.

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(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, the alleged victim, or a family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, the alleged victim, or a family or household member.

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(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

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(D)(1) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation specified in division (A) of this section, the court,

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upon its own motion, may issue a protection order under this
section as a pretrial condition of release of the alleged offender
if it finds that the safety and protection of the complainant or
the alleged victim may be impaired by the continued presence of
the alleged offender.

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(2) If the court issues a protection order under this section
as an ex parte order, it shall conduct, as soon as possible after
the issuance of the order but not later than the next day that the
court is in session after its issuance, a hearing to determine
whether the order should remain in effect, be modified, or be
revoked. The hearing shall be conducted under the standards set
forth in division (C) of this section.

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(3) If a municipal court or a county court issues a
protection order under this section and if, subsequent to the
issuance of the order, the alleged offender who is the subject of
the order is bound over to the court of common pleas for
prosecution of a felony arising out of the same activities as
those that were the basis of the complaint upon which the order is
based, notwithstanding the fact that the order was issued by a
municipal court or county court, the order shall remain in effect,
as though it were an order of the court of common pleas, while the
charges against the alleged offender are pending in the court of
common pleas, for the period of time described in division (E)(2)
of this section, and the court of common pleas has exclusive
jurisdiction to modify the order issued by the municipal court or
county court. This division applies when the alleged offender is
bound over to the court of common pleas as a result of the person
waiving a preliminary hearing on the felony charge, as a result of
the municipal court or county court having determined at a
preliminary hearing that there is probable cause to believe that
the felony has been committed and that the alleged offender
committed it, as a result of the alleged offender having been

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indicted for the felony, or in any other manner. 137

(E) A protection order that is issued as a pretrial condition 138
of release under this section: 139

(1) Is in addition to, but shall not be construed as a part 140
of, any bail set under Criminal Rule 46; 141

(2) Is effective only until the disposition, by the court 142
that issued the order or, in the circumstances described in 143
division (D)(3) of this section, by the court of common pleas to 144
which the alleged offender is bound over for prosecution, of the 145
criminal proceeding arising out of the complaint upon which the 146
order is based or until the issuance under section 2903.214 of the 147
Revised Code of a protection order arising out of the same 148
activities as those that were the basis of the complaint filed 149
under this section; 150

(3) Shall not be construed as a finding that the alleged 151
offender committed the alleged offense and shall not be introduced 152
as evidence of the commission of the offense at the trial of the 153
alleged offender on the complaint upon which the order is based. 154

(F) A person who meets the criteria for bail under Criminal 155
Rule 46 and who, if required to do so pursuant to that rule, 156
executes or posts bond or deposits cash or securities as bail, 157
shall not be held in custody pending a hearing before the court on 158
a motion requesting a protection order under this section. 159

(G)(1) A copy of a protection order that is issued under this 160
section shall be issued by the court to the complainant, to the 161
alleged victim, to the person who requested the order, to the 162
defendant, and to all law enforcement agencies that have 163
jurisdiction to enforce the order. The court shall direct that a 164
copy of the order be delivered to the defendant on the same day 165
that the order is entered. If a municipal court or a county court 166
issues a protection order under this section and if, subsequent to 167

the issuance of the order, the defendant who is the subject of the 168
order is bound over to the court of common pleas for prosecution 169
as described in division (D)(3) of this section, the municipal 170
court or county court shall direct that a copy of the order be 171
delivered to the court of common pleas to which the defendant is 172
bound over. 173

(2) All law enforcement agencies shall establish and maintain 174
an index for the protection orders delivered to the agencies 175
pursuant to division (G)(1) of this section. With respect to each 176
order delivered, each agency shall note on the index the date and 177
time of the agency's receipt of the order. 178

(3) Regardless of whether the petitioner has registered the 179
protection order in the county in which the officer's agency has 180
jurisdiction, any officer of a law enforcement agency shall 181
enforce a protection order issued pursuant to this section in 182
accordance with the provisions of the order. 183

(H) Upon a violation of a protection order issued pursuant to 184
this section, the court may issue another protection order under 185
this section, as a pretrial condition of release, that modifies 186
the terms of the order that was violated. 187

(I) Notwithstanding any provision of law to the contrary and 188
regardless of whether a protection order is issued or a consent 189
agreement is approved by a court of another county or by a court 190
of another state, no court or unit of state or local government 191
shall charge a any fee for, cost, deposit, or money in connection 192
with the filing of a motion pursuant to this section, in 193
connection with the filing, issuance, registration, or service of 194
a protection order or consent agreement, or for obtaining 195
certified copies of a protection order or consent agreement. 196

Sec. 2903.214. (A) As used in this section: 197

(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.	198 199
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	200 201 202
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	203 204
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	205 206
(B) The court has jurisdiction over all proceedings under this section.	207 208
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state both of the following:	209 210 211 212 213
(1) An allegation that the respondent engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order, including a description of the nature and extent of the violation;	214 215 216 217
(2) A request for relief under this section.	218
(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order	219 220 221 222 223 224 225 226 227

constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order.

(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section 259
does not request an ex parte order, or if a person requests an ex 260
parte order but the court does not issue an ex parte order after 261
an ex parte hearing, the court shall proceed as in a normal civil 262
action and grant a full hearing on the matter. 263

(E)(1) After an ex parte or full hearing, the court may issue 264
any protection order, with or without bond, that contains terms 265
designed to ensure the safety and protection of the person to be 266
protected by the protection order, including, but not limited to, 267
a requirement that the respondent refrain from entering the 268
residence, school, business, or place of employment of the 269
petitioner or family or household member. If the court includes a 270
requirement that the respondent refrain from entering the 271
residence, school, business, or place of employment of the 272
petitioner or family or household member in the order, it also 273
shall include in the order provisions of the type described in 274
division (E)(5) of this section. 275

(2)(a) Any protection order issued pursuant to this section 276
shall be valid until a date certain but not later than five years 277
from the date of its issuance. 278

(b) Any protection order issued pursuant to this section may 279
be renewed in the same manner as the original order was issued. 280

(3) A court may not issue a protection order that requires a 281
petitioner to do or to refrain from doing an act that the court 282
may require a respondent to do or to refrain from doing under 283
division (E)(1) of this section unless all of the following apply: 284

(a) The respondent files a separate petition for a protection 285
order in accordance with this section. 286

(b) The petitioner is served with notice of the respondent's 287
petition at least forty-eight hours before the court holds a 288
hearing with respect to the respondent's petition, or the 289

petitioner waives the right to receive this notice. 290

(c) If the petitioner has requested an ex parte order 291
pursuant to division (D) of this section, the court does not delay 292
any hearing required by that division beyond the time specified in 293
that division in order to consolidate the hearing with a hearing 294
on the petition filed by the respondent. 295

(d) After a full hearing at which the respondent presents 296
evidence in support of the request for a protection order and the 297
petitioner is afforded an opportunity to defend against that 298
evidence, the court determines that the petitioner has committed a 299
violation of section 2903.211 of the Revised Code against the 300
person to be protected by the protection order issued pursuant to 301
this section or has violated a protection order issued pursuant to 302
section 2903.213 of the Revised Code relative to the person to be 303
protected by the protection order issued pursuant to this section. 304

(4) No protection order issued pursuant to this section shall 305
in any manner affect title to any real property. 306

(5)(a) If the court issues a protection order under this 307
section that includes a requirement that the alleged offender 308
refrain from entering the residence, school, business, or place of 309
employment of the petitioner or a family or household member, the 310
order shall clearly state that the order cannot be waived or 311
nullified by an invitation to the alleged offender from the 312
complainant to enter the residence, school, business, or place of 313
employment or by the alleged offender's entry into one of those 314
places otherwise upon the consent of the petitioner or family or 315
household member. 316

(b) Division (E)(5)(a) of this section does not limit any 317
discretion of a court to determine that an alleged offender 318
charged with a violation of section 2919.27 of the Revised Code, 319
with a violation of a municipal ordinance substantially equivalent 320

to that section, or with contempt of court, which charge is based 321
on an alleged violation of a protection order issued under this 322
section, did not commit the violation or was not in contempt of 323
court. 324

(F)(1) The court shall cause the delivery of a copy of any 325
protection order that is issued under this section to the 326
petitioner, to the respondent, and to all law enforcement agencies 327
that have jurisdiction to enforce the order. The court shall 328
direct that a copy of the order be delivered to the respondent on 329
the same day that the order is entered. 330

(2) All law enforcement agencies shall establish and maintain 331
an index for the protection orders delivered to the agencies 332
pursuant to division (F)(1) of this section. With respect to each 333
order delivered, each agency shall note on the index the date and 334
time that it received the order. 335

(3) Regardless of whether the petitioner has registered the 336
protection order in the county in which the officer's agency has 337
jurisdiction pursuant to division (M) of this section, any officer 338
of a law enforcement agency shall enforce a protection order 339
issued pursuant to this section by any court in this state in 340
accordance with the provisions of the order, including removing 341
the respondent from the premises, if appropriate. 342

(G) Any proceeding under this section shall be conducted in 343
accordance with the Rules of Civil Procedure, except that a 344
protection order may be obtained under this section with or 345
without bond. An order issued under this section, other than an ex 346
parte order, that grants a protection order, or that refuses to 347
grant a protection order, is a final, appealable order. The 348
remedies and procedures provided in this section are in addition 349
to, and not in lieu of, any other available civil or criminal 350
remedies. 351

(H) The filing of proceedings under this section does not 352
excuse a person from filing any report or giving any notice 353
required by section 2151.421 of the Revised Code or by any other 354
law. 355

(I) Any law enforcement agency that investigates an alleged 356
violation of section 2903.211 of the Revised Code shall provide 357
information to the victim and the family or household members of 358
the victim regarding the relief available under this section and 359
section 2903.213 of the Revised Code. 360

(J) Notwithstanding any provision of law to the contrary and 361
regardless of whether a protection order is issued or a consent 362
agreement is approved by a court of another county or by a court 363
of another state, no court or unit of state or local government 364
shall charge a any fee for, cost, deposit, or money in connection 365
with the filing of a petition pursuant to this section, in 366
connection with the filing, issuance, registration, or service of 367
a protection order or consent agreement, or for obtaining a 368
certified copy of a protection order or consent agreement. 369

(K)(1) A person who violates a protection order issued under 370
this section is subject to the following sanctions: 371

(a) Criminal prosecution for a violation of section 2919.27 372
of the Revised Code, if the violation of the protection order 373
constitutes a violation of that section; 374

(b) Punishment for contempt of court. 375

(2) The punishment of a person for contempt of court for 376
violation of a protection order issued under this section does not 377
bar criminal prosecution of the person for a violation of section 378
2919.27 of the Revised Code. However, a person punished for 379
contempt of court is entitled to credit for the punishment imposed 380
upon conviction of a violation of that section, and a person 381
convicted of a violation of that section shall not subsequently be 382

punished for contempt of court arising out of the same activity. 383

(L) In all stages of a proceeding under this section, a 384
petitioner may be accompanied by a victim advocate. 385

(M)(1) A petitioner who obtains a protection order under this 386
section or a protection order under section 2903.213 of the 387
Revised Code may provide notice of the issuance or approval of the 388
order to the judicial and law enforcement officials in any county 389
other than the county in which the order is issued by registering 390
that order in the other county pursuant to division (M)(2) of this 391
section and filing a copy of the registered order with a law 392
enforcement agency in the other county in accordance with that 393
division. A person who obtains a protection order issued by a 394
court of another state may provide notice of the issuance of the 395
order to the judicial and law enforcement officials in any county 396
of this state by registering the order in that county pursuant to 397
section 2919.272 of the Revised Code and filing a copy of the 398
registered order with a law enforcement agency in that county. 399

(2) A petitioner may register a protection order issued 400
pursuant to this section or section 2903.213 of the Revised Code 401
in a county other than the county in which the court that issued 402
the order is located in the following manner: 403

(a) The petitioner shall obtain a certified copy of the order 404
from the clerk of the court that issued the order and present that 405
certified copy to the clerk of the court of common pleas or the 406
clerk of a municipal court or county court in the county in which 407
the order is to be registered. 408

(b) Upon accepting the certified copy of the order for 409
registration, the clerk of the court of common pleas, municipal 410
court, or county court shall place an endorsement of registration 411
on the order and give the petitioner a copy of the order that 412
bears that proof of registration. 413

(3) The clerk of each court of common pleas, municipal court, or county court shall maintain a registry of certified copies of protection orders that have been issued by courts in other counties pursuant to this section or section 2903.213 of the Revised Code and that have been registered with the clerk.

~~(4) If a petitioner who obtains a protection order under this section or section 2903.213 of the Revised Code wishes to register the order in any county other than the county in which the order was issued, pursuant to divisions (M)(1) to (3) of this section, and if the petitioner is indigent, both of the following apply:~~

~~(a) If the petitioner submits to the clerk of the court that issued the order satisfactory proof that the petitioner is indigent, the clerk may waive any fee that otherwise would be required for providing the petitioner with a certified copy of the order to be used for purposes of divisions (M)(1) to (3) of this section.~~

~~(b) If the petitioner submits to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered satisfactory proof that the petitioner is indigent, the clerk may waive any fee that otherwise would be required for accepting for registration a certified copy of the order, for placing an endorsement of registration on the order, or for giving the petitioner a copy of the order that bears the proof of registration.~~

Sec. 2919.25. (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(B) No person shall recklessly cause serious physical harm to a family or household member.

(C) No person, by threat of force, shall knowingly cause a

family or household member to believe that the offender will cause
imminent physical harm to the family or household member.

(D) Whoever violates this section is guilty of domestic
violence. Except as otherwise provided in this division, a
violation of division (C) of this section is a misdemeanor of the
fourth degree, and a violation of division (A) or (B) of this
section is a misdemeanor of the first degree. If the offender
previously has pleaded guilty to or been convicted of domestic
violence, of a violation of a municipal ordinance that is
substantially similar to domestic violence, of a violation of
section 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, 2903.211,
2903.22, 2911.211, or 2919.22 of the Revised Code involving a
person who was a family or household member at the time of the
violation, or of a violation of a municipal ordinance, a law of
the United States or of any other state, or a municipal ordinance
of a municipal corporation located in any other state that is
substantially similar to one of those sections involving a person
who was a family or household member at the time of the violation,
a violation of division (A) or (B) of this section is a felony of
the fifth degree, and a violation of division (C) of this section
is a misdemeanor of the third degree.™

(E) Notwithstanding any provision of law to the contrary, no
court or unit of state or local government shall charge any fee,
cost, deposit, or money in connection with the filing of charges
against a person alleging that the person violated this section or
a municipal ordinance substantially similar to this section or in
connection with the prosecution of any charges so filed.

(F) As used in this section and sections 2919.251 and 2919.26
of the Revised Code:

(1) "Family or household member" means any of the following:

(a) Any of the following who is residing or has resided with

the offender: 475

(i) A spouse, a person living as a spouse, or a former spouse 476
of the offender; 477

(ii) A parent or a child of the offender, or another person 478
related by consanguinity or affinity to the offender; 479

(iii) A parent or a child of a spouse, person living as a 480
spouse, or former spouse of the offender, or another person 481
related by consanguinity or affinity to a spouse, person living as 482
a spouse, or former spouse of the offender. 483

(b) The natural parent of any child of whom the offender is 484
the other natural parent or is the putative other natural parent. 485

(2) "Person living as a spouse" means a person who is living 486
or has lived with the offender in a common law marital 487
relationship, who otherwise is cohabiting with the offender, or 488
who otherwise has cohabited with the offender within five years 489
prior to the date of the alleged commission of the act in 490
question. 491

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 492
alleges a violation of section 2919.25 of the Revised Code, a 493
violation of a municipal ordinance substantially similar to that 494
section, a violation of section 2903.11, 2903.12, 2903.13, 495
2903.211, or 2911.211 of the Revised Code that involves a person 496
who was a family or household member at the time of the violation, 497
or a violation of a municipal ordinance that is substantially 498
similar to section 2903.13, 2903.211, or 2911.211 of the Revised 499
Code that involves a person who was a family or household member 500
at the time of the violation, the complainant, the alleged victim, 501
or a family or household member of an alleged victim may file, or, 502
if in an emergency the alleged victim is unable to file, a person 503
who made an arrest for the alleged violation under section 2935.03 504

of the Revised Code may file on behalf of the alleged victim, a 505
motion that requests the issuance of a temporary protection order 506
as a pretrial condition of release of the alleged offender, in 507
addition to any bail set under Criminal Rule 46. The motion shall 508
be filed with the clerk of the court that has jurisdiction of the 509
case at any time after the filing of the complaint. 510

(2) For purposes of section 2930.09 of the Revised Code, all 511
stages of a proceeding arising out of a violation specified in 512
division (A)(1) of this section, including all proceedings on a 513
motion for a temporary protection order, are critical stages of 514
the case, and a victim may be accompanied by a victim advocate or 515
another person to provide support to the victim as provided in 516
that section. 517

(B) The motion shall be prepared on a form that is provided 518
by the clerk of the court, which form shall be substantially as 519
follows: 520

"MOTION FOR TEMPORARY PROTECTION ORDER 521

..... Court 522

Name and address of court 523

State of Ohio 524

v. No. 525

..... 526

Name of Defendant 527

(name of person), moves the court to issue a temporary protection 528
order containing terms designed to ensure the safety and 529
protection of the complainant, alleged victim, and other family or 530
household members, in relation to the named defendant, pursuant to 531
its authority to issue such an order under section 2919.26 of the 532
Revised Code. 533

A complaint, a copy of which has been attached to this 534

motion, has been filed in this court charging the named defendant 535

As Reported by the Senate Judiciary--Civil Justice Committee

with at least one of the following violations of section 2919.25 536
of the Revised Code that constitutes "domestic violence" or a 537
municipal ordinance that is substantially similar to that section: 538
knowingly causing or attempting to cause physical harm to a family 539
or household member; recklessly causing serious physical harm to a 540
family or household member; or, by threat of force, knowingly 541
causing a family or household member to believe that the named 542
defendant would cause imminent physical harm to that family or 543
household member; charging the named defendant with felonious 544
assault, aggravated assault, or assault that involved a family or 545
household member in violation of section 2903.11, 2903.12, or 546
2903.13 of the Revised Code; charging the named defendant with 547
menacing by stalking or aggravated trespass that involves a family 548
or household member in violation of section 2903.211 or 2911.211 549
of the Revised Code; or charging the named defendant with a 550
violation of a municipal ordinance that is substantially similar 551
to section 2903.13, 2903.211, or 2911.211 of the Revised Code that 552
involves a family or household member. 553

I understand that I must appear before the court, at a time 554
set by the court within twenty-four hours after the filing of this 555
motion, for a hearing on the motion or that, if I am unable to 556
appear because of hospitalization or a medical condition resulting 557
from the offense alleged in the complaint, a person who can 558
provide information about my need for a temporary protection order 559
must appear before the court in lieu of my appearing in court. I 560
understand that any temporary protection order granted pursuant to 561
this motion is a pretrial condition of release and is effective 562
only until the disposition of the criminal proceeding arising out 563
of the attached complaint, or the issuance of a civil protection 564
order or the approval of a consent agreement, arising out of the 565
same activities as those that were the basis of the complaint, 566
under section 3113.31 of the Revised Code. 567

.....	568
Signature of person	569
(or signature of the arresting officer who filed the motion on behalf of the alleged victim)	570 571
.....	572
Address of person (or office address of the arresting officer who filed the motion on behalf of the alleged victim)"	573 574
(C)(1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the complaint, another person who is able to provide the court with the information it requests may appear in lieu of the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged offender may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member.	575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597
(2)(a) If the court issues a temporary protection order that	598

includes a requirement that the alleged offender refrain from
entering the residence, school, business, or place of employment
of the complainant, the alleged victim, or the family or household
member, the order shall state clearly that the order cannot be
waived or nullified by an invitation to the alleged offender from
the complainant, alleged victim, or family or household member to
enter the residence, school, business, or place of employment or
by the alleged offender's entry into one of those places otherwise
upon the consent of the complainant, alleged victim, or family or
household member.

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(b) Division (C)(2)(a) of this section does not limit any
discretion of a court to determine that an alleged offender
charged with a violation of section 2919.27 of the Revised Code,
with a violation of a municipal ordinance substantially equivalent
to that section, or with contempt of court, which charge is based
on an alleged violation of a temporary protection order issued
under this section, did not commit the violation or was not in
contempt of court.

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(D)(1) Upon the filing of a complaint that alleges a
violation of section 2919.25 of the Revised Code, a violation of a
municipal ordinance that is substantially similar to that section,
a violation of section 2903.11, 2903.12, 2903.13, 2903.211, or
2911.211 of the Revised Code that involves a person who was a
family or household member at the time of the violation, or a
violation of a municipal ordinance that is substantially similar
to section 2903.13, 2903.211, or 2911.211 of the Revised Code that
involves a person who was a family or household member at the time
of the violation, the court, upon its own motion, may issue a
temporary protection order as a pretrial condition of release if
it finds that the safety and protection of the complainant,
alleged victim, or other family or household member of the alleged
offender may be impaired by the continued presence of the alleged

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offender.

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(2) If the court issues a temporary protection order under this section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order, a hearing in the presence of the alleged offender not later than the next day on which the court is scheduled to conduct business after the day on which the alleged offender was arrested or at the time of the appearance of the alleged offender pursuant to summons to determine whether the order should remain in effect, be modified, or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.

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(3) An order issued under this section shall contain only those terms authorized in orders issued under division (C) of this section.

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(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that

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the felony has been committed and that the alleged offender
committed it, as a result of the alleged offender having been
indicted for the felony, or in any other manner.

(E) A temporary protection order that is issued as a pretrial
condition of release under this section:

(1) Is in addition to, but shall not be construed as a part
of, any bail set under Criminal Rule 46;

(2) Is effective only until the occurrence of either of the
following:

(a) The disposition, by the court that issued the order or,
in the circumstances described in division (D)(4) of this section,
by the court of common pleas to which the alleged offender is
bound over for prosecution, of the criminal proceeding arising out
of the complaint upon which the order is based;

(b) The issuance of a protection order or the approval of a
consent agreement, arising out of the same activities as those
that were the basis of the complaint upon which the order is
based, under section 3113.31 of the Revised Code;

(3) Shall not be construed as a finding that the alleged
offender committed the alleged offense, and shall not be
introduced as evidence of the commission of the offense at the
trial of the alleged offender on the complaint upon which the
order is based.

(F) A person who meets the criteria for bail under Criminal
Rule 46 and who, if required to do so pursuant to that rule,
executes or posts bond or deposits cash or securities as bail,
shall not be held in custody pending a hearing before the court on
a motion requesting a temporary protection order.

(G)(1) A copy of any temporary protection order that is
issued under this section shall be issued by the court to the

complainant, to the alleged victim, to the person who requested
the order, to the defendant, and to all law enforcement agencies
that have jurisdiction to enforce the order. The court shall
direct that a copy of the order be delivered to the defendant on
the same day that the order is entered. If a municipal court or a
county court issues a temporary protection order under this
section and if, subsequent to the issuance of the order, the
defendant who is the subject of the order is bound over to the
court of common pleas for prosecution as described in division
(D)(4) of this section, the municipal court or county court shall
direct that a copy of the order be delivered to the court of
common pleas to which the defendant is bound over.

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(2) All law enforcement agencies shall establish and maintain
an index for the temporary protection orders delivered to the
agencies pursuant to division (G)(1) of this section. With respect
to each order delivered, each agency shall note on the index, the
date and time of the receipt of the order by the agency.

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(3) A complainant, alleged victim, or other person who
obtains a temporary protection order under this section may
provide notice of the issuance of the temporary protection order
to the judicial and law enforcement officials in any county other
than the county in which the order is issued by registering that
order in the other county in accordance with division (N) of
section 3113.31 of the Revised Code and filing a copy of the
registered protection order with a law enforcement agency in the
other county in accordance with that division.

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(4) Any officer of a law enforcement agency shall enforce a
temporary protection order issued by any court in this state in
accordance with the provisions of the order, including removing
the defendant from the premises, regardless of whether the order
is registered in the county in which the officer's agency has

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jurisdiction as authorized by division (G)(3) of this section. 725

(H) Upon a violation of a temporary protection order, the 726
court may issue another temporary protection order, as a pretrial 727
condition of release, that modifies the terms of the order that 728
was violated. 729

(I)(1) As used in divisions (I)(1) and (2) of this section, 730
"defendant" means a person who is alleged in a complaint to have 731
committed a violation of the type described in division (A) of 732
this section. 733

(2) If a complaint is filed that alleges that a person 734
committed a violation of the type described in division (A) of 735
this section, the court may not issue a temporary protection order 736
under this section that requires the complainant, the alleged 737
victim, or another family or household member of the defendant to 738
do or refrain from doing an act that the court may require the 739
defendant to do or refrain from doing under a temporary protection 740
order unless both of the following apply: 741

(a) The defendant has filed a separate complaint that alleges 742
that the complainant, alleged victim, or other family or household 743
member in question who would be required under the order to do or 744
refrain from doing the act committed a violation of the type 745
described in division (A) of this section. 746

(b) The court determines that both the complainant, alleged 747
victim, or other family or household member in question who would 748
be required under the order to do or refrain from doing the act 749
and the defendant acted primarily as aggressors, that neither the 750
complainant, alleged victim, or other family or household member 751
in question who would be required under the order to do or refrain 752
from doing the act nor the defendant acted primarily in 753
self-defense, and, in accordance with the standards and criteria 754
of this section as applied in relation to the separate complaint 755

filed by the defendant, that it should issue the order to require
the complainant, alleged victim, or other family or household
member in question to do or refrain from doing the act.

(J) Notwithstanding any provision of law to the contrary and
regardless of whether a protection order is issued or a consent
agreement is approved by a court of another county or a court of
another state, no court or unit of state or local government shall
charge a any fee for, cost, deposit, or money in connection with
the filing of a motion pursuant to this section, in connection
with the filing, issuance, registration, or service of a
protection order or consent agreement, or for obtaining a
certified copy of a protection order or consent agreement.

(K) As used in this section, "victim advocate" means a person
who provides support and assistance for a victim of an offense
during court proceedings.

Sec. 2919.27. (A) No person shall recklessly violate the
terms of any of the following:

(1) A protection order issued or consent agreement approved
pursuant to section 2919.26 or 3113.31 of the Revised Code;

(2) A protection order issued pursuant to section 2903.213 or
2903.214 of the Revised Code;

(3) A protection order issued by a court of another state.

(B) Whoever violates this section is guilty of violating a
protection order.

(1) If the offense involves a violation of division (A)(1) or
(3) of this section, one of the following applies:

(a) Except as otherwise provided in division (B)(1)(b) of
this section, violating a protection order is a misdemeanor of the
first degree.

(b) If the offender previously has been convicted of or 785
pleaded guilty to two or more violations of section 2903.211 or 786
2911.211 of the Revised Code that involved the same person who is 787
the subject of the protection order or consent agreement or 788
previously has been convicted of or pleaded guilty to one or more 789
violations of this section, violating a protection order is a 790
felony of the fifth degree. 791

(2) If the offense involves a violation of division (A)(2) of 792
this section, one of the following applies: 793

(a) Except as otherwise provided in division (B)(2)(b) of 794
this section, violating a protection order is a misdemeanor of the 795
first degree. 796

(b) If the offender previously has been convicted of or 797
pleaded guilty to two or more violations of this section or of 798
former section 2919.27 of the Revised Code involving a protection 799
order issued pursuant to section 2903.213 or 2903.214 of the 800
Revised Code, two or more violations of section 2903.21, 2903.211, 801
2903.22, or 2911.211 of the Revised Code that involved the same 802
person who is the subject of the protection order, or two or more 803
violations of section 2903.214 of the Revised Code as it existed 804
prior to July 1, 1996, violating a protection order is a felony of 805
the fifth degree. 806

(C) It is an affirmative defense to a charge under division 807
(A)(3) of this section that the protection order issued by a court 808
of another state does not comply with the requirements specified 809
in 18 U.S.C. 2265(b) for a protection order that must be accorded 810
full faith and credit by a court of this state or that it is not 811
entitled to full faith and credit under 18 U.S.C. 2265(c). 812

(D) As used in this section, "protection order issued by a 813
court of another state" means an injunction or another order 814
issued by a criminal court of another state for the purpose of 815

preventing violent or threatening acts or harassment against, 816
contact or communication with, or physical proximity to another 817
person, including a temporary order, and means an injunction or 818
order of that nature issued by a civil court of another state, 819
including a temporary order and a final order issued in an 820
independent action or as a pendente lite order in a proceeding for 821
other relief, if the court issued it in response to a complaint, 822
petition, or motion filed by or on behalf of a person seeking 823
protection. "Protection order issued by a court of another state" 824
does not include an order for support or for custody of a child 825
issued pursuant to the divorce and child custody laws of another 826
state, except to the extent that the order for support or for 827
custody of a child is entitled to full faith and credit under the 828
laws of the United States. 829

Sec. 2919.272. (A) As used in this section, "protection order 830
issued by a court of another state" has the same meaning as in 831
section 2919.27 of the Revised Code. 832

(B) A person who has obtained a protection order issued by a 833
court of another state may provide notice of the issuance of the 834
order to judicial and law enforcement officials in any county of 835
this state by registering the order in that county and filing a 836
copy of the registered order with a law enforcement agency in that 837
county. To register the order, the person shall obtain a certified 838
copy of the order from the clerk of the court that issued the 839
order and present that certified copy to the clerk of the court of 840
common pleas or the clerk of a municipal court or county court in 841
the county in which the order is to be registered. Upon accepting 842
the certified copy of the order for registration, the clerk shall 843
place an endorsement of registration on the order and give the 844
person a copy of the order that bears proof of registration. The 845
person then may file with a law enforcement agency in that county 846
a copy of the order that bears proof of registration. 847

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(C) The clerk of each court of common pleas and the clerk of each municipal court and county court shall maintain a registry of certified copies of protection orders issued by courts of another state that have been registered with the clerk. Each law enforcement agency shall establish and maintain a registry for protection orders delivered to the agency pursuant to this section. The agency shall note in the registry the date and time that the agency received an order.

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(D) An officer of a law enforcement agency shall enforce a protection order issued by a court of another state in accordance with the provisions of the order, including removing the person allegedly violating the order from the premises, regardless of whether the order is registered as authorized by division (B) of this section in the county in which the officer's agency has jurisdiction.

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(E) Notwithstanding any provision of law to the contrary and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing, issuance, registration, or service of a protection order or consent agreement or for obtaining a certified copy of a protection order or consent agreement, including a protection order issued by a court of another state.

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Sec. 3113.31. (A) As used in this section:

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(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

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(a) Attempting to cause or recklessly causing bodily injury;

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(b) Placing another person by the threat of force in fear of

imminent serious physical harm or committing a violation of 878
section 2903.211 or 2911.211 of the Revised Code; 879

(c) Committing any act with respect to a child that would 880
result in the child being an abused child, as defined in section 881
2151.031 of the Revised Code. 882

(2) "Court" means the domestic relations division of the 883
court of common pleas in counties that have a domestic relations 884
division, and the court of common pleas in counties that do not 885
have a domestic relations division. 886

(3) "Family or household member" means any of the following: 887

(a) Any of the following who is residing with or has resided 888
with the respondent: 889

(i) A spouse, a person living as a spouse, or a former spouse 890
of the respondent; 891

(ii) A parent or a child of the respondent, or another person 892
related by consanguinity or affinity to the respondent; 893

(iii) A parent or a child of a spouse, person living as a 894
spouse, or former spouse of the respondent, or another person 895
related by consanguinity or affinity to a spouse, person living as 896
a spouse, or former spouse of the respondent. 897

(b) The natural parent of any child of whom the respondent is 898
the other natural parent or is the putative other natural parent. 899
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(4) "Person living as a spouse" means a person who is living 901
or has lived with the respondent in a common law marital 902
relationship, who otherwise is cohabiting with the respondent, or 903
who otherwise has cohabited with the respondent within five years 904
prior to the date of the alleged occurrence of the act in 905
question. 906

(5) "Victim advocate" means a person who provides support and 907

assistance for a person who files a petition under this section. 908
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(B) The court has jurisdiction over all proceedings under 910
this section. The petitioner's right to relief under this section 911
is not affected by the petitioner's leaving the residence or 912
household to avoid further domestic violence. 913

(C) A person may seek relief under this section on the 914
person's own behalf, or any parent or adult household member may 915
seek relief under this section on behalf of any other family or 916
household member, by filing a petition with the court. The 917
petition shall contain or state: 918

(1) An allegation that the respondent engaged in domestic 919
violence against a family or household member of the respondent, 920
including a description of the nature and extent of the domestic 921
violence; 922

(2) The relationship of the respondent to the petitioner, and 923
to the victim if other than the petitioner; 924

(3) A request for relief under this section. 925

(D)(1) If a person who files a petition pursuant to this 926
section requests an ex parte order, the court shall hold an ex 927
parte hearing on the same day that the petition is filed. The 928
court, for good cause shown at the ex parte hearing, may enter any 929
temporary orders, with or without bond, including, but not limited 930
to, an order described in division (E)(1)(a), (b), or (c) of this 931
section, that the court finds necessary to protect the family or 932
household member from domestic violence. Immediate and present 933
danger of domestic violence to the family or household member 934
constitutes good cause for purposes of this section. Immediate and 935
present danger includes, but is not limited to, situations in 936
which the respondent has threatened the family or household member 937
with bodily harm or in which the respondent previously has been 938

convicted of or pleaded guilty to an offense that constitutes 939
domestic violence against the family or household member. 940

(2)(a) If the court, after an ex parte hearing, issues an 941
order described in division (E)(1)(b) or (c) of this section, the 942
court shall schedule a full hearing for a date that is within 943
seven court days after the ex parte hearing. If any other type of 944
protection order that is authorized under division (E) of this 945
section is issued by the court after an ex parte hearing, the 946
court shall schedule a full hearing for a date that is within ten 947
court days after the ex parte hearing. The court shall give the 948
respondent notice of, and an opportunity to be heard at, the full 949
hearing. The court shall hold the full hearing on the date 950
scheduled under this division unless the court grants a 951
continuance of the hearing in accordance with this division. Under 952
any of the following circumstances or for any of the following 953
reasons, the court may grant a continuance of the full hearing to 954
a reasonable time determined by the court: 955

(i) Prior to the date scheduled for the full hearing under 956
this division, the respondent has not been served with the 957
petition filed pursuant to this section and notice of the full 958
hearing. 959

(ii) The parties consent to the continuance. 960

(iii) The continuance is needed to allow a party to obtain 961
counsel. 962

(iv) The continuance is needed for other good cause. 963

(b) An ex parte order issued under this section does not 964
expire because of a failure to serve notice of the full hearing 965
upon the respondent before the date set for the full hearing under 966
division (D)(2)(a) of this section or because the court grants a 967
continuance under that division. 968

(3) If a person who files a petition pursuant to this section 969

does not request an ex parte order, or if a person requests an ex 970
parte order but the court does not issue an ex parte order after 971
an ex parte hearing, the court shall proceed as in a normal civil 972
action and grant a full hearing on the matter. 973

(E)(1) After an ex parte or full hearing, the court may grant 974
any protection order, with or without bond, or approve any consent 975
agreement to bring about a cessation of domestic violence against 976
the family or household members. The order or agreement may: 977
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(a) Direct the respondent to refrain from abusing the family 979
or household members; 980

(b) Grant possession of the residence or household to the 981
petitioner or other family or household member, to the exclusion 982
of the respondent, by evicting the respondent, when the residence 983
or household is owned or leased solely by the petitioner or other 984
family or household member, or by ordering the respondent to 985
vacate the premises, when the residence or household is jointly 986
owned or leased by the respondent, and the petitioner or other 987
family or household member; 988

(c) When the respondent has a duty to support the petitioner 989
or other family or household member living in the residence or 990
household and the respondent is the sole owner or lessee of the 991
residence or household, grant possession of the residence or 992
household to the petitioner or other family or household member, 993
to the exclusion of the respondent, by ordering the respondent to 994
vacate the premises, or, in the case of a consent agreement, allow 995
the respondent to provide suitable, alternative housing; 996

(d) Temporarily allocate parental rights and responsibilities 997
for the care of, or establish temporary parenting time rights with 998
regard to, minor children, if no other court has determined, or is 999
determining, the allocation of parental rights and 1000

responsibilities for the minor children or parenting time rights; 1001
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(e) Require the respondent to maintain support, if the 1003
respondent customarily provides for or contributes to the support 1004
of the family or household member, or if the respondent has a duty 1005
to support the petitioner or family or household member; 1006

(f) Require the respondent, petitioner, victim of domestic 1007
violence, or any combination of those persons, to seek counseling; 1008

(g) Require the respondent to refrain from entering the 1009
residence, school, business, or place of employment of the 1010
petitioner or family or household member; 1011

(h) Grant other relief that the court considers equitable and 1012
fair, including, but not limited to, ordering the respondent to 1013
permit the use of a motor vehicle by the petitioner or other 1014
family or household member and the apportionment of household and 1015
family personal property. 1016

(2) If a protection order has been issued pursuant to this 1017
section in a prior action involving the respondent and the 1018
petitioner or one or more of the family or household members, the 1019
court may include in a protection order that it issues a 1020
prohibition against the respondent returning to the residence or 1021
household. If it includes a prohibition against the respondent 1022
returning to the residence or household in the order, it also 1023
shall include in the order provisions of the type described in 1024
division (E)(7) of this section. This division does not preclude 1025
the court from including in a protection order or consent 1026
agreement, in circumstances other than those described in this 1027
division, a requirement that the respondent be evicted from or 1028
vacate the residence or household or refrain from entering the 1029
residence, school, business, or place of employment of the 1030
petitioner or a family or household member, and, if the court 1031
includes any requirement of that type in an order or agreement, 1032

the court also shall include in the order provisions of the type 1033
described in division (E)(7) of this section. 1034

(3)(a) Any protection order issued or consent agreement 1035
approved under this section shall be valid until a date certain, 1036
but not later than five years from the date of its issuance or 1037
approval. 1038

(b) Subject to the limitation on the duration of an order or 1039
agreement set forth in division (E)(3)(a) of this section, any 1040
order under division (E)(1)(d) of this section shall terminate on 1041
the date that a court in an action for divorce, dissolution of 1042
marriage, or legal separation brought by the petitioner or 1043
respondent issues an order allocating parental rights and 1044
responsibilities for the care of children or on the date that a 1045
juvenile court in an action brought by the petitioner or 1046
respondent issues an order awarding legal custody of minor 1047
children. Subject to the limitation on the duration of an order or 1048
agreement set forth in division (E)(3)(a) of this section, any 1049
order under division (E)(1)(e) of this section shall terminate on 1050
the date that a court in an action for divorce, dissolution of 1051
marriage, or legal separation brought by the petitioner or 1052
respondent issues a support order or on the date that a juvenile 1053
court in an action brought by the petitioner or respondent issues 1054
a support order. 1055

(c) Any protection order issued or consent agreement approved 1056
pursuant to this section may be renewed in the same manner as the 1057
original order or agreement was issued or approved. 1058

(4) A court may not issue a protection order that requires a 1059
petitioner to do or to refrain from doing an act that the court 1060
may require a respondent to do or to refrain from doing under 1061
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1062
section unless all of the following apply: 1063

(a) The respondent files a separate petition for a protection order in accordance with this section. 1064
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(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 1066
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(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 1070
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(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense. 1075
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(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property. 1084
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(6)(a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting 1087
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parenting time rights to the respondent, the court may require the
public children services agency of the county in which the court
is located to provide supervision of the respondent's exercise of
parenting time or visitation or companionship rights with respect
to the child for a period not to exceed nine months, if the court
makes the following findings of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the
supervision.

(b) A court that requires an agency to provide supervision
pursuant to division (E)(6)(a) of this section shall order the
respondent to reimburse the agency for the cost of providing the
supervision, if it determines that the respondent has sufficient
income or resources to pay that cost.

(7)(a) If a protection order issued or consent agreement
approved under this section includes a requirement that the
respondent be evicted from or vacate the residence or household or
refrain from entering the residence, school, business, or place of
employment of the petitioner or a family or household member, the
order or agreement shall state clearly that the order or agreement
cannot be waived or nullified by an invitation to the respondent
from the petitioner or other family or household member to enter
the residence, school, business, or place of employment or by the
respondent's entry into one of those places otherwise upon the
consent of the petitioner or other family or household member.

(b) Division (E)(7)(a) of this section does not limit any
discretion of a court to determine that a respondent charged with
a violation of section 2919.27 of the Revised Code, with a
violation of a municipal ordinance substantially equivalent to
that section, or with contempt of court, which charge is based on
an alleged violation of a protection order issued or consent

agreement approved under this section, did not commit the 1126
violation or was not in contempt of court. 1127

(F)(1) A copy of any protection order, or consent agreement, 1128
that is issued or approved under this section shall be issued by 1129
the court to the petitioner, to the respondent, and to all law 1130
enforcement agencies that have jurisdiction to enforce the order 1131
or agreement. The court shall direct that a copy of an order be 1132
delivered to the respondent on the same day that the order is 1133
entered. 1134

(2) All law enforcement agencies shall establish and maintain 1135
an index for the protection orders and the approved consent 1136
agreements delivered to the agencies pursuant to division (F)(1) 1137
of this section. With respect to each order and consent agreement 1138
delivered, each agency shall note on the index the date and time 1139
that it received the order or consent agreement. 1140

(3) Regardless of whether the petitioner has registered the 1141
order or agreement in the county in which the officer's agency has 1142
jurisdiction pursuant to division (N) of this section, any officer 1143
of a law enforcement agency shall enforce a protection order 1144
issued or consent agreement approved by any court in this state in 1145
accordance with the provisions of the order or agreement, 1146
including removing the respondent from the premises, if 1147
appropriate. 1148

(G) Any proceeding under this section shall be conducted in 1149
accordance with the Rules of Civil Procedure, except that an order 1150
under this section may be obtained with or without bond. An order 1151
issued under this section, other than an ex parte order, that 1152
grants a protection order or approves a consent agreement, or that 1153
refuses to grant a protection order or approve a consent 1154
agreement, is a final, appealable order. The remedies and 1155
procedures provided in this section are in addition to, and not in 1156
lieu of, any other available civil or criminal remedies. 1157

(H) The filing of proceedings under this section does not 1158
excuse a person from filing any report or giving any notice 1159
required by section 2151.421 of the Revised Code or by any other 1160
law. When a petition under this section alleges domestic violence 1161
against minor children, the court shall report the fact, or cause 1162
reports to be made, to a county, township, or municipal peace 1163
officer under section 2151.421 of the Revised Code. 1164

(I) Any law enforcement agency that investigates a domestic 1165
dispute shall provide information to the family or household 1166
members involved regarding the relief available under this section 1167
and section 2919.26 of the Revised Code. 1168

(J) Notwithstanding any provision of law to the contrary and 1169
regardless of whether a protection order is issued or a consent 1170
agreement is approved by a court of another county or a court of 1171
another state, no court or unit of state or local government shall 1172
charge a any fee for, cost, deposit, or money in connection with 1173
the filing of a petition pursuant to this section or in connection 1174
with the filing, issuance, registration, or service of a 1175
protection order or consent agreement, or for obtaining a 1176
certified copy of a protection order or consent agreement. 1177

(K)(1) The court shall comply with Chapters 3119., 3121., 1178
3123., and 3125. of the Revised Code when it makes or modifies an 1179
order for child support under this section. 1180

(2) If any person required to pay child support under an 1181
order made under this section on or after April 15, 1985, or 1182
modified under this section on or after December 31, 1986, is 1183
found in contempt of court for failure to make support payments 1184
under the order, the court that makes the finding, in addition to 1185
any other penalty or remedy imposed, shall assess all court costs 1186
arising out of the contempt proceeding against the person and 1187
require the person to pay any reasonable attorney's fees of any 1188
adverse party, as determined by the court, that arose in relation 1189

to the act of contempt. 1190

(L)(1) A person who violates a protection order issued or a 1191
consent agreement approved under this section is subject to the 1192
following sanctions: 1193

(a) Criminal prosecution for a violation of section 2919.27 1194
of the Revised Code, if the violation of the protection order or 1195
consent agreement constitutes a violation of that section; 1196

(b) Punishment for contempt of court. 1197

(2) The punishment of a person for contempt of court for 1198
violation of a protection order issued or a consent agreement 1199
approved under this section does not bar criminal prosecution of 1200
the person for a violation of section 2919.27 of the Revised Code. 1201
However, a person punished for contempt of court is entitled to 1202
credit for the punishment imposed upon conviction of a violation 1203
of that section, and a person convicted of a violation of that 1204
section shall not subsequently be punished for contempt of court 1205
arising out of the same activity. 1206

(M) In all stages of a proceeding under this section, a 1207
petitioner may be accompanied by a victim advocate. 1208

(N)(1) A petitioner who obtains a protection order or consent 1209
agreement under this section or a temporary protection order under 1210
section 2919.26 of the Revised Code may provide notice of the 1211
issuance or approval of the order or agreement to the judicial and 1212
law enforcement officials in any county other than the county in 1213
which the order is issued or the agreement is approved by 1214
registering that order or agreement in the other county pursuant 1215
to division (N)(2) of this section and filing a copy of the 1216
registered order or registered agreement with a law enforcement 1217
agency in the other county in accordance with that division. A 1218
person who obtains a protection order issued by a court of another 1219
state may provide notice of the issuance of the order to the 1220

judicial and law enforcement officials in any county of this state 1221
by registering the order in that county pursuant to section 1222
2919.272 of the Revised Code and filing a copy of the registered 1223
order with a law enforcement agency in that county. 1224

(2) A petitioner may register a temporary protection order, 1225
protection order, or consent agreement in a county other than the 1226
county in which the court that issued the order or approved the 1227
agreement is located in the following manner: 1228

(a) The petitioner shall obtain a certified copy of the order 1229
or agreement from the clerk of the court that issued the order or 1230
approved the agreement and present that certified copy to the 1231
clerk of the court of common pleas or the clerk of a municipal 1232
court or county court in the county in which the order or 1233
agreement is to be registered. 1234

(b) Upon accepting the certified copy of the order or 1235
agreement for registration, the clerk of the court of common 1236
pleas, municipal court, or county court shall place an endorsement 1237
of registration on the order or agreement and give the petitioner 1238
a copy of the order or agreement that bears that proof of 1239
registration. 1240

(3) The clerk of each court of common pleas, the clerk of 1241
each municipal court, and the clerk of each county court shall 1242
maintain a registry of certified copies of temporary protection 1243
orders, protection orders, or consent agreements that have been 1244
issued or approved by courts in other counties and that have been 1245
registered with the clerk. 1246

~~(4) If a petitioner who obtains a protection order or consent 1247
agreement under this section or a temporary protection order under 1248
section 2919.26 of the Revised Code wishes to register the order 1249
or agreement in any county other than the county in which the 1250
order was issued or the agreement was approved, pursuant to 1251~~

~~divisions (N)(1) to (3) of this section, and if the petitioner is
indigent, both of the following apply:~~ 1252
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~~(a) If the petitioner submits to the clerk of the court that
issued the order or approved the agreement satisfactory proof that
the petitioner is indigent, the clerk may waive any fee that
otherwise would be required for providing the petitioner with a
certified copy of the order or agreement to be used for purposes
of divisions (N)(1) to (3) of this section:~~ 1254
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~~(b) If the petitioner submits to the clerk of the court of
common pleas or the clerk of a municipal court or county court in
the county in which the order or agreement is to be registered
satisfactory proof that the petitioner is indigent, the clerk may
waive any fee that otherwise would be required for accepting for
registration a certified copy of the order or agreement, for
placing an endorsement of registration on the order or agreement,
or for giving the petitioner a copy of the order or agreement that
bears the proof of registration.~~ 1260
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Section 2. That existing sections 2903.213, 2903.214,
2919.25, 2919.26, 2919.27, 2919.272, and 3113.31 of the Revised
Code are hereby repealed. 1269
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