

**As Passed by the House**

**128th General Assembly  
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**Am. H. B. No. 55**

**Representatives Williams, B., Combs**

**Cosponsors: Representatives Bolon, Book, Boyd, Chandler, Domenick,  
Evans, Fende, Foley, Gerberry, Hagan, Harris, Letson, Skindell, Slesnick,  
Williams, S., Winburn, Yuko, Bubb, Celeste, Derickson, Dyer, Garland, Goyal,  
Grossman, Heard, Luckie, Lundy, McGregor, Murray, Patten, Sears, Stewart,  
Szollosi**

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**A B I L L**

To amend sections 955.11, 959.99, 2152.19, 2903.213, 1  
2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 2  
and to enact section 4731.284 of the Revised Code 3  
to revise the penalties and sentencing provisions 4  
regarding violations of the cruelty to animals 5  
statutes, to include the protection of companion 6  
animals in temporary protection orders, domestic 7  
violence protection orders, anti-stalking 8  
protection orders, and related protection orders, 9  
and to remove pit bulls from the definition of  
"vicious dog" in state law.

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

**Section 1.** That sections 955.11, 959.99, 2152.19, 2903.213, 10  
2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 be amended and 11  
section 4731.284 of the Revised Code be enacted to read as 12  
follows:

Sec. 955.11. (A) As used in this section: 4

(1)(a) "Dangerous dog" means a dog that, without provocation, 5  
and subject to division (A)(1)(b) of this section, has chased or 6  
approached in either a menacing fashion or an apparent attitude of 7  
attack, or has attempted to bite or otherwise endanger any person, 8  
while that dog is off the premises of its owner, keeper, or 9  
harborer and not under the reasonable control of its owner, 10  
keeper, harborer, or some other responsible person, or not 11  
physically restrained or confined in a locked pen ~~which~~ that has a 12  
top, locked fenced yard, or other locked enclosure ~~which~~ that has 13  
a top. 14

(b) "Dangerous dog" does not include a police dog that has 15  
chased or approached in either a menacing fashion or an apparent 16  
attitude of attack, or has attempted to bite or otherwise endanger 17  
any person while the police dog is being used to assist one or 18  
more law enforcement officers in the performance of their official 19  
duties. 20

(2) "Menacing fashion" means that a dog would cause any 21  
person being chased or approached to reasonably believe that the 22  
dog will cause physical injury to that person. 23

(3) "Police dog" means a dog that has been trained, and may 24  
be used, to assist one or more law enforcement officers in the 25  
performance of their official duties. 26

(4)(a) "Vicious dog" means a dog that, without provocation 27  
and subject to division (A)(4)(b) of this section, meets ~~any~~ 28  
either of the following: 29

(i) Has killed or caused serious injury to any person; 30

(ii) Has caused injury, other than killing or serious injury, 31  
to any person, or has killed another dog. 32

~~(iii) Belongs to a breed that is commonly known as a pit bull~~ 33

~~dog. The ownership, keeping, or harboring of such a breed of dog 34~~  
~~shall be prima facie evidence of the ownership, keeping, or 35~~  
~~harboring of a vicious dog. 36~~

(b) "Vicious dog" does not include either of the following: 37

(i) A police dog that has killed or caused serious injury to 38  
any person or that has caused injury, other than killing or 39  
serious injury, to any person while the police dog is being used 40  
to assist one or more law enforcement officers in the performance 41  
of their official duties; 42

(ii) A dog that has killed or caused serious injury to any 43  
person while a person was committing or attempting to commit a 44  
trespass or other criminal offense on the property of the owner, 45  
keeper, or harborer of the dog. 46

(5) "Without provocation" means that a dog was not teased, 47  
tormented, or abused by a person, or that the dog was not coming 48  
to the aid or the defense of a person who was not engaged in 49  
illegal or criminal activity and who was not using the dog as a 50  
means of carrying out such activity. 51

(B) Upon the transfer of ownership of any dog, the seller of 52  
the dog shall give the buyer a transfer of ownership certificate 53  
that shall be signed by the seller. The certificate shall contain 54  
the registration number of the dog, the name of the seller, and a 55  
brief description of the dog. Blank forms of the certificate may 56  
be obtained from the county auditor. A transfer of ownership shall 57  
be recorded by the auditor upon presentation of a transfer of 58  
ownership certificate that is signed by the former owner of a dog 59  
and that is accompanied by a fee of twenty-five cents. 60

(C) Prior to the transfer of ownership or possession of any 61  
dog, upon the buyer's or other transferee's request, the seller or 62  
other transferor of the dog shall give to the person a written 63  
notice relative to the behavior and propensities of the dog. 64

(D) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous or vicious dog, ~~he~~ the seller or other transferor shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides, a completed copy of a written form on which the seller shall furnish the following information:

(1) The name and address of the buyer or other transferee of the dog;

(2) The age, sex, color, breed, and current registration number of the dog.

In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section.

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 of the Revised Code is guilty of a minor misdemeanor.

(B) Except as otherwise provided in this division, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars or more, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, or 959.17 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(D) Whoever violates division (A) of section 959.13 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(E)(1)(a) Whoever violates division (B) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense. In addition to any other sanction imposed for a felony violation of division (B) of section 959.131 of the Revised Code if the offender is not already undergoing counseling pursuant to division (E)(4) of this section, a court shall impose a term of basic probation supervision or a term of intensive probation supervision.

(b) As used in division (E)(1)(a) of this section, "basic probation supervision" and "intensive probation supervision" have

the same meanings as in section 2929.01 of the Revised Code. 47

(2) Whoever violates section 959.01 of the Revised Code or 48  
division (C) of section 959.131 of the Revised Code is guilty of a 49  
misdemeanor of the second degree on a first offense and a 50  
misdemeanor of the first degree on each subsequent offense. 51

(3)(a) A court may order a person who is convicted of or 52  
pleads guilty to a violation of section 959.131 of the Revised 53  
Code to forfeit to an impounding agency, as defined in section 54  
959.132 of the Revised Code, any or all of the companion animals 55  
in that person's ownership or care. The court also may prohibit or 56  
place limitations on the person's ability to own or care for any 57  
companion animals for a specified or indefinite period of time. 58

(b) A court may order a person who is convicted of or pleads 59  
guilty to a violation of section 959.131 of the Revised Code to 60  
reimburse an impounding agency for the reasonably necessary costs 61  
incurred by the agency for the care of a companion animal that the 62  
agency impounded as a result of the investigation or prosecution 63  
of the violation, provided that the costs were not otherwise paid 64  
under section 959.132 of the Revised Code. 65

(4) ~~If (a)~~ Except as otherwise provided in division (E)(4)(b) 66  
of this section, if a court has reason to believe that a person 67  
who is convicted of or pleads guilty to a violation of section 68  
959.131 of the Revised Code suffers from a mental or emotional 69  
disorder that contributed to the violation, the court may impose 70  
as a community control sanction or as a condition of probation a 71  
requirement that the offender undergo psychological evaluation or 72  
counseling. The court shall order the offender to pay the costs of 73  
the evaluation or counseling. 74

(b) The court shall require a child under eighteen years of 75  
age who is adjudicated a delinquent child under Chapter 2152. of 76  
the Revised Code for a violation of division (B) of section 77

959.131 of the Revised Code to undergo psychological evaluation 78  
and, if the evaluation determines that it is appropriate, to 79  
undergo counseling in accordance with division (F) of section 80  
2152.19 of the Revised Code. 81

(F) Whoever violates section 959.14 of the Revised Code is 82  
guilty of a misdemeanor of the second degree on a first offense 83  
and a misdemeanor of the first degree on each subsequent offense. 84

(G) Whoever violates section 959.05 or 959.20 of the Revised 85  
Code is guilty of a misdemeanor of the first degree. 86

(H) Whoever violates section 959.16 of the Revised Code is 87  
guilty of a felony of the fourth degree ~~for~~ on a first offense and 88  
a felony of the third degree on each subsequent offense. 89

**Sec. 2152.19.** (A) If a child is adjudicated a delinquent 90  
child, the court may make any of the following orders of 91  
disposition, in addition to any other disposition authorized or 92  
required by this chapter: 93

(1) Any order that is authorized by section 2151.353 of the 94  
Revised Code for the care and protection of an abused, neglected, 95  
or dependent child; 96

(2) Commit the child to the temporary custody of any school, 97  
camp, institution, or other facility operated for the care of 98  
delinquent children by the county, by a district organized under 99  
section ~~2152.41 or~~ 2151.65 or 2152.41 of the Revised Code, or by a 100  
private agency or organization, within or without the state, that 101  
is authorized and qualified to provide the care, treatment, or 102  
placement required, including, but not limited to, a school, camp, 103  
or facility operated under section 2151.65 of the Revised Code; 104

(3) Place the child in a detention facility or district 105  
detention facility operated under section 2152.41 of the Revised 106  
Code, for up to ninety days; 107

(4) Place the child on community control under any sanctions, 108  
services, and conditions that the court prescribes. As a condition 109  
of community control in every case and in addition to any other 110  
condition that it imposes upon the child, the court shall require 111  
the child to abide by the law during the period of community 112  
control. As referred to in this division, community control 113  
includes, but is not limited to, the following sanctions and 114  
conditions: 115

(a) A period of basic probation supervision in which the 116  
child is required to maintain contact with a person appointed to 117  
supervise the child in accordance with sanctions imposed by the 118  
court; 119

(b) A period of intensive probation supervision in which the 120  
child is required to maintain frequent contact with a person 121  
appointed by the court to supervise the child while the child is 122  
seeking or maintaining employment and participating in training, 123  
education, and treatment programs as the order of disposition; 124

(c) A period of day reporting in which the child is required 125  
each day to report to and leave a center or another approved 126  
reporting location at specified times in order to participate in 127  
work, education or training, treatment, and other approved 128  
programs at the center or outside the center; 129

(d) A period of community service of up to five hundred hours 130  
for an act that would be a felony or a misdemeanor of the first 131  
degree if committed by an adult, up to two hundred hours for an 132  
act that would be a misdemeanor of the second, third, or fourth 133  
degree if committed by an adult, or up to thirty hours for an act 134  
that would be a minor misdemeanor if committed by an adult; 135

(e) A requirement that the child obtain a high school 136  
diploma, a certificate of high school equivalence, vocational 137  
training, or employment; 138



(f) A period of drug and alcohol use monitoring;	139
(g) A requirement of alcohol or drug assessment or	140
counseling, or a period in an alcohol or drug treatment program	141
with a level of security for the child as determined necessary by	142
the court;	143
(h) A period in which the court orders the child to observe a	144
curfew that may involve daytime or evening hours;	145
(i) A requirement that the child serve monitored time;	146
(j) A period of house arrest without electronic monitoring or	147
continuous alcohol monitoring;	148
(k) A period of electronic monitoring or continuous alcohol	149
monitoring without house arrest, or house arrest with electronic	150
monitoring or continuous alcohol monitoring or both electronic	151
monitoring and continuous alcohol monitoring, that does not exceed	152
the maximum sentence of imprisonment that could be imposed upon an	153
adult who commits the same act.	154
A period of house arrest with electronic monitoring or	155
continuous alcohol monitoring or both electronic monitoring and	156
continuous alcohol monitoring, imposed under this division shall	157
not extend beyond the child's twenty-first birthday. If a court	158
imposes a period of house arrest with electronic monitoring or	159
continuous alcohol monitoring or both electronic monitoring and	160
continuous alcohol monitoring, upon a child under this division,	161
it shall require the child: to remain in the child's home or other	162
specified premises for the entire period of house arrest with	163
electronic monitoring or continuous alcohol monitoring or both	164
except when the court permits the child to leave those premises to	165
go to school or to other specified premises. Regarding electronic	166
monitoring, the court also shall require the child to be monitored	167
by a central system that can determine the child's location at	168
designated times; to report periodically to a person designated by	169

the court; and to enter into a written contract with the court 170  
agreeing to comply with all requirements imposed by the court, 171  
agreeing to pay any fee imposed by the court for the costs of the 172  
house arrest with electronic monitoring, and agreeing to waive the 173  
right to receive credit for any time served on house arrest with 174  
electronic monitoring toward the period of any other dispositional 175  
order imposed upon the child if the child violates any of the 176  
requirements of the dispositional order of house arrest with 177  
electronic monitoring. The court also may impose other reasonable 178  
requirements upon the child. 179

Unless ordered by the court, a child shall not receive credit 180  
for any time served on house arrest with electronic monitoring or 181  
continuous alcohol monitoring or both toward any other 182  
dispositional order imposed upon the child for the act for which 183  
was imposed the dispositional order of house arrest with 184  
electronic monitoring or continuous alcohol monitoring. As used in 185  
this division and division (A)(4)~~(i)~~(j) of this section, 186  
"continuous alcohol monitoring" has the same meaning as in section 187  
2929.01 of the Revised Code. 188

(1) A suspension of the driver's license, probationary 189  
driver's license, or temporary instruction permit issued to the 190  
child for a period of time prescribed by the court, or a 191  
suspension of the registration of all motor vehicles registered in 192  
the name of the child for a period of time prescribed by the 193  
court. A child whose license or permit is so suspended is 194  
ineligible for issuance of a license or permit during the period 195  
of suspension. At the end of the period of suspension, the child 196  
shall not be reissued a license or permit until the child has paid 197  
any applicable reinstatement fee and complied with all 198  
requirements governing license reinstatement. 199

(5) Commit the child to the custody of the court; 200

(6) Require the child to not be absent without legitimate 201

excuse from the public school the child is supposed to attend for 202  
five or more consecutive days, seven or more school days in one 203  
school month, or twelve or more school days in a school year; 204

(7)(a) If a child is adjudicated a delinquent child for being 205  
a chronic truant or a habitual truant who previously has been 206  
adjudicated an unruly child for being a habitual truant, do either 207  
or both of the following: 208

(i) Require the child to participate in a truancy prevention 209  
mediation program; 210

(ii) Make any order of disposition as authorized by this 211  
section, except that the court shall not commit the child to a 212  
facility described in division (A)(2) or (3) of this section 213  
unless the court determines that the child violated a lawful court 214  
order made pursuant to division (C)(1)(e) of section 2151.354 of 215  
the Revised Code or division (A)(6) of this section. 216

(b) If a child is adjudicated a delinquent child for being a 217  
chronic truant or a habitual truant who previously has been 218  
adjudicated an unruly child for being a habitual truant and the 219  
court determines that the parent, guardian, or other person having 220  
care of the child has failed to cause the child's attendance at 221  
school in violation of section 3321.38 of the Revised Code, do 222  
either or both of the following: 223

(i) Require the parent, guardian, or other person having care 224  
of the child to participate in a truancy prevention mediation 225  
program; 226

(ii) Require the parent, guardian, or other person having 227  
care of the child to participate in any community service program, 228  
preferably a community service program that requires the 229  
involvement of the parent, guardian, or other person having care 230  
of the child in the school attended by the child. 231

(8) Make any further disposition that the court finds proper, 232

except that the child shall not be placed in any of the following: 233

(a) A state correctional institution, a county, multicounty, 234  
or municipal jail or workhouse, or another place in which an adult 235  
convicted of a crime, under arrest, or charged with a crime is 236  
held; 237

(b) A community corrections facility, if the child would be 238  
covered by the definition of public safety beds for purposes of 239  
sections 5139.41 to 5139.43 of the Revised Code if the court 240  
exercised its authority to commit the child to the legal custody 241  
of the department of youth services for institutionalization or 242  
institutionalization in a secure facility pursuant to this 243  
chapter. 244

(B) If a child is adjudicated a delinquent child, in addition 245  
to any order of disposition made under division (A) of this 246  
section, the court, in the following situations and for the 247  
specified periods of time, shall suspend the child's temporary 248  
instruction permit, restricted license, probationary driver's 249  
license, or nonresident operating privilege, or suspend the 250  
child's ability to obtain such a permit: 251

(1) If the child is adjudicated a delinquent child for 252  
violating section 2923.122 of the Revised Code, impose a class 253  
four suspension of the child's license, permit, or privilege from 254  
the range specified in division (A)(4) of section 4510.02 of the 255  
Revised Code or deny the child the issuance of a license or permit 256  
in accordance with division (F)(1) of section 2923.122 of the 257  
Revised Code. 258

(2) If the child is adjudicated a delinquent child for 259  
committing an act that if committed by an adult would be a drug 260  
abuse offense or for violating division (B) of section 2917.11 of 261  
the Revised Code, suspend the child's license, permit, or 262  
privilege for a period of time prescribed by the court. The court, 263

in its discretion, may terminate the suspension if the child 264  
attends and satisfactorily completes a drug abuse or alcohol abuse 265  
education, intervention, or treatment program specified by the 266  
court. During the time the child is attending a program described 267  
in this division, the court shall retain the child's temporary 268  
instruction permit, probationary driver's license, or driver's 269  
license, and the court shall return the permit or license if it 270  
terminates the suspension as described in this division. 271

(C) The court may establish a victim-offender mediation 272  
program in which victims and their offenders meet to discuss the 273  
offense and suggest possible restitution. If the court obtains the 274  
assent of the victim of the delinquent act committed by the child, 275  
the court may require the child to participate in the program. 276

(D)(1) If a child is adjudicated a delinquent child for 277  
committing an act that would be a felony if committed by an adult 278  
and if the child caused, attempted to cause, threatened to cause, 279  
or created a risk of physical harm to the victim of the act, the 280  
court, prior to issuing an order of disposition under this 281  
section, shall order the preparation of a victim impact statement 282  
by the probation department of the county in which the victim of 283  
the act resides, by the court's own probation department, or by a 284  
victim assistance program that is operated by the state, a county, 285  
a municipal corporation, or another governmental entity. The court 286  
shall consider the victim impact statement in determining the 287  
order of disposition to issue for the child. 288

(2) Each victim impact statement shall identify the victim of 289  
the act for which the child was adjudicated a delinquent child, 290  
itemize any economic loss suffered by the victim as a result of 291  
the act, identify any physical injury suffered by the victim as a 292  
result of the act and the seriousness and permanence of the 293  
injury, identify any change in the victim's personal welfare or 294  
familial relationships as a result of the act and any 295

psychological impact experienced by the victim or the victim's 296  
family as a result of the act, and contain any other information 297  
related to the impact of the act upon the victim that the court 298  
requires. 299

(3) A victim impact statement shall be kept confidential and 300  
is not a public record. However, the court may furnish copies of 301  
the statement to the department of youth services if the 302  
delinquent child is committed to the department or to both the 303  
adjudicated delinquent child or the adjudicated delinquent child's 304  
counsel and the prosecuting attorney. The copy of a victim impact 305  
statement furnished by the court to the department pursuant to 306  
this section shall be kept confidential and is not a public 307  
record. If an officer is preparing pursuant to section 2947.06 or 308  
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 309  
investigation report pertaining to a person, the court shall make 310  
available to the officer, for use in preparing the report, a copy 311  
of any victim impact statement regarding that person. The copies 312  
of a victim impact statement that are made available to the 313  
adjudicated delinquent child or the adjudicated delinquent child's 314  
counsel and the prosecuting attorney pursuant to this division 315  
shall be returned to the court by the person to whom they were 316  
made available immediately following the imposition of an order of 317  
disposition for the child under this chapter. 318

The copy of a victim impact statement that is made available 319  
pursuant to this division to an officer preparing a criminal 320  
presentence investigation report shall be returned to the court by 321  
the officer immediately following its use in preparing the report. 322

(4) The department of youth services shall work with local 323  
probation departments and victim assistance programs to develop a 324  
standard victim impact statement. 325

(E) If a child is adjudicated a delinquent child for being a 326  
chronic truant or a habitual truant who previously has been 327

adjudicated an unruly child for being a habitual truant and the 328  
court determines that the parent, guardian, or other person having 329  
care of the child has failed to cause the child's attendance at 330  
school in violation of section 3321.38 of the Revised Code, in 331  
addition to any order of disposition it makes under this section, 332  
the court shall warn the parent, guardian, or other person having 333  
care of the child that any subsequent adjudication of the child as 334  
an unruly or delinquent child for being a habitual or chronic 335  
truant may result in a criminal charge against the parent, 336  
guardian, or other person having care of the child for a violation 337  
of division (C) of section 2919.21 or section 2919.24 of the 338  
Revised Code. 339

(F) If a child under eighteen years of age is adjudicated a 340  
delinquent child for a violation of division (B) of section 341  
959.131 of the Revised Code, the court, in addition to any other 342  
disposition that it makes under this section, shall require the 343  
child to undergo a psychological evaluation. The evaluation shall 344  
determine if the child needs individual or family counseling and 345  
shall make a recommendation as to the frequency and the length of 346  
time that the counseling should occur. If individual or family 347  
counseling is recommended by the evaluation, the court shall 348  
require the counseling to take place and shall establish the 349  
frequency and the length of time of the counseling. The court may 350  
order the parent, guardian, or other person having care of the 351  
child to pay the costs of the evaluation, any counseling, or both. 352

(G)(1) During the period of a delinquent child's community 353  
control granted under this section, authorized probation officers 354  
who are engaged within the scope of their supervisory duties or 355  
responsibilities may search, with or without a warrant, the person 356  
of the delinquent child, the place of residence of the delinquent 357  
child, and a motor vehicle, another item of tangible or intangible 358  
personal property, or other real property in which the delinquent 359

child has a right, title, or interest or for which the delinquent 360  
child has the express or implied permission of a person with a 361  
right, title, or interest to use, occupy, or possess if the 362  
probation officers have reasonable grounds to believe that the 363  
delinquent child is not abiding by the law or otherwise is not 364  
complying with the conditions of the delinquent child's community 365  
control. The court that places a delinquent child on community 366  
control under this section shall provide the delinquent child with 367  
a written notice that informs the delinquent child that authorized 368  
probation officers who are engaged within the scope of their 369  
supervisory duties or responsibilities may conduct those types of 370  
searches during the period of community control if they have 371  
reasonable grounds to believe that the delinquent child is not 372  
abiding by the law or otherwise is not complying with the 373  
conditions of the delinquent child's community control. The court 374  
also shall provide the written notice described in division 375  
~~(E)~~(G)(2) of this section to each parent, guardian, or custodian 376  
of the delinquent child who is described in that division. 377

(2) The court that places a child on community control under 378  
this section shall provide the child's parent, guardian, or other 379  
custodian with a written notice that informs them that authorized 380  
probation officers may conduct searches pursuant to division 381  
(E)(1) of this section. The notice shall specifically state that a 382  
permissible search might extend to a motor vehicle, another item 383  
of tangible or intangible personal property, or a place of 384  
residence or other real property in which a notified parent, 385  
guardian, or custodian has a right, title, or interest and that 386  
the parent, guardian, or custodian expressly or impliedly permits 387  
the child to use, occupy, or possess. 388

~~(G)~~(H) If a juvenile court commits a delinquent child to the 389  
custody of any person, organization, or entity pursuant to this 390  
section and if the delinquent act for which the child is so 391



committed is a sexually oriented offense or is a child-victim 392  
oriented offense, the court in the order of disposition shall do 393  
one of the following: 394

(1) Require that the child be provided treatment as described 395  
in division (A)(2) of section 5139.13 of the Revised Code; 396

(2) Inform the person, organization, or entity that it is the 397  
preferred course of action in this state that the child be 398  
provided treatment as described in division (A)(2) of section 399  
5139.13 of the Revised Code and encourage the person, 400  
organization, or entity to provide that treatment. 401

**Sec. 2903.213.** (A) Except when the complaint involves a 402  
person who is a family or household member as defined in section 403  
2919.25 of the Revised Code, upon the filing of a complaint that 404  
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 405  
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 406  
a municipal ordinance substantially similar to section 2903.13, 407  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 408  
the commission of a sexually oriented offense, the complainant, 409  
the alleged victim, or a family or household member of an alleged 410  
victim may file a motion that requests the issuance of a 411  
protection order as a pretrial condition of release of the alleged 412  
offender, in addition to any bail set under Criminal Rule 46. The 413  
motion shall be filed with the clerk of the court that has 414  
jurisdiction of the case at any time after the filing of the 415  
complaint. If the complaint involves a person who is a family or 416  
household member, the complainant, the alleged victim, or the 417  
family or household member may file a motion for a temporary 418  
protection order pursuant to section 2919.26 of the Revised Code. 419

(B) A motion for a protection order under this section shall 420  
be prepared on a form that is provided by the clerk of the court, 421  
and the form shall be substantially as follows: 422

"Motion for Protection Order	423
.....	424
Name and address of court	425
State of Ohio	426
v.	No. .... 427
.....	428
Name of Defendant	429
(Name of person), moves the court to issue a protection order	430
containing terms designed to ensure the safety and protection of	431
the complainant or the alleged victim in the above-captioned case	432
<u>and any companion animal that is in the complainant's or alleged</u>	433
<u>victim's residence</u> , in relation to the named defendant, pursuant	434
to its authority to issue a protection order under section	435
2903.213 of the Revised Code.	436
A complaint, a copy of which has been attached to this	437
motion, has been filed in this court charging the named defendant	438
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21,	439
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of	440
a municipal ordinance substantially similar to section 2903.13,	441
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or	442
the commission of a sexually oriented offense.	443
I understand that I must appear before the court, at a time	444
set by the court not later than the next day that the court is in	445
session after the filing of this motion, for a hearing on the	446
motion, and that any protection order granted pursuant to this	447
motion is a pretrial condition of release and is effective only	448
until the disposition of the criminal proceeding arising out of	449
the attached complaint or until the issuance under section	450
2903.214 of the Revised Code of a protection order arising out of	451
the same activities as those that were the basis of the attached	452
complaint.	453

.....	454
Signature of person	455
.....	456
Address of person"	457
(C)(1) As soon as possible after the filing of a motion that	458
requests the issuance of a protection order under this section,	459
but not later than the next day that the court is in session after	460
the filing of the motion, the court shall conduct a hearing to	461
determine whether to issue the order. The person who requested the	462
order shall appear before the court and provide the court with the	463
information that it requests concerning the basis of the motion.	464
If the court finds that the safety and protection of the	465
complainant or the alleged victim may be impaired by the continued	466
presence of the alleged offender, the court may issue a protection	467
order under this section, as a pretrial condition of release, that	468
contains terms designed to ensure the safety and protection of the	469
complainant or the alleged victim, including a requirement that	470
the alleged offender refrain from entering the residence, school,	471
business, or place of employment of the complainant or the alleged	472
victim. <u>The court may include within the scope of a protection</u>	473
<u>order issued under this section any companion animal that is in</u>	474
<u>the complainant's or alleged victim's residence.</u>	475
(2)(a) If the court issues a protection order under this	476
section that includes a requirement that the alleged offender	477
refrain from entering the residence, school, business, or place of	478
employment of the complainant or the alleged victim, the order	479
shall clearly state that the order cannot be waived or nullified	480
by an invitation to the alleged offender from the complainant, the	481
alleged victim, or a family or household member to enter the	482
residence, school, business, or place of employment or by the	483
alleged offender's entry into one of those places otherwise upon	484

the consent of the complainant, the alleged victim, or a family or household member. 485  
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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. 487  
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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, 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. The court may include within the scope of a protection order issued under this section any companion animal that is in the complainant's or alleged victim's residence. 495  
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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. 506  
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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 513  
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prosecution of a felony arising out of the same activities as 517  
those that were the basis of the complaint upon which the order is 518  
based, notwithstanding the fact that the order was issued by a 519  
municipal court or county court, the order shall remain in effect, 520  
as though it were an order of the court of common pleas, while the 521  
charges against the alleged offender are pending in the court of 522  
common pleas, for the period of time described in division (E)(2) 523  
of this section, and the court of common pleas has exclusive 524  
jurisdiction to modify the order issued by the municipal court or 525  
county court. This division applies when the alleged offender is 526  
bound over to the court of common pleas as a result of the person 527  
waiving a preliminary hearing on the felony charge, as a result of 528  
the municipal court or county court having determined at a 529  
preliminary hearing that there is probable cause to believe that 530  
the felony has been committed and that the alleged offender 531  
committed it, as a result of the alleged offender having been 532  
indicted for the felony, or in any other manner. 533

(E) A protection order that is issued as a pretrial condition 534  
of release under this section: 535

(1) Is in addition to, but shall not be construed as a part 536  
of, any bail set under Criminal Rule 46; 537

(2) Is effective only until the disposition, by the court 538  
that issued the order or, in the circumstances described in 539  
division (D)(3) of this section, by the court of common pleas to 540  
which the alleged offender is bound over for prosecution, of the 541  
criminal proceeding arising out of the complaint upon which the 542  
order is based or until the issuance under section 2903.214 of the 543  
Revised Code of a protection order arising out of the same 544  
activities as those that were the basis of the complaint filed 545  
under this section; 546

(3) Shall not be construed as a finding that the alleged 547  
offender committed the alleged offense and shall not be introduced 548

as evidence of the commission of the offense at the trial of the 549  
alleged offender on the complaint upon which the order is based. 550

(F) A person who meets the criteria for bail under Criminal 551  
Rule 46 and who, if required to do so pursuant to that rule, 552  
executes or posts bond or deposits cash or securities as bail, 553  
shall not be held in custody pending a hearing before the court on 554  
a motion requesting a protection order under this section. 555

(G)(1) A copy of a protection order that is issued under this 556  
section shall be issued by the court to the complainant, to the 557  
alleged victim, to the person who requested the order, to the 558  
defendant, and to all law enforcement agencies that have 559  
jurisdiction to enforce the order. The court shall direct that a 560  
copy of the order be delivered to the defendant on the same day 561  
that the order is entered. If a municipal court or a county court 562  
issues a protection order under this section and if, subsequent to 563  
the issuance of the order, the defendant who is the subject of the 564  
order is bound over to the court of common pleas for prosecution 565  
as described in division (D)(3) of this section, the municipal 566  
court or county court shall direct that a copy of the order be 567  
delivered to the court of common pleas to which the defendant is 568  
bound over. 569

(2) Upon the issuance of a protection order under this 570  
section, the court shall provide the parties to the order with the 571  
following notice orally or by form: 572

"NOTICE 573

If you are convicted of a misdemeanor crime involving 574  
violence in which you are or were a spouse, intimate partner, 575  
parent, or guardian of the victim or are or were involved in 576  
another, similar relationship with the victim, it may be unlawful 577  
for you to possess or purchase a firearm, including a rifle, 578  
pistol, or revolver, or ammunition pursuant to federal law under 579  
18 U.S.C. 922(g)(9). If you have any questions whether this law 580

makes it illegal for you to possess or purchase a firearm or 581  
ammunition, you should consult an attorney." 582

(3) All law enforcement agencies shall establish and maintain 583  
an index for the protection orders delivered to the agencies 584  
pursuant to division (G)(1) of this section. With respect to each 585  
order delivered, each agency shall note on the index the date and 586  
time of the agency's receipt of the order. 587

(4) Regardless of whether the petitioner has registered the 588  
protection order in the county in which the officer's agency has 589  
jurisdiction, any officer of a law enforcement agency shall 590  
enforce a protection order issued pursuant to this section in 591  
accordance with the provisions of the order. 592

(H) Upon a violation of a protection order issued pursuant to 593  
this section, the court may issue another protection order under 594  
this section, as a pretrial condition of release, that modifies 595  
the terms of the order that was violated. 596

(I) Notwithstanding any provision of law to the contrary and 597  
regardless of whether a protection order is issued or a consent 598  
agreement is approved by a court of another county or by a court 599  
of another state, no court or unit of state or local government 600  
shall charge any fee, cost, deposit, or money in connection with 601  
the filing of a motion pursuant to this section, in connection 602  
with the filing, issuance, registration, or service of a 603  
protection order or consent agreement, or for obtaining certified 604  
copies of a protection order or consent agreement. 605

(J) As used in this section, ~~"sexually:~~ 606

(1) "Sexually oriented offense" has the same meaning as in 607  
section 2950.01 of the Revised Code. 608

(2) "Companion animal" has the same meaning as in section 609  
959.131 of the Revised Code. 610

Sec. 2903.214. (A) As used in this section: 611

(1) "Court" means the court of common pleas of the county in 612  
which the person to be protected by the protection order resides. 613

(2) "Victim advocate" means a person who provides support and 614  
assistance for a person who files a petition under this section. 615

(3) "Family or household member" has the same meaning as in 616  
section 3113.31 of the Revised Code. 617

(4) "Protection order issued by a court of another state" has 618  
the same meaning as in section 2919.27 of the Revised Code. 619

(5) "Sexually oriented offense" has the same meaning as in 620  
section 2950.01 of the Revised Code. 621

(6) "Electronic monitoring" has the same meaning as in 622  
section 2929.01 of the Revised Code. 623

(7) "Companion animal" has the same meaning as in section 624  
959.131 of the Revised Code. 625

(B) The court has jurisdiction over all proceedings under 626  
this section. 627

(C) A person may seek relief under this section for the 628  
person, or any parent or adult household member may seek relief 629  
under this section on behalf of any other family or household 630  
member, by filing a petition with the court. The petition shall 631  
contain or state all of the following: 632

(1) An allegation that the respondent engaged in a violation 633  
of section 2903.211 of the Revised Code against the person to be 634  
protected by the protection order or committed a sexually oriented 635  
offense against the person to be protected by the protection 636  
order, including a description of the nature and extent of the 637  
violation; 638

(2) If the petitioner seeks relief in the form of electronic 639



monitoring of the respondent, an allegation that at any time 640  
preceding the filing of the petition the respondent engaged in 641  
conduct that would cause a reasonable person to believe that the 642  
health, welfare, or safety of the person to be protected was at 643  
risk, a description of the nature and extent of that conduct, and 644  
an allegation that the respondent presents a continuing danger to 645  
the person to be protected; 646

(3) A request for relief under this section. 647

(D)(1) If a person who files a petition pursuant to this 648  
section requests an ex parte order, the court shall hold an ex 649  
parte hearing as soon as possible after the petition is filed, but 650  
not later than the next day that the court is in session after the 651  
petition is filed. The court, for good cause shown at the ex parte 652  
hearing, may enter any temporary orders, with or without bond, 653  
that the court finds necessary for the safety and protection of 654  
the person to be protected by the order. Immediate and present 655  
danger to the person to be protected by the protection order 656  
constitutes good cause for purposes of this section. Immediate and 657  
present danger includes, but is not limited to, situations in 658  
which the respondent has threatened the person to be protected by 659  
the protection order with bodily harm or in which the respondent 660  
previously has been convicted of or pleaded guilty to a violation 661  
of section 2903.211 of the Revised Code or a sexually oriented 662  
offense against the person to be protected by the protection 663  
order. 664

(2)(a) If the court, after an ex parte hearing, issues a 665  
protection order described in division (E) of this section, the 666  
court shall schedule a full hearing for a date that is within ten 667  
court days after the ex parte hearing. The court shall give the 668  
respondent notice of, and an opportunity to be heard at, the full 669  
hearing. The court shall hold the full hearing on the date 670  
scheduled under this division unless the court grants a 671

continuance of the hearing in accordance with this division. Under 672  
any of the following circumstances or for any of the following 673  
reasons, the court may grant a continuance of the full hearing to 674  
a reasonable time determined by the court: 675

(i) Prior to the date scheduled for the full hearing under 676  
this division, the respondent has not been served with the 677  
petition filed pursuant to this section and notice of the full 678  
hearing. 679

(ii) The parties consent to the continuance. 680

(iii) The continuance is needed to allow a party to obtain 681  
counsel. 682

(iv) The continuance is needed for other good cause. 683

(b) An ex parte order issued under this section does not 684  
expire because of a failure to serve notice of the full hearing 685  
upon the respondent before the date set for the full hearing under 686  
division (D)(2)(a) of this section or because the court grants a 687  
continuance under that division. 688

(3) If a person who files a petition pursuant to this section 689  
does not request an ex parte order, or if a person requests an ex 690  
parte order but the court does not issue an ex parte order after 691  
an ex parte hearing, the court shall proceed as in a normal civil 692  
action and grant a full hearing on the matter. 693

(E)(1)(a) After an ex parte or full hearing, the court may 694  
issue any protection order, with or without bond, that contains 695  
terms designed to ensure the safety and protection of the person 696  
to be protected by the protection order, including, but not 697  
limited to, a requirement that the respondent refrain from 698  
entering the residence, school, business, or place of employment 699  
of the petitioner or family or household member. If the court 700  
includes a requirement that the respondent refrain from entering 701  
the residence, school, business, or place of employment of the 702

petitioner or family or household member in the order, it also 703  
shall include in the order provisions of the type described in 704  
division (E)(5) of this section. The court may include within the 705  
scope of a protection order issued under this section any 706  
companion animal that is in the residence of the person to be 707  
protected. 708

(b) After a full hearing, if the court considering a petition 709  
that includes an allegation of the type described in division 710  
(C)(2) of this section, or the court upon its own motion, finds 711  
upon clear and convincing evidence that the petitioner reasonably 712  
believed that the respondent's conduct at any time preceding the 713  
filing of the petition endangered the health, welfare, or safety 714  
of the person to be protected and that the respondent presents a 715  
continuing danger to the person to be protected, the court may 716  
order that the respondent be electronically monitored for a period 717  
of time and under the terms and conditions that the court 718  
determines are appropriate. Electronic monitoring shall be in 719  
addition to any other relief granted to the petitioner. 720

(2)(a) Any protection order issued pursuant to this section 721  
shall be valid until a date certain but not later than five years 722  
from the date of its issuance. 723

(b) Any protection order issued pursuant to this section may 724  
be renewed in the same manner as the original order was issued. 725

(3) A court may not issue a protection order that requires a 726  
petitioner to do or to refrain from doing an act that the court 727  
may require a respondent to do or to refrain from doing under 728  
division (E)(1) of this section unless all of the following apply: 729

(a) The respondent files a separate petition for a protection 730  
order in accordance with this section. 731

(b) The petitioner is served with notice of the respondent's 732  
petition at least forty-eight hours before the court holds a 733

hearing with respect to the respondent's petition, or the 734  
petitioner waives the right to receive this notice. 735

(c) If the petitioner has requested an ex parte order 736  
pursuant to division (D) of this section, the court does not delay 737  
any hearing required by that division beyond the time specified in 738  
that division in order to consolidate the hearing with a hearing 739  
on the petition filed by the respondent. 740

(d) After a full hearing at which the respondent presents 741  
evidence in support of the request for a protection order and the 742  
petitioner is afforded an opportunity to defend against that 743  
evidence, the court determines that the petitioner has committed a 744  
violation of section 2903.211 of the Revised Code against the 745  
person to be protected by the protection order issued pursuant to 746  
this section, has committed a sexually oriented offense against 747  
the person to be protected by the protection order, or has 748  
violated a protection order issued pursuant to section 2903.213 of 749  
the Revised Code relative to the person to be protected by the 750  
protection order issued pursuant to this section. 751

(4) No protection order issued pursuant to this section shall 752  
in any manner affect title to any real property. 753

(5)(a) If the court issues a protection order under this 754  
section that includes a requirement that the alleged offender 755  
refrain from entering the residence, school, business, or place of 756  
employment of the petitioner or a family or household member, the 757  
order shall clearly state that the order cannot be waived or 758  
nullified by an invitation to the alleged offender from the 759  
complainant to enter the residence, school, business, or place of 760  
employment or by the alleged offender's entry into one of those 761  
places otherwise upon the consent of the petitioner or family or 762  
household member. 763

(b) Division (E)(5)(a) of this section does not limit any 764

discretion of a court to determine that an alleged offender 765  
charged with a violation of section 2919.27 of the Revised Code, 766  
with a violation of a municipal ordinance substantially equivalent 767  
to that section, or with contempt of court, which charge is based 768  
on an alleged violation of a protection order issued under this 769  
section, did not commit the violation or was not in contempt of 770  
court. 771

(F)(1) The court shall cause the delivery of a copy of any 772  
protection order that is issued under this section to the 773  
petitioner, to the respondent, and to all law enforcement agencies 774  
that have jurisdiction to enforce the order. The court shall 775  
direct that a copy of the order be delivered to the respondent on 776  
the same day that the order is entered. 777

(2) Upon the issuance of a protection order under this 778  
section, the court shall provide the parties to the order with the 779  
following notice orally or by form: 780

"NOTICE 781

As a result of this order, it may be unlawful for you to 782  
possess or purchase a firearm, including a rifle, pistol, or 783  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 784  
922(g)(8). If you have any questions whether this law makes it 785  
illegal for you to possess or purchase a firearm or ammunition, 786  
you should consult an attorney." 787

(3) All law enforcement agencies shall establish and maintain 788  
an index for the protection orders delivered to the agencies 789  
pursuant to division (F)(1) of this section. With respect to each 790  
order delivered, each agency shall note on the index the date and 791  
time that it received the order. 792

(4) Regardless of whether the petitioner has registered the 793  
protection order in the county in which the officer's agency has 794  
jurisdiction pursuant to division (M) of this section, any officer 795

of a law enforcement agency shall enforce a protection order 796  
issued pursuant to this section by any court in this state in 797  
accordance with the provisions of the order, including removing 798  
the respondent from the premises, if appropriate. 799

(G) Any proceeding under this section shall be conducted in 800  
accordance with the Rules of Civil Procedure, except that a 801  
protection order may be obtained under this section with or 802  
without bond. An order issued under this section, other than an ex 803  
parte order, that grants a protection order, or that refuses to 804  
grant a protection order, is a final, appealable order. The 805  
remedies and procedures provided in this section are in addition 806  
to, and not in lieu of, any other available civil or criminal 807  
remedies. 808

(H) The filing of proceedings under this section does not 809  
excuse a person from filing any report or giving any notice 810  
required by section 2151.421 of the Revised Code or by any other 811  
law. 812

(I) Any law enforcement agency that investigates an alleged 813  
violation of section 2903.211 of the Revised Code or an alleged 814  
commission of a sexually oriented offense shall provide 815  
information to the victim and the family or household members of 816  
the victim regarding the relief available under this section and 817  
section 2903.213 of the Revised Code. 818

(J) Notwithstanding any provision of law to the contrary and 819  
regardless of whether a protection order is issued or a consent 820  
agreement is approved by a court of another county or by a court 821  
of another state, no court or unit of state or local government 822  
shall charge any fee, cost, deposit, or money in connection with 823  
the filing of a petition pursuant to this section, in connection 824  
with the filing, issuance, registration, or service of a 825  
protection order or consent agreement, or for obtaining a 826  
certified copy of a protection order or consent agreement. 827

(K)(1) A person who violates a protection order issued under 828  
this section is subject to the following sanctions: 829

(a) Criminal prosecution for a violation of section 2919.27 830  
of the Revised Code, if the violation of the protection order 831  
constitutes a violation of that section; 832

(b) Punishment for contempt of court. 833

(2) The punishment of a person for contempt of court for 834  
violation of a protection order issued under this section does not 835  
bar criminal prosecution of the person for a violation of section 836  
2919.27 of the Revised Code. However, a person punished for 837  
contempt of court is entitled to credit for the punishment imposed 838  
upon conviction of a violation of that section, and a person 839  
convicted of a violation of that section shall not subsequently be 840  
punished for contempt of court arising out of the same activity. 841

(L) In all stages of a proceeding under this section, a 842  
petitioner may be accompanied by a victim advocate. 843

(M)(1) A petitioner who obtains a protection order under this 844  
section or a protection order under section 2903.213 of the 845  
Revised Code may provide notice of the issuance or approval of the 846  
order to the judicial and law enforcement officials in any county 847  
other than the county in which the order is issued by registering 848  
that order in the other county pursuant to division (M)(2) of this 849  
section and filing a copy of the registered order with a law 850  
enforcement agency in the other county in accordance with that 851  
division. A person who obtains a protection order issued by a 852  
court of another state may provide notice of the issuance of the 853  
order to the judicial and law enforcement officials in any county 854  
of this state by registering the order in that county pursuant to 855  
section 2919.272 of the Revised Code and filing a copy of the 856  
registered order with a law enforcement agency in that county. 857

(2) A petitioner may register a protection order issued 858

pursuant to this section or section 2903.213 of the Revised Code 859  
in a county other than the county in which the court that issued 860  
the order is located in the following manner: 861

(a) The petitioner shall obtain a certified copy of the order 862  
from the clerk of the court that issued the order and present that 863  
certified copy to the clerk of the court of common pleas or the 864  
clerk of a municipal court or county court in the county in which 865  
the order is to be registered. 866

(b) Upon accepting the certified copy of the order for 867  
registration, the clerk of the court of common pleas, municipal 868  
court, or county court shall place an endorsement of registration 869  
on the order and give the petitioner a copy of the order that 870  
bears that proof of registration. 871

(3) The clerk of each court of common pleas, municipal court, 872  
or county court shall maintain a registry of certified copies of 873  
protection orders that have been issued by courts in other 874  
counties pursuant to this section or section 2903.213 of the 875  
Revised Code and that have been registered with the clerk. 876

(N) If the court orders electronic monitoring of the 877  
respondent under this section, the court shall direct the 878  
sheriff's office or any other appropriate law enforcement agency 879  
to install the electronic monitoring device and to monitor the 880  
respondent. Unless the court determines that the respondent is 881  
indigent, the court shall order the respondent to pay the cost of 882  
the installation and monitoring of the electronic monitoring 883  
device. If the court determines that the respondent is indigent, 884  
the cost of the installation and monitoring of the electronic 885  
monitoring device shall be paid out of funds from the reparations 886  
fund created pursuant to section 2743.191 of the Revised Code. 887

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that 888  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 889



2911.211 of the Revised Code if the alleged victim of the 890  
violation was a family or household member at the time of the 891  
violation, a violation of a municipal ordinance that is 892  
substantially similar to any of those sections if the alleged 893  
victim of the violation was a family or household member at the 894  
time of the violation, any offense of violence if the alleged 895  
victim of the offense was a family or household member at the time 896  
of the commission of the offense, or any sexually oriented offense 897  
if the alleged victim of the offense was a family or household 898  
member at the time of the commission of the offense, the 899  
complainant, the alleged victim, or a family or household member 900  
of an alleged victim may file, or, if in an emergency the alleged 901  
victim is unable to file, a person who made an arrest for the 902  
alleged violation or offense under section 2935.03 of the Revised 903  
Code may file on behalf of the alleged victim, a motion that 904  
requests the issuance of a temporary protection order as a 905  
pretrial condition of release of the alleged offender, in addition 906  
to any bail set under Criminal Rule 46. The motion shall be filed 907  
with the clerk of the court that has jurisdiction of the case at 908  
any time after the filing of the complaint. 909

(2) For purposes of section 2930.09 of the Revised Code, all 910  
stages of a proceeding arising out of a complaint alleging the 911  
commission of a violation, offense of violence, or sexually 912  
oriented offense described in division (A)(1) of this section, 913  
including all proceedings on a motion for a temporary protection 914  
order, are critical stages of the case, and a victim may be 915  
accompanied by a victim advocate or another person to provide 916  
support to the victim as provided in that section. 917

(B) The motion shall be prepared on a form that is provided 918  
by the clerk of the court, which form shall be substantially as 919  
follows: 920

"MOTION FOR TEMPORARY PROTECTION ORDER 921



must appear before the court in lieu of my appearing in court. I 953  
understand that any temporary protection order granted pursuant to 954  
this motion is a pretrial condition of release and is effective 955  
only until the disposition of the criminal proceeding arising out 956  
of the attached complaint, or the issuance of a civil protection 957  
order or the approval of a consent agreement, arising out of the 958  
same activities as those that were the basis of the complaint, 959  
under section 3113.31 of the Revised Code. 960

..... 961

Signature of person 962

(or signature of the arresting officer who filed the motion on 963  
behalf of the alleged victim) 964

..... 965

Address of person (or office address of the arresting officer who 966  
filed the motion on behalf of the alleged victim)" 967

(C)(1) As soon as possible after the filing of a motion that 968  
requests the issuance of a temporary protection order, but not 969  
later than twenty-four hours after the filing of the motion, the 970  
court shall conduct a hearing to determine whether to issue the 971  
order. The person who requested the order shall appear before the 972  
court and provide the court with the information that it requests 973  
concerning the basis of the motion. If the person who requested 974  
the order is unable to appear and if the court finds that the 975  
failure to appear is because of the person's hospitalization or 976  
medical condition resulting from the offense alleged in the 977  
complaint, another person who is able to provide the court with 978  
the information it requests may appear in lieu of the person who 979  
requested the order. If the court finds that the safety and 980  
protection of the complainant, alleged victim, or any other family 981  
or household member of the alleged victim may be impaired by the 982  
continued presence of the alleged offender, the court may issue a 983

temporary protection order, as a pretrial condition of release, 984  
that contains terms designed to ensure the safety and protection 985  
of the complainant, alleged victim, or the family or household 986  
member, including a requirement that the alleged offender refrain 987  
from entering the residence, school, business, or place of 988  
employment of the complainant, alleged victim, or the family or 989  
household member. The court may include within the scope of a 990  
protection order issued under this section any companion animal 991  
that is in the complainant's or alleged victim's residence. 992

(2)(a) If the court issues a temporary protection order that 993  
includes a requirement that the alleged offender refrain from 994  
entering the residence, school, business, or place of employment 995  
of the complainant, the alleged victim, or the family or household 996  
member, the order shall state clearly that the order cannot be 997  
waived or nullified by an invitation to the alleged offender from 998  
the complainant, alleged victim, or family or household member to 999  
enter the residence, school, business, or place of employment or 1000  
by the alleged offender's entry into one of those places otherwise 1001  
upon the consent of the complainant, alleged victim, or family or 1002  
household member. 1003

(b) Division (C)(2)(a) of this section does not limit any 1004  
discretion of a court to determine that an alleged offender 1005  
charged with a violation of section 2919.27 of the Revised Code, 1006  
with a violation of a municipal ordinance substantially equivalent 1007  
to that section, or with contempt of court, which charge is based 1008  
on an alleged violation of a temporary protection order issued 1009  
under this section, did not commit the violation or was not in 1010  
contempt of court. 1011

(D)(1) Upon the filing of a complaint that alleges a 1012  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1013  
Revised Code if the alleged victim of the violation was a family 1014  
or household member at the time of the violation, a violation of a 1015

municipal ordinance that is substantially similar to any of those 1016  
sections if the alleged victim of the violation was a family or 1017  
household member at the time of the violation, any offense of 1018  
violence if the alleged victim of the offense was a family or 1019  
household member at the time of the commission of the offense, or 1020  
any sexually oriented offense if the alleged victim of the offense 1021  
was a family or household member at the time of the commission of 1022  
the offense, the court, upon its own motion, may issue a temporary 1023  
protection order as a pretrial condition of release if it finds 1024  
that the safety and protection of the complainant, alleged victim, 1025  
or other family or household member of the alleged offender may be 1026  
impaired by the continued presence of the alleged offender. The 1027  
court may include within the scope of a protection order issued 1028  
under this section any companion animal that is in the 1029  
complainant's or alleged victim's residence. 1030

(2) If the court issues a temporary protection order under 1031  
this section as an ex parte order, it shall conduct, as soon as 1032  
possible after the issuance of the order, a hearing in the 1033  
presence of the alleged offender not later than the next day on 1034  
which the court is scheduled to conduct business after the day on 1035  
which the alleged offender was arrested or at the time of the 1036  
appearance of the alleged offender pursuant to summons to 1037  
determine whether the order should remain in effect, be modified, 1038  
or be revoked. The hearing shall be conducted under the standards 1039  
set forth in division (C) of this section. 1040

(3) An order issued under this section shall contain only 1041  
those terms authorized in orders issued under division (C) of this 1042  
section. 1043

(4) If a municipal court or a county court issues a temporary 1044  
protection order under this section and if, subsequent to the 1045  
issuance of the order, the alleged offender who is the subject of 1046  
the order is bound over to the court of common pleas for 1047

prosecution of a felony arising out of the same activities as 1048  
those that were the basis of the complaint upon which the order is 1049  
based, notwithstanding the fact that the order was issued by a 1050  
municipal court or county court, the order shall remain in effect, 1051  
as though it were an order of the court of common pleas, while the 1052  
charges against the alleged offender are pending in the court of 1053  
common pleas, for the period of time described in division (E)(2) 1054  
of this section, and the court of common pleas has exclusive 1055  
jurisdiction to modify the order issued by the municipal court or 1056  
county court. This division applies when the alleged offender is 1057  
bound over to the court of common pleas as a result of the person 1058  
waiving a preliminary hearing on the felony charge, as a result of 1059  
the municipal court or county court having determined at a 1060  
preliminary hearing that there is probable cause to believe that 1061  
the felony has been committed and that the alleged offender 1062  
committed it, as a result of the alleged offender having been 1063  
indicted for the felony, or in any other manner. 1064

(E) A temporary protection order that is issued as a pretrial 1065  
condition of release under this section: 1066

(1) Is in addition to, but shall not be construed as a part 1067  
of, any bail set under Criminal Rule 46; 1068

(2) Is effective only until the occurrence of either of the 1069  
following: 1070

(a) The disposition, by the court that issued the order or, 1071  
in the circumstances described in division (D)(4) of this section, 1072  
by the court of common pleas to which the alleged offender is 1073  
bound over for prosecution, of the criminal proceeding arising out 1074  
of the complaint upon which the order is based; 1075

(b) The issuance of a protection order or the approval of a 1076  
consent agreement, arising out of the same activities as those 1077  
that were the basis of the complaint upon which the order is 1078

based, under section 3113.31 of the Revised Code; 1079

(3) Shall not be construed as a finding that the alleged 1080  
offender committed the alleged offense, and shall not be 1081  
introduced as evidence of the commission of the offense at the 1082  
trial of the alleged offender on the complaint upon which the 1083  
order is based. 1084

(F) A person who meets the criteria for bail under Criminal 1085  
Rule 46 and who, if required to do so pursuant to that rule, 1086  
executes or posts bond or deposits cash or securities as bail, 1087  
shall not be held in custody pending a hearing before the court on 1088  
a motion requesting a temporary protection order. 1089

(G)(1) A copy of any temporary protection order that is 1090  
issued under this section shall be issued by the court to the 1091  
complainant, to the alleged victim, to the person who requested 1092  
the order, to the defendant, and to all law enforcement agencies 1093  
that have jurisdiction to enforce the order. The court shall 1094  
direct that a copy of the order be delivered to the defendant on 1095  
the same day that the order is entered. If a municipal court or a 1096  
county court issues a temporary protection order under this 1097  
section and if, subsequent to the issuance of the order, the 1098  
defendant who is the subject of the order is bound over to the 1099  
court of common pleas for prosecution as described in division 1100  
(D)(4) of this section, the municipal court or county court shall 1101  
direct that a copy of the order be delivered to the court of 1102  
common pleas to which the defendant is bound over. 1103

(2) Upon the issuance of a protection order under this 1104  
section, the court shall provide the parties to the order with the 1105  
following notice orally or by form: 1106

"NOTICE 1107

If you are convicted of a misdemeanor crime involving 1108  
violence in which you are or were a spouse, intimate partner, 1109

parent, or guardian of the victim or are or were involved in 1110  
another, similar relationship with the victim, it may be unlawful 1111  
for you to possess or purchase a firearm, including a rifle, 1112  
pistol, or revolver, or ammunition pursuant to federal law under 1113  
18 U.S.C. 922(g)(9). If you have any questions whether this law 1114  
makes it illegal for you to possess or purchase a firearm or 1115  
ammunition, you should consult an attorney." 1116

(3) All law enforcement agencies shall establish and maintain 1117  
an index for the temporary protection orders delivered to the 1118  
agencies pursuant to division (G)(1) of this section. With respect 1119  
to each order delivered, each agency shall note on the index, the 1120  
date and time of the receipt of the order by the agency. 1121

(4) A complainant, alleged victim, or other person who 1122  
obtains a temporary protection order under this section may 1123  
provide notice of the issuance of the temporary protection order 1124  
to the judicial and law enforcement officials in any county other 1125  
than the county in which the order is issued by registering that 1126  
order in the other county in accordance with division (N) of 1127  
section 3113.31 of the Revised Code and filing a copy of the 1128  
registered protection order with a law enforcement agency in the 1129  
other county in accordance with that division. 1130

(5) Any officer of a law enforcement agency shall enforce a 1131  
temporary protection order issued by any court in this state in 1132  
accordance with the provisions of the order, including removing 1133  
the defendant from the premises, regardless of whether the order 1134  
is registered in the county in which the officer's agency has 1135  
jurisdiction as authorized by division (G)(4) of this section. 1136

(H) Upon a violation of a temporary protection order, the 1137  
court may issue another temporary protection order, as a pretrial 1138  
condition of release, that modifies the terms of the order that 1139  
was violated. 1140



(I)(1) As used in divisions (I)(1) and (2) of this section, 1141  
"defendant" means a person who is alleged in a complaint to have 1142  
committed a violation, offense of violence, or sexually oriented 1143  
offense of the type described in division (A) of this section. 1144

(2) If a complaint is filed that alleges that a person 1145  
committed a violation, offense of violence, or sexually oriented 1146  
offense of the type described in division (A) of this section, the 1147  
court may not issue a temporary protection order under this 1148  
section that requires the complainant, the alleged victim, or 1149  
another family or household member of the defendant to do or 1150  
refrain from doing an act that the court may require the defendant 1151  
to do or refrain from doing under a temporary protection order 1152  
unless both of the following apply: 1153

(a) The defendant has filed a separate complaint that alleges 1154  
that the complainant, alleged victim, or other family or household 1155  
member in question who would be required under the order to do or 1156  
refrain from doing the act committed a violation or offense of 1157  
violence of the type described in division (A) of this section. 1158

(b) The court determines that both the complainant, alleged 1159  
victim, or other family or household member in question who would 1160  
be required under the order to do or refrain from doing the act 1161  
and the defendant acted primarily as aggressors, that neither the 1162  
complainant, alleged victim, or other family or household member 1163  
in question who would be required under the order to do or refrain 1164  
from doing the act nor the defendant acted primarily in 1165  
self-defense, and, in accordance with the standards and criteria 1166  
of this section as applied in relation to the separate complaint 1167  
filed by the defendant, that it should issue the order to require 1168  
the complainant, alleged victim, or other family or household 1169  
member in question to do or refrain from doing the act. 1170

(J) Notwithstanding any provision of law to the contrary and 1171  
regardless of whether a protection order is issued or a consent 1172

agreement is approved by a court of another county or a court of 1173  
another state, no court or unit of state or local government shall 1174  
charge any fee, cost, deposit, or money in connection with the 1175  
filing of a motion pursuant to this section, in connection with 1176  
the filing, issuance, registration, or service of a protection 1177  
order or consent agreement, or for obtaining a certified copy of a 1178  
protection order or consent agreement. 1179

(K) As used in this section: 1180

(1) "Companion animal" has the same meaning as in section 1181  
959.131 of the Revised Code. 1182

(2) "Sexually oriented offense" has the same meaning as in 1183  
section 2950.01 of the Revised Code. 1184

~~(2)~~(3) "Victim advocate" means a person who provides support 1185  
and assistance for a victim of an offense during court 1186  
proceedings. 1187

**Sec. 3113.31.** (A) As used in this section: 1188

(1) "Domestic violence" means the occurrence of one or more 1189  
of the following acts against a family or household member: 1190

(a) Attempting to cause or recklessly causing bodily injury; 1191

(b) Placing another person by the threat of force in fear of 1192  
imminent serious physical harm or committing a violation of 1193  
section 2903.211 or 2911.211 of the Revised Code; 1194

(c) Committing any act with respect to a child that would 1195  
result in the child being an abused child, as defined in section 1196  
2151.031 of the Revised Code; 1197

(d) Committing a sexually oriented offense. 1198

(2) "Court" means the domestic relations division of the 1199  
court of common pleas in counties that have a domestic relations 1200  
division, and the court of common pleas in counties that do not 1201

have a domestic relations division.	1202
(3) "Family or household member" means any of the following:	1203
(a) Any of the following who is residing with or has resided with the respondent:	1204
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	1205
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	1206
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	1207
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	1208
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	1209
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	1210
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	1211
<u>(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.</u>	1212
(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.	1213
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(C) A person may seek relief under this section on the person's own behalf, 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:

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

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

(3) A request for relief under this section.

(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 on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence. Immediate and present danger of domestic violence to the family or household member 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 family or household member with bodily harm, in which the respondent has threatened the family or household member with a sexually oriented offense, or in which the respondent previously has been convicted of or pleaded guilty to an offense that constitutes domestic violence against the family or household member.

(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the

court shall schedule a full hearing for a date that is within 1263  
seven court days after the ex parte hearing. If any other type of 1264  
protection order that is authorized under division (E) of this 1265  
section is issued by the court after an ex parte hearing, the 1266  
court shall schedule a full hearing for a date that is within ten 1267  
court days after the ex parte hearing. The court shall give the 1268  
respondent notice of, and an opportunity to be heard at, the full 1269  
hearing. The court shall hold the full hearing on the date 1270  
scheduled under this division unless the court grants a 1271  
continuance of the hearing in accordance with this division. Under 1272  
any of the following circumstances or for any of the following 1273  
reasons, the court may grant a continuance of the full hearing to 1274  
a reasonable time determined by the court: 1275

(i) Prior to the date scheduled for the full hearing under 1276  
this division, the respondent has not been served with the 1277  
petition filed pursuant to this section and notice of the full 1278  
hearing. 1279

(ii) The parties consent to the continuance. 1280

(iii) The continuance is needed to allow a party to obtain 1281  
counsel. 1282

(iv) The continuance is needed for other good cause. 1283

(b) An ex parte order issued under this section does not 1284  
expire because of a failure to serve notice of the full hearing 1285  
upon the respondent before the date set for the full hearing under 1286  
division (D)(2)(a) of this section or because the court grants a 1287  
continuance under that division. 1288

(3) If a person who files a petition pursuant to this section 1289  
does not request an ex parte order, or if a person requests an ex 1290  
parte order but the court does not issue an ex parte order after 1291  
an ex parte hearing, the court shall proceed as in a normal civil 1292  
action and grant a full hearing on the matter. 1293

(E)(1) After an ex parte or full hearing, the court may grant 1294  
any protection order, with or without bond, or approve any consent 1295  
agreement to bring about a cessation of domestic violence against 1296  
the family or household members. The order or agreement may: 1297

(a) Direct the respondent to refrain from abusing or from 1298  
committing sexually oriented offenses against the family or 1299  
household members; 1300

(b) Grant possession of the residence or household to the 1301  
petitioner or other family or household member, to the exclusion 1302  
of the respondent, by evicting the respondent, when the residence 1303  
or household is owned or leased solely by the petitioner or other 1304  
family or household member, or by ordering the respondent to 1305  
vacate the premises, when the residence or household is jointly 1306  
owned or leased by the respondent, and the petitioner or other 1307  
family or household member; 1308

(c) When the respondent has a duty to support the petitioner 1309  
or other family or household member living in the residence or 1310  
household and the respondent is the sole owner or lessee of the 1311  
residence or household, grant possession of the residence or 1312  
household to the petitioner or other family or household member, 1313  
to the exclusion of the respondent, by ordering the respondent to 1314  
vacate the premises, or, in the case of a consent agreement, allow 1315  
the respondent to provide suitable, alternative housing; 1316

(d) Temporarily allocate parental rights and responsibilities 1317  
for the care of, or establish temporary parenting time rights with 1318  
regard to, minor children, if no other court has determined, or is 1319  
determining, the allocation of parental rights and 1320  
responsibilities for the minor children or parenting time rights; 1321

(e) Require the respondent to maintain support, if the 1322  
respondent customarily provides for or contributes to the support 1323  
of the family or household member, or if the respondent has a duty 1324

to support the petitioner or family or household member; 1325

(f) Require the respondent, petitioner, victim of domestic 1326  
violence, or any combination of those persons, to seek counseling; 1327

(g) Require the respondent to refrain from entering the 1328  
residence, school, business, or place of employment of the 1329  
petitioner or family or household member; 1330

(h) Grant other relief that the court considers equitable and 1331  
fair, including, but not limited to, ordering the respondent to 1332  
permit the use of a motor vehicle by the petitioner or other 1333  
family or household member and the apportionment of household and 1334  
family personal property. 1335

(2) If a protection order has been issued pursuant to this 1336  
section in a prior action involving the respondent and the 1337  
petitioner or one or more of the family or household members or 1338  
victims, the court may include in a protection order that it 1339  
issues a prohibition against the respondent returning to the 1340  
residence or household. If it includes a prohibition against the 1341  
respondent returning to the residence or household in the order, 1342  
it also shall include in the order provisions of the type 1343  
described in division (E)(7) of this section. This division does 1344  
not preclude the court from including in a protection order or 1345  
consent agreement, in circumstances other than those described in 1346  
this division, a requirement that the respondent be evicted from 1347  
or vacate the residence or household or refrain from entering the 1348  
residence, school, business, or place of employment of the 1349  
petitioner or a family or household member, and, if the court 1350  
includes any requirement of that type in an order or agreement, 1351  
the court also shall include in the order provisions of the type 1352  
described in division (E)(7) of this section. 1353

(3)(a) Any protection order issued or consent agreement 1354  
approved under this section shall be valid until a date certain, 1355

but not later than five years from the date of its issuance or 1356  
approval unless modified or terminated as provided in division 1357  
(E)(8) of this section. 1358

(b) Subject to the limitation on the duration of an order or 1359  
agreement set forth in division (E)(3)(a) of this section, any 1360  
order under division (E)(1)(d) of this section shall terminate on 1361  
the date that a court in an action for divorce, dissolution of 1362  
marriage, or legal separation brought by the petitioner or 1363  
respondent issues an order allocating parental rights and 1364  
responsibilities for the care of children or on the date that a 1365  
juvenile court in an action brought by the petitioner or 1366  
respondent issues an order awarding legal custody of minor 1367  
children. Subject to the limitation on the duration of an order or 1368  
agreement set forth in division (E)(3)(a) of this section, any 1369  
order under division (E)(1)(e) of this section shall terminate on 1370  
the date that a court in an action for divorce, dissolution of 1371  
marriage, or legal separation brought by the petitioner or 1372  
respondent issues a support order or on the date that a juvenile 1373  
court in an action brought by the petitioner or respondent issues 1374  
a support order. 1375

(c) Any protection order issued or consent agreement approved 1376  
pursuant to this section may be renewed in the same manner as the 1377  
original order or agreement was issued or approved. 1378

(4) A court may not issue a protection order that requires a 1379  
petitioner to do or to refrain from doing an act that the court 1380  
may require a respondent to do or to refrain from doing under 1381  
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1382  
section unless all of the following apply: 1383

(a) The respondent files a separate petition for a protection 1384  
order in accordance with this section. 1385

(b) The petitioner is served notice of the respondent's 1386



petition at least forty-eight hours before the court holds a 1387  
hearing with respect to the respondent's petition, or the 1388  
petitioner waives the right to receive this notice. 1389

(c) If the petitioner has requested an ex parte order 1390  
pursuant to division (D) of this section, the court does not delay 1391  
any hearing required by that division beyond the time specified in 1392  
that division in order to consolidate the hearing with a hearing 1393  
on the petition filed by the respondent. 1394

(d) After a full hearing at which the respondent presents 1395  
evidence in support of the request for a protection order and the 1396  
petitioner is afforded an opportunity to defend against that 1397  
evidence, the court determines that the petitioner has committed 1398  
an act of domestic violence or has violated a temporary protection 1399  
order issued pursuant to section 2919.26 of the Revised Code, that 1400  
both the petitioner and the respondent acted primarily as 1401  
aggressors, and that neither the petitioner nor the respondent 1402  
acted primarily in self-defense. 1403

(5) No protection order issued or consent agreement approved 1404  
under this section shall in any manner affect title to any real 1405  
property. 1406

(6)(a) If a petitioner, or the child of a petitioner, who 1407  
obtains a protection order or consent agreement pursuant to 1408  
division (E)(1) of this section or a temporary protection order 1409  
pursuant to section 2919.26 of the Revised Code and is the subject 1410  
of a parenting time order issued pursuant to section 3109.051 or 1411  
3109.12 of the Revised Code or a visitation or companionship order 1412  
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1413  
Revised Code or division (E)(1)(d) of this section granting 1414  
parenting time rights to the respondent, the court may require the 1415  
public children services agency of the county in which the court 1416  
is located to provide supervision of the respondent's exercise of 1417  
parenting time or visitation or companionship rights with respect 1418

to the child for a period not to exceed nine months, if the court 1419  
makes the following findings of fact: 1420

(i) The child is in danger from the respondent; 1421

(ii) No other person or agency is available to provide the 1422  
supervision. 1423

(b) A court that requires an agency to provide supervision 1424  
pursuant to division (E)(6)(a) of this section shall order the 1425  
respondent to reimburse the agency for the cost of providing the 1426  
supervision, if it determines that the respondent has sufficient 1427  
income or resources to pay that cost. 1428

(7)(a) If a protection order issued or consent agreement 1429  
approved under this section includes a requirement that the 1430  
respondent be evicted from or vacate the residence or household or 1431  
refrain from entering the residence, school, business, or place of 1432  
employment of the petitioner or a family or household member, the 1433  
order or agreement shall state clearly that the order or agreement 1434  
cannot be waived or nullified by an invitation to the respondent 1435  
from the petitioner or other family or household member to enter 1436  
the residence, school, business, or place of employment or by the 1437  
respondent's entry into one of those places otherwise upon the 1438  
consent of the petitioner or other family or household member. 1439

(b) Division (E)(7)(a) of this section does not limit any 1440  
discretion of a court to determine that a respondent charged with 1441  
a violation of section 2919.27 of the Revised Code, with a 1442  
violation of a municipal ordinance substantially equivalent to 1443  
that section, or with contempt of court, which charge is based on 1444  
an alleged violation of a protection order issued or consent 1445  
agreement approved under this section, did not commit the 1446  
violation or was not in contempt of court. 1447

(8)(a) The court may modify or terminate as provided in 1448  
division (E)(8) of this section a protection order or consent 1449

agreement that was issued after a full hearing under this section. 1450  
The court that issued the protection order or approved the consent 1451  
agreement shall hear a motion for modification or termination of 1452  
the protection order or consent agreement pursuant to division 1453  
(E)(8) of this section. 1454

(b) Either the petitioner or the respondent of the original 1455  
protection order or consent agreement may bring a motion for 1456  
modification or termination of a protection order or consent 1457  
agreement that was issued or approved after a full hearing. The 1458  
court shall require notice of the motion to be made as provided by 1459  
the Rules of Civil Procedure. If the petitioner for the original 1460  
protection order or consent agreement has requested that the 1461  
petitioner's address be kept confidential, the court shall not 1462  
disclose the address to the respondent of the original protection 1463  
order or consent agreement or any other person, except as 1464  
otherwise required by law. The moving party has the burden of 1465  
proof to show, by a preponderance of the evidence, that 1466  
modification or termination of the protection order or consent 1467  
agreement is appropriate because either the protection order or 1468  
consent agreement is no longer needed or because the terms of the 1469  
original protection order or consent agreement are no longer 1470  
appropriate. 1471

(c) In considering whether to modify or terminate a 1472  
protection order or consent agreement issued or approved under 1473  
this section, the court shall consider all relevant factors, 1474  
including, but not limited to, the following: 1475

(i) Whether the petitioner consents to modification or 1476  
termination of the protection order or consent agreement; 1477

(ii) Whether the petitioner fears the respondent; 1478

(iii) The current nature of the relationship between the 1479  
petitioner and the respondent; 1480

(iv) The circumstances of the petitioner and respondent,	1481
including the relative proximity of the petitioner's and	1482
respondent's workplaces and residences and whether the petitioner	1483
and respondent have minor children together;	1484
(v) Whether the respondent has complied with the terms and	1485
conditions of the original protection order or consent agreement;	1486
(vi) Whether the respondent has a continuing involvement with	1487
illegal drugs or alcohol;	1488
(vii) Whether the respondent has been convicted of or pleaded	1489
guilty to an offense of violence since the issuance of the	1490
protection order or approval of the consent agreement;	1491
(viii) Whether any other protection orders, consent	1492
agreements, restraining orders, or no contact orders have been	1493
issued against the respondent pursuant to this section, section	1494
2919.26 of the Revised Code, any other provision of state law, or	1495
the law of any other state;	1496
(ix) Whether the respondent has participated in any domestic	1497
violence treatment, intervention program, or other counseling	1498
addressing domestic violence and whether the respondent has	1499
completed the treatment, program, or counseling;	1500
(x) The time that has elapsed since the protection order was	1501
issued or since the consent agreement was approved;	1502
(xi) The age and health of the respondent;	1503
(xii) When the last incident of abuse, threat of harm, or	1504
commission of a sexually oriented offense occurred or other	1505
relevant information concerning the safety and protection of the	1506
petitioner or other protected parties.	1507
(d) If a protection order or consent agreement is modified or	1508
terminated as provided in division (E)(8) of this section, the	1509
court shall issue copies of the modified or terminated order or	1510

agreement as provided in division (F) of this section. A 1511  
petitioner may also provide notice of the modification or 1512  
termination to the judicial and law enforcement officials in any 1513  
county other than the county in which the order or agreement is 1514  
modified or terminated as provided in division (N) of this 1515  
section. 1516

(e) If the respondent moves for modification or termination 1517  
of a protection order or consent agreement pursuant to this 1518  
section, the court may assess costs against the respondent for the 1519  
filing of the motion. 1520

(9) The court may include in a protection order issued or 1521  
consent agreement approved under this section any companion animal 1522  
that is in the petitioner's residence. 1523

(F)(1) A copy of any protection order, or consent agreement, 1524  
that is issued, approved, modified, or terminated under this 1525  
section shall be issued by the court to the petitioner, to the 1526  
respondent, and to all law enforcement agencies that have 1527  
jurisdiction to enforce the order or agreement. The court shall 1528  
direct that a copy of an order be delivered to the respondent on 1529  
the same day that the order is entered. 1530

(2) Upon the issuance of a protection order or the approval 1531  
of a consent agreement under this section, the court shall provide 1532  
the parties to the order or agreement with the following notice 1533  
orally or by form: 1534

"NOTICE 1535

As a result of this order or consent agreement, it may be 1536  
unlawful for you to possess or purchase a firearm, including a 1537  
rifle, pistol, or revolver, or ammunition pursuant to federal law 1538  
under 18 U.S.C. 922(g)(8). If you have any questions whether this 1539  
law makes it illegal for you to possess or purchase a firearm or 1540  
ammunition, you should consult an attorney." 1541

(3) All law enforcement agencies shall establish and maintain 1542  
an index for the protection orders and the approved consent 1543  
agreements delivered to the agencies pursuant to division (F)(1) 1544  
of this section. With respect to each order and consent agreement 1545  
delivered, each agency shall note on the index the date and time 1546  
that it received the order or consent agreement. 1547

(4) Regardless of whether the petitioner has registered the 1548  
order or agreement in the county in which the officer's agency has 1549  
jurisdiction pursuant to division (N) of this section, any officer 1550  
of a law enforcement agency shall enforce a protection order 1551  
issued or consent agreement approved by any court in this state in 1552  
accordance with the provisions of the order or agreement, 1553  
including removing the respondent from the premises, if 1554  
appropriate. 1555

(G) Any proceeding under this section shall be conducted in 1556  
accordance with the Rules of Civil Procedure, except that an order 1557  
under this section may be obtained with or without bond. An order 1558  
issued under this section, other than an ex parte order, that 1559  
grants a protection order or approves a consent agreement, that 1560  
refuses to grant a protection order or approve a consent agreement 1561  
that modifies or terminates a protection order or consent 1562  
agreement, or that refuses to modify or terminate a protection 1563  
order or consent agreement, is a final, appealable order. The 1564  
remedies and procedures provided in this section are in addition 1565  
to, and not in lieu of, any other available civil or criminal 1566  
remedies. 1567

(H) The filing of proceedings under this section does not 1568  
excuse a person from filing any report or giving any notice 1569  
required by section 2151.421 of the Revised Code or by any other 1570  
law. When a petition under this section alleges domestic violence 1571  
against minor children, the court shall report the fact, or cause 1572  
reports to be made, to a county, township, or municipal peace 1573

officer under section 2151.421 of the Revised Code. 1574

(I) Any law enforcement agency that investigates a domestic 1575  
dispute shall provide information to the family or household 1576  
members involved regarding the relief available under this section 1577  
and section 2919.26 of the Revised Code. 1578

(J) Notwithstanding any provision of law to the contrary and 1579  
regardless of whether a protection order is issued or a consent 1580  
agreement is approved by a court of another county or a court of 1581  
another state, no court or unit of state or local government shall 1582  
charge any fee, cost, deposit, or money in connection with the 1583  
filing of a petition pursuant to this section or in connection 1584  
with the filing, issuance, registration, or service of a 1585  
protection order or consent agreement, or for obtaining a 1586  
certified copy of a protection order or consent agreement. 1587

(K)(1) The court shall comply with Chapters 3119., 3121., 1588  
3123., and 3125. of the Revised Code when it makes or modifies an 1589  
order for child support under this section. 1590

(2) If any person required to pay child support under an 1591  
order made under this section on or after April 15, 1985, or 1592  
modified under this section on or after December 31, 1986, is 1593  
found in contempt of court for failure to make support payments 1594  
under the order, the court that makes the finding, in addition to 1595  
any other penalty or remedy imposed, shall assess all court costs 1596  
arising out of the contempt proceeding against the person and 1597  
require the person to pay any reasonable attorney's fees of any 1598  
adverse party, as determined by the court, that arose in relation 1599  
to the act of contempt. 1600

(L)(1) A person who violates a protection order issued or a 1601  
consent agreement approved under this section is subject to the 1602  
following sanctions: 1603

(a) Criminal prosecution for a violation of section 2919.27 1604

of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

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

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

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a temporary protection order,



protection order, or consent agreement in a county other than the 1636  
county in which the court that issued the order or approved the 1637  
agreement is located in the following manner: 1638

(a) The petitioner shall obtain a certified copy of the order 1639  
or agreement from the clerk of the court that issued the order or 1640  
approved the agreement and present that certified copy to the 1641  
clerk of the court of common pleas or the clerk of a municipal 1642  
court or county court in the county in which the order or 1643  
agreement is to be registered. 1644

(b) Upon accepting the certified copy of the order or 1645  
agreement for registration, the clerk of the court of common 1646  
pleas, municipal court, or county court shall place an endorsement 1647  
of registration on the order or agreement and give the petitioner 1648  
a copy of the order or agreement that bears that proof of 1649  
registration. 1650

(3) The clerk of each court of common pleas, the clerk of 1651  
each municipal court, and the clerk of each county court shall 1652  
maintain a registry of certified copies of temporary protection 1653  
orders, protection orders, or consent agreements that have been 1654  
issued or approved by courts in other counties and that have been 1655  
registered with the clerk. 1656

Sec. 4731.284. The state medical board shall approve one or 1657  
more continuing medical education courses of study included within 1658  
the programs certified by the Ohio state medical association and 1659  
the Ohio osteopathic association pursuant to section 4731.281 of 1660  
the Revised Code with regard to the counseling of individuals who 1661  
abuse animals. 1662

**Sec. 4732.141.** (A)(1) On or before the thirty-first day of 1663  
August of each even-numbered year beginning in 1998 and until the 1664  
requirement set forth in division (A)(2) of this section applies, 1665

each person licensed under this chapter by the state board of 1666  
psychology shall have completed, in the preceding two-year period, 1667  
not less than twenty hours of continuing education in psychology 1668  
or the number of hours determined under division (D) of this 1669  
section. 1670

(2) On or before the thirty-first day of August of each 1671  
even-numbered year after the biennium in which this amendment 1672  
takes effect, each person licensed under this chapter by the state 1673  
board of psychology shall have completed, in the preceding 1674  
two-year period, not less than twenty-three hours of continuing 1675  
education in psychology, including not less than three hours of 1676  
continuing education in professional conduct and ethics, or the 1677  
number of hours determined under division (D) of this section. 1678

(3) Each person subject to division (A)(1) or (2) of this 1679  
section shall certify to the board, at the time of biennial 1680  
registration pursuant to section 4732.14 of the Revised Code and 1681  
on the registration form prescribed by the board under that 1682  
section, that in the preceding two years the person has completed 1683  
continuing psychology education in compliance with this section. 1684  
The board shall adopt rules establishing the procedure for a 1685  
person to certify to the board and for properly recording with the 1686  
Ohio psychological association or the state board of education 1687  
completion of the continuing education. 1688

(B) Continuing psychology education may be applied to meet 1689  
the requirement of division (A) of this section if both of the 1690  
following requirements are met: 1691

(1) It is obtained through a program or course approved by 1692  
the state board of psychology, the Ohio psychological association, 1693  
the Ohio association of black psychologists, or the American 1694  
psychological association or, in the case of a licensed school 1695  
psychologist or a licensed psychologist with a school psychology 1696

specialty, by the state board of education, the Ohio school 1697  
psychologists association, or the national association of school 1698  
psychologists; 1699

(2) Completion of the program or course is recorded with the 1700  
Ohio psychological association or the state board of education in 1701  
accordance with rules adopted by the state board of psychology in 1702  
accordance with division (A) of this section. 1703

The state board of psychology may disapprove any program or 1704  
course that has been approved by the Ohio psychological 1705  
association, Ohio association of black psychologists, American 1706  
psychological association, state board of education, Ohio school 1707  
psychologists association, or national association of school 1708  
psychologists. Such program or course may not be applied to meet 1709  
the requirement of division (A) of this section. 1710

(C) Each person licensed under this chapter shall be given a 1711  
sufficient choice of continuing education programs or courses in 1712  
psychology, including programs or courses on professional conduct 1713  
and ethics when required under division (A)(2) of this section, to 1714  
ensure that the person has had a reasonable opportunity to 1715  
participate in programs or courses that are relevant to the 1716  
person's practice in terms of subject matter and level. 1717

(D) The board shall adopt rules providing for reductions of 1718  
the hours of continuing psychology education required by this 1719  
section for persons in their first registration period. 1720

(E) Each person licensed under this chapter shall retain in 1721  
the person's records for at least three years the receipts, 1722  
vouchers, or certificates necessary to document completion of 1723  
continuing psychology education. Proof of continuing psychology 1724  
education recorded with the Ohio psychological association or the 1725  
state board of education in accordance with the procedures 1726  
established pursuant to division (A) of this section shall serve 1727

as sufficient documentation of completion. With cause, the board 1728  
may request the documentation from the person. The board also may 1729  
request the documentation from persons licensed under this chapter 1730  
selected at random, without cause. The board may review any 1731  
continuing psychology education records recorded by the Ohio 1732  
psychological association or the state board of education. 1733

(F) The board may excuse persons licensed under this chapter, 1734  
as a group or as individuals, from all or any part of the 1735  
requirements of this section because of an unusual circumstance, 1736  
emergency, or special hardship. 1737

(G) The state board of psychology shall approve one or more 1738  
continuing education courses of study that assist psychologists 1739  
and school psychologists in recognizing the signs of domestic 1740  
violence and its relationship to child abuse. Psychologists and 1741  
school psychologists are not required to take the courses. 1742

(H) The state board of psychology shall approve one or more 1743  
continuing education courses of study with regard to the 1744  
counseling of individuals who abuse animals. 1745

**Sec. 4757.33.** (A) Except as provided in division (B) of this 1746  
section, each person who holds a license or certificate of 1747  
registration issued under this chapter shall complete during the 1748  
period that the license or certificate is in effect not less than 1749  
thirty clock hours of continuing professional education as a 1750  
condition of receiving a renewed license or certificate. To have a 1751  
lapsed license or certificate of registration restored, a person 1752  
shall complete the number of hours of continuing education 1753  
specified by the counselor, social worker, and marriage and family 1754  
therapist board in rules it shall adopt in accordance with Chapter 1755  
119. of the Revised Code. 1756

The professional standards committees of the counselor, 1757  
social worker, and marriage and family therapist board shall adopt 1758

rules in accordance with Chapter 119. of the Revised Code 1759  
establishing standards and procedures to be followed by the 1760  
committees in conducting the continuing education approval 1761  
process. 1762

(B) The board may waive the continuing education requirements 1763  
established under this section for persons who are unable to 1764  
fulfill them because of military service, illness, residence 1765  
abroad, or any other reason the committee considers acceptable. 1766

In the case of a social worker licensed by virtue of 1767  
receiving, prior to October 10, 1992, a baccalaureate degree in a 1768  
program closely related to social work, as a condition of the 1769  
first renewal of the license, the social worker ~~must~~ shall 1770  
complete at an accredited educational institution a minimum of 1771  
five semester hours of social work graduate or undergraduate 1772  
credit, or their equivalent, that is acceptable to the committee 1773  
and includes a course in social work theory and a course in social 1774  
work methods. 1775

(C) The professional standards committees of the counselor, 1776  
social worker, and marriage and family therapist board shall 1777  
approve one or more continuing education courses of study with 1778  
regard to the counseling of individuals who abuse animals. 1779

**Section 2.** That existing sections 955.11, 959.99, 2152.19, 1780  
2903.213, 2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 of the 1781  
Revised Code are hereby repealed. 1782