

**As Re-reported by the Senate Civil Justice Committee**

**130th General Assembly**

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**Sub. H. B. No. 309**

**Representatives Pelanda, Antonio**

**Cosponsors: Representatives Ruhl, Barborak, Gonzales, Ramos, Sheehy, Maag, Cera, Heard, Lundy, Hagan, R., Fedor, Phillips, Williams, Ashford, Grossman, Celebrezze, Reece, Scherer, O'Brien, Stinziano, Adams, J., Amstutz, Baker, Barnes, Bishoff, Blair, Brown, Buchy, Burkley, Conditt, Driehaus, Hackett, Hayes, Huffman, Letson, Mallory, McClain, Milkovich, Pillich, Rogers, Schuring, Sears, Sprague, Strahorn, Wachtmann, Winburn,**

**Young Speaker Batchelder**

**Senators Kearney, LaRose, Brown**

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**A B I L L**

To amend sections 2151.34, 2301.14, 2311.14, 2335.09, 1  
2335.11, 2903.213, 2903.214, 2919.26, 2919.272, 2  
and 3113.31 of the Revised Code to prohibit the 3  
taxation of interpreter's fees as court costs if 4  
the party to be taxed is indigent and require 5  
payment of the fees by the county or municipal 6  
corporation in which the court is located, to 7  
eliminate the requirement that a court evaluate 8  
the qualifications of an interpreter for a 9  
mentally retarded or developmentally disabled 10  
person before appointing the interpreter, and to 11  
provide that no fee, cost, deposit, or money may 12  
be charged to a person who seeks a protection 13  
order for the modification, enforcement, 14  
dismissal, or withdrawal of a domestic violence, 15  
anti-stalking, sexually oriented offense, or other 16

type of protection order or consent agreement or 17  
for the service of a witness subpoena. 18

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

**Section 1.** That sections 2151.34, 2301.14, 2311.14, 2335.09, 19  
2335.11, 2903.213, 2903.214, 2919.26, 2919.272, and 3113.31 of the 20  
Revised Code be amended to read as follows: 21

**Sec. 2151.34.** (A) As used in this section: 22

(1) "Court" means the juvenile division of the court of 23  
common pleas of the county in which the person to be protected by 24  
the protection order resides. 25

(2) "Victim advocate" means a person who provides support and 26  
assistance for a person who files a petition under this section. 27

(3) "Family or household member" has the same meaning as in 28  
section 3113.31 of the Revised Code. 29

(4) "Protection order issued by a court of another state" has 30  
the same meaning as in section 2919.27 of the Revised Code. 31

(5) "Petitioner" means a person who files a petition under 32  
this section and includes a person on whose behalf a petition 33  
under this section is filed. 34

(6) "Respondent" means a person who is under eighteen years 35  
of age and against whom a petition is filed under this section. 36

(7) "Sexually oriented offense" has the same meaning as in 37  
section 2950.01 of the Revised Code. 38

(8) "Electronic monitoring" has the same meaning as in 39  
section 2929.01 of the Revised Code. 40

(B) The court has jurisdiction over all proceedings under 41  
this section. 42

|  |    |
|--|----|
| (C)(1) Any of the following persons may seek relief under          | 43 |
| this section by filing a petition with the court:                  | 44 |
| (a) Any person on behalf of that person;                           | 45 |
| (b) Any parent or adult family or household member on behalf       | 46 |
| of any other family or household member;                           | 47 |
| (c) Any person who is determined by the court in its               | 48 |
| discretion as an appropriate person to seek relief under this      | 49 |
| section on behalf of any child.                                    | 50 |
| (2) The petition shall contain or state all of the following:      | 51 |
| (a) An allegation that the respondent engaged in a violation       | 52 |
| of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22,  | 53 |
| or 2911.211 of the Revised Code, committed a sexually oriented     | 54 |
| offense, or engaged in a violation of any municipal ordinance that | 55 |
| is substantially equivalent to any of those offenses against the   | 56 |
| person to be protected by the protection order, including a        | 57 |
| description of the nature and extent of the violation;             | 58 |
| (b) If the petitioner seeks relief in the form of electronic       | 59 |
| monitoring of the respondent, an allegation that at any time       | 60 |
| preceding the filing of the petition the respondent engaged in     | 61 |
| conduct that would cause a reasonable person to believe that the   | 62 |
| health, welfare, or safety of the person to be protected was at    | 63 |
| risk, a description of the nature and extent of that conduct, and  | 64 |
| an allegation that the respondent presents a continuing danger to  | 65 |
| the person to be protected;  | 66 |
| (c) A request for relief under this section.                       | 67 |
| (3) The court in its discretion may determine whether or not       | 68 |
| to give notice that a petition has been filed under division       | 69 |
| (C)(1) of this section on behalf of a child to any of the          | 70 |
| following:   | 71 |
| (a) A parent of the child if the petition was filed by any         | 72 |

person other than a parent of the child; 73

(b) Any person who is determined by the court to be an 74  
appropriate person to receive notice of the filing of the 75  
petition. 76

(D)(1) If a person who files a petition pursuant to this 77  
section requests an ex parte order, the court shall hold an ex 78  
parte hearing as soon as possible after the petition is filed, but 79  
not later than the next day after the court is in session after 80  
the petition is filed. The court, for good cause shown at the ex 81  
parte hearing, may enter any temporary orders, with or without 82  
bond, that the court finds necessary for the safety and protection 83  
of the person to be protected by the order. Immediate and present 84  
danger to the person to be protected by the protection order 85  
constitutes good cause for purposes of this section. Immediate and 86  
present danger includes, but is not limited to, situations in 87  
which the respondent has threatened the person to be protected by 88  
the protection order with bodily harm or in which the respondent 89  
previously has been convicted of, pleaded guilty to, or been 90  
adjudicated a delinquent child for committing a violation of 91  
section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 92  
2911.211 of the Revised Code, a sexually oriented offense, or a 93  
violation of any municipal ordinance that is substantially 94  
equivalent to any of those offenses against the person to be 95  
protected by the protection order. 96

(2)(a) If the court, after an ex parte hearing, issues a 97  
protection order described in division (E) of this section, the 98  
court shall schedule a full hearing for a date that is within ten 99  
court days after the ex parte hearing. The court shall give the 100  
respondent notice of, and an opportunity to be heard at, the full 101  
hearing. The court also shall give notice of the full hearing to 102  
the parent, guardian, or legal custodian of the respondent. The 103  
court shall hold the full hearing on the date scheduled under this 104

division unless the court grants a continuance of the hearing in 105  
accordance with this division. Under any of the following 106  
circumstances or for any of the following reasons, the court may 107  
grant a continuance of the full hearing to a reasonable time 108  
determined by the court: 109

(i) Prior to the date scheduled for the full hearing under 110  
this division, the respondent has not been served with the 111  
petition filed pursuant to this section and notice of the full 112  
hearing. 113

(ii) The parties consent to the continuance. 114

(iii) The continuance is needed to allow a party to obtain 115  
counsel. 116

(iv) The continuance is needed for other good cause. 117

(b) An ex parte order issued under this section does not 118  
expire because of a failure to serve notice of the full hearing 119  
upon the respondent before the date set for the full hearing under 120  
division (D)(2)(a) of this section or because the court grants a 121  
continuance under that division. 122

(3) If a person who files a petition pursuant to this section 123  
does not request an ex parte order, or if a person requests an ex 124  
parte order but the court does not issue an ex parte order after 125  
an ex parte hearing, the court shall proceed as in a normal civil 126  
action and grant a full hearing on the matter. 127

(E)(1)(a) After an ex parte or full hearing, the court may 128  
issue any protection order, with or without bond, that contains 129  
terms designed to ensure the safety and protection of the person 130  
to be protected by the protection order. 131

(b) After a full hearing, if the court considering a petition 132  
that includes an allegation of the type described in division 133  
(C)(2)(b) of this section or the court, upon its own motion, finds 134

upon clear and convincing evidence that the petitioner reasonably  
believed that the respondent's conduct at any time preceding the  
filing of the petition endangered the health, welfare, or safety  
of the person to be protected and that the respondent presents a  
continuing danger to the person to be protected and if division  
(N) of this section does not prohibit the issuance of an order  
that the respondent be electronically monitored, the court may  
order that the respondent be electronically monitored for a period  
of time and under the terms and conditions that the court  
determines are appropriate. Electronic monitoring shall be in  
addition to any other relief granted to the petitioner.

(2)(a) Any protection order issued pursuant to this section  
shall be valid until a date certain but not later than the date  
the respondent attains nineteen years of age.

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

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

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

(b) The petitioner is served with notice of the respondent's  
petition at least forty-eight hours before the court holds a  
hearing with respect to the respondent's petition, or the  
petitioner waives the right to receive this notice.

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

(d) After a full hearing at which the respondent presents 166  
evidence in support of the request for a protection order and the 167  
petitioner is afforded an opportunity to defend against that 168  
evidence, the court determines that the petitioner has committed a 169  
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 170  
2903.22, or 2911.211 of the Revised Code, a sexually oriented 171  
offense, or a violation of any municipal ordinance that is 172  
substantially equivalent to any of those offenses against the 173  
person to be protected by the protection order issued pursuant to 174  
division (E)(3) of this section, or has violated a protection 175  
order issued pursuant to this section or section 2903.213 of the 176  
Revised Code relative to the person to be protected by the 177  
protection order issued pursuant to division (E)(3) of this 178  
section. 179

(4) No protection order issued pursuant to this section shall 180  
in any manner affect title to any real property. 181

(5)(a) A protection order issued under this section shall 182  
clearly state that the person to be protected by the order cannot 183  
waive or nullify by invitation or consent any requirement in the 184  
order. 185

(b) Division (E)(5)(a) of this section does not limit any 186  
discretion of a court to determine that a respondent alleged to 187  
have violated section 2919.27 of the Revised Code, violated a 188  
municipal ordinance substantially equivalent to that section, or 189  
committed contempt of court, which allegation is based on an 190  
alleged violation of a protection order issued under this section, 191  
did not commit the violation or was not in contempt of court. 192

(6) Any protection order issued pursuant to this section 193  
shall include a provision that the court will automatically seal 194  
all of the records of the proceeding in which the order is issued 195  
on the date the respondent attains the age of nineteen years 196  
unless the petitioner provides the court with evidence that the 197

respondent has not complied with all of the terms of the 198  
protection order. The protection order shall specify the date when 199  
the respondent attains the age of nineteen years. 200

(F)(1) The court shall cause the delivery of a copy of any 201  
protection order that is issued under this section to the 202  
petitioner, to the respondent, and to all law enforcement agencies 203  
that have jurisdiction to enforce the order. The court shall 204  
direct that a copy of the order be delivered to the respondent and 205  
the parent, guardian, or legal custodian of the respondent on the 206  
same day that the order is entered. 207

(2) Upon the issuance of a protection order under this 208  
section, the court shall provide the parties to the order with the 209  
following notice orally or by form: 210

"NOTICE 211

As a result of this order, it may be unlawful for you to 212  
possess or purchase a firearm, including a rifle, pistol, or 213  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 214  
922(g)(8). If you have any questions whether this law makes it 215  
illegal for you to possess or purchase a firearm or ammunition, 216  
you should consult an attorney." 217

(3) All law enforcement agencies shall establish and maintain 218  
an index for the protection orders delivered to the agencies 219  
pursuant to division (F)(1) of this section. With respect to each 220  
order delivered, each agency shall note on the index the date and 221  
time that it received the order. 222

(4) Regardless of whether the petitioner has registered the 223  
protection order in the county in which the officer's agency has 224  
jurisdiction pursuant to division (M) of this section, any officer 225  
of a law enforcement agency shall enforce a protection order 226  
issued pursuant to this section by any court in this state in 227  
accordance with the provisions of the order, including removing 228

the respondent from the premises, if appropriate. 229

(G) Any proceeding under this section shall be conducted in 230  
accordance with the Rules of Civil Procedure, except that a 231  
protection order may be obtained under this section with or 232  
without bond. An order issued under this section, other than an ex 233  
parte order, that grants a protection order, or that refuses to 234  
grant a protection order, is a final, appealable order. The 235  
remedies and procedures provided in this section are in addition 236  
to, and not in lieu of, any other available civil or criminal 237  
remedies or any other available remedies under Chapter 2151. or 238  
2152. of the Revised Code. 239

(H) The filing of proceedings under this section does not 240  
excuse a person from filing any report or giving any notice 241  
required by section 2151.421 of the Revised Code or by any other 242  
law. 243

(I) Any law enforcement agency that investigates an alleged 244  
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 245  
2903.22, or 2911.211 of the Revised Code, an alleged commission of 246  
a sexually oriented offense, or an alleged violation of a 247  
municipal ordinance that is substantially equivalent to any of 248  
those offenses shall provide information to the victim and the 249  
family or household members of the victim regarding the relief 250  
available under this section. 251

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 252  
Subject to division (J)(2) of this section and regardless of 253  
whether a protection order is issued or a consent agreement is 254  
approved by a court of another county or by a court of another 255  
state, no court or unit of state or local government shall charge 256  
the petitioner any fee, cost, deposit, or money in connection with 257  
the filing of a petition pursuant to this section, in connection 258  
with the filing, issuance, registration, modification, 259  
enforcement, dismissal, withdrawal, or service of a protection 260

order ~~or~~, consent agreement, or witness subpoena or for obtaining 261  
a certified copy of a protection order or consent agreement. 262

(2) Regardless of whether a protection order is issued or a 263  
consent agreement is approved pursuant to this section, the court 264  
may assess costs against the respondent in connection with the 265  
filing, issuance, registration, modification, enforcement, 266  
dismissal, withdrawal, or service of a protection order, consent 267  
agreement, or witness subpoena or for obtaining a certified copy 268  
of a protection order or consent agreement. 269

(K)(1) A person who violates a protection order issued under 270  
this section is subject to the following sanctions: 271

(a) A delinquent child proceeding or a criminal prosecution 272  
for a violation of section 2919.27 of the Revised Code, if the 273  
violation of the protection order constitutes a violation of that 274  
section; 275

(b) Punishment for contempt of court. 276

(2) The punishment of a person for contempt of court for 277  
violation of a protection order issued under this section does not 278  
bar criminal prosecution of the person or a delinquent child 279  
proceeding concerning the person for a violation of section 280  
2919.27 of the Revised Code. However, a person punished for 281  
contempt of court is entitled to credit for the punishment imposed 282  
upon conviction of or adjudication as a delinquent child for a 283  
violation of that section, and a person convicted of or 284  
adjudicated a delinquent child for a violation of that section 285  
shall not subsequently be punished for contempt of court arising 286  
out of the same activity. 287

(L) In all stages of a proceeding under this section, a 288  
petitioner may be accompanied by a victim advocate. 289

(M)(1) A petitioner who obtains a protection order under this 290  
section may provide notice of the issuance or approval of the 291

order to the judicial and law enforcement officials in any county 292  
other than the county in which the order is issued by registering 293  
that order in the other county pursuant to division (M)(2) of this 294  
section and filing a copy of the registered order with a law 295  
enforcement agency in the other county in accordance with that 296  
division. A person who obtains a protection order issued by a 297  
court of another state may provide notice of the issuance of the 298  
order to the judicial and law enforcement officials in any county 299  
of this state by registering the order in that county pursuant to 300  
section 2919.272 of the Revised Code and filing a copy of the 301  
registered order with a law enforcement agency in that county. 302

(2) A petitioner may register a protection order issued 303  
pursuant to this section in a county other than the county in 304  
which the court that issued the order is located in the following 305  
manner: 306

(a) The petitioner shall obtain a certified copy of the order 307  
from the clerk of the court that issued the order and present that 308  
certified copy to the clerk of the court of common pleas or the 309  
clerk of a municipal court or county court in the county in which 310  
the order is to be registered. 311

(b) Upon accepting the certified copy of the order for 312  
registration, the clerk of the court of common pleas, municipal 313  
court, or county court shall place an endorsement of registration 314  
on the order and give the petitioner a copy of the order that 315  
bears that proof of registration. 316

(3) The clerk of each court of common pleas, municipal court, 317  
or county court shall maintain a registry of certified copies of 318  
protection orders that have been issued by courts in other 319  
counties pursuant to this section and that have been registered 320  
with the clerk. 321

(N) If the court orders electronic monitoring of the 322

respondent under this section, the court shall direct the 323  
sheriff's office or any other appropriate law enforcement agency 324  
to install the electronic monitoring device and to monitor the 325  
respondent. Unless the court determines that the respondent is 326  
indigent, the court shall order the respondent to pay the cost of 327  
the installation and monitoring of the electronic monitoring 328  
device. If the court determines that the respondent is indigent 329  
and subject to the maximum amount allowable to be paid in any year 330  
from the fund and the rules promulgated by the attorney general 331  
under section 2903.214 of the Revised Code, the cost of the 332  
installation and monitoring of the electronic monitoring device 333  
may be paid out of funds from the reparations fund created 334  
pursuant to section 2743.191 of the Revised Code. The total amount 335  
paid from the reparations fund created pursuant to section 336  
2743.191 of the Revised Code for electronic monitoring under this 337  
section and sections 2903.214 and 2919.27 of the Revised Code 338  
shall not exceed three hundred thousand dollars per year. When the 339  
total amount paid from the reparations fund in any year for 340  
electronic monitoring under those sections equals or exceeds three 341  
hundred thousand dollars, the court shall not order pursuant to 342  
this section that an indigent respondent be electronically 343  
monitored. 344

(O) The court, in its discretion, may determine if the 345  
respondent is entitled to court-appointed counsel in a proceeding 346  
under this section. 347

**Sec. 2301.14.** The clerk of the court of common pleas in which 348  
the service of a court interpreter is rendered shall tax in the 349  
cost bill in such case, to be collected as other costs, the sum of 350  
three dollars for each day of service of such interpreter, which 351  
fees shall be paid into the county treasury to the credit of the 352  
county fund. If the party taxed with costs is indigent, the clerk 353  
shall not tax the interpreter's fees as costs, and the county 354

shall pay the interpreter's fees. 355

**Sec. 2311.14.** (A)(1) Whenever because of a hearing, speech, 356  
or other impairment a party to or witness in a legal proceeding 357  
cannot readily understand or communicate, the court shall appoint 358  
a qualified interpreter to assist such person. ~~Before appointing~~ 359  
~~any interpreter under this division for a party or witness who is~~ 360  
~~a mentally retarded person or developmentally disabled person, the~~ 361  
~~court shall evaluate the qualifications of the interpreter and~~ 362  
~~shall make a determination as to the ability of the interpreter to~~ 363  
~~effectively interpret on behalf of the party or witness that the~~ 364  
~~interpreter will assist, and the court may appoint the interpreter~~ 365  
~~only if the court is satisfied that the interpreter is able to~~ 366  
~~effectively interpret on behalf of that party or witness.~~ 367

(2) This section is not limited to a person who speaks a 368  
language other than English. It also applies to the language and 369  
descriptions of any mentally retarded person or developmentally 370  
disabled person who cannot be reasonably understood, or who cannot 371  
understand questioning, without the aid of an interpreter. The 372  
interpreter may aid the parties in formulating methods of 373  
questioning the person with mental retardation or a developmental 374  
disability and in interpreting the answers of the person. 375

(B) Before entering upon official duties, the interpreter 376  
shall take an oath that the interpreter will make a true 377  
interpretation of the proceedings to the party or witness, and 378  
that the interpreter will truly repeat the statements made by such 379  
party or witness to the court, to the best of the interpreter's 380  
ability. If the interpreter is appointed to assist a mentally 381  
retarded person or developmentally disabled person as described in 382  
division (A)(2) of this section, the oath also shall include an 383  
oath that the interpreter will not prompt, lead, suggest, or 384  
otherwise improperly influence the testimony of the witness or 385

party. 386

(C) The court shall determine a reasonable fee for all such 387  
interpreter service which shall be paid out of the same funds as 388  
witness fees. If the party taxed with costs is indigent, the court 389  
shall not tax the interpreter's fees as costs, and the county or, 390  
if the court is a municipal court that is not a county-operated 391  
municipal court, the municipal corporation in which the court is 392  
located shall pay the interpreter's fees. 393

(D) As used in this section, "mentally retarded person" and 394  
"developmentally disabled person" have the same meanings as in 395  
section 5123.01 of the Revised Code. 396

**Sec. 2335.09.** Whenever, in any criminal proceeding or 397  
prosecution for the violation of an ordinance, or in a hearing 398  
before a coroner, an interpreter is necessary, the judge, 399  
magistrate, or coroner may appoint interpreters, who shall receive 400  
fees as witnesses in the case or proceeding. Such fees shall be 401  
taxed and paid as provided by sections 2335.05 to 2335.08~~7~~ 402  
~~inclusive,~~ of the Revised Code for other witness fees. If the 403  
party taxed with costs is indigent, interpreter's fees shall not 404  
be taxed as costs, and the county or, if the court is a municipal 405  
court that is not a county-operated municipal court, the municipal 406  
corporation in which the court is located shall pay the 407  
interpreter's fees. This section shall not apply if, by law, an 408  
interpreter is otherwise provided. 409

**Sec. 2335.11.** In felony cases in which the defendant is 410  
convicted, the fees of the various magistrates and their officers, 411  
the witness fees, and interpreter's fees shall be inserted in the 412  
judgment of conviction and, when collected shall be disbursed by 413  
the clerk of the court of common pleas to the persons entitled 414  
thereto. In minor state cases, which have come to the court of 415

common pleas through such magistrate's courts, the fees enumerated 416  
by this section shall be inserted in the judgment of conviction 417  
and, when collected shall be disbursed by the clerk to the persons 418  
entitled thereto. In both felonies and minor state cases, such 419  
clerk shall pay the witness and interpreter's fees into the county 420  
treasury, monthly. 421

If the defendant is indigent, the interpreter's fees shall 422  
not be inserted in the judgment of conviction, and the county 423  
shall pay the interpreter's fees. 424

In all cases in which recognizances are taken, forfeited, and 425  
collected, the amount recovered shall be paid into the county 426  
treasury, and if no conviction is had, such costs shall be paid by 427  
the county upon the allowance of the county auditor. 428

**Sec. 2903.213.** (A) Except when the complaint involves a 429  
person who is a family or household member as defined in section 430  
2919.25 of the Revised Code, upon the filing of a complaint that 431  
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 432  
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 433  
a municipal ordinance substantially similar to section 2903.13, 434  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 435  
the commission of a sexually oriented offense, the complainant, 436  
the alleged victim, or a family or household member of an alleged 437  
victim may file a motion that requests the issuance of a 438  
protection order as a pretrial condition of release of the alleged 439  
offender, in addition to any bail set under Criminal Rule 46. The 440  
motion shall be filed with the clerk of the court that has 441  
jurisdiction of the case at any time after the filing of the 442  
complaint. If the complaint involves a person who is a family or 443  
household member, the complainant, the alleged victim, or the 444  
family or household member may file a motion for a temporary 445  
protection order pursuant to section 2919.26 of the Revised Code. 446

(B) A motion for a protection order under this section shall 447  
be prepared on a form that is provided by the clerk of the court, 448  
and the form shall be substantially as follows: 449  
"Motion for Protection Order 450  
..... 451  
Name and address of court 452  
State of Ohio 453  
v. No. .... 454  
..... 455  
Name of Defendant 456  
(Name of person), moves the court to issue a protection order 457  
containing terms designed to ensure the safety and protection of 458  
the complainant or the alleged victim in the above-captioned case, 459  
in relation to the named defendant, pursuant to its authority to 460  
issue a protection order under section 2903.213 of the Revised 461  
Code. 462  
A complaint, a copy of which has been attached to this 463  
motion, has been filed in this court charging the named defendant 464  
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 465  
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 466  
a municipal ordinance substantially similar to section 2903.13, 467  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 468  
the commission of a sexually oriented offense. 469  
I understand that I must appear before the court, at a time 470  
set by the court not later than the next day that the court is in 471  
session after the filing of this motion, for a hearing on the 472  
motion, and that any protection order granted pursuant to this 473  
motion is a pretrial condition of release and is effective only 474  
until the disposition of the criminal proceeding arising out of 475  
the attached complaint or until the issuance under section 476  
2903.214 of the Revised Code of a protection order arising out of 477

the same activities as those that were the basis of the attached 478  
complaint. 479

..... 480

Signature of person 481

..... 482

Address of person" 483

(C)(1) As soon as possible after the filing of a motion that 484  
requests the issuance of a protection order under this section, 485  
but not later than the next day that the court is in session after 486  
the filing of the motion, the court shall conduct a hearing to 487  
determine whether to issue the order. The person who requested the 488  
order shall appear before the court and provide the court with the 489  
information that it requests concerning the basis of the motion. 490  
If the court finds that the safety and protection of the 491  
complainant or the alleged victim may be impaired by the continued 492  
presence of the alleged offender, the court may issue a protection 493  
order under this section, as a pretrial condition of release, that 494  
contains terms designed to ensure the safety and protection of the 495  
complainant or the alleged victim, including a requirement that 496  
the alleged offender refrain from entering the residence, school, 497  
business, or place of employment of the complainant or the alleged 498  
victim. 499

(2)(a) If the court issues a protection order under this 500  
section that includes a requirement that the alleged offender 501  
refrain from entering the residence, school, business, or place of 502  
employment of the complainant or the alleged victim, the order 503  
shall clearly state that the order cannot be waived or nullified 504  
by an invitation to the alleged offender from the complainant, the 505  
alleged victim, or a family or household member to enter the 506  
residence, school, business, or place of employment or by the 507  
alleged offender's entry into one of those places otherwise upon 508

the consent of the complainant, the alleged victim, or a family or household member. 509  
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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. 511  
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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. 519  
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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. 528  
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(3) If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is 535  
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based, notwithstanding the fact that the order was issued by a 541  
municipal court or county court, the order shall remain in effect, 542  
as though it were an order of the court of common pleas, while the 543  
charges against the alleged offender are pending in the court of 544  
common pleas, for the period of time described in division (E)(2) 545  
of this section, and the court of common pleas has exclusive 546  
jurisdiction to modify the order issued by the municipal court or 547  
county court. This division applies when the alleged offender is 548  
bound over to the court of common pleas as a result of the person 549  
waiving a preliminary hearing on the felony charge, as a result of 550  
the municipal court or county court having determined at a 551  
preliminary hearing that there is probable cause to believe that 552  
the felony has been committed and that the alleged offender 553  
committed it, as a result of the alleged offender having been 554  
indicted for the felony, or in any other manner. 555

(E) A protection order that is issued as a pretrial condition 556  
of release under this section: 557

(1) Is in addition to, but shall not be construed as a part 558  
of, any bail set under Criminal Rule 46; 559

(2) Is effective only until the disposition, by the court 560  
that issued the order or, in the circumstances described in 561  
division (D)(3) of this section, by the court of common pleas to 562  
which the alleged offender is bound over for prosecution, of the 563  
criminal proceeding arising out of the complaint upon which the 564  
order is based or until the issuance under section 2903.214 of the 565  
Revised Code of a protection order arising out of the same 566  
activities as those that were the basis of the complaint filed 567  
under this section; 568

(3) Shall not be construed as a finding that the alleged 569  
offender committed the alleged offense and shall not be introduced 570  
as evidence of the commission of the offense at the trial of the 571  
alleged offender on the complaint upon which the order is based. 572

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

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

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

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

(H) Upon a violation of a protection order issued pursuant to this section, the court may issue another protection order under this section, as a pretrial condition of release, that modifies

the terms of the order that was violated. 605

(I) ~~Notwithstanding any provision of law to the contrary (1)~~ 606  
Subject to division (I)(2) of this section and regardless of 607  
whether a protection order is issued or a consent agreement is 608  
approved by a court of another county or by a court of another 609  
state, no court or unit of state or local government shall charge 610  
the movant any fee, cost, deposit, or money in connection with the 611  
filing of a motion pursuant to this section, in connection with 612  
the filing, issuance, registration, modification, enforcement, 613  
dismissal, withdrawal, or service of a protection order ~~or,~~ 614  
consent agreement, or witness subpoena or for obtaining certified 615  
copies of a protection order or consent agreement. 616

(2) Regardless of whether a protection order is issued or a 617  
consent agreement is approved pursuant to this section, if the 618  
defendant is convicted the court may assess costs against the 619  
defendant in connection with the filing, issuance, registration, 620  
modification, enforcement, dismissal, withdrawal, or service of a 621  
protection order, consent agreement, or witness subpoena or for 622  
obtaining a certified copy of a protection order or consent 623  
agreement. 624

(J) As used in this section, "sexually oriented offense" has 625  
the same meaning as in section 2950.01 of the Revised Code. 626

**Sec. 2903.214.** (A) As used in this section: 627

(1) "Court" means the court of common pleas of the county in 628  
which the person to be protected by the protection order resides. 629

(2) "Victim advocate" means a person who provides support and 630  
assistance for a person who files a petition under this section. 631

(3) "Family or household member" has the same meaning as in 632  
section 3113.31 of the Revised Code. 633

(4) "Protection order issued by a court of another state" has 634

the same meaning as in section 2919.27 of the Revised Code. 635

(5) "Sexually oriented offense" has the same meaning as in 636  
section 2950.01 of the Revised Code. 637

(6) "Electronic monitoring" has the same meaning as in 638  
section 2929.01 of the Revised Code. 639

(B) The court has jurisdiction over all proceedings under 640  
this section. 641

(C) A person may seek relief under this section for the 642  
person, or any parent or adult household member may seek relief 643  
under this section on behalf of any other family or household 644  
member, by filing a petition with the court. The petition shall 645  
contain or state all of the following: 646

(1) An allegation that the respondent is eighteen years of 647  
age or older and engaged in a violation of section 2903.211 of the 648  
Revised Code against the person to be protected by the protection 649  
order or committed a sexually oriented offense against the person 650  
to be protected by the protection order, including a description 651  
of the nature and extent of the violation; 652

(2) If the petitioner seeks relief in the form of electronic 653  
monitoring of the respondent, an allegation that at any time 654  
preceding the filing of the petition the respondent engaged in 655  
conduct that would cause a reasonable person to believe that the 656  
health, welfare, or safety of the person to be protected was at 657  
risk, a description of the nature and extent of that conduct, and 658  
an allegation that the respondent presents a continuing danger to 659  
the person to be protected; 660

(3) A request for relief under this section. 661

(D)(1) If a person who files a petition pursuant to this 662  
section requests an ex parte order, the court shall hold an ex 663  
parte hearing as soon as possible after the petition is filed, but 664

not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.

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

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

(ii) The parties consent to the continuance.

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

|  |  |
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| (iv) The continuance is needed for other good cause.   | 697  |
| (b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.  | 698<br>699<br>700<br>701<br>702  |
| (3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.  | 703<br>704<br>705<br>706<br>707  |
| (E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order, including, but not limited to, a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member. If the court includes a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member in the order, it also shall include in the order provisions of the type described in division (E)(5) of this section. | 708<br>709<br>710<br>711<br>712<br>713<br>714<br>715<br>716<br>717<br>718<br>719 |
| (b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C)(2) of this section, or the court upon its own motion, finds upon clear and convincing evidence that the petitioner reasonably believed that the respondent's conduct at any time preceding the filing of the petition endangered the health, welfare, or safety of the person to be protected and that the respondent presents a continuing danger to the person to be protected, the court may order that the respondent be electronically monitored for a period   | 720<br>721<br>722<br>723<br>724<br>725<br>726<br>727<br>728                      |

of time and under the terms and conditions that the court 729  
determines are appropriate. Electronic monitoring shall be in 730  
addition to any other relief granted to the petitioner. 731

(2)(a) Any protection order issued pursuant to this section 732  
shall be valid until a date certain but not later than five years 733  
from the date of its issuance. 734

(b) Any protection order issued pursuant to this section may 735  
be renewed in the same manner as the original order was issued. 736

(3) A court may not issue a protection order that requires a 737  
petitioner to do or to refrain from doing an act that the court 738  
may require a respondent to do or to refrain from doing under 739  
division (E)(1) of this section unless all of the following apply: 740

(a) The respondent files a separate petition for a protection 741  
order in accordance with this section. 742

(b) The petitioner is served with notice of the respondent's 743  
petition at least forty-eight hours before the court holds a 744  
hearing with respect to the respondent's petition, or the 745  
petitioner waives the right to receive this notice. 746

(c) If the petitioner has requested an ex parte order 747  
pursuant to division (D) of this section, the court does not delay 748  
any hearing required by that division beyond the time specified in 749  
that division in order to consolidate the hearing with a hearing 750  
on the petition filed by the respondent. 751

(d) After a full hearing at which the respondent presents 752  
evidence in support of the request for a protection order and the 753  
petitioner is afforded an opportunity to defend against that 754  
evidence, the court determines that the petitioner has committed a 755  
violation of section 2903.211 of the Revised Code against the 756  
person to be protected by the protection order issued pursuant to 757  
division (E)(3) of this section, has committed a sexually oriented 758  
offense against the person to be protected by the protection order 759

issued pursuant to division (E)(3) of this section, or has 760  
violated a protection order issued pursuant to section 2903.213 of 761  
the Revised Code relative to the person to be protected by the 762  
protection order issued pursuant to division (E)(3) of this 763  
section. 764

(4) No protection order issued pursuant to this section shall 765  
in any manner affect title to any real property. 766

(5)(a) If the court issues a protection order under this 767  
section that includes a requirement that the alleged offender 768  
refrain from entering the residence, school, business, or place of 769  
employment of the petitioner or a family or household member, the 770  
order shall clearly state that the order cannot be waived or 771  
nullified by an invitation to the alleged offender from the 772  
complainant to enter the residence, school, business, or place of 773  
employment or by the alleged offender's entry into one of those 774  
places otherwise upon the consent of the petitioner or family or 775  
household member. 776

(b) Division (E)(5)(a) of this section does not limit any 777  
discretion of a court to determine that an alleged offender 778  
charged with a violation of section 2919.27 of the Revised Code, 779  
with a violation of a municipal ordinance substantially equivalent 780  
to that section, or with contempt of court, which charge is based 781  
on an alleged violation of a protection order issued under this 782  
section, did not commit the violation or was not in contempt of 783  
court. 784

(F)(1) The court shall cause the delivery of a copy of any 785  
protection order that is issued under this section to the 786  
petitioner, to the respondent, and to all law enforcement agencies 787  
that have jurisdiction to enforce the order. The court shall 788  
direct that a copy of the order be delivered to the respondent on 789  
the same day that the order is entered. 790

(2) Upon the issuance of a protection order under this 791  
section, the court shall provide the parties to the order with the 792  
following notice orally or by form: 793

"NOTICE 794

As a result of this order, it may be unlawful for you to 795  
possess or purchase a firearm, including a rifle, pistol, or 796  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 797  
922(g)(8). If you have any questions whether this law makes it 798  
illegal for you to possess or purchase a firearm or ammunition, 799  
you should consult an attorney." 800

(3) All law enforcement agencies shall establish and maintain 801  
an index for the protection orders delivered to the agencies 802  
pursuant to division (F)(1) of this section. With respect to each 803  
order delivered, each agency shall note on the index the date and 804  
time that it received the order. 805

(4) Regardless of whether the petitioner has registered the 806  
protection order in the county in which the officer's agency has 807  
jurisdiction pursuant to division (M) of this section, any officer 808  
of a law enforcement agency shall enforce a protection order 809  
issued pursuant to this section by any court in this state in 810  
accordance with the provisions of the order, including removing 811  
the respondent from the premises, if appropriate. 812

(G) Any proceeding under this section shall be conducted in 813  
accordance with the Rules of Civil Procedure, except that a 814  
protection order may be obtained under this section with or 815  
without bond. An order issued under this section, other than an ex 816  
parte order, that grants a protection order, or that refuses to 817  
grant a protection order, is a final, appealable order. The 818  
remedies and procedures provided in this section are in addition 819  
to, and not in lieu of, any other available civil or criminal 820  
remedies. 821

(H) The filing of proceedings under this section does not 822  
excuse a person from filing any report or giving any notice 823  
required by section 2151.421 of the Revised Code or by any other 824  
law. 825

(I) Any law enforcement agency that investigates an alleged 826  
violation of section 2903.211 of the Revised Code or an alleged 827  
commission of a sexually oriented offense shall provide 828  
information to the victim and the family or household members of 829  
the victim regarding the relief available under this section and 830  
section 2903.213 of the Revised Code. 831

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 832  
Subject to division (J)(2) of this section and regardless of 833  
whether a protection order is issued or a consent agreement is 834  
approved by a court of another county or by a court of another 835  
state, no court or unit of state or local government shall charge 836  
the petitioner any fee, cost, deposit, or money in connection with 837  
the filing of a petition pursuant to this section, in connection 838  
with the filing, issuance, registration, modification, 839  
enforcement, dismissal, withdrawal, or service of a protection 840  
order ~~or,~~ consent agreement, or witness subpoena or for obtaining 841  
a certified copy of a protection order or consent agreement. 842

(2) Regardless of whether a protection order is issued or a 843  
consent agreement is approved pursuant to this section, the court 844  
may assess costs against the respondent in connection with the 845  
filing, issuance, registration, modification, enforcement, 846  
dismissal, withdrawal, or service of a protection order, consent 847  
agreement, or witness subpoena or for obtaining a certified copy 848  
of a protection order or consent agreement. 849

(K)(1) A person who violates a protection order issued under 850  
this section is subject to the following sanctions: 851

(a) Criminal prosecution for a violation of section 2919.27 852

of the Revised Code, if the violation of the protection order 853  
constitutes a violation of that section; 854

(b) Punishment for contempt of court. 855

(2) The punishment of a person for contempt of court for 856  
violation of a protection order issued under this section does not 857  
bar criminal prosecution of the person for a violation of section 858  
2919.27 of the Revised Code. However, a person punished for 859  
contempt of court is entitled to credit for the punishment imposed 860  
upon conviction of a violation of that section, and a person 861  
convicted of a violation of that section shall not subsequently be 862  
punished for contempt of court arising out of the same activity. 863

(L) In all stages of a proceeding under this section, a 864  
petitioner may be accompanied by a victim advocate. 865

(M)(1) A petitioner who obtains a protection order under this 866  
section or a protection order under section 2903.213 of the 867  
Revised Code may provide notice of the issuance or approval of the 868  
order to the judicial and law enforcement officials in any county 869  
other than the county in which the order is issued by registering 870  
that order in the other county pursuant to division (M)(2) of this 871  
section and filing a copy of the registered order with a law 872  
enforcement agency in the other county in accordance with that 873  
division. A person who obtains a protection order issued by a 874  
court of another state may provide notice of the issuance of the 875  
order to the judicial and law enforcement officials in any county 876  
of this state by registering the order in that county pursuant to 877  
section 2919.272 of the Revised Code and filing a copy of the 878  
registered order with a law enforcement agency in that county. 879

(2) A petitioner may register a protection order issued 880  
pursuant to this section or section 2903.213 of the Revised Code 881  
in a county other than the county in which the court that issued 882  
the order is located in the following manner: 883

(a) The petitioner shall obtain a certified copy of the order 884  
from the clerk of the court that issued the order and present that 885  
certified copy to the clerk of the court of common pleas or the 886  
clerk of a municipal court or county court in the county in which 887  
the order is to be registered. 888

(b) Upon accepting the certified copy of the order for 889  
registration, the clerk of the court of common pleas, municipal 890  
court, or county court shall place an endorsement of registration 891  
on the order and give the petitioner a copy of the order that 892  
bears that proof of registration. 893

(3) The clerk of each court of common pleas, municipal court, 894  
or county court shall maintain a registry of certified copies of 895  
protection orders that have been issued by courts in other 896  
counties pursuant to this section or section 2903.213 of the 897  
Revised Code and that have been registered with the clerk. 898

(N)(1) If the court orders electronic monitoring of the 899  
respondent under this section, the court shall direct the 900  
sheriff's office or any other appropriate law enforcement agency 901  
to install the electronic monitoring device and to monitor the 902  
respondent. Unless the court determines that the respondent is 903  
indigent, the court shall order the respondent to pay the cost of 904  
the installation and monitoring of the electronic monitoring 905  
device. If the court determines that the respondent is indigent 906  
and subject to the maximum amount allowable to be paid in any year 907  
from the fund and the rules promulgated by the attorney general 908  
under division (N)(2) of this section, the cost of the 909  
installation and monitoring of the electronic monitoring device 910  
may be paid out of funds from the reparations fund created 911  
pursuant to section 2743.191 of the Revised Code. The total amount 912  
of costs for the installation and monitoring of electronic 913  
monitoring devices paid pursuant to this division and sections 914  
2151.34 and 2919.27 of the Revised Code from the reparations fund 915

shall not exceed three hundred thousand dollars per year. 916

(2) The attorney general may promulgate rules pursuant to 917  
section 111.15 of the Revised Code to govern payments made from 918  
the reparations fund pursuant to this division and sections 919  
2151.34 and 2919.27 of the Revised Code. The rules may include 920  
reasonable limits on the total cost paid pursuant to this division 921  
and sections 2151.34 and 2919.27 of the Revised Code per 922  
respondent, the amount of the three hundred thousand dollars 923  
allocated to each county, and how invoices may be submitted by a 924  
county, court, or other entity. 925

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that 926  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 927  
2911.211 of the Revised Code if the alleged victim of the 928  
violation was a family or household member at the time of the 929  
violation, a violation of a municipal ordinance that is 930  
substantially similar to any of those sections if the alleged 931  
victim of the violation was a family or household member at the 932  
time of the violation, any offense of violence if the alleged 933  
victim of the offense was a family or household member at the time 934  
of the commission of the offense, or any sexually oriented offense 935  
if the alleged victim of the offense was a family or household 936  
member at the time of the commission of the offense, the 937  
complainant, the alleged victim, or a family or household member 938  
of an alleged victim may file, or, if in an emergency the alleged 939  
victim is unable to file, a person who made an arrest for the 940  
alleged violation or offense under section 2935.03 of the Revised 941  
Code may file on behalf of the alleged victim, a motion that 942  
requests the issuance of a temporary protection order as a 943  
pretrial condition of release of the alleged offender, in addition 944  
to any bail set under Criminal Rule 46. The motion shall be filed 945  
with the clerk of the court that has jurisdiction of the case at 946  
any time after the filing of the complaint. 947

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

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

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v.

No. ....

.....

Name of Defendant

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

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with ..... (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented

offense charged), or charging the named defendant with a violation 979  
of a municipal ordinance that is substantially similar to 980  
..... (section of the Revised Code designating 981  
the specified violation, offense of violence, or sexually oriented 982  
offense charged) involving a family or household member. 983

I understand that I must appear before the court, at a time 984  
set by the court within twenty-four hours after the filing of this 985  
motion, for a hearing on the motion or that, if I am unable to 986  
appear because of hospitalization or a medical condition resulting 987  
from the offense alleged in the complaint, a person who can 988  
provide information about my need for a temporary protection order 989  
must appear before the court in lieu of my appearing in court. I 990  
understand that any temporary protection order granted pursuant to 991  
this motion is a pretrial condition of release and is effective 992  
only until the disposition of the criminal proceeding arising out 993  
of the attached complaint, or the issuance of a civil protection 994  
order or the approval of a consent agreement, arising out of the 995  
same activities as those that were the basis of the complaint, 996  
under section 3113.31 of the Revised Code. 997

..... 998

Signature of person 999

(or signature of the arresting officer who filed the motion on 1000  
behalf of the alleged victim) 1001

..... 1002

Address of person (or office address of the arresting officer who 1003  
filed the motion on behalf of the alleged victim)" 1004

(C)(1) As soon as possible after the filing of a motion that 1005  
requests the issuance of a temporary protection order, but not 1006  
later than twenty-four hours after the filing of the motion, the 1007  
court shall conduct a hearing to determine whether to issue the 1008  
order. The person who requested the order shall appear before the 1009

court and provide the court with the information that it requests 1010  
concerning the basis of the motion. If the person who requested 1011  
the order is unable to appear and if the court finds that the 1012  
failure to appear is because of the person's hospitalization or 1013  
medical condition resulting from the offense alleged in the 1014  
complaint, another person who is able to provide the court with 1015  
the information it requests may appear in lieu of the person who 1016  
requested the order. If the court finds that the safety and 1017  
protection of the complainant, alleged victim, or any other family 1018  
or household member of the alleged victim may be impaired by the 1019  
continued presence of the alleged offender, the court may issue a 1020  
temporary protection order, as a pretrial condition of release, 1021  
that contains terms designed to ensure the safety and protection 1022  
of the complainant, alleged victim, or the family or household 1023  
member, including a requirement that the alleged offender refrain 1024  
from entering the residence, school, business, or place of 1025  
employment of the complainant, alleged victim, or the family or 1026  
household member. 1027

(2)(a) If the court issues a temporary protection order that 1028  
includes a requirement that the alleged offender refrain from 1029  
entering the residence, school, business, or place of employment 1030  
of the complainant, the alleged victim, or the family or household 1031  
member, the order shall state clearly that the order cannot be 1032  
waived or nullified by an invitation to the alleged offender from 1033  
the complainant, alleged victim, or family or household member to 1034  
enter the residence, school, business, or place of employment or 1035  
by the alleged offender's entry into one of those places otherwise 1036  
upon the consent of the complainant, alleged victim, or family or 1037  
household member. 1038

(b) Division (C)(2)(a) of this section does not limit any 1039  
discretion of a court to determine that an alleged offender 1040  
charged with a violation of section 2919.27 of the Revised Code, 1041

with a violation of a municipal ordinance substantially equivalent 1042  
to that section, or with contempt of court, which charge is based 1043  
on an alleged violation of a temporary protection order issued 1044  
under this section, did not commit the violation or was not in 1045  
contempt of court. 1046

(D)(1) Upon the filing of a complaint that alleges a 1047  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1048  
Revised Code if the alleged victim of the violation was a family 1049  
or household member at the time of the violation, a violation of a 1050  
municipal ordinance that is substantially similar to any of those 1051  
sections if the alleged victim of the violation was a family or 1052  
household member at the time of the violation, any offense of 1053  
violence if the alleged victim of the offense was a family or 1054  
household member at the time of the commission of the offense, or 1055  
any sexually oriented offense if the alleged victim of the offense 1056  
was a family or household member at the time of the commission of 1057  
the offense, the court, upon its own motion, may issue a temporary 1058  
protection order as a pretrial condition of release if it finds 1059  
that the safety and protection of the complainant, alleged victim, 1060  
or other family or household member of the alleged offender may be 1061  
impaired by the continued presence of the alleged offender. 1062

(2) If the court issues a temporary protection order under 1063  
this section as an ex parte order, it shall conduct, as soon as 1064  
possible after the issuance of the order, a hearing in the 1065  
presence of the alleged offender not later than the next day on 1066  
which the court is scheduled to conduct business after the day on 1067  
which the alleged offender was arrested or at the time of the 1068  
appearance of the alleged offender pursuant to summons to 1069  
determine whether the order should remain in effect, be modified, 1070  
or be revoked. The hearing shall be conducted under the standards 1071  
set forth in division (C) of this section. 1072

(3) An order issued under this section shall contain only 1073

those terms authorized in orders issued under division (C) of this section. 1074  
1075

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner. 1076  
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(E) A temporary protection order that is issued as a pretrial condition of release under this section: 1097  
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(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46; 1099  
1100

(2) Is effective only until the occurrence of either of the following: 1101  
1102

(a) The disposition, by the court that issued the order or, in the circumstances described in division (D)(4) of this section, 1103  
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by the court of common pleas to which the alleged offender is 1105  
bound over for prosecution, of the criminal proceeding arising out 1106  
of the complaint upon which the order is based; 1107

(b) The issuance of a protection order or the approval of a 1108  
consent agreement, arising out of the same activities as those 1109  
that were the basis of the complaint upon which the order is 1110  
based, under section 3113.31 of the Revised Code; 1111

(3) Shall not be construed as a finding that the alleged 1112  
offender committed the alleged offense, and shall not be 1113  
introduced as evidence of the commission of the offense at the 1114  
trial of the alleged offender on the complaint upon which the 1115  
order is based. 1116

(F) A person who meets the criteria for bail under Criminal 1117  
Rule 46 and who, if required to do so pursuant to that rule, 1118  
executes or posts bond or deposits cash or securities as bail, 1119  
shall not be held in custody pending a hearing before the court on 1120  
a motion requesting a temporary protection order. 1121

(G)(1) A copy of any temporary protection order that is 1122  
issued under this section shall be issued by the court to the 1123  
complainant, to the alleged victim, to the person who requested 1124  
the order, to the defendant, and to all law enforcement agencies 1125  
that have jurisdiction to enforce the order. The court shall 1126  
direct that a copy of the order be delivered to the defendant on 1127  
the same day that the order is entered. If a municipal court or a 1128  
county court issues a temporary protection order under this 1129  
section and if, subsequent to the issuance of the order, the 1130  
defendant who is the subject of the order is bound over to the 1131  
court of common pleas for prosecution as described in division 1132  
(D)(4) of this section, the municipal court or county court shall 1133  
direct that a copy of the order be delivered to the court of 1134  
common pleas to which the defendant is bound over. 1135

(2) Upon the issuance of a protection order under this 1136  
section, the court shall provide the parties to the order with the 1137  
following notice orally or by form: 1138

"NOTICE 1139

As a result of this protection order, it may be unlawful for 1140  
you to possess or purchase a firearm, including a rifle, pistol, 1141  
or revolver, or ammunition pursuant to federal law under 18 U.S.C. 1142  
922(g)(8). If you have any questions whether this law makes it 1143  
illegal for you to possess or purchase a firearm or ammunition, 1144  
you should consult an attorney." 1145

(3) All law enforcement agencies shall establish and maintain 1146  
an index for the temporary protection orders delivered to the 1147  
agencies pursuant to division (G)(1) of this section. With respect 1148  
to each order delivered, each agency shall note on the index, the 1149  
date and time of the receipt of the order by the agency. 1150

(4) A complainant, alleged victim, or other person who 1151  
obtains a temporary protection order under this section may 1152  
provide notice of the issuance of the temporary protection order 1153  
to the judicial and law enforcement officials in any county other 1154  
than the county in which the order is issued by registering that 1155  
order in the other county in accordance with division (N) of 1156  
section 3113.31 of the Revised Code and filing a copy of the 1157  
registered protection order with a law enforcement agency in the 1158  
other county in accordance with that division. 1159

(5) Any officer of a law enforcement agency shall enforce a 1160  
temporary protection order issued by any court in this state in 1161  
accordance with the provisions of the order, including removing 1162  
the defendant from the premises, regardless of whether the order 1163  
is registered in the county in which the officer's agency has 1164  
jurisdiction as authorized by division (G)(4) of this section. 1165

(H) Upon a violation of a temporary protection order, the 1166

court may issue another temporary protection order, as a pretrial 1167  
condition of release, that modifies the terms of the order that 1168  
was violated. 1169

(I)(1) As used in divisions (I)(1) and (2) of this section, 1170  
"defendant" means a person who is alleged in a complaint to have 1171  
committed a violation, offense of violence, or sexually oriented 1172  
offense of the type described in division (A) of this section. 1173

(2) If a complaint is filed that alleges that a person 1174  
committed a violation, offense of violence, or sexually oriented 1175  
offense of the type described in division (A) of this section, the 1176  
court may not issue a temporary protection order under this 1177  
section that requires the complainant, the alleged victim, or 1178  
another family or household member of the defendant to do or 1179  
refrain from doing an act that the court may require the defendant 1180  
to do or refrain from doing under a temporary protection order 1181  
unless both of the following apply: 1182

(a) The defendant has filed a separate complaint that alleges 1183  
that the complainant, alleged victim, or other family or household 1184  
member in question who would be required under the order to do or 1185  
refrain from doing the act committed a violation or offense of 1186  
violence of the type described in division (A) of this section. 1187

(b) The court determines that both the complainant, alleged 1188  
victim, or other family or household member in question who would 1189  
be required under the order to do or refrain from doing the act 1190  
and the defendant acted primarily as aggressors, that neither the 1191  
complainant, alleged victim, or other family or household member 1192  
in question who would be required under the order to do or refrain 1193  
from doing the act nor the defendant acted primarily in 1194  
self-defense, and, in accordance with the standards and criteria 1195  
of this section as applied in relation to the separate complaint 1196  
filed by the defendant, that it should issue the order to require 1197  
the complainant, alleged victim, or other family or household 1198

member in question to do or refrain from doing the act. 1199

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 1200  
Subject to division (J)(2) of this section and regardless of 1201  
whether a protection order is issued or a consent agreement is 1202  
approved by a court of another county or a court of another state, 1203  
no court or unit of state or local government shall charge the 1204  
movant any fee, cost, deposit, or money in connection with the 1205  
filing of a motion pursuant to this section, in connection with 1206  
the filing, issuance, registration, modification, enforcement, 1207  
dismissal, withdrawal, or service of a protection order ~~or,~~ 1208  
consent agreement, or witness subpoena or for obtaining a 1209  
certified copy of a protection order or consent agreement. 1210

(2) Regardless of whether a protection order is issued or a 1211  
consent agreement is approved pursuant to this section, if the 1212  
defendant is convicted the court may assess costs against the 1213  
defendant in connection with the filing, issuance, registration, 1214  
modification, enforcement, dismissal, withdrawal, or service of a 1215  
protection order, consent agreement, or witness subpoena or for 1216  
obtaining a certified copy of a protection order or consent 1217  
agreement. 1218

(K) As used in this section: 1219

(1) "Sexually oriented offense" has the same meaning as in 1220  
section 2950.01 of the Revised Code. 1221

(2) "Victim advocate" means a person who provides support and 1222  
assistance for a victim of an offense during court proceedings. 1223

**Sec. 2919.272.** (A) As used in this section, "protection order 1224  
issued by a court of another state" has the same meaning as in 1225  
section 2919.27 of the Revised Code. 1226

(B) A person who has obtained a protection order issued by a 1227  
court of another state may provide notice of the issuance of the 1228

order to judicial and law enforcement officials in any county of 1229  
this state by registering the order in that county and filing a 1230  
copy of the registered order with a law enforcement agency in that 1231  
county. To register the order, the person shall obtain a certified 1232  
copy of the order from the clerk of the court that issued the 1233  
order and present that certified copy to the clerk of the court of 1234  
common pleas or the clerk of a municipal court or county court in 1235  
the county in which the order is to be registered. Upon accepting 1236  
the certified copy of the order for registration, the clerk shall 1237  
place an endorsement of registration on the order and give the 1238  
person a copy of the order that bears proof of registration. The 1239  
person then may file with a law enforcement agency in that county 1240  
a copy of the order that bears proof of registration. 1241

(C) The clerk of each court of common pleas and the clerk of 1242  
each municipal court and county court shall maintain a registry of 1243  
certified copies of protection orders issued by courts of another 1244  
state that have been registered with the clerk. Each law 1245  
enforcement agency shall establish and maintain a registry for 1246  
protection orders delivered to the agency pursuant to this 1247  
section. The agency shall note in the registry the date and time 1248  
that the agency received an order. 1249

(D) An officer of a law enforcement agency shall enforce a 1250  
protection order issued by a court of another state in accordance 1251  
with the provisions of the order, including removing the person 1252  
allegedly violating the order from the premises, regardless of 1253  
whether the order is registered as authorized by division (B) of 1254  
this section in the county in which the officer's agency has 1255  
jurisdiction. 1256

(E) ~~Notwithstanding any provision of law to the contrary (1)~~ 1257  
Subject to division (E)(2) of this section and regardless of 1258  
whether a protection order is issued or a consent agreement is 1259  
approved by a court of another county or a court of another state, 1260

no court or unit of state or local government shall charge a 1261  
person who registers and files an order any fee, cost, deposit, or 1262  
money in connection with the filing, issuance, registration, 1263  
modification, enforcement, dismissal, withdrawal, or service of a 1264  
protection order ~~or~~, consent agreement, or witness subpoena or for 1265  
obtaining a certified copy of a protection order or consent 1266  
agreement, including a protection order issued by a court of 1267  
another state. 1268

(2) Regardless of whether a protection order is issued or a 1269  
consent agreement is approved pursuant to this section, the court 1270  
may assess costs against the person who is subject to a registered 1271  
and filed order in connection with the filing, issuance, 1272  
registration, modification, enforcement, dismissal, withdrawal, or 1273  
service of a protection order, consent agreement, or witness 1274  
subpoena or for obtaining a certified copy of a protection order 1275  
or consent agreement. 1276

**Sec. 3113.31.** (A) As used in this section: 1277

(1) "Domestic violence" means the occurrence of one or more 1278  
of the following acts against a family or household member: 1279

(a) Attempting to cause or recklessly causing bodily injury; 1280

(b) Placing another person by the threat of force in fear of 1281  
imminent serious physical harm or committing a violation of 1282  
section 2903.211 or 2911.211 of the Revised Code; 1283

(c) Committing any act with respect to a child that would 1284  
result in the child being an abused child, as defined in section 1285  
2151.031 of the Revised Code; 1286

(d) Committing a sexually oriented offense. 1287

(2) "Court" means the domestic relations division of the 1288  
court of common pleas in counties that have a domestic relations 1289  
division and the court of common pleas in counties that do not 1290

have a domestic relations division, or the juvenile division of 1291  
the court of common pleas of the county in which the person to be 1292  
protected by a protection order issued or a consent agreement 1293  
approved under this section resides if the respondent is less than 1294  
eighteen years of age. 1295

(3) "Family or household member" means any of the following: 1296

(a) Any of the following who is residing with or has resided 1297  
with the respondent: 1298

(i) A spouse, a person living as a spouse, or a former spouse 1299  
of the respondent; 1300

(ii) A parent, a foster parent, or a child of the respondent, 1301  
or another person related by consanguinity or affinity to the 1302  
respondent; 1303

(iii) A parent or a child of a spouse, person living as a 1304  
spouse, or former spouse of the respondent, or another person 1305  
related by consanguinity or affinity to a spouse, person living as 1306  
a spouse, or former spouse of the respondent. 1307

(b) The natural parent of any child of whom the respondent is 1308  
the other natural parent or is the putative other natural parent. 1309

(4) "Person living as a spouse" means a person who is living 1310  
or has lived with the respondent in a common law marital 1311  
relationship, who otherwise is cohabiting with the respondent, or 1312  
who otherwise has cohabited with the respondent within five years 1313  
prior to the date of the alleged occurrence of the act in 1314  
question. 1315

(5) "Victim advocate" means a person who provides support and 1316  
assistance for a person who files a petition under this section. 1317

(6) "Sexually oriented offense" has the same meaning as in 1318  
section 2950.01 of the Revised Code. 1319

(B) The court has jurisdiction over all proceedings under 1320

this section. The petitioner's right to relief under this section 1321  
is not affected by the petitioner's leaving the residence or 1322  
household to avoid further domestic violence. 1323

(C) A person may seek relief under this section on the 1324  
person's own behalf, or any parent or adult household member may 1325  
seek relief under this section on behalf of any other family or 1326  
household member, by filing a petition with the court. The 1327  
petition shall contain or state: 1328

(1) An allegation that the respondent engaged in domestic 1329  
violence against a family or household member of the respondent, 1330  
including a description of the nature and extent of the domestic 1331  
violence; 1332

(2) The relationship of the respondent to the petitioner, and 1333  
to the victim if other than the petitioner; 1334

(3) A request for relief under this section. 1335

(D)(1) If a person who files a petition pursuant to this 1336  
section requests an ex parte order, the court shall hold an ex 1337  
parte hearing on the same day that the petition is filed. The 1338  
court, for good cause shown at the ex parte hearing, may enter any 1339  
temporary orders, with or without bond, including, but not limited 1340  
to, an order described in division (E)(1)(a), (b), or (c) of this 1341  
section, that the court finds necessary to protect the family or 1342  
household member from domestic violence. Immediate and present 1343  
danger of domestic violence to the family or household member 1344  
constitutes good cause for purposes of this section. Immediate and 1345  
present danger includes, but is not limited to, situations in 1346  
which the respondent has threatened the family or household member 1347  
with bodily harm, in which the respondent has threatened the 1348  
family or household member with a sexually oriented offense, or in 1349  
which the respondent previously has been convicted of, pleaded 1350  
guilty to, or been adjudicated a delinquent child for an offense 1351

that constitutes domestic violence against the family or household member. 1352  
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(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 seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court: 1354  
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(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing. 1369  
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(ii) The parties consent to the continuance. 1373

(iii) The continuance is needed to allow a party to obtain counsel. 1374  
1375

(iv) The continuance is needed for other good cause. 1376

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division. 1377  
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(3) If a person who files a petition pursuant to this section 1382

does not request an ex parte order, or if a person requests an ex 1383  
parte order but the court does not issue an ex parte order after 1384  
an ex parte hearing, the court shall proceed as in a normal civil 1385  
action and grant a full hearing on the matter. 1386

(E)(1) After an ex parte or full hearing, the court may grant 1387  
any protection order, with or without bond, or approve any consent 1388  
agreement to bring about a cessation of domestic violence against 1389  
the family or household members. The order or agreement may: 1390

(a) Direct the respondent to refrain from abusing or from 1391  
committing sexually oriented offenses against the family or 1392  
household members; 1393

(b) Grant possession of the residence or household to the 1394  
petitioner or other family or household member, to the exclusion 1395  
of the respondent, by evicting the respondent, when the residence 1396  
or household is owned or leased solely by the petitioner or other 1397  
family or household member, or by ordering the respondent to 1398  
vacate the premises, when the residence or household is jointly 1399  
owned or leased by the respondent, and the petitioner or other 1400  
family or household member; 1401

(c) When the respondent has a duty to support the petitioner 1402  
or other family or household member living in the residence or 1403  
household and the respondent is the sole owner or lessee of the 1404  
residence or household, grant possession of the residence or 1405  
household to the petitioner or other family or household member, 1406  
to the exclusion of the respondent, by ordering the respondent to 1407  
vacate the premises, or, in the case of a consent agreement, allow 1408  
the respondent to provide suitable, alternative housing; 1409

(d) Temporarily allocate parental rights and responsibilities 1410  
for the care of, or establish temporary parenting time rights with 1411  
regard to, minor children, if no other court has determined, or is 1412  
determining, the allocation of parental rights and 1413

responsibilities for the minor children or parenting time rights; 1414

(e) Require the respondent to maintain support, if the 1415  
respondent customarily provides for or contributes to the support 1416  
of the family or household member, or if the respondent has a duty 1417  
to support the petitioner or family or household member; 1418

(f) Require the respondent, petitioner, victim of domestic 1419  
violence, or any combination of those persons, to seek counseling; 1420

(g) Require the respondent to refrain from entering the 1421  
residence, school, business, or place of employment of the 1422  
petitioner or family or household member; 1423

(h) Grant other relief that the court considers equitable and 1424  
fair, including, but not limited to, ordering the respondent to 1425  
permit the use of a motor vehicle by the petitioner or other 1426  
family or household member and the apportionment of household and 1427  
family personal property. 1428

(2) If a protection order has been issued pursuant to this 1429  
section in a prior action involving the respondent and the 1430  
petitioner or one or more of the family or household members or 1431  
victims, the court may include in a protection order that it 1432  
issues a prohibition against the respondent returning to the 1433  
residence or household. If it includes a prohibition against the 1434  
respondent returning to the residence or household in the order, 1435  
it also shall include in the order provisions of the type 1436  
described in division (E)(7) of this section. This division does 1437  
not preclude the court from including in a protection order or 1438  
consent agreement, in circumstances other than those described in 1439  
this division, a requirement that the respondent be evicted from 1440  
or vacate the residence or household or refrain from entering the 1441  
residence, school, business, or place of employment of the 1442  
petitioner or a family or household member, and, if the court 1443  
includes any requirement of that type in an order or agreement, 1444

the court also shall include in the order provisions of the type 1445  
described in division (E)(7) of this section. 1446

(3)(a) Any protection order issued or consent agreement 1447  
approved under this section shall be valid until a date certain, 1448  
but not later than five years from the date of its issuance or 1449  
approval, or not later than the date a respondent who is less than 1450  
eighteen years of age attains nineteen years of age, unless 1451  
modified or terminated as provided in division (E)(8) of this 1452  
section. 1453

(b) Subject to the limitation on the duration of an order or 1454  
agreement set forth in division (E)(3)(a) of this section, any 1455  
order under division (E)(1)(d) of this section shall terminate on 1456  
the date that a court in an action for divorce, dissolution of 1457  
marriage, or legal separation brought by the petitioner or 1458  
respondent issues an order allocating parental rights and 1459  
responsibilities for the care of children or on the date that a 1460  
juvenile court in an action brought by the petitioner or 1461  
respondent issues an order awarding legal custody of minor 1462  
children. Subject to the limitation on the duration of an order or 1463  
agreement set forth in division (E)(3)(a) of this section, any 1464  
order under division (E)(1)(e) of this section shall terminate on 1465  
the date that a court in an action for divorce, dissolution of 1466  
marriage, or legal separation brought by the petitioner or 1467  
respondent issues a support order or on the date that a juvenile 1468  
court in an action brought by the petitioner or respondent issues 1469  
a support order. 1470

(c) Any protection order issued or consent agreement approved 1471  
pursuant to this section may be renewed in the same manner as the 1472  
original order or agreement was issued or approved. 1473

(4) A court may not issue a protection order that requires a 1474  
petitioner to do or to refrain from doing an act that the court 1475  
may require a respondent to do or to refrain from doing under 1476

division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1477  
section unless all of the following apply: 1478

(a) The respondent files a separate petition for a protection 1479  
order in accordance with this section. 1480

(b) The petitioner is served notice of the respondent's 1481  
petition at least forty-eight hours before the court holds a 1482  
hearing with respect to the respondent's petition, or the 1483  
petitioner waives the right to receive this notice. 1484

(c) If the petitioner has requested an ex parte order 1485  
pursuant to division (D) of this section, the court does not delay 1486  
any hearing required by that division beyond the time specified in 1487  
that division in order to consolidate the hearing with a hearing 1488  
on the petition filed by the respondent. 1489

(d) After a full hearing at which the respondent presents 1490  
evidence in support of the request for a protection order and the 1491  
petitioner is afforded an opportunity to defend against that 1492  
evidence, the court determines that the petitioner has committed 1493  
an act of domestic violence or has violated a temporary protection 1494  
order issued pursuant to section 2919.26 of the Revised Code, that 1495  
both the petitioner and the respondent acted primarily as 1496  
aggressors, and that neither the petitioner nor the respondent 1497  
acted primarily in self-defense. 1498

(5) No protection order issued or consent agreement approved 1499  
under this section shall in any manner affect title to any real 1500  
property. 1501

(6)(a) If a petitioner, or the child of a petitioner, who 1502  
obtains a protection order or consent agreement pursuant to 1503  
division (E)(1) of this section or a temporary protection order 1504  
pursuant to section 2919.26 of the Revised Code and is the subject 1505  
of a parenting time order issued pursuant to section 3109.051 or 1506  
3109.12 of the Revised Code or a visitation or companionship order 1507

issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

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

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

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

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

(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to

that section, or with contempt of court, which charge is based on 1539  
an alleged violation of a protection order issued or consent 1540  
agreement approved under this section, did not commit the 1541  
violation or was not in contempt of court. 1542

(8)(a) The court may modify or terminate as provided in 1543  
division (E)(8) of this section a protection order or consent 1544  
agreement that was issued after a full hearing under this section. 1545  
The court that issued the protection order or approved the consent 1546  
agreement shall hear a motion for modification or termination of 1547  
the protection order or consent agreement pursuant to division 1548  
(E)(8) of this section. 1549

(b) Either the petitioner or the respondent of the original 1550  
protection order or consent agreement may bring a motion for 1551  
modification or termination of a protection order or consent 1552  
agreement that was issued or approved after a full hearing. The 1553  
court shall require notice of the motion to be made as provided by 1554  
the Rules of Civil Procedure. If the petitioner for the original 1555  
protection order or consent agreement has requested that the 1556  
petitioner's address be kept confidential, the court shall not 1557  
disclose the address to the respondent of the original protection 1558  
order or consent agreement or any other person, except as 1559  
otherwise required by law. The moving party has the burden of 1560  
proof to show, by a preponderance of the evidence, that 1561  
modification or termination of the protection order or consent 1562  
agreement is appropriate because either the protection order or 1563  
consent agreement is no longer needed or because the terms of the 1564  
original protection order or consent agreement are no longer 1565  
appropriate. 1566

(c) In considering whether to modify or terminate a 1567  
protection order or consent agreement issued or approved under 1568  
this section, the court shall consider all relevant factors, 1569  
including, but not limited to, the following: 1570

|  |                                      |
|--|--------------------------------------|
| (i) Whether the petitioner consents to modification or termination of the protection order or consent agreement;   | 1571<br>1572                         |
| (ii) Whether the petitioner fears the respondent;  | 1573                                 |
| (iii) The current nature of the relationship between the petitioner and the respondent;  | 1574<br>1575                         |
| (iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;   | 1576<br>1577<br>1578<br>1579         |
| (v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;   | 1580<br>1581                         |
| (vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;  | 1582<br>1583                         |
| (vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;  | 1584<br>1585<br>1586<br>1587         |
| (viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state; | 1588<br>1589<br>1590<br>1591<br>1592 |
| (ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;  | 1593<br>1594<br>1595<br>1596         |
| (x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;   | 1597<br>1598                         |
| (xi) The age and health of the respondent;   | 1599                                 |
| (xii) When the last incident of abuse, threat of harm, or  | 1600                                 |

commission of a sexually oriented offense occurred or other 1601  
relevant information concerning the safety and protection of the 1602  
petitioner or other protected parties. 1603

(d) If a protection order or consent agreement is modified or 1604  
terminated as provided in division (E)(8) of this section, the 1605  
court shall issue copies of the modified or terminated order or 1606  
agreement as provided in division (F) of this section. A 1607  
petitioner may also provide notice of the modification or 1608  
termination to the judicial and law enforcement officials in any 1609  
county other than the county in which the order or agreement is 1610  
modified or terminated as provided in division (N) of this 1611  
section. 1612

(e) If the respondent moves for modification or termination 1613  
of a protection order or consent agreement pursuant to this 1614  
section and the court denies the motion, the court may assess 1615  
costs against the respondent for the filing of the motion. 1616

(9) Any protection order issued or any consent agreement 1617  
approved pursuant to this section shall include a provision that 1618  
the court will automatically seal all of the records of the 1619  
proceeding in which the order is issued or agreement approved on 1620  
the date the respondent attains the age of nineteen years unless 1621  
the petitioner provides the court with evidence that the 1622  
respondent has not complied with all of the terms of the 1623  
protection order or consent agreement. The protection order or 1624  
consent agreement shall specify the date when the respondent 1625  
attains the age of nineteen years. 1626

(F)(1) A copy of any protection order, or consent agreement, 1627  
that is issued, approved, modified, or terminated under this 1628  
section shall be issued by the court to the petitioner, to the 1629  
respondent, and to all law enforcement agencies that have 1630  
jurisdiction to enforce the order or agreement. The court shall 1631  
direct that a copy of an order be delivered to the respondent on 1632

the same day that the order is entered. 1633

(2) Upon the issuance of a protection order or the approval 1634  
of a consent agreement under this section, the court shall provide 1635  
the parties to the order or agreement with the following notice 1636  
orally or by form: 1637

"NOTICE 1638

As a result of this order or consent agreement, it may be 1639  
unlawful for you to possess or purchase a firearm, including a 1640  
rifle, pistol, or revolver, or ammunition pursuant to federal law 1641  
under 18 U.S.C. 922(g)(8). If you have any questions whether this 1642  
law makes it illegal for you to possess or purchase a firearm or 1643  
ammunition, you should consult an attorney." 1644

(3) All law enforcement agencies shall establish and maintain 1645  
an index for the protection orders and the approved consent 1646  
agreements delivered to the agencies pursuant to division (F)(1) 1647  
of this section. With respect to each order and consent agreement 1648  
delivered, each agency shall note on the index the date and time 1649  
that it received the order or consent agreement. 1650

(4) Regardless of whether the petitioner has registered the 1651  
order or agreement in the county in which the officer's agency has 1652  
jurisdiction pursuant to division (N) of this section, any officer 1653  
of a law enforcement agency shall enforce a protection order 1654  
issued or consent agreement approved by any court in this state in 1655  
accordance with the provisions of the order or agreement, 1656  
including removing the respondent from the premises, if 1657  
appropriate. 1658

(G) Any proceeding under this section shall be conducted in 1659  
accordance with the Rules of Civil Procedure, except that an order 1660  
under this section may be obtained with or without bond. An order 1661  
issued under this section, other than an ex parte order, that 1662  
grants a protection order or approves a consent agreement, that 1663

refuses to grant a protection order or approve a consent agreement 1664  
that modifies or terminates a protection order or consent 1665  
agreement, or that refuses to modify or terminate a protection 1666  
order or consent agreement, is a final, appealable order. The 1667  
remedies and procedures provided in this section are in addition 1668  
to, and not in lieu of, any other available civil or criminal 1669  
remedies. 1670

(H) The filing of proceedings under this section does not 1671  
excuse a person from filing any report or giving any notice 1672  
required by section 2151.421 of the Revised Code or by any other 1673  
law. When a petition under this section alleges domestic violence 1674  
against minor children, the court shall report the fact, or cause 1675  
reports to be made, to a county, township, or municipal peace 1676  
officer under section 2151.421 of the Revised Code. 1677

(I) Any law enforcement agency that investigates a domestic 1678  
dispute shall provide information to the family or household 1679  
members involved regarding the relief available under this section 1680  
and section 2919.26 of the Revised Code. 1681

(J) ~~Notwithstanding any provision of law to the contrary (1)~~ 1682  
Subject to divisions (E)(8)(e) and (J)(2) of this section and 1683  
regardless of whether a protection order is issued or a consent 1684  
agreement is approved by a court of another county or a court of 1685  
another state, no court or unit of state or local government shall 1686  
charge the petitioner any fee, cost, deposit, or money in 1687  
connection with the filing of a petition pursuant to this section 1688  
or in connection with the filing, issuance, registration, 1689  
modification, enforcement, dismissal, withdrawal, or service of a 1690  
protection order ~~or~~, consent agreement, or witness subpoena or for 1691  
obtaining a certified copy of a protection order or consent 1692  
agreement. 1693

(2) Regardless of whether a protection order is issued or a 1694  
consent agreement is approved pursuant to this section, the court 1695

may assess costs against the respondent in connection with the 1696  
filing, issuance, registration, modification, enforcement, 1697  
dismissal, withdrawal, or service of a protection order, consent 1698  
agreement, or witness subpoena or for obtaining a certified copy 1699  
of a protection order or consent agreement. 1700

(K)(1) The court shall comply with Chapters 3119., 3121., 1701  
3123., and 3125. of the Revised Code when it makes or modifies an 1702  
order for child support under this section. 1703

(2) If any person required to pay child support under an 1704  
order made under this section on or after April 15, 1985, or 1705  
modified under this section on or after December 31, 1986, is 1706  
found in contempt of court for failure to make support payments 1707  
under the order, the court that makes the finding, in addition to 1708  
any other penalty or remedy imposed, shall assess all court costs 1709  
arising out of the contempt proceeding against the person and 1710  
require the person to pay any reasonable attorney's fees of any 1711  
adverse party, as determined by the court, that arose in relation 1712  
to the act of contempt. 1713

(L)(1) A person who violates a protection order issued or a 1714  
consent agreement approved under this section is subject to the 1715  
following sanctions: 1716

(a) Criminal prosecution or a delinquent child proceeding for 1717  
a violation of section 2919.27 of the Revised Code, if the 1718  
violation of the protection order or consent agreement constitutes 1719  
a violation of that section; 1720

(b) Punishment for contempt of court. 1721

(2) The punishment of a person for contempt of court for 1722  
violation of a protection order issued or a consent agreement 1723  
approved under this section does not bar criminal prosecution of 1724  
the person or a delinquent child proceeding concerning the person 1725  
for a violation of section 2919.27 of the Revised Code. However, a 1726

person punished for contempt of court is entitled to credit for 1727  
the punishment imposed upon conviction of or adjudication as a 1728  
delinquent child for a violation of that section, and a person 1729  
convicted of or adjudicated a delinquent child for a violation of 1730  
that section shall not subsequently be punished for contempt of 1731  
court arising out of the same activity. 1732

(M) In all stages of a proceeding under this section, a 1733  
petitioner may be accompanied by a victim advocate. 1734

(N)(1) A petitioner who obtains a protection order or consent 1735  
agreement under this section or a temporary protection order under 1736  
section 2919.26 of the Revised Code may provide notice of the 1737  
issuance or approval of the order or agreement to the judicial and 1738  
law enforcement officials in any county other than the county in 1739  
which the order is issued or the agreement is approved by 1740  
registering that order or agreement in the other county pursuant 1741  
to division (N)(2) of this section and filing a copy of the 1742  
registered order or registered agreement with a law enforcement 1743  
agency in the other county in accordance with that division. A 1744  
person who obtains a protection order issued by a court of another 1745  
state may provide notice of the issuance of the order to the 1746  
judicial and law enforcement officials in any county of this state 1747  
by registering the order in that county pursuant to section 1748  
2919.272 of the Revised Code and filing a copy of the registered 1749  
order with a law enforcement agency in that county. 1750

(2) A petitioner may register a temporary protection order, 1751  
protection order, or consent agreement in a county other than the 1752  
county in which the court that issued the order or approved the 1753  
agreement is located in the following manner: 1754

(a) The petitioner shall obtain a certified copy of the order 1755  
or agreement from the clerk of the court that issued the order or 1756  
approved the agreement and present that certified copy to the 1757  
clerk of the court of common pleas or the clerk of a municipal 1758

court or county court in the county in which the order or 1759  
agreement is to be registered. 1760

(b) Upon accepting the certified copy of the order or 1761  
agreement for registration, the clerk of the court of common 1762  
pleas, municipal court, or county court shall place an endorsement 1763  
of registration on the order or agreement and give the petitioner 1764  
a copy of the order or agreement that bears that proof of 1765  
registration. 1766

(3) The clerk of each court of common pleas, the clerk of 1767  
each municipal court, and the clerk of each county court shall 1768  
maintain a registry of certified copies of temporary protection 1769  
orders, protection orders, or consent agreements that have been 1770  
issued or approved by courts in other counties and that have been 1771  
registered with the clerk. 1772

(O) Nothing in this section prohibits the domestic relations 1773  
division of a court of common pleas in counties that have a 1774  
domestic relations division or a court of common pleas in counties 1775  
that do not have a domestic relations division from designating a 1776  
minor child as a protected party on a protection order or consent 1777  
agreement. 1778

**Section 2.** That existing sections 2151.34, 2301.14, 2311.14, 1779  
2335.09, 2335.11, 2903.213, 2903.214, 2919.26, 2919.272, and 1780  
3113.31 of the Revised Code are hereby repealed. 1781