

As Passed by the House

130th General Assembly

Regular Session

2013-2014

Am. Sub. S. B. No. 177

Senators Skindell, Hughes

**Cosponsors: Senators Brown, Cafaro, Gentile, Kearney, Schiavoni, Sawyer,
Smith, Tavares, Turner, Beagle, Burke, Coley, Eklund, Gardner, Hite, Jones,
LaRose, Manning, Obhof, Patton, Seitz**

**Representatives Stinziano, Celebrezze, Anielski, Antonio, Baker, Barborak,
Boyce, Brown, Butler, Cera, Clyde, DeVitis, Driehaus, Fedor, Foley, Green,
Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hottinger, Letson, Lundy,
Milkovich, Patterson, Pelanda, Perales, Phillips, Ramos, Redfern, Rogers,
Romanchuk, Ruhl, Sheehy, Sprague, Strahorn, Winburn**

—

A B I L L

To amend sections 2151.34, 2303.201, 2903.213, 1
2903.214, 2919.26, and 3113.31 of the Revised Code 2
to expressly authorize the protection of companion 3
animals in temporary protection orders, domestic 4
violence protection orders, anti-stalking 5
protection orders, and related protection orders, 6
to eliminate exemptions from additional filing 7
fees for domestic relations proceedings, and to 8
require an additional filing fee for certain 9
juvenile court proceedings. 10

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

Section 1. That sections 2151.34, 2303.201, 2903.213, 11
2903.214, 2919.26, and 3113.31 of the Revised Code be amended to 12
read as follows: 13

Sec. 2151.34. (A) As used in this section: 14

(1) "Court" means the juvenile division of the court of 15
common pleas of the county in which the person to be protected by 16
the protection order resides. 17

(2) "Victim advocate" means a person who provides support and 18
assistance for a person who files a petition under this section. 19

(3) "Family or household member" has the same meaning as in 20
section 3113.31 of the Revised Code. 21

(4) "Protection order issued by a court of another state" has 22
the same meaning as in section 2919.27 of the Revised Code. 23

(5) "Petitioner" means a person who files a petition under 24
this section and includes a person on whose behalf a petition 25
under this section is filed. 26

(6) "Respondent" means a person who is under eighteen years 27
of age and against whom a petition is filed under this section. 28

(7) "Sexually oriented offense" has the same meaning as in 29
section 2950.01 of the Revised Code. 30

(8) "Electronic monitoring" has the same meaning as in 31
section 2929.01 of the Revised Code. 32

(9) "Companion animal" has the same meaning as in section 33
959.131 of the Revised Code. 34

(B) The court has jurisdiction over all proceedings under 35
this section. 36

(C)(1) Any of the following persons may seek relief under 37
this section by filing a petition with the court: 38

(a) Any person on behalf of that person; 39

(b) Any parent or adult family or household member on behalf 40
of any other family or household member; 41

(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child.

(2) The petition shall contain or state all of the following:

(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;

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

(c) A request for relief under this section.

(3) The court in its discretion may determine whether or not to give notice that a petition has been filed under division (C)(1) of this section on behalf of a child to any of the following:

(a) A parent of the child if the petition was filed by any person other than a parent of the child;

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

(D)(1) If a person who files a petition pursuant to this

section requests an ex parte order, the court shall hold an ex 72
parte hearing as soon as possible after the petition is filed, but 73
not later than the next day after the court is in session after 74
the petition is filed. The court, for good cause shown at the ex 75
parte hearing, may enter any temporary orders, with or without 76
bond, that the court finds necessary for the safety and protection 77
of the person to be protected by the order. Immediate and present 78
danger to the person to be protected by the protection order 79
constitutes good cause for purposes of this section. Immediate and 80
present danger includes, but is not limited to, situations in 81
which the respondent has threatened the person to be protected by 82
the protection order with bodily harm or in which the respondent 83
previously has been convicted of, pleaded guilty to, or been 84
adjudicated a delinquent child for committing a violation of 85
section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 86
2911.211 of the Revised Code, a sexually oriented offense, or a 87
violation of any municipal ordinance that is substantially 88
equivalent to any of those offenses against the person to be 89
protected by the protection order. 90

(2)(a) If the court, after an ex parte hearing, issues a 91
protection order described in division (E) of this section, the 92
court shall schedule a full hearing for a date that is within ten 93
court days after the ex parte hearing. The court shall give the 94
respondent notice of, and an opportunity to be heard at, the full 95
hearing. The court also shall give notice of the full hearing to 96
the parent, guardian, or legal custodian of the respondent. The 97
court shall hold the full hearing on the date scheduled under this 98
division unless the court grants a continuance of the hearing in 99
accordance with this division. Under any of the following 100
circumstances or for any of the following reasons, the court may 101
grant a continuance of the full hearing to a reasonable time 102
determined by the court: 103

(i) Prior to the date scheduled for the full hearing under 104
this division, the respondent has not been served with the 105
petition filed pursuant to this section and notice of the full 106
hearing. 107

(ii) The parties consent to the continuance. 108

(iii) The continuance is needed to allow a party to obtain 109
counsel. 110

(iv) The continuance is needed for other good cause. 111

(b) An ex parte order issued under this section does not 112
expire because of a failure to serve notice of the full hearing 113
upon the respondent before the date set for the full hearing under 114
division (D)(2)(a) of this section or because the court grants a 115
continuance under that division. 116

(3) If a person who files a petition pursuant to this section 117
does not request an ex parte order, or if a person requests an ex 118
parte order but the court does not issue an ex parte order after 119
an ex parte hearing, the court shall proceed as in a normal civil 120
action and grant a full hearing on the matter. 121

(E)(1)(a) After an ex parte or full hearing, the court may 122
issue any protection order, with or without bond, that contains 123
terms designed to ensure the safety and protection of the person 124
to be protected by the protection order. The court may include 125
within a protection order issued under this section a term 126
requiring that the respondent not remove, damage, hide, harm, or 127
dispose of any companion animal owned or possessed by the person 128
to be protected by the order, and may include within the order a 129
term authorizing the person to be protected by the order to remove 130
a companion animal owned by the person to be protected by the 131
order from the possession of the respondent. 132

(b) After a full hearing, if the court considering a petition 133
that includes an allegation of the type described in division 134

(C)(2)(b) of this section or the court, upon its own motion, finds 135
upon clear and convincing evidence that the petitioner reasonably 136
believed that the respondent's conduct at any time preceding the 137
filing of the petition endangered the health, welfare, or safety 138
of the person to be protected and that the respondent presents a 139
continuing danger to the person to be protected and if division 140
(N) of this section does not prohibit the issuance of an order 141
that the respondent be electronically monitored, the court may 142
order that the respondent be electronically monitored for a period 143
of time and under the terms and conditions that the court 144
determines are appropriate. Electronic monitoring shall be in 145
addition to any other relief granted to the petitioner. 146

(2)(a) Any protection order issued pursuant to this section 147
shall be valid until a date certain but not later than the date 148
the respondent attains nineteen years of age. 149

(b) Any protection order issued pursuant to this section may 150
be renewed in the same manner as the original order was issued. 151

(3) A court may not issue a protection order that requires a 152
petitioner to do or to refrain from doing an act that the court 153
may require a respondent to do or to refrain from doing under 154
division (E)(1) of this section unless all of the following apply: 155

(a) The respondent files a separate petition for a protection 156
order in accordance with this section. 157

(b) The petitioner is served with notice of the respondent's 158
petition at least forty-eight hours before the court holds a 159
hearing with respect to the respondent's petition, or the 160
petitioner waives the right to receive this notice. 161

(c) If the petitioner has requested an ex parte order 162
pursuant to division (D) of this section, the court does not delay 163
any hearing required by that division beyond the time specified in 164
that division in order to consolidate the hearing with a hearing 165

on the petition filed by the respondent. 166

(d) After a full hearing at which the respondent presents 167
evidence in support of the request for a protection order and the 168
petitioner is afforded an opportunity to defend against that 169
evidence, the court determines that the petitioner has committed a 170
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 171
2903.22, or 2911.211 of the Revised Code, a sexually oriented 172
offense, or a violation of any municipal ordinance that is 173
substantially equivalent to any of those offenses against the 174
person to be protected by the protection order issued pursuant to 175
division (E)(3) of this section, or has violated a protection 176
order issued pursuant to this section or section 2903.213 of the 177
Revised Code relative to the person to be protected by the 178
protection order issued pursuant to division (E)(3) of this 179
section. 180

(4) No protection order issued pursuant to this section shall 181
in any manner affect title to any real property. 182

(5)(a) A protection order issued under this section shall 183
clearly state that the person to be protected by the order cannot 184
waive or nullify by invitation or consent any requirement in the 185
order. 186

(b) Division (E)(5)(a) of this section does not limit any 187
discretion of a court to determine that a respondent alleged to 188
have violated section 2919.27 of the Revised Code, violated a 189
municipal ordinance substantially equivalent to that section, or 190
committed contempt of court, which allegation is based on an 191
alleged violation of a protection order issued under this section, 192
did not commit the violation or was not in contempt of court. 193

(6) Any protection order issued pursuant to this section 194
shall include a provision that the court will automatically seal 195
all of the records of the proceeding in which the order is issued 196

on the date the respondent attains the age of nineteen years 197
unless the petitioner provides the court with evidence that the 198
respondent has not complied with all of the terms of the 199
protection order. The protection order shall specify the date when 200
the respondent attains the age of nineteen years. 201

(F)(1) The court shall cause the delivery of a copy of any 202
protection order that is issued under this section to the 203
petitioner, to the respondent, and to all law enforcement agencies 204
that have jurisdiction to enforce the order. The court shall 205
direct that a copy of the order be delivered to the respondent and 206
the parent, guardian, or legal custodian of the respondent on the 207
same day that the order is entered. 208

(2) Upon the issuance of a protection order under this 209
section, the court shall provide the parties to the order with the 210
following notice orally or by form: 211

"NOTICE 212

As a result of this order, it may be unlawful for you to 213
possess or purchase a firearm, including a rifle, pistol, or 214
revolver, or ammunition pursuant to federal law under 18 U.S.C. 215
922(g)(8). If you have any questions whether this law makes it 216
illegal for you to possess or purchase a firearm or ammunition, 217
you should consult an attorney." 218

(3) All law enforcement agencies shall establish and maintain 219
an index for the protection orders delivered to the agencies 220
pursuant to division (F)(1) of this section. With respect to each 221
order delivered, each agency shall note on the index the date and 222
time that it received the order. 223

(4) Regardless of whether the petitioner has registered the 224
protection order in the county in which the officer's agency has 225
jurisdiction pursuant to division (M) of this section, any officer 226
of a law enforcement agency shall enforce a protection order 227

issued pursuant to this section by any court in this state in 228
accordance with the provisions of the order, including removing 229
the respondent from the premises, if appropriate. 230

(G) Any proceeding under this section shall be conducted in 231
accordance with the Rules of Civil Procedure, except that a 232
protection order may be obtained under this section with or 233
without bond. An order issued under this section, other than an ex 234
parte order, that grants a protection order, or that refuses to 235
grant a protection order, is a final, appealable order. The 236
remedies and procedures provided in this section are in addition 237
to, and not in lieu of, any other available civil or criminal 238
remedies or any other available remedies under Chapter 2151. or 239
2152. of the Revised Code. 240

(H) The filing of proceedings under this section does not 241
excuse a person from filing any report or giving any notice 242
required by section 2151.421 of the Revised Code or by any other 243
law. 244

(I) Any law enforcement agency that investigates an alleged 245
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 246
2903.22, or 2911.211 of the Revised Code, an alleged commission of 247
a sexually oriented offense, or an alleged violation of a 248
municipal ordinance that is substantially equivalent to any of 249
those offenses shall provide information to the victim and the 250
family or household members of the victim regarding the relief 251
available under this section. 252

(J) Notwithstanding any provision of law to the contrary and 253
regardless of whether a protection order is issued or a consent 254
agreement is approved by a court of another county or by a court 255
of another state, no court or unit of state or local government 256
shall charge 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, or service of a 259

protection order or consent agreement, or for obtaining a 260
certified copy of a protection order or consent agreement. 261

(K)(1) A person who violates a protection order issued under 262
this section is subject to the following sanctions: 263

(a) A delinquent child proceeding or a criminal prosecution 264
for a violation of section 2919.27 of the Revised Code, if the 265
violation of the protection order constitutes a violation of that 266
section; 267

(b) Punishment for contempt of court. 268

(2) The punishment of a person for contempt of court for 269
violation of a protection order issued under this section does not 270
bar criminal prosecution of the person or a delinquent child 271
proceeding concerning the person for a violation of section 272
2919.27 of the Revised Code. However, a person punished for 273
contempt of court is entitled to credit for the punishment imposed 274
upon conviction of or adjudication as a delinquent child for a 275
violation of that section, and a person convicted of or 276
adjudicated a delinquent child for a violation of that section 277
shall not subsequently be punished for contempt of court arising 278
out of the same activity. 279

(L) In all stages of a proceeding under this section, a 280
petitioner may be accompanied by a victim advocate. 281

(M)(1) A petitioner who obtains a protection order under this 282
section may provide notice of the issuance or approval of the 283
order to the judicial and law enforcement officials in any county 284
other than the county in which the order is issued by registering 285
that order in the other county pursuant to division (M)(2) of this 286
section and filing a copy of the registered order with a law 287
enforcement agency in the other county in accordance with that 288
division. A person who obtains a protection order issued by a 289
court of another state may provide notice of the issuance of the 290

order to the judicial and law enforcement officials in any county 291
of this state by registering the order in that county pursuant to 292
section 2919.272 of the Revised Code and filing a copy of the 293
registered order with a law enforcement agency in that county. 294

(2) A petitioner may register a protection order issued 295
pursuant to this section in a county other than the county in 296
which the court that issued the order is located in the following 297
manner: 298

(a) The petitioner shall obtain a certified copy of the order 299
from the clerk of the court that issued the order and present that 300
certified copy to the clerk of the court of common pleas or the 301
clerk of a municipal court or county court in the county in which 302
the order is to be registered. 303

(b) Upon accepting the certified copy of the order for 304
registration, the clerk of the court of common pleas, municipal 305
court, or county court shall place an endorsement of registration 306
on the order and give the petitioner a copy of the order that 307
bears that proof of registration. 308

(3) The clerk of each court of common pleas, municipal court, 309
or county court shall maintain a registry of certified copies of 310
protection orders that have been issued by courts in other 311
counties pursuant to this section and that have been registered 312
with the clerk. 313

(N) If the court orders electronic monitoring of the 314
respondent under this section, the court shall direct the 315
sheriff's office or any other appropriate law enforcement agency 316
to install the electronic monitoring device and to monitor the 317
respondent. Unless the court determines that the respondent is 318
indigent, the court shall order the respondent to pay the cost of 319
the installation and monitoring of the electronic monitoring 320
device. If the court determines that the respondent is indigent 321

and subject to the maximum amount allowable to be paid in any year 322
from the fund and the rules promulgated by the attorney general 323
under section 2903.214 of the Revised Code, the cost of the 324
installation and monitoring of the electronic monitoring device 325
may be paid out of funds from the reparations fund created 326
pursuant to section 2743.191 of the Revised Code. The total amount 327
paid from the reparations fund created pursuant to section 328
2743.191 of the Revised Code for electronic monitoring under this 329
section and sections 2903.214 and 2919.27 of the Revised Code 330
shall not exceed three hundred thousand dollars per year. When the 331
total amount paid from the reparations fund in any year for 332
electronic monitoring under those sections equals or exceeds three 333
hundred thousand dollars, the court shall not order pursuant to 334
this section that an indigent respondent be electronically 335
monitored. 336

(O) The court, in its discretion, may determine if the 337
respondent is entitled to court-appointed counsel in a proceeding 338
under this section. 339

Sec. 2303.201. (A)(1) The court of common pleas of any county 340
may determine that for the efficient operation of the court 341
additional funds are required to computerize the court, to make 342
available computerized legal research services, or to do both. 343
Upon making a determination that additional funds are required for 344
either or both of those purposes, the court shall authorize and 345
direct the clerk of the court of common pleas to charge one 346
additional fee, not to exceed six dollars, on the filing of each 347
cause of action or appeal under divisions (A), (Q), and (U) of 348
section 2303.20 of the Revised Code. 349

(2) All fees collected under division (A)(1) of this section 350
shall be paid to the county treasurer. The treasurer shall place 351
the funds from the fees in a separate fund to be disbursed either 352

upon an order of the court, subject to an appropriation by the 353
board of county commissioners, or upon an order of the court, 354
subject to the court making an annual report available to the 355
public listing the use of all such funds, in an amount not greater 356
than the actual cost to the court of procuring and maintaining 357
computerization of the court, computerized legal research 358
services, or both. 359

(3) If the court determines that the funds in the fund 360
described in division (A)(2) of this section are more than 361
sufficient to satisfy the purpose for which the additional fee 362
described in division (A)(1) of this section was imposed, the 363
court may declare a surplus in the fund and, subject to an 364
appropriation by the board of county commissioners, expend those 365
surplus funds, or upon an order of the court, subject to the court 366
making an annual report available to the public listing the use of 367
all such funds, expend those surplus funds, for other appropriate 368
technological expenses of the court. 369

(B)(1) The court of common pleas of any county may determine 370
that, for the efficient operation of the court, additional funds 371
are required to make technological advances in or to computerize 372
the office of the clerk of the court of common pleas and, upon 373
that determination, authorize and direct the clerk of the court of 374
common pleas to charge an additional fee, not to exceed twenty 375
dollars, on the filing of each cause of action or appeal, on the 376
filing, docketing, and endorsing of each certificate of judgment, 377
or on the docketing and indexing of each aid in execution or 378
petition to vacate, revive, or modify a judgment under divisions 379
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 380
and not to exceed one dollar each for the services described in 381
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 382
the Revised Code. Subject to division (B)(2) of this section, all 383
moneys collected under division (B)(1) of this section shall be 384

paid to the county treasurer to be disbursed, upon an order of the 385
court of common pleas and subject to appropriation by the board of 386
county commissioners, in an amount no greater than the actual cost 387
to the court of procuring and maintaining technology and computer 388
systems for the office of the clerk of the court of common pleas. 389

(2) If the court of common pleas of a county makes the 390
determination described in division (B)(1) of this section, the 391
board of county commissioners of that county may issue one or more 392
general obligation bonds for the purpose of procuring and 393
maintaining the technology and computer systems for the office of 394
the clerk of the court of common pleas. In addition to the 395
purposes stated in division (B)(1) of this section for which the 396
moneys collected under that division may be expended, the moneys 397
additionally may be expended to pay debt charges on and financing 398
costs related to any general obligation bonds issued pursuant to 399
division (B)(2) of this section as they become due. General 400
obligation bonds issued pursuant to division (B)(2) of this 401
section are Chapter 133. securities. 402

(C) The court of common pleas shall collect the sum of 403
twenty-six dollars as additional filing fees in each new civil 404
action or proceeding for the charitable public purpose of 405
providing financial assistance to legal aid societies that operate 406
within the state and to support the office of the state public 407
defender. This division does not apply to ~~proceedings concerning~~ 408
~~annulments, dissolutions of marriage, divorces, legal separation,~~ 409
~~spousal support, marital property or separate property~~ 410
~~distribution, support, or other domestic relations matters;~~ to a 411
juvenile division of a court of common pleas, except that an 412
additional filing fee of fifteen dollars shall apply to custody, 413
visitation, and parentage actions; to a probate division of a 414
court of common pleas, except that the additional filing fees 415
shall apply to name change, guardianship, adoption, and decedents' 416

estate proceedings; or to an execution on a judgment, proceeding 417
in aid of execution, or other post-judgment proceeding arising out 418
of a civil action. The filing fees required to be collected under 419
this division shall be in addition to any other filing fees 420
imposed in the action or proceeding and shall be collected at the 421
time of the filing of the action or proceeding. The court shall 422
not waive the payment of the additional filing fees in a new civil 423
action or proceeding unless the court waives the advanced payment 424
of all filing fees in the action or proceeding. All such moneys 425
collected during a month except for an amount equal to up to one 426
per cent of those moneys retained to cover administrative costs 427
shall be transmitted on or before the twentieth day of the 428
following month by the clerk of the court to the treasurer of 429
state in a manner prescribed by the treasurer of state or by the 430
Ohio legal assistance foundation. The treasurer of state shall 431
deposit four per cent of the funds collected under this division 432
to the credit of the civil case filing fee fund established under 433
section 120.07 of the Revised Code and ninety-six per cent of the 434
funds collected under this division to the credit of the legal aid 435
fund established under section 120.52 of the Revised Code. 436

The court may retain up to one per cent of the moneys it 437
collects under this division to cover administrative costs, 438
including the hiring of any additional personnel necessary to 439
implement this division. If the court fails to transmit to the 440
treasurer of state the moneys the court collects under this 441
division in a manner prescribed by the treasurer of state or by 442
the Ohio legal assistance foundation, the court shall forfeit the 443
moneys the court retains under this division to cover 444
administrative costs, including the hiring of any additional 445
personnel necessary to implement this division, and shall transmit 446
to the treasurer of state all moneys collected under this 447
division, including the forfeited amount retained for 448
administrative costs, for deposit in the legal aid fund. 449

(D) On and after the thirtieth day after December 9, 1994, 450
the court of common pleas shall collect the sum of thirty-two 451
dollars as additional filing fees in each new action or proceeding 452
for annulment, divorce, or dissolution of marriage for the purpose 453
of funding shelters for victims of domestic violence pursuant to 454
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 455
required to be collected under this division shall be in addition 456
to any other filing fees imposed in the action or proceeding and 457
shall be collected at the time of the filing of the action or 458
proceeding. The court shall not waive the payment of the 459
additional filing fees in a new action or proceeding for 460
annulment, divorce, or dissolution of marriage unless the court 461
waives the advanced payment of all filing fees in the action or 462
proceeding. On or before the twentieth day of each month, all 463
moneys collected during the immediately preceding month pursuant 464
to this division shall be deposited by the clerk of the court into 465
the county treasury in the special fund used for deposit of 466
additional marriage license fees as described in section 3113.34 467
of the Revised Code. Upon their deposit into the fund, the moneys 468
shall be retained in the fund and expended only as described in 469
section 3113.34 of the Revised Code. 470

(E)(1) The court of common pleas may determine that, for the 471
efficient operation of the court, additional funds are necessary 472
to acquire and pay for special projects of the court, including, 473
but not limited to, the acquisition of additional facilities or 474
the rehabilitation of existing facilities, the acquisition of 475
equipment, the hiring and training of staff, community service 476
programs, mediation or dispute resolution services, the employment 477
of magistrates, the training and education of judges, acting 478
judges, and magistrates, and other related services. Upon that 479
determination, the court by rule may charge a fee, in addition to 480
all other court costs, on the filing of each criminal cause, civil 481
action or proceeding, or judgment by confession. 482

If the court of common pleas offers or requires a special 483
program or additional services in cases of a specific type, the 484
court by rule may assess an additional charge in a case of that 485
type, over and above court costs, to cover the special program or 486
service. The court shall adjust the special assessment 487
periodically, but not retroactively, so that the amount assessed 488
in those cases does not exceed the actual cost of providing the 489
service or program. 490

All moneys collected under division (E) of this section shall 491
be paid to the county treasurer for deposit into either a general 492
special projects fund or a fund established for a specific special 493
project. Moneys from a fund of that nature shall be disbursed upon 494
an order of the court, subject to an appropriation by the board of 495
county commissioners, in an amount no greater than the actual cost 496
to the court of a project. If a specific fund is terminated 497
because of the discontinuance of a program or service established 498
under division (E) of this section, the court may order, subject 499
to an appropriation by the board of county commissioners, that 500
moneys remaining in the fund be transferred to an account 501
established under this division for a similar purpose. 502

(2) As used in division (E) of this section: 503

(a) "Criminal cause" means a charge alleging the violation of 504
a statute or ordinance, or subsection of a statute or ordinance, 505
that requires a separate finding of fact or a separate plea before 506
disposition and of which the defendant may be found guilty, 507
whether filed as part of a multiple charge on a single summons, 508
citation, or complaint or as a separate charge on a single 509
summons, citation, or complaint. "Criminal cause" does not include 510
separate violations of the same statute or ordinance, or 511
subsection of the same statute or ordinance, unless each charge is 512
filed on a separate summons, citation, or complaint. 513

(b) "Civil action or proceeding" means any civil litigation 514

that must be determined by judgment entry. 515

Sec. 2903.213. (A) Except when the complaint involves a 516
person who is a family or household member as defined in section 517
2919.25 of the Revised Code, upon the filing of a complaint that 518
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 519
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 520
a municipal ordinance substantially similar to section 2903.13, 521
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 522
the commission of a sexually oriented offense, the complainant, 523
the alleged victim, or a family or household member of an alleged 524
victim may file a motion that requests the issuance of a 525
protection order as a pretrial condition of release of the alleged 526
offender, in addition to any bail set under Criminal Rule 46. The 527
motion shall be filed with the clerk of the court that has 528
jurisdiction of the case at any time after the filing of the 529
complaint. If the complaint involves a person who is a family or 530
household member, the complainant, the alleged victim, or the 531
family or household member may file a motion for a temporary 532
protection order pursuant to section 2919.26 of the Revised Code. 533

(B) A motion for a protection order under this section shall 534
be prepared on a form that is provided by the clerk of the court, 535
and the form shall be substantially as follows: 536

"Motion for Protection Order 537

..... 538

Name and address of court 539

State of Ohio 540

v. No. 541

..... 542

Name of Defendant 543

(Name of person), moves the court to issue a protection order 544

containing terms designed to ensure the safety and protection of 545
the complainant or the alleged victim in the above-captioned case, 546
in relation to the named defendant, pursuant to its authority to 547
issue a protection order under section 2903.213 of the Revised 548
Code. 549

A complaint, a copy of which has been attached to this 550
motion, has been filed in this court charging the named defendant 551
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 552
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 553
a municipal ordinance substantially similar to section 2903.13, 554
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 555
the commission of a sexually oriented offense. 556

I understand that I must appear before the court, at a time 557
set by the court not later than the next day that the court is in 558
session after the filing of this motion, for a hearing on the 559
motion, and that any protection order granted pursuant to this 560
motion is a pretrial condition of release and is effective only 561
until the disposition of the criminal proceeding arising out of 562
the attached complaint or until the issuance under section 563
2903.214 of the Revised Code of a protection order arising out of 564
the same activities as those that were the basis of the attached 565
complaint. 566

..... 567

Signature of person 568

..... 569

Address of person" 570

(C)(1) As soon as possible after the filing of a motion that 571
requests the issuance of a protection order under this section, 572
but not later than the next day that the court is in session after 573
the filing of the motion, the court shall conduct a hearing to 574
determine whether to issue the order. The person who requested the 575

order shall appear before the court and provide the court with the 576
information that it requests concerning the basis of the motion. 577
If the court finds that the safety and protection of the 578
complainant or the alleged victim may be impaired by the continued 579
presence of the alleged offender, the court may issue a protection 580
order under this section, as a pretrial condition of release, that 581
contains terms designed to ensure the safety and protection of the 582
complainant or the alleged victim, including a requirement that 583
the alleged offender refrain from entering the residence, school, 584
business, or place of employment of the complainant or the alleged 585
victim. The court may include within a protection order issued 586
under this section a term requiring that the alleged offender not 587
remove, damage, hide, harm, or dispose of any companion animal 588
owned or possessed by the complainant or the alleged victim, and 589
may include within the order a term authorizing the complainant or 590
the alleged victim to remove a companion animal owned by the 591
complainant or the alleged victim from the possession of the 592
alleged offender. 593

(2)(a) If the court issues a protection order under this 594
section that includes a requirement that the alleged offender 595
refrain from entering the residence, school, business, or place of 596
employment of the complainant or the alleged victim, the order 597
shall clearly state that the order cannot be waived or nullified 598
by an invitation to the alleged offender from the complainant, the 599
alleged victim, or a family or household member to enter the 600
residence, school, business, or place of employment or by the 601
alleged offender's entry into one of those places otherwise upon 602
the consent of the complainant, the alleged victim, or a family or 603
household member. 604

(b) Division (C)(2)(a) of this section does not limit any 605
discretion of a court to determine that an alleged offender 606
charged with a violation of section 2919.27 of the Revised Code, 607

with a violation of a municipal ordinance substantially equivalent 608
to that section, or with contempt of court, which charge is based 609
on an alleged violation of a protection order issued under this 610
section, did not commit the violation or was not in contempt of 611
court. 612

(D)(1) Except when the complaint involves a person who is a 613
family or household member as defined in section 2919.25 of the 614
Revised Code, upon the filing of a complaint that alleges a 615
violation specified in division (A) of this section, the court, 616
upon its own motion, may issue a protection order under this 617
section as a pretrial condition of release of the alleged offender 618
if it finds that the safety and protection of the complainant or 619
the alleged victim may be impaired by the continued presence of 620
the alleged offender. 621

(2) If the court issues a protection order under this section 622
as an ex parte order, it shall conduct, as soon as possible after 623
the issuance of the order but not later than the next day that the 624
court is in session after its issuance, a hearing to determine 625
whether the order should remain in effect, be modified, or be 626
revoked. The hearing shall be conducted under the standards set 627
forth in division (C) of this section. 628

(3) If a municipal court or a county court issues a 629
protection order under this section and if, subsequent to the 630
issuance of the order, the alleged offender who is the subject of 631
the order is bound over to the court of common pleas for 632
prosecution of a felony arising out of the same activities as 633
those that were the basis of the complaint upon which the order is 634
based, notwithstanding the fact that the order was issued by a 635
municipal court or county court, the order shall remain in effect, 636
as though it were an order of the court of common pleas, while the 637
charges against the alleged offender are pending in the court of 638
common pleas, for the period of time described in division (E)(2) 639

of this section, and the court of common pleas has exclusive 640
jurisdiction to modify the order issued by the municipal court or 641
county court. This division applies when the alleged offender is 642
bound over to the court of common pleas as a result of the person 643
waiving a preliminary hearing on the felony charge, as a result of 644
the municipal court or county court having determined at a 645
preliminary hearing that there is probable cause to believe that 646
the felony has been committed and that the alleged offender 647
committed it, as a result of the alleged offender having been 648
indicted for the felony, or in any other manner. 649

(E) A protection order that is issued as a pretrial condition 650
of release under this section: 651

(1) Is in addition to, but shall not be construed as a part 652
of, any bail set under Criminal Rule 46; 653

(2) Is effective only until the disposition, by the court 654
that issued the order or, in the circumstances described in 655
division (D)(3) of this section, by the court of common pleas to 656
which the alleged offender is bound over for prosecution, of the 657
criminal proceeding arising out of the complaint upon which the 658
order is based or until the issuance under section 2903.214 of the 659
Revised Code of a protection order arising out of the same 660
activities as those that were the basis of the complaint filed 661
under this section; 662

(3) Shall not be construed as a finding that the alleged 663
offender committed the alleged offense and shall not be introduced 664
as evidence of the commission of the offense at the trial of the 665
alleged offender on the complaint upon which the order is based. 666

(F) A person who meets the criteria for bail under Criminal 667
Rule 46 and who, if required to do so pursuant to that rule, 668
executes or posts bond or deposits cash or securities as bail, 669
shall not be held in custody pending a hearing before the court on 670

a motion requesting a protection order under this section. 671

(G)(1) A copy of a protection order that is issued under this 672
section shall be issued by the court to the complainant, to the 673
alleged victim, to the person who requested the order, to the 674
defendant, and to all law enforcement agencies that have 675
jurisdiction to enforce the order. The court shall direct that a 676
copy of the order be delivered to the defendant on the same day 677
that the order is entered. If a municipal court or a county court 678
issues a protection order under this section and if, subsequent to 679
the issuance of the order, the defendant who is the subject of the 680
order is bound over to the court of common pleas for prosecution 681
as described in division (D)(3) of this section, the municipal 682
court or county court shall direct that a copy of the order be 683
delivered to the court of common pleas to which the defendant is 684
bound over. 685

(2) All law enforcement agencies shall establish and maintain 686
an index for the protection orders delivered to the agencies 687
pursuant to division (G)(1) of this section. With respect to each 688
order delivered, each agency shall note on the index the date and 689
time of the agency's receipt of the order. 690

(3) Regardless of whether the petitioner has registered the 691
protection order in the county in which the officer's agency has 692
jurisdiction, any officer of a law enforcement agency shall 693
enforce a protection order issued pursuant to this section in 694
accordance with the provisions of the order. 695

(H) Upon a violation of a protection order issued pursuant to 696
this section, the court may issue another protection order under 697
this section, as a pretrial condition of release, that modifies 698
the terms of the order that was violated. 699

(I) Notwithstanding any provision of law to the contrary and 700
regardless of whether a protection order is issued or a consent 701

agreement is approved by a court of another county or by a court 702
of another state, no court or unit of state or local government 703
shall charge any fee, cost, deposit, or money in connection with 704
the filing of a motion pursuant to this section, in connection 705
with the filing, issuance, registration, or service of a 706
protection order or consent agreement, or for obtaining certified 707
copies of a protection order or consent agreement. 708

(J) As used in this section, ~~"sexually:~~ 709

(1) "Sexually oriented offense" has the same meaning as in 710
section 2950.01 of the Revised Code. 711

(2) "Companion animal" has the same meaning as in section 712
959.131 of the Revised Code. 713

Sec. 2903.214. (A) As used in this section: 714

(1) "Court" means the court of common pleas of the county in 715
which the person to be protected by the protection order resides. 716

(2) "Victim advocate" means a person who provides support and 717
assistance for a person who files a petition under this section. 718

(3) "Family or household member" has the same meaning as in 719
section 3113.31 of the Revised Code. 720

(4) "Protection order issued by a court of another state" has 721
the same meaning as in section 2919.27 of the Revised Code. 722

(5) "Sexually oriented offense" has the same meaning as in 723
section 2950.01 of the Revised Code. 724

(6) "Electronic monitoring" has the same meaning as in 725
section 2929.01 of the Revised Code. 726

(7) "Companion animal" has the same meaning as in section 727
959.131 of the Revised Code. 728

(B) The court has jurisdiction over all proceedings under 729
this section. 730

(C) A person may seek relief under this section for the 731
person, or any parent or adult household member may seek relief 732
under this section on behalf of any other family or household 733
member, by filing a petition with the court. The petition shall 734
contain or state all of the following: 735

(1) An allegation that the respondent is eighteen years of 736
age or older and engaged in a violation of section 2903.211 of the 737
Revised Code against the person to be protected by the protection 738
order or committed a sexually oriented offense against the person 739
to be protected by the protection order, including a description 740
of the nature and extent of the violation; 741

(2) If the petitioner seeks relief in the form of electronic 742
monitoring of the respondent, an allegation that at any time 743
preceding the filing of the petition the respondent engaged in 744
conduct that would cause a reasonable person to believe that the 745
health, welfare, or safety of the person to be protected was at 746
risk, a description of the nature and extent of that conduct, and 747
an allegation that the respondent presents a continuing danger to 748
the person to be protected; 749

(3) A request for relief under this section. 750

(D)(1) If a person who files a petition pursuant to this 751
section requests an ex parte order, the court shall hold an ex 752
parte hearing as soon as possible after the petition is filed, but 753
not later than the next day that the court is in session after the 754
petition is filed. The court, for good cause shown at the ex parte 755
hearing, may enter any temporary orders, with or without bond, 756
that the court finds necessary for the safety and protection of 757
the person to be protected by the order. Immediate and present 758
danger to the person to be protected by the protection order 759
constitutes good cause for purposes of this section. Immediate and 760
present danger includes, but is not limited to, situations in 761
which the respondent has threatened the person to be protected by 762

the protection order with bodily harm or in which the respondent 763
previously has been convicted of or pleaded guilty to a violation 764
of section 2903.211 of the Revised Code or a sexually oriented 765
offense against the person to be protected by the protection 766
order. 767

(2)(a) If the court, after an ex parte hearing, issues a 768
protection order described in division (E) of this section, the 769
court shall schedule a full hearing for a date that is within ten 770
court days after the ex parte hearing. The court shall give the 771
respondent notice of, and an opportunity to be heard at, the full 772
hearing. The court shall hold the full hearing on the date 773
scheduled under this division unless the court grants a 774
continuance of the hearing in accordance with this division. Under 775
any of the following circumstances or for any of the following 776
reasons, the court may grant a continuance of the full hearing to 777
a reasonable time determined by the court: 778

(i) Prior to the date scheduled for the full hearing under 779
this division, the respondent has not been served with the 780
petition filed pursuant to this section and notice of the full 781
hearing. 782

(ii) The parties consent to the continuance. 783

(iii) The continuance is needed to allow a party to obtain 784
counsel. 785

(iv) The continuance is needed for other good cause. 786

(b) An ex parte order issued under this section does not 787
expire because of a failure to serve notice of the full hearing 788
upon the respondent before the date set for the full hearing under 789
division (D)(2)(a) of this section or because the court grants a 790
continuance under that division. 791

(3) If a person who files a petition pursuant to this section 792
does not request an ex parte order, or if a person requests an ex 793

parte order but the court does not issue an ex parte order after 794
an ex parte hearing, the court shall proceed as in a normal civil 795
action and grant a full hearing on the matter. 796

(E)(1)(a) After an ex parte or full hearing, the court may 797
issue any protection order, with or without bond, that contains 798
terms designed to ensure the safety and protection of the person 799
to be protected by the protection order, including, but not 800
limited to, a requirement that the respondent refrain from 801
entering the residence, school, business, or place of employment 802
of the petitioner or family or household member. If the court 803
includes a requirement that the respondent refrain from entering 804
the residence, school, business, or place of employment of the 805
petitioner or family or household member in the order, it also 806
shall include in the order provisions of the type described in 807
division (E)(5) of this section. The court may include within a 808
protection order issued under this section a term requiring that 809
the respondent not remove, damage, hide, harm, or dispose of any 810
companion animal owned or possessed by the person to be protected 811
by the order, and may include within the order a term authorizing 812
the person to be protected by the order to remove a companion 813
animal owned by the person to be protected by the order from the 814
possession of the respondent. 815

(b) After a full hearing, if the court considering a petition 816
that includes an allegation of the type described in division 817
(C)(2) of this section, or the court upon its own motion, finds 818
upon clear and convincing evidence that the petitioner reasonably 819
believed that the respondent's conduct at any time preceding the 820
filing of the petition endangered the health, welfare, or safety 821
of the person to be protected and that the respondent presents a 822
continuing danger to the person to be protected, the court may 823
order that the respondent be electronically monitored for a period 824
of time and under the terms and conditions that the court 825

determines are appropriate. Electronic monitoring shall be in 826
addition to any other relief granted to the petitioner. 827

(2)(a) Any protection order issued pursuant to this section 828
shall be valid until a date certain but not later than five years 829
from the date of its issuance. 830

(b) Any protection order issued pursuant to this section may 831
be renewed in the same manner as the original order was issued. 832

(3) A court may not issue a protection order that requires a 833
petitioner to do or to refrain from doing an act that the court 834
may require a respondent to do or to refrain from doing under 835
division (E)(1) of this section unless all of the following apply: 836

(a) The respondent files a separate petition for a protection 837
order in accordance with this section. 838

(b) The petitioner is served with notice of the respondent's 839
petition at least forty-eight hours before the court holds a 840
hearing with respect to the respondent's petition, or the 841
petitioner waives the right to receive this notice. 842

(c) If the petitioner has requested an ex parte order 843
pursuant to division (D) of this section, the court does not delay 844
any hearing required by that division beyond the time specified in 845
that division in order to consolidate the hearing with a hearing 846
on the petition filed by the respondent. 847

(d) After a full hearing at which the respondent presents 848
evidence in support of the request for a protection order and the 849
petitioner is afforded an opportunity to defend against that 850
evidence, the court determines that the petitioner has committed a 851
violation of section 2903.211 of the Revised Code against the 852
person to be protected by the protection order issued pursuant to 853
division (E)(3) of this section, has committed a sexually oriented 854
offense against the person to be protected by the protection order 855
issued pursuant to division (E)(3) of this section, or has 856

violated a protection order issued pursuant to section 2903.213 of 857
the Revised Code relative to the person to be protected by the 858
protection order issued pursuant to division (E)(3) of this 859
section. 860

(4) No protection order issued pursuant to this section shall 861
in any manner affect title to any real property. 862

(5)(a) If the court issues a protection order under this 863
section that includes a requirement that the alleged offender 864
refrain from entering the residence, school, business, or place of 865
employment of the petitioner or a family or household member, the 866
order shall clearly state that the order cannot be waived or 867
nullified by an invitation to the alleged offender from the 868
complainant to enter the residence, school, business, or place of 869
employment or by the alleged offender's entry into one of those 870
places otherwise upon the consent of the petitioner or family or 871
household member. 872

(b) Division (E)(5)(a) of this section does not limit any 873
discretion of a court to determine that an alleged offender 874
charged with a violation of section 2919.27 of the Revised Code, 875
with a violation of a municipal ordinance substantially equivalent 876
to that section, or with contempt of court, which charge is based 877
on an alleged violation of a protection order issued under this 878
section, did not commit the violation or was not in contempt of 879
court. 880

(F)(1) The court shall cause the delivery of a copy of any 881
protection order that is issued under this section to the 882
petitioner, to the respondent, and to all law enforcement agencies 883
that have jurisdiction to enforce the order. The court shall 884
direct that a copy of the order be delivered to the respondent on 885
the same day that the order is entered. 886

(2) Upon the issuance of a protection order under this 887

section, the court shall provide the parties to the order with the 888
following notice orally or by form: 889

"NOTICE 890

As a result of this order, it may be unlawful for you to 891
possess or purchase a firearm, including a rifle, pistol, or 892
revolver, or ammunition pursuant to federal law under 18 U.S.C. 893
922(g)(8). If you have any questions whether this law makes it 894
illegal for you to possess or purchase a firearm or ammunition, 895
you should consult an attorney." 896

(3) All law enforcement agencies shall establish and maintain 897
an index for the protection orders delivered to the agencies 898
pursuant to division (F)(1) of this section. With respect to each 899
order delivered, each agency shall note on the index the date and 900
time that it received the order. 901

(4) Regardless of whether the petitioner has registered the 902
protection order in the county in which the officer's agency has 903
jurisdiction pursuant to division (M) of this section, any officer 904
of a law enforcement agency shall enforce a protection order 905
issued pursuant to this section by any court in this state in 906
accordance with the provisions of the order, including removing 907
the respondent from the premises, if appropriate. 908

(G) Any proceeding under this section shall be conducted in 909
accordance with the Rules of Civil Procedure, except that a 910
protection order may be obtained under this section with or 911
without bond. An order issued under this section, other than an ex 912
parte order, that grants a protection order, or that refuses to 913
grant a protection order, is a final, appealable order. The 914
remedies and procedures provided in this section are in addition 915
to, and not in lieu of, any other available civil or criminal 916
remedies. 917

(H) The filing of proceedings under this section does not 918

excuse a person from filing any report or giving any notice 919
required by section 2151.421 of the Revised Code or by any other 920
law. 921

(I) Any law enforcement agency that investigates an alleged 922
violation of section 2903.211 of the Revised Code or an alleged 923
commission of a sexually oriented offense shall provide 924
information to the victim and the family or household members of 925
the victim regarding the relief available under this section and 926
section 2903.213 of the Revised Code. 927

(J) Notwithstanding any provision of law to the contrary and 928
regardless of whether a protection order is issued or a consent 929
agreement is approved by a court of another county or by a court 930
of another state, no court or unit of state or local government 931
shall charge any fee, cost, deposit, or money in connection with 932
the filing of a petition pursuant to this section, in connection 933
with the filing, issuance, registration, or service of a 934
protection order or consent agreement, or for obtaining a 935
certified copy of a protection order or consent agreement. 936

(K)(1) A person who violates a protection order issued under 937
this section is subject to the following sanctions: 938

(a) Criminal prosecution for a violation of section 2919.27 939
of the Revised Code, if the violation of the protection order 940
constitutes a violation of that section; 941

(b) Punishment for contempt of court. 942

(2) The punishment of a person for contempt of court for 943
violation of a protection order issued under this section does not 944
bar criminal prosecution of the person for a violation of section 945
2919.27 of the Revised Code. However, a person punished for 946
contempt of court is entitled to credit for the punishment imposed 947
upon conviction of a violation of that section, and a person 948
convicted of a violation of that section shall not subsequently be 949

punished for contempt of court arising out of the same activity. 950

(L) In all stages of a proceeding under this section, a 951
petitioner may be accompanied by a victim advocate. 952

(M)(1) A petitioner who obtains a protection order under this 953
section or a protection order under section 2903.213 of the 954
Revised Code may provide notice of the issuance or approval of the 955
order to the judicial and law enforcement officials in any county 956
other than the county in which the order is issued by registering 957
that order in the other county pursuant to division (M)(2) of this 958
section and filing a copy of the registered order with a law 959
enforcement agency in the other county in accordance with that 960
division. A person who obtains a protection order issued by a 961
court of another state may provide notice of the issuance of the 962
order to the judicial and law enforcement officials in any county 963
of this state by registering the order in that county pursuant to 964
section 2919.272 of the Revised Code and filing a copy of the 965
registered order with a law enforcement agency in that county. 966

(2) A petitioner may register a protection order issued 967
pursuant to this section or section 2903.213 of the Revised Code 968
in a county other than the county in which the court that issued 969
the order is located in the following manner: 970

(a) The petitioner shall obtain a certified copy of the order 971
from the clerk of the court that issued the order and present that 972
certified copy to the clerk of the court of common pleas or the 973
clerk of a municipal court or county court in the county in which 974
the order is to be registered. 975

(b) Upon accepting the certified copy of the order for 976
registration, the clerk of the court of common pleas, municipal 977
court, or county court shall place an endorsement of registration 978
on the order and give the petitioner a copy of the order that 979
bears that proof of registration. 980

(3) The clerk of each court of common pleas, municipal court, 981
or county court shall maintain a registry of certified copies of 982
protection orders that have been issued by courts in other 983
counties pursuant to this section or section 2903.213 of the 984
Revised Code and that have been registered with the clerk. 985

(N)(1) If the court orders electronic monitoring of the 986
respondent under this section, the court shall direct the 987
sheriff's office or any other appropriate law enforcement agency 988
to install the electronic monitoring device and to monitor the 989
respondent. Unless the court determines that the respondent is 990
indigent, the court shall order the respondent to pay the cost of 991
the installation and monitoring of the electronic monitoring 992
device. If the court determines that the respondent is indigent 993
and subject to the maximum amount allowable to be paid in any year 994
from the fund and the rules promulgated by the attorney general 995
under division (N)(2) of this section, the cost of the 996
installation and monitoring of the electronic monitoring device 997
may be paid out of funds from the reparations fund created 998
pursuant to section 2743.191 of the Revised Code. The total amount 999
of costs for the installation and monitoring of electronic 1000
monitoring devices paid pursuant to this division and sections 1001
2151.34 and 2919.27 of the Revised Code from the reparations fund 1002
shall not exceed three hundred thousand dollars per year. 1003

(2) The attorney general may promulgate rules pursuant to 1004
section 111.15 of the Revised Code to govern payments made from 1005
the reparations fund pursuant to this division and sections 1006
2151.34 and 2919.27 of the Revised Code. The rules may include 1007
reasonable limits on the total cost paid pursuant to this division 1008
and sections 2151.34 and 2919.27 of the Revised Code per 1009
respondent, the amount of the three hundred thousand dollars 1010
allocated to each county, and how invoices may be submitted by a 1011
county, court, or other entity. 1012

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 1013
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1014
2911.211 of the Revised Code if the alleged victim of the 1015
violation was a family or household member at the time of the 1016
violation, a violation of a municipal ordinance that is 1017
substantially similar to any of those sections if the alleged 1018
victim of the violation was a family or household member at the 1019
time of the violation, any offense of violence if the alleged 1020
victim of the offense was a family or household member at the time 1021
of the commission of the offense, or any sexually oriented offense 1022
if the alleged victim of the offense was a family or household 1023
member at the time of the commission of the offense, the 1024
complainant, the alleged victim, or a family or household member 1025
of an alleged victim may file, or, if in an emergency the alleged 1026
victim is unable to file, a person who made an arrest for the 1027
alleged violation or offense under section 2935.03 of the Revised 1028
Code may file on behalf of the alleged victim, a motion that 1029
requests the issuance of a temporary protection order as a 1030
pretrial condition of release of the alleged offender, in addition 1031
to any bail set under Criminal Rule 46. The motion shall be filed 1032
with the clerk of the court that has jurisdiction of the case at 1033
any time after the filing of the complaint. 1034

(2) For purposes of section 2930.09 of the Revised Code, all 1035
stages of a proceeding arising out of a complaint alleging the 1036
commission of a violation, offense of violence, or sexually 1037
oriented offense described in division (A)(1) of this section, 1038
including all proceedings on a motion for a temporary protection 1039
order, are critical stages of the case, and a victim may be 1040
accompanied by a victim advocate or another person to provide 1041
support to the victim as provided in that section. 1042

(B) The motion shall be prepared on a form that is provided 1043
by the clerk of the court, which form shall be substantially as 1044

follows:	1045
"MOTION FOR TEMPORARY PROTECTION ORDER	1046
..... Court	1047
Name and address of court	1048
State of Ohio	1049
v.	No. 1050
.....	1051
Name of Defendant	1052
(name of person), moves the court to issue a temporary protection	1053
order containing terms designed to ensure the safety and	1054
protection of the complainant, alleged victim, and other family or	1055
household members, in relation to the named defendant, pursuant to	1056
its authority to issue such an order under section 2919.26 of the	1057
Revised Code.	1058
A complaint, a copy of which has been attached to this	1059
motion, has been filed in this court charging the named defendant	1060
with (name of the specified violation,	1061
the offense of violence, or sexually oriented offense charged) in	1062
circumstances in which the victim was a family or household member	1063
in violation of (section of the Revised Code designating the	1064
specified violation, offense of violence, or sexually oriented	1065
offense charged), or charging the named defendant with a violation	1066
of a municipal ordinance that is substantially similar to	1067
..... (section of the Revised Code designating	1068
the specified violation, offense of violence, or sexually oriented	1069
offense charged) involving a family or household member.	1070
I understand that I must appear before the court, at a time	1071
set by the court within twenty-four hours after the filing of this	1072
motion, for a hearing on the motion or that, if I am unable to	1073
appear because of hospitalization or a medical condition resulting	1074
from the offense alleged in the complaint, a person who can	1075

provide information about my need for a temporary protection order 1076
must appear before the court in lieu of my appearing in court. I 1077
understand that any temporary protection order granted pursuant to 1078
this motion is a pretrial condition of release and is effective 1079
only until the disposition of the criminal proceeding arising out 1080
of the attached complaint, or the issuance of a civil protection 1081
order or the approval of a consent agreement, arising out of the 1082
same activities as those that were the basis of the complaint, 1083
under section 3113.31 of the Revised Code. 1084

..... 1085

Signature of person 1086

(or signature of the arresting officer who filed the motion on 1087
behalf of the alleged victim) 1088

..... 1089

Address of person (or office address of the arresting officer who 1090
filed the motion on behalf of the alleged victim)" 1091

(C)(1) As soon as possible after the filing of a motion that 1092
requests the issuance of a temporary protection order, but not 1093
later than twenty-four hours after the filing of the motion, the 1094
court shall conduct a hearing to determine whether to issue the 1095
order. The person who requested the order shall appear before the 1096
court and provide the court with the information that it requests 1097
concerning the basis of the motion. If the person who requested 1098
the order is unable to appear and if the court finds that the 1099
failure to appear is because of the person's hospitalization or 1100
medical condition resulting from the offense alleged in the 1101
complaint, another person who is able to provide the court with 1102
the information it requests may appear in lieu of the person who 1103
requested the order. If the court finds that the safety and 1104
protection of the complainant, alleged victim, or any other family 1105
or household member of the alleged victim may be impaired by the 1106

continued presence of the alleged offender, the court may issue a 1107
temporary protection order, as a pretrial condition of release, 1108
that contains terms designed to ensure the safety and protection 1109
of the complainant, alleged victim, or the family or household 1110
member, including a requirement that the alleged offender refrain 1111
from entering the residence, school, business, or place of 1112
employment of the complainant, alleged victim, or the family or 1113
household member. The court may include within a protection order 1114
issued under this section a term requiring that the alleged 1115
offender not remove, damage, hide, harm, or dispose of any 1116
companion animal owned or possessed by the complainant, alleged 1117
victim, or any other family or household member of the alleged 1118
victim, and may include within the order a term authorizing the 1119
complainant, alleged victim, or other family or household member 1120
of the alleged victim to remove a companion animal owned by the 1121
complainant, alleged victim, or other family or household member 1122
from the possession of the alleged offender. 1123

(2)(a) If the court issues a temporary protection order that 1124
includes a requirement that the alleged offender refrain from 1125
entering the residence, school, business, or place of employment 1126
of the complainant, the alleged victim, or the family or household 1127
member, the order shall state clearly that the order cannot be 1128
waived or nullified by an invitation to the alleged offender from 1129
the complainant, alleged victim, or family or household member to 1130
enter the residence, school, business, or place of employment or 1131
by the alleged offender's entry into one of those places otherwise 1132
upon the consent of the complainant, alleged victim, or family or 1133
household member. 1134

(b) Division (C)(2)(a) of this section does not limit any 1135
discretion of a court to determine that an alleged offender 1136
charged with a violation of section 2919.27 of the Revised Code, 1137
with a violation of a municipal ordinance substantially equivalent 1138

to that section, or with contempt of court, which charge is based 1139
on an alleged violation of a temporary protection order issued 1140
under this section, did not commit the violation or was not in 1141
contempt of court. 1142

(D)(1) Upon the filing of a complaint that alleges a 1143
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1144
Revised Code if the alleged victim of the violation was a family 1145
or household member at the time of the violation, a violation of a 1146
municipal ordinance that is substantially similar to any of those 1147
sections if the alleged victim of the violation was a family or 1148
household member at the time of the violation, any offense of 1149
violence if the alleged victim of the offense was a family or 1150
household member at the time of the commission of the offense, or 1151
any sexually oriented offense if the alleged victim of the offense 1152
was a family or household member at the time of the commission of 1153
the offense, the court, upon its own motion, may issue a temporary 1154
protection order as a pretrial condition of release if it finds 1155
that the safety and protection of the complainant, alleged victim, 1156
or other family or household member of the alleged offender may be 1157
impaired by the continued presence of the alleged offender. 1158

(2) If the court issues a temporary protection order under 1159
this section as an ex parte order, it shall conduct, as soon as 1160
possible after the issuance of the order, a hearing in the 1161
presence of the alleged offender not later than the next day on 1162
which the court is scheduled to conduct business after the day on 1163
which the alleged offender was arrested or at the time of the 1164
appearance of the alleged offender pursuant to summons to 1165
determine whether the order should remain in effect, be modified, 1166
or be revoked. The hearing shall be conducted under the standards 1167
set forth in division (C) of this section. 1168

(3) An order issued under this section shall contain only 1169
those terms authorized in orders issued under division (C) of this 1170

section. 1171

(4) If a municipal court or a county court issues a temporary 1172
protection order under this section and if, subsequent to the 1173
issuance of the order, the alleged offender who is the subject of 1174
the order is bound over to the court of common pleas for 1175
prosecution of a felony arising out of the same activities as 1176
those that were the basis of the complaint upon which the order is 1177
based, notwithstanding the fact that the order was issued by a 1178
municipal court or county court, the order shall remain in effect, 1179
as though it were an order of the court of common pleas, while the 1180
charges against the alleged offender are pending in the court of 1181
common pleas, for the period of time described in division (E)(2) 1182
of this section, and the court of common pleas has exclusive 1183
jurisdiction to modify the order issued by the municipal court or 1184
county court. This division applies when the alleged offender is 1185
bound over to the court of common pleas as a result of the person 1186
waiving a preliminary hearing on the felony charge, as a result of 1187
the municipal court or county court having determined at a 1188
preliminary hearing that there is probable cause to believe that 1189
the felony has been committed and that the alleged offender 1190
committed it, as a result of the alleged offender having been 1191
indicted for the felony, or in any other manner. 1192

(E) A temporary protection order that is issued as a pretrial 1193
condition of release under this section: 1194

(1) Is in addition to, but shall not be construed as a part 1195
of, any bail set under Criminal Rule 46; 1196

(2) Is effective only until the occurrence of either of the 1197
following: 1198

(a) The disposition, by the court that issued the order or, 1199
in the circumstances described in division (D)(4) of this section, 1200
by the court of common pleas to which the alleged offender is 1201

bound over for prosecution, of the criminal proceeding arising out 1202
of the complaint upon which the order is based; 1203

(b) The issuance of a protection order or the approval of a 1204
consent agreement, arising out of the same activities as those 1205
that were the basis of the complaint upon which the order is 1206
based, under section 3113.31 of the Revised Code; 1207

(3) Shall not be construed as a finding that the alleged 1208
offender committed the alleged offense, and shall not be 1209
introduced as evidence of the commission of the offense at the 1210
trial of the alleged offender on the complaint upon which the 1211
order is based. 1212

(F) A person who meets the criteria for bail under Criminal 1213
Rule 46 and who, if required to do so pursuant to that rule, 1214
executes or posts bond or deposits cash or securities as bail, 1215
shall not be held in custody pending a hearing before the court on 1216
a motion requesting a temporary protection order. 1217

(G)(1) A copy of any temporary protection order that is 1218
issued under this section shall be issued by the court to the 1219
complainant, to the alleged victim, to the person who requested 1220
the order, to the defendant, and to all law enforcement agencies 1221
that have jurisdiction to enforce the order. The court shall 1222
direct that a copy of the order be delivered to the defendant on 1223
the same day that the order is entered. If a municipal court or a 1224
county court issues a temporary protection order under this 1225
section and if, subsequent to the issuance of the order, the 1226
defendant who is the subject of the order is bound over to the 1227
court of common pleas for prosecution as described in division 1228
(D)(4) of this section, the municipal court or county court shall 1229
direct that a copy of the order be delivered to the court of 1230
common pleas to which the defendant is bound over. 1231

(2) Upon the issuance of a protection order under this 1232

section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

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

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

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

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

(H) Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial

condition of release, that modifies the terms of the order that 1264
was violated. 1265

(I)(1) As used in divisions (I)(1) and (2) of this section, 1266
"defendant" means a person who is alleged in a complaint to have 1267
committed a violation, offense of violence, or sexually oriented 1268
offense of the type described in division (A) of this section. 1269

(2) If a complaint is filed that alleges that a person 1270
committed a violation, offense of violence, or sexually oriented 1271
offense of the type described in division (A) of this section, the 1272
court may not issue a temporary protection order under this 1273
section that requires the complainant, the alleged victim, or 1274
another family or household member of the defendant to do or 1275
refrain from doing an act that the court may require the defendant 1276
to do or refrain from doing under a temporary protection order 1277
unless both of the following apply: 1278

(a) The defendant has filed a separate complaint that alleges 1279
that the complainant, alleged victim, or other family or household 1280
member in question who would be required under the order to do or 1281
refrain from doing the act committed a violation or offense of 1282
violence of the type described in division (A) of this section. 1283

(b) The court determines that both the complainant, alleged 1284
victim, or other family or household member in question who would 1285
be required under the order to do or refrain from doing the act 1286
and the defendant acted primarily as aggressors, that neither the 1287
complainant, alleged victim, or other family or household member 1288
in question who would be required under the order to do or refrain 1289
from doing the act nor the defendant acted primarily in 1290
self-defense, and, in accordance with the standards and criteria 1291
of this section as applied in relation to the separate complaint 1292
filed by the defendant, that it should issue the order to require 1293
the complainant, alleged victim, or other family or household 1294
member in question to do or refrain from doing the act. 1295

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

(K) As used in this section:

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

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

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

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

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

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

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

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

(d) Committing a sexually oriented offense.

(2) "Court" means the domestic relations division of the

court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.

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

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

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

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

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

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

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

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

(6) "Sexually oriented offense" has the same meaning as in

section 2950.01 of the Revised Code. 1355

(7) "Companion animal" has the same meaning as in section 1356
959.131 of the Revised Code. 1357

(B) The court has jurisdiction over all proceedings under 1358
this section. The petitioner's right to relief under this section 1359
is not affected by the petitioner's leaving the residence or 1360
household to avoid further domestic violence. 1361

(C) A person may seek relief under this section on the 1362
person's own behalf, or any parent or adult household member may 1363
seek relief under this section on behalf of any other family or 1364
household member, by filing a petition with the court. The 1365
petition shall contain or state: 1366

(1) An allegation that the respondent engaged in domestic 1367
violence against a family or household member of the respondent, 1368
including a description of the nature and extent of the domestic 1369
violence; 1370

(2) The relationship of the respondent to the petitioner, and 1371
to the victim if other than the petitioner; 1372

(3) A request for relief under this section. 1373

(D)(1) If a person who files a petition pursuant to this 1374
section requests an ex parte order, the court shall hold an ex 1375
parte hearing on the same day that the petition is filed. The 1376
court, for good cause shown at the ex parte hearing, may enter any 1377
temporary orders, with or without bond, including, but not limited 1378
to, an order described in division (E)(1)(a), (b), or (c) of this 1379
section, that the court finds necessary to protect the family or 1380
household member from domestic violence. Immediate and present 1381
danger of domestic violence to the family or household member 1382
constitutes good cause for purposes of this section. Immediate and 1383
present danger includes, but is not limited to, situations in 1384
which the respondent has threatened the family or household member 1385

with bodily harm, in which the respondent has threatened the 1386
family or household member with a sexually oriented offense, or in 1387
which the respondent previously has been convicted of, pleaded 1388
guilty to, or been adjudicated a delinquent child for an offense 1389
that constitutes domestic violence against the family or household 1390
member. 1391

(2)(a) If the court, after an ex parte hearing, issues an 1392
order described in division (E)(1)(b) or (c) of this section, the 1393
court shall schedule a full hearing for a date that is within 1394
seven court days after the ex parte hearing. If any other type of 1395
protection order that is authorized under division (E) of this 1396
section is issued by the court after an ex parte hearing, the 1397
court shall schedule a full hearing for a date that is within ten 1398
court days after the ex parte hearing. The court shall give the 1399
respondent notice of, and an opportunity to be heard at, the full 1400
hearing. The court shall hold the full hearing on the date 1401
scheduled under this division unless the court grants a 1402
continuance of the hearing in accordance with this division. Under 1403
any of the following circumstances or for any of the following 1404
reasons, the court may grant a continuance of the full hearing to 1405
a reasonable time determined by the court: 1406

(i) Prior to the date scheduled for the full hearing under 1407
this division, the respondent has not been served with the 1408
petition filed pursuant to this section and notice of the full 1409
hearing. 1410

(ii) The parties consent to the continuance. 1411

(iii) The continuance is needed to allow a party to obtain 1412
counsel. 1413

(iv) The continuance is needed for other good cause. 1414

(b) An ex parte order issued under this section does not 1415
expire because of a failure to serve notice of the full hearing 1416

upon the respondent before the date set for the full hearing under 1417
division (D)(2)(a) of this section or because the court grants a 1418
continuance under that division. 1419

(3) If a person who files a petition pursuant to this section 1420
does not request an ex parte order, or if a person requests an ex 1421
parte order but the court does not issue an ex parte order after 1422
an ex parte hearing, the court shall proceed as in a normal civil 1423
action and grant a full hearing on the matter. 1424

(E)(1) After an ex parte or full hearing, the court may grant 1425
any protection order, with or without bond, or approve any consent 1426
agreement to bring about a cessation of domestic violence against 1427
the family or household members. The order or agreement may: 1428

(a) Direct the respondent to refrain from abusing or from 1429
committing sexually oriented offenses against the family or 1430
household members; 1431

(b) Grant possession of the residence or household to the 1432
petitioner or other family or household member, to the exclusion 1433
of the respondent, by evicting the respondent, when the residence 1434
or household is owned or leased solely by the petitioner or other 1435
family or household member, or by ordering the respondent to 1436
vacate the premises, when the residence or household is jointly 1437
owned or leased by the respondent, and the petitioner or other 1438
family or household member; 1439

(c) When the respondent has a duty to support the petitioner 1440
or other family or household member living in the residence or 1441
household and the respondent is the sole owner or lessee of the 1442
residence or household, grant possession of the residence or 1443
household to the petitioner or other family or household member, 1444
to the exclusion of the respondent, by ordering the respondent to 1445
vacate the premises, or, in the case of a consent agreement, allow 1446
the respondent to provide suitable, alternative housing; 1447

- (d) Temporarily allocate parental rights and responsibilities 1448
for the care of, or establish temporary parenting time rights with 1449
regard to, minor children, if no other court has determined, or is 1450
determining, the allocation of parental rights and 1451
responsibilities for the minor children or parenting time rights; 1452
- (e) Require the respondent to maintain support, if the 1453
respondent customarily provides for or contributes to the support 1454
of the family or household member, or if the respondent has a duty 1455
to support the petitioner or family or household member; 1456
- (f) Require the respondent, petitioner, victim of domestic 1457
violence, or any combination of those persons, to seek counseling; 1458
- (g) Require the respondent to refrain from entering the 1459
residence, school, business, or place of employment of the 1460
petitioner or family or household member; 1461
- (h) Grant other relief that the court considers equitable and 1462
fair, including, but not limited to, ordering the respondent to 1463
permit the use of a motor vehicle by the petitioner or other 1464
family or household member and the apportionment of household and 1465
family personal property; 1466
- (i) Require that the respondent not remove, damage, hide, 1467
harm, or dispose of any companion animal owned or possessed by the 1468
petitioner; 1469
- (j) Authorize the petitioner to remove a companion animal 1470
owned by the petitioner from the possession of the respondent. 1471
- (2) If a protection order has been issued pursuant to this 1472
section in a prior action involving the respondent and the 1473
petitioner or one or more of the family or household members or 1474
victims, the court may include in a protection order that it 1475
issues a prohibition against the respondent returning to the 1476
residence or household. If it includes a prohibition against the 1477
respondent returning to the residence or household in the order, 1478

it also shall include in the order provisions of the type 1479
described in division (E)(7) of this section. This division does 1480
not preclude the court from including in a protection order or 1481
consent agreement, in circumstances other than those described in 1482
this division, a requirement that the respondent be evicted from 1483
or vacate the residence or household or refrain from entering the 1484
residence, school, business, or place of employment of the 1485
petitioner or a family or household member, and, if the court 1486
includes any requirement of that type in an order or agreement, 1487
the court also shall include in the order provisions of the type 1488
described in division (E)(7) of this section. 1489

(3)(a) Any protection order issued or consent agreement 1490
approved under this section shall be valid until a date certain, 1491
but not later than five years from the date of its issuance or 1492
approval, or not later than the date a respondent who is less than 1493
eighteen years of age attains nineteen years of age, unless 1494
modified or terminated as provided in division (E)(8) of this 1495
section. 1496

(b) Subject to the limitation on the duration of an order or 1497
agreement set forth in division (E)(3)(a) of this section, any 1498
order under division (E)(1)(d) of this section shall terminate on 1499
the date that a court in an action for divorce, dissolution of 1500
marriage, or legal separation brought by the petitioner or 1501
respondent issues an order allocating parental rights and 1502
responsibilities for the care of children or on the date that a 1503
juvenile court in an action brought by the petitioner or 1504
respondent issues an order awarding legal custody of minor 1505
children. Subject to the limitation on the duration of an order or 1506
agreement set forth in division (E)(3)(a) of this section, any 1507
order under division (E)(1)(e) of this section shall terminate on 1508
the date that a court in an action for divorce, dissolution of 1509
marriage, or legal separation brought by the petitioner or 1510

respondent issues a support order or on the date that a juvenile 1511
court in an action brought by the petitioner or respondent issues 1512
a support order. 1513

(c) Any protection order issued or consent agreement approved 1514
pursuant to this section may be renewed in the same manner as the 1515
original order or agreement was issued or approved. 1516

(4) A court may not issue a protection order that requires a 1517
petitioner to do or to refrain from doing an act that the court 1518
may require a respondent to do or to refrain from doing under 1519
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 1520
section unless all of the following apply: 1521

(a) The respondent files a separate petition for a protection 1522
order in accordance with this section. 1523

(b) The petitioner is served notice of the respondent's 1524
petition at least forty-eight hours before the court holds a 1525
hearing with respect to the respondent's petition, or the 1526
petitioner waives the right to receive this notice. 1527

(c) If the petitioner has requested an ex parte order 1528
pursuant to division (D) of this section, the court does not delay 1529
any hearing required by that division beyond the time specified in 1530
that division in order to consolidate the hearing with a hearing 1531
on the petition filed by the respondent. 1532

(d) After a full hearing at which the respondent presents 1533
evidence in support of the request for a protection order and the 1534
petitioner is afforded an opportunity to defend against that 1535
evidence, the court determines that the petitioner has committed 1536
an act of domestic violence or has violated a temporary protection 1537
order issued pursuant to section 2919.26 of the Revised Code, that 1538
both the petitioner and the respondent acted primarily as 1539
aggressors, and that neither the petitioner nor the respondent 1540
acted primarily in self-defense. 1541

(5) No protection order issued or consent agreement approved 1542
under this section shall in any manner affect title to any real 1543
property. 1544

(6)(a) If a petitioner, or the child of a petitioner, who 1545
obtains a protection order or consent agreement pursuant to 1546
division (E)(1) of this section or a temporary protection order 1547
pursuant to section 2919.26 of the Revised Code and is the subject 1548
of a parenting time order issued pursuant to section 3109.051 or 1549
3109.12 of the Revised Code or a visitation or companionship order 1550
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 1551
Revised Code or division (E)(1)(d) of this section granting 1552
parenting time rights to the respondent, the court may require the 1553
public children services agency of the county in which the court 1554
is located to provide supervision of the respondent's exercise of 1555
parenting time or visitation or companionship rights with respect 1556
to the child for a period not to exceed nine months, if the court 1557
makes the following findings of fact: 1558

(i) The child is in danger from the respondent; 1559

(ii) No other person or agency is available to provide the 1560
supervision. 1561

(b) A court that requires an agency to provide supervision 1562
pursuant to division (E)(6)(a) of this section shall order the 1563
respondent to reimburse the agency for the cost of providing the 1564
supervision, if it determines that the respondent has sufficient 1565
income or resources to pay that cost. 1566

(7)(a) If a protection order issued or consent agreement 1567
approved under this section includes a requirement that the 1568
respondent be evicted from or vacate the residence or household or 1569
refrain from entering the residence, school, business, or place of 1570
employment of the petitioner or a family or household member, the 1571
order or agreement shall state clearly that the order or agreement 1572

cannot be waived or nullified by an invitation to the respondent 1573
from the petitioner or other family or household member to enter 1574
the residence, school, business, or place of employment or by the 1575
respondent's entry into one of those places otherwise upon the 1576
consent of the petitioner or other family or household member. 1577

(b) Division (E)(7)(a) of this section does not limit any 1578
discretion of a court to determine that a respondent charged with 1579
a violation of section 2919.27 of the Revised Code, with a 1580
violation of a municipal ordinance substantially equivalent to 1581
that section, or with contempt of court, which charge is based on 1582
an alleged violation of a protection order issued or consent 1583
agreement approved under this section, did not commit the 1584
violation or was not in contempt of court. 1585

(8)(a) The court may modify or terminate as provided in 1586
division (E)(8) of this section a protection order or consent 1587
agreement that was issued after a full hearing under this section. 1588
The court that issued the protection order or approved the consent 1589
agreement shall hear a motion for modification or termination of 1590
the protection order or consent agreement pursuant to division 1591
(E)(8) of this section. 1592

(b) Either the petitioner or the respondent of the original 1593
protection order or consent agreement may bring a motion for 1594
modification or termination of a protection order or consent 1595
agreement that was issued or approved after a full hearing. The 1596
court shall require notice of the motion to be made as provided by 1597
the Rules of Civil Procedure. If the petitioner for the original 1598
protection order or consent agreement has requested that the 1599
petitioner's address be kept confidential, the court shall not 1600
disclose the address to the respondent of the original protection 1601
order or consent agreement or any other person, except as 1602
otherwise required by law. The moving party has the burden of 1603
proof to show, by a preponderance of the evidence, that 1604

modification or termination of the protection order or consent agreement is appropriate because either the protection order or consent agreement is no longer needed or because the terms of the original protection order or consent agreement are no longer appropriate.

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

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

(ii) Whether the petitioner fears the respondent;

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

(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;

(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;

(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;

(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;

(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; 1635

(ix) Whether the respondent has participated in any domestic 1636
violence treatment, intervention program, or other counseling 1637
addressing domestic violence and whether the respondent has 1638
completed the treatment, program, or counseling; 1639

(x) The time that has elapsed since the protection order was 1640
issued or since the consent agreement was approved; 1641

(xi) The age and health of the respondent; 1642

(xii) When the last incident of abuse, threat of harm, or 1643
commission of a sexually oriented offense occurred or other 1644
relevant information concerning the safety and protection of the 1645
petitioner or other protected parties. 1646

(d) If a protection order or consent agreement is modified or 1647
terminated as provided in division (E)(8) of this section, the 1648
court shall issue copies of the modified or terminated order or 1649
agreement as provided in division (F) of this section. A 1650
petitioner may also provide notice of the modification or 1651
termination to the judicial and law enforcement officials in any 1652
county other than the county in which the order or agreement is 1653
modified or terminated as provided in division (N) of this 1654
section. 1655

(e) If the respondent moves for modification or termination 1656
of a protection order or consent agreement pursuant to this 1657
section, the court may assess costs against the respondent for the 1658
filing of the motion. 1659

(9) Any protection order issued or any consent agreement 1660
approved pursuant to this section shall include a provision that 1661
the court will automatically seal all of the records of the 1662
proceeding in which the order is issued or agreement approved on 1663
the date the respondent attains the age of nineteen years unless 1664
the petitioner provides the court with evidence that the 1665

respondent has not complied with all of the terms of the 1666
protection order or consent agreement. The protection order or 1667
consent agreement shall specify the date when the respondent 1668
attains the age of nineteen years. 1669

(F)(1) A copy of any protection order, or consent agreement, 1670
that is issued, approved, modified, or terminated under this 1671
section shall be issued by the court to the petitioner, to the 1672
respondent, and to all law enforcement agencies that have 1673
jurisdiction to enforce the order or agreement. The court shall 1674
direct that a copy of an order be delivered to the respondent on 1675
the same day that the order is entered. 1676

(2) Upon the issuance of a protection order or the approval 1677
of a consent agreement under this section, the court shall provide 1678
the parties to the order or agreement with the following notice 1679
orally or by form: 1680

"NOTICE 1681

As a result of this order or consent agreement, it may be 1682
unlawful for you to possess or purchase a firearm, including a 1683
rifle, pistol, or revolver, or ammunition pursuant to federal law 1684
under 18 U.S.C. 922(g)(8). If you have any questions whether this 1685
law makes it illegal for you to possess or purchase a firearm or 1686
ammunition, you should consult an attorney." 1687

(3) All law enforcement agencies shall establish and maintain 1688
an index for the protection orders and the approved consent 1689
agreements delivered to the agencies pursuant to division (F)(1) 1690
of this section. With respect to each order and consent agreement 1691
delivered, each agency shall note on the index the date and time 1692
that it received the order or consent agreement. 1693

(4) Regardless of whether the petitioner has registered the 1694
order or agreement in the county in which the officer's agency has 1695
jurisdiction pursuant to division (N) of this section, any officer 1696

of a law enforcement agency shall enforce a protection order 1697
issued or consent agreement approved by any court in this state in 1698
accordance with the provisions of the order or agreement, 1699
including removing the respondent from the premises, if 1700
appropriate. 1701

(G) Any proceeding under this section shall be conducted in 1702
accordance with the Rules of Civil Procedure, except that an order 1703
under this section may be obtained with or without bond. An order 1704
issued under this section, other than an ex parte order, that 1705
grants a protection order or approves a consent agreement, that 1706
refuses to grant a protection order or approve a consent agreement 1707
that modifies or terminates a protection order or consent 1708
agreement, or that refuses to modify or terminate a protection 1709
order or consent agreement, is a final, appealable order. The 1710
remedies and procedures provided in this section are in addition 1711
to, and not in lieu of, any other available civil or criminal 1712
remedies. 1713

(H) The filing of proceedings under this section does not 1714
excuse a person from filing any report or giving any notice 1715
required by section 2151.421 of the Revised Code or by any other 1716
law. When a petition under this section alleges domestic violence 1717
against minor children, the court shall report the fact, or cause 1718
reports to be made, to a county, township, or municipal peace 1719
officer under section 2151.421 of the Revised Code. 1720

(I) Any law enforcement agency that investigates a domestic 1721
dispute shall provide information to the family or household 1722
members involved regarding the relief available under this section 1723
and section 2919.26 of the Revised Code. 1724

(J) Notwithstanding any provision of law to the contrary and 1725
regardless of whether a protection order is issued or a consent 1726
agreement is approved by a court of another county or a court of 1727
another state, no court or unit of state or local government shall 1728

charge any fee, cost, deposit, or money in connection with the 1729
filing of a petition pursuant to this section or in connection 1730
with the filing, issuance, registration, or service of a 1731
protection order or consent agreement, or for obtaining a 1732
certified copy of a protection order or consent agreement. 1733

(K)(1) The court shall comply with Chapters 3119., 3121., 1734
3123., and 3125. of the Revised Code when it makes or modifies an 1735
order for child support under this section. 1736

(2) If any person required to pay child support under an 1737
order made under this section on or after April 15, 1985, or 1738
modified under this section on or after December 31, 1986, is 1739
found in contempt of court for failure to make support payments 1740
under the order, the court that makes the finding, in addition to 1741
any other penalty or remedy imposed, shall assess all court costs 1742
arising out of the contempt proceeding against the person and 1743
require the person to pay any reasonable attorney's fees of any 1744
adverse party, as determined by the court, that arose in relation 1745
to the act of contempt. 1746

(L)(1) A person who violates a protection order issued or a 1747
consent agreement approved under this section is subject to the 1748
following sanctions: 1749

(a) Criminal prosecution or a delinquent child proceeding for 1750
a violation of section 2919.27 of the Revised Code, if the 1751
violation of the protection order or consent agreement constitutes 1752
a violation of that section; 1753

(b) Punishment for contempt of court. 1754

(2) The punishment of a person for contempt of court for 1755
violation of a protection order issued or a consent agreement 1756
approved under this section does not bar criminal prosecution of 1757
the person or a delinquent child proceeding concerning the person 1758
for a violation of section 2919.27 of the Revised Code. However, a 1759

person punished for contempt of court is entitled to credit for 1760
the punishment imposed upon conviction of or adjudication as a 1761
delinquent child for a violation of that section, and a person 1762
convicted of or adjudicated a delinquent child for a violation of 1763
that section shall not subsequently be punished for contempt of 1764
court arising out of the same activity. 1765

(M) In all stages of a proceeding under this section, a 1766
petitioner may be accompanied by a victim advocate. 1767

(N)(1) A petitioner who obtains a protection order or consent 1768
agreement under this section or a temporary protection order under 1769
section 2919.26 of the Revised Code may provide notice of the 1770
issuance or approval of the order or agreement to the judicial and 1771
law enforcement officials in any county other than the county in 1772
which the order is issued or the agreement is approved by 1773
registering that order or agreement in the other county pursuant 1774
to division (N)(2) of this section and filing a copy of the 1775
registered order or registered agreement with a law enforcement 1776
agency in the other county in accordance with that division. A 1777
person who obtains a protection order issued by a court of another 1778
state may provide notice of the issuance of the order to the 1779
judicial and law enforcement officials in any county of this state 1780
by registering the order in that county pursuant to section 1781
2919.272 of the Revised Code and filing a copy of the registered 1782
order with a law enforcement agency in that county. 1783

(2) A petitioner may register a temporary protection order, 1784
protection order, or consent agreement in a county other than the 1785
county in which the court that issued the order or approved the 1786
agreement is located in the following manner: 1787

(a) The petitioner shall obtain a certified copy of the order 1788
or agreement from the clerk of the court that issued the order or 1789
approved the agreement and present that certified copy to the 1790
clerk of the court of common pleas or the clerk of a municipal 1791

court or county court in the county in which the order or 1792
agreement is to be registered. 1793

(b) Upon accepting the certified copy of the order or 1794
agreement for registration, the clerk of the court of common 1795
pleas, municipal court, or county court shall place an endorsement 1796
of registration on the order or agreement and give the petitioner 1797
a copy of the order or agreement that bears that proof of 1798
registration. 1799

(3) The clerk of each court of common pleas, the clerk of 1800
each municipal court, and the clerk of each county court shall 1801
maintain a registry of certified copies of temporary protection 1802
orders, protection orders, or consent agreements that have been 1803
issued or approved by courts in other counties and that have been 1804
registered with the clerk. 1805

(O) Nothing in this section prohibits the domestic relations 1806
division of a court of common pleas in counties that have a 1807
domestic relations division or a court of common pleas in counties 1808
that do not have a domestic relations division from designating a 1809
minor child as a protected party on a protection order or consent 1810
agreement. 1811

Section 2. That existing sections 2151.34, 2303.201, 1812
2903.213, 2903.214, 2919.26, and 3113.31 of the Revised Code are 1813
hereby repealed. 1814