

**As Reported by the House Judiciary Committee**

**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**

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**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

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| the protection order resides.   | 17             |
| (2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.                        | 18<br>19       |
| (3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.  | 20<br>21       |
| (4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.                             | 22<br>23       |
| (5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed. | 24<br>25<br>26 |
| (6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.                           | 27<br>28       |
| (7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.   | 29<br>30       |
| (8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.   | 31<br>32       |
| <u>(9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.</u>   | 33<br>34       |
| (B) The court has jurisdiction over all proceedings under this section.   | 35<br>36       |
| (C)(1) Any of the following persons may seek relief under this section by filing a petition with the court:   | 37<br>38       |
| (a) Any person on behalf of that person;  | 39             |
| (b) Any parent or adult family or household member on behalf of any other family or household member;   | 40<br>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.    | 42<br>43<br>44 |
| (2) The petition shall contain or state all of the following:   | 45             |

(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 parte hearing as soon as possible after the petition is filed, but not later than the next day after the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without

bond, that the court finds necessary for the safety and protection 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

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| (iii) The continuance is needed to allow a party to obtain counsel.   | 109<br>110  |
| (iv) The continuance is needed for other good cause.  | 111   |
| (b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.   | 112<br>113<br>114<br>115<br>116   |
| (3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.   | 117<br>118<br>119<br>120<br>121   |
| (E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order. <u>The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.</u> | 122<br>123<br>124<br>125<br>126<br>127<br>128<br>129<br>130<br>131<br>132 |
| (b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C)(2)(b) of this section or the court, upon its own motion, finds upon clear and convincing evidence that the petitioner reasonably believed that the respondent's conduct at any time preceding the filing of the petition endangered the health, welfare, or safety of the person to be protected and that the respondent presents a   | 133<br>134<br>135<br>136<br>137<br>138<br>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 protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the respondent and the parent, guardian, or legal custodian of the respondent on the same day that the order is entered.

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

"NOTICE

As a result of this 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 protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

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

(G) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that a



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;~~ 411  
to a 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 order containing terms designed to ensure the safety and protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.   | 1053<br>1054<br>1055<br>1056<br>1057<br>1058   |
| A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with ..... (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented offense charged), or charging the named defendant with a violation of a municipal ordinance that is substantially similar to ..... (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented offense charged) involving a family or household member. | 1059<br>1060<br>1061<br>1062<br>1063<br>1064<br>1065<br>1066<br>1067<br>1068<br>1069<br>1070 |
| I understand that I must appear before the court, at a time set by the court within twenty-four hours after the filing of this motion, for a hearing on the motion or that, if I am unable to appear because of hospitalization or a medical condition resulting from the offense alleged in the complaint, a person who can provide information about my need for a temporary protection order must appear before the court in lieu of my appearing in court. I understand that any temporary protection order granted pursuant to  | 1071<br>1072<br>1073<br>1074<br>1075<br>1076<br>1077<br>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 member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant, alleged victim, or any other family or household member of the alleged victim, and may include within the order a term authorizing the complainant, alleged victim, or other family or household member of the alleged victim to remove a companion animal owned by the complainant, alleged victim, or other family or household member from the possession of the alleged offender.

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

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

contempt of court. 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 1233  
following notice orally or by form: 1234

"NOTICE 1235



As a result of this protection order, it may be unlawful for 1236  
you to possess or purchase a firearm, including a rifle, pistol, 1237  
or revolver, or ammunition pursuant to federal law under 18 U.S.C. 1238  
922(g)(8). If you have any questions whether this law makes it 1239  
illegal for you to possess or purchase a firearm or ammunition, 1240  
you should consult an attorney." 1241

(3) All law enforcement agencies shall establish and maintain 1242  
an index for the temporary protection orders delivered to the 1243  
agencies pursuant to division (G)(1) of this section. With respect 1244  
to each order delivered, each agency shall note on the index, the 1245  
date and time of the receipt of the order by the agency. 1246

(4) A complainant, alleged victim, or other person who 1247  
obtains a temporary protection order under this section may 1248  
provide notice of the issuance of the temporary protection order 1249  
to the judicial and law enforcement officials in any county other 1250  
than the county in which the order is issued by registering that 1251  
order in the other county in accordance with division (N) of 1252  
section 3113.31 of the Revised Code and filing a copy of the 1253  
registered protection order with a law enforcement agency in the 1254  
other county in accordance with that division. 1255

(5) Any officer of a law enforcement agency shall enforce a 1256  
temporary protection order issued by any court in this state in 1257  
accordance with the provisions of the order, including removing 1258  
the defendant from the premises, regardless of whether the order 1259  
is registered in the county in which the officer's agency has 1260  
jurisdiction as authorized by division (G)(4) of this section. 1261

(H) Upon a violation of a temporary protection order, the 1262  
court may issue another temporary protection order, as a pretrial 1263  
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 committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section.

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

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

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

(J) Notwithstanding any provision of law to the contrary and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of

another state, no court or unit of state or local government shall 1299  
charge any fee, cost, deposit, or money in connection with the 1300  
filing of a motion pursuant to this section, in connection with 1301  
the filing, issuance, registration, or service of a protection 1302  
order or consent agreement, or for obtaining a certified copy of a 1303  
protection order or consent agreement. 1304

(K) As used in this section: 1305

(1) "Companion animal" has the same meaning as in section 1306  
959.131 of the Revised Code. 1307

(2) "Sexually oriented offense" has the same meaning as in 1308  
section 2950.01 of the Revised Code. 1309

~~(2)~~(3) "Victim advocate" means a person who provides support 1310  
and assistance for a victim of an offense during court 1311  
proceedings. 1312

**Sec. 3113.31.** (A) As used in this section: 1313

(1) "Domestic violence" means the occurrence of one or more 1314  
of the following acts against a family or household member: 1315

(a) Attempting to cause or recklessly causing bodily injury; 1316

(b) Placing another person by the threat of force in fear of 1317  
imminent serious physical harm or committing a violation of 1318  
section 2903.211 or 2911.211 of the Revised Code; 1319

(c) Committing any act with respect to a child that would 1320  
result in the child being an abused child, as defined in section 1321  
2151.031 of the Revised Code; 1322

(d) Committing a sexually oriented offense. 1323

(2) "Court" means the domestic relations division of the 1324  
court of common pleas in counties that have a domestic relations 1325  
division and the court of common pleas in counties that do not 1326  
have a domestic relations division, or the juvenile division of 1327

the court of common pleas of the county in which the person to be 1328  
protected by a protection order issued or a consent agreement 1329  
approved under this section resides if the respondent is less than 1330  
eighteen years of age. 1331

(3) "Family or household member" means any of the following: 1332

(a) Any of the following who is residing with or has resided 1333  
with the respondent: 1334

(i) A spouse, a person living as a spouse, or a former spouse 1335  
of the respondent; 1336

(ii) A parent, a foster parent, or a child of the respondent, 1337  
or another person related by consanguinity or affinity to the 1338  
respondent; 1339

(iii) A parent or a child of a spouse, person living as a 1340  
spouse, or former spouse of the respondent, or another person 1341  
related by consanguinity or affinity to a spouse, person living as 1342  
a spouse, or former spouse of the respondent. 1343

(b) The natural parent of any child of whom the respondent is 1344  
the other natural parent or is the putative other natural parent. 1345

(4) "Person living as a spouse" means a person who is living 1346  
or has lived with the respondent in a common law marital 1347  
relationship, who otherwise is cohabiting with the respondent, or 1348  
who otherwise has cohabited with the respondent within five years 1349  
prior to the date of the alleged occurrence of the act in 1350  
question. 1351

(5) "Victim advocate" means a person who provides support and 1352  
assistance for a person who files a petition under this section. 1353

(6) "Sexually oriented offense" has the same meaning as in 1354  
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 obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

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

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

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

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

consent of the petitioner or other family or household member. 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 1605  
agreement is appropriate because either the protection order or 1606  
consent agreement is no longer needed or because the terms of the 1607  
original protection order or consent agreement are no longer 1608

appropriate. 1609

(c) In considering whether to modify or terminate a 1610  
protection order or consent agreement issued or approved under 1611  
this section, the court shall consider all relevant factors, 1612  
including, but not limited to, the following: 1613

(i) Whether the petitioner consents to modification or 1614  
termination of the protection order or consent agreement; 1615

(ii) Whether the petitioner fears the respondent; 1616

(iii) The current nature of the relationship between the 1617  
petitioner and the respondent; 1618

(iv) The circumstances of the petitioner and respondent, 1619  
including the relative proximity of the petitioner's and 1620  
respondent's workplaces and residences and whether the petitioner 1621  
and respondent have minor children together; 1622

(v) Whether the respondent has complied with the terms and 1623  
conditions of the original protection order or consent agreement; 1624

(vi) Whether the respondent has a continuing involvement with 1625  
illegal drugs or alcohol; 1626

(vii) Whether the respondent has been convicted of, pleaded 1627  
guilty to, or been adjudicated a delinquent child for an offense 1628  
of violence since the issuance of the protection order or approval 1629  
of the consent agreement; 1630

(viii) Whether any other protection orders, consent 1631  
agreements, restraining orders, or no contact orders have been 1632  
issued against the respondent pursuant to this section, section 1633  
2919.26 of the Revised Code, any other provision of state law, or 1634  
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

(0) 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