

As Passed by the House

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 1

Representatives Sykes, Manning

Cosponsors: Representatives Riedel, O'Brien, Kent, Craig, Lanese, Boyd, Smith, R., Hill, Ashford, Dever, Holmes, Leland, McColley, Perales, Johnson, G., Antonio, West, Cera, Rogers, Retherford, Sheehy, Pelanda, Ramos, Butler, Henne, Boccieri, Sprague, Boggs, Fedor, Householder, DeVitis, Celebrezze, Rezabek, Anielski, Arndt, Brenner, Carfagna, Clyde, Cupp, Duffey, Edwards, Gavarone, Green, Greenspan, Hagan, Hambley, Howse, Ingram, Kelly, Koehler, Landis, Lepore-Hagan, Miller, Patterson, Reece, Reineke, Ryan, Scherer, Slaby, Smith, K., Stein, Strahorn, Sweeney

A BILL

To amend sections 109.42, 2151.34, 2903.214, 1
2919.26, 2919.27, 3113.31, and 3113.33 and to 2
enact section 3113.311 of the Revised Code to 3
authorize the issuance of dating violence 4
protection orders with respect to conduct 5
directed at a petitioner alleging dating 6
violence, to provide access to domestic violence 7
shelters for victims of dating violence, and to 8
require the Attorney General's victim's bill of 9
rights pamphlet to include a notice that a 10
petitioner alleging dating violence has the 11
right to petition for a civil protection order. 12

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

Section 1. That sections 109.42, 2151.34, 2903.214, 13
2919.26, 2919.27, 3113.31, and 3113.33 be amended and section 14

3113.311 of the Revised Code be enacted to read as follows: 15

Sec. 109.42. (A) The attorney general shall prepare and 16
have printed a pamphlet that contains a compilation of all 17
statutes relative to victim's rights in which the attorney 18
general lists and explains the statutes in the form of a 19
victim's bill of rights. The attorney general shall distribute 20
the pamphlet to all sheriffs, marshals, municipal corporation 21
and township police departments, constables, and other law 22
enforcement agencies, to all prosecuting attorneys, city 23
directors of law, village solicitors, and other similar chief 24
legal officers of municipal corporations, and to organizations 25
that represent or provide services for victims of crime. The 26
victim's bill of rights set forth in the pamphlet shall contain 27
a description of all of the rights of victims that are provided 28
for in Chapter 2930. or in any other section of the Revised Code 29
and shall include, but not be limited to, all of the following: 30

(1) The right of a victim or a victim's representative to 31
attend a proceeding before a grand jury, in a juvenile case, or 32
in a criminal case pursuant to a subpoena without being 33
discharged from the victim's or representative's employment, 34
having the victim's or representative's employment terminated, 35
having the victim's or representative's pay decreased or 36
withheld, or otherwise being punished, penalized, or threatened 37
as a result of time lost from regular employment because of the 38
victim's or representative's attendance at the proceeding 39
pursuant to the subpoena, as set forth in section 2151.211, 40
2930.18, 2939.121, or 2945.451 of the Revised Code; 41

(2) The potential availability pursuant to section 42
2151.359 or 2152.61 of the Revised Code of a forfeited 43
recognizance to pay damages caused by a child when the 44

delinquency of the child or child's violation of probation or 45
community control is found to be proximately caused by the 46
failure of the child's parent or guardian to subject the child 47
to reasonable parental authority or to faithfully discharge the 48
conditions of probation or community control; 49

(3) The availability of awards of reparations pursuant to 50
sections 2743.51 to 2743.72 of the Revised Code for injuries 51
caused by criminal offenses; 52

(4) The right of the victim in certain criminal or 53
juvenile cases or a victim's representative to receive, pursuant 54
to section 2930.06 of the Revised Code, notice of the date, 55
time, and place of the trial or delinquency proceeding in the 56
case or, if there will not be a trial or delinquency proceeding, 57
information from the prosecutor, as defined in section 2930.01 58
of the Revised Code, regarding the disposition of the case; 59

(5) The right of the victim in certain criminal or 60
juvenile cases or a victim's representative to receive, pursuant 61
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 62
notice of the name of the person charged with the violation, the 63
case or docket number assigned to the charge, and a telephone 64
number or numbers that can be called to obtain information about 65
the disposition of the case; 66

(6) The right of the victim in certain criminal or 67
juvenile cases or of the victim's representative pursuant to 68
section 2930.13 or 2930.14 of the Revised Code, subject to any 69
reasonable terms set by the court as authorized under section 70
2930.14 of the Revised Code, to make a statement about the 71
victimization and, if applicable, a statement relative to the 72
sentencing or disposition of the offender; 73

(7) The opportunity to obtain a court order, pursuant to 74
section 2945.04 of the Revised Code, to prevent or stop the 75
commission of the offense of intimidation of a crime victim or 76
witness or an offense against the person or property of the 77
complainant, or of the complainant's ward or child; 78

(8) The right of the victim in certain criminal or 79
juvenile cases or a victim's representative pursuant to sections 80
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 81
Code to receive notice of a pending motion for judicial release, 82
release pursuant to section 2967.19 of the Revised Code, or 83
other early release of the person who committed the offense 84
against the victim, to make an oral or written statement at the 85
court hearing on the motion, and to be notified of the court's 86
decision on the motion; 87

(9) The right of the victim in certain criminal or 88
juvenile cases or a victim's representative pursuant to section 89
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 90
receive notice of any pending commutation, pardon, parole, 91
transitional control, discharge, other form of authorized 92
release, post-release control, or supervised release for the 93
person who committed the offense against the victim or any 94
application for release of that person and to send a written 95
statement relative to the victimization and the pending action 96
to the adult parole authority or the release authority of the 97
department of youth services; 98

(10) The right of the victim to bring a civil action 99
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 100
obtain money from the offender's profit fund; 101

(11) The right, pursuant to section 3109.09 of the Revised 102
Code, to maintain a civil action to recover compensatory damages 103

not exceeding ten thousand dollars and costs from the parent of 104
a minor who willfully damages property through the commission of 105
an act that would be a theft offense, as defined in section 106
2913.01 of the Revised Code, if committed by an adult; 107

(12) The right, pursuant to section 3109.10 of the Revised 108
Code, to maintain a civil action to recover compensatory damages 109
not exceeding ten thousand dollars and costs from the parent of 110
a minor who willfully and maliciously assaults a person; 111

(13) The possibility of receiving restitution from an 112
offender or a delinquent child pursuant to section 2152.20, 113
2929.18, or 2929.28 of the Revised Code; 114

(14) The right of the victim in certain criminal or 115
juvenile cases or a victim's representative, pursuant to section 116
2930.16 of the Revised Code, to receive notice of the escape 117
from confinement or custody of the person who committed the 118
offense, to receive that notice from the custodial agency of the 119
person at the victim's last address or telephone number provided 120
to the custodial agency, and to receive notice that, if either 121
the victim's address or telephone number changes, it is in the 122
victim's interest to provide the new address or telephone number 123
to the custodial agency; 124

(15) The right of a victim of domestic violence to seek 125
the issuance of a civil protection order pursuant to section 126
3113.31 of the Revised Code, the right of a petitioner alleging 127
dating violence to seek the issuance of a protection order under 128
section 3113.311 of the Revised Code, the right of a victim of a 129
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 130
2911.211, or 2919.22 of the Revised Code, a violation of a 131
substantially similar municipal ordinance, or an offense of 132
violence who is a family or household member of the offender at 133

the time of the offense to seek the issuance of a temporary 134
protection order pursuant to section 2919.26 of the Revised 135
Code, and the right of both types of victims to be accompanied 136
by a victim advocate during court proceedings; 137

(16) The right of a victim of a sexually oriented offense 138
or of a child-victim oriented offense that is committed by a 139
person who is convicted of, pleads guilty to, or is adjudicated 140
a delinquent child for committing the offense and who is in a 141
category specified in division (B) of section 2950.10 of the 142
Revised Code to receive, pursuant to that section, notice that 143
the person has registered with a sheriff under section 2950.04, 144
2950.041, or 2950.05 of the Revised Code and notice of the 145
person's name, the person's residence that is registered, and 146
the offender's school, institution of higher education, or place 147
of employment address or addresses that are registered, the 148
person's photograph, and a summary of the manner in which the 149
victim must make a request to receive the notice. As used in 150
this division, "sexually oriented offense" and "child-victim 151
oriented offense" have the same meanings as in section 2950.01 152
of the Revised Code. 153

(17) The right of a victim of certain sexually violent 154
offenses committed by an offender who also is convicted of or 155
pleads guilty to a sexually violent predator specification and 156
who is sentenced to a prison term pursuant to division (A) (3) of 157
section 2971.03 of the Revised Code, of a victim of a violation 158
of division (A) (1) (b) of section 2907.02 of the Revised Code 159
committed on or after January 2, 2007, by an offender who is 160
sentenced for the violation pursuant to division (B) (1) (a), (b), 161
or (c) of section 2971.03 of the Revised Code, of a victim of an 162
attempted rape committed on or after January 2, 2007, by an 163
offender who also is convicted of or pleads guilty to a 164

specification of the type described in section 2941.1418, 165
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 166
the violation pursuant to division (B) (2) (a), (b), or (c) of 167
section 2971.03 of the Revised Code, and of a victim of an 168
offense that is described in division (B) (3) (a), (b), (c), or 169
(d) of section 2971.03 of the Revised Code and is committed by 170
an offender who is sentenced pursuant to one of those divisions 171
to receive, pursuant to section 2930.16 of the Revised Code, 172
notice of a hearing to determine whether to modify the 173
requirement that the offender serve the entire prison term in a 174
state correctional facility, whether to continue, revise, or 175
revoke any existing modification of that requirement, or whether 176
to terminate the prison term. As used in this division, 177
"sexually violent offense" and "sexually violent predator 178
specification" have the same meanings as in section 2971.01 of 179
the Revised Code. 180

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 181
prosecuting attorney, assistant prosecuting attorney, city 182
director of law, assistant city director of law, village 183
solicitor, assistant village solicitor, or similar chief legal 184
officer of a municipal corporation or an assistant of any of 185
those officers who prosecutes an offense committed in this 186
state, upon first contact with the victim of the offense, the 187
victim's family, or the victim's dependents, shall give the 188
victim, the victim's family, or the victim's dependents a copy 189
of the pamphlet prepared pursuant to division (A) of this 190
section and explain, upon request, the information in the 191
pamphlet to the victim, the victim's family, or the victim's 192
dependents. 193

(b) Subject to division (B) (1) (c) of this section, a law 194
enforcement agency that investigates an offense or delinquent 195

act committed in this state shall give the victim of the offense 196
or delinquent act, the victim's family, or the victim's 197
dependents a copy of the pamphlet prepared pursuant to division 198
(A) of this section at one of the following times: 199

(i) Upon first contact with the victim, the victim's 200
family, or the victim's dependents; 201

(ii) If the offense or delinquent act is an offense of 202
violence, if the circumstances of the offense or delinquent act 203
and the condition of the victim, the victim's family, or the 204
victim's dependents indicate that the victim, the victim's 205
family, or the victim's dependents will not be able to 206
understand the significance of the pamphlet upon first contact 207
with the agency, and if the agency anticipates that it will have 208
an additional contact with the victim, the victim's family, or 209
the victim's dependents, upon the agency's second contact with 210
the victim, the victim's family, or the victim's dependents. 211

If the agency does not give the victim, the victim's 212
family, or the victim's dependents a copy of the pamphlet upon 213
first contact with them and does not have a second contact with 214
the victim, the victim's family, or the victim's dependents, the 215
agency shall mail a copy of the pamphlet to the victim, the 216
victim's family, or the victim's dependents at their last known 217
address. 218

(c) In complying on and after December 9, 1994, with the 219
duties imposed by division (B) (1) (a) or (b) of this section, an 220
official or a law enforcement agency shall use copies of the 221
pamphlet that are in the official's or agency's possession on 222
December 9, 1994, until the official or agency has distributed 223
all of those copies. After the official or agency has 224
distributed all of those copies, the official or agency shall 225

use only copies of the pamphlet that contain at least the 226
information described in divisions (A) (1) to (17) of this 227
section. 228

(2) The failure of a law enforcement agency or of a 229
prosecuting attorney, assistant prosecuting attorney, city 230
director of law, assistant city director of law, village 231
solicitor, assistant village solicitor, or similar chief legal 232
officer of a municipal corporation or an assistant to any of 233
those officers to give, as required by division (B) (1) of this 234
section, the victim of an offense or delinquent act, the 235
victim's family, or the victim's dependents a copy of the 236
pamphlet prepared pursuant to division (A) of this section does 237
not give the victim, the victim's family, the victim's 238
dependents, or a victim's representative any rights under 239
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 240
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 241
other provision of the Revised Code and does not affect any 242
right under those sections. 243

(3) A law enforcement agency, a prosecuting attorney or 244
assistant prosecuting attorney, or a city director of law, 245
assistant city director of law, village solicitor, assistant 246
village solicitor, or similar chief legal officer of a municipal 247
corporation that distributes a copy of the pamphlet prepared 248
pursuant to division (A) of this section shall not be required 249
to distribute a copy of an information card or other printed 250
material provided by the clerk of the court of claims pursuant 251
to section 2743.71 of the Revised Code. 252

(C) The cost of printing and distributing the pamphlet 253
prepared pursuant to division (A) of this section shall be paid 254
out of the reparations fund, created pursuant to section 255

2743.191 of the Revised Code, in accordance with division (D) of that section.	256 257
(D) As used in this section:	258
(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code;	259 260
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	261 262
Sec. 2151.34. (A) As used in this section:	263
(1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides.	264 265 266
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	267 268 269
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	270 271
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	272 273
(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.	274 275 276
(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.	277 278 279
(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	280 281
(8) "Electronic monitoring" has the same meaning as in	282

section 2929.01 of the Revised Code.	283
(9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	284 285
(B) The court has jurisdiction over all proceedings under this section.	286 287
(C) (1) Any of the following persons may seek relief under this section by filing a petition with the court:	288 289
(a) Any person on behalf of that person;	290
(b) Any parent or adult family or household member on behalf of any other family or household member;	291 292
(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.	293 294 295
(2) The petition shall contain or state all of the following:	296 297
(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;	298 299 300 301 302 303 304 305
(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	306 307 308 309 310

protected was at risk, a description of the nature and extent of 311
that conduct, and an allegation that the respondent presents a 312
continuing danger to the person to be protected; 313

(c) A request for relief under this section. 314

(3) The court in its discretion may determine whether or 315
not to give notice that a petition has been filed under division 316
(C) (1) of this section on behalf of a child to any of the 317
following: 318

(a) A parent of the child if the petition was filed by any 319
person other than a parent of the child; 320

(b) Any person who is determined by the court to be an 321
appropriate person to receive notice of the filing of the 322
petition. 323

(D) (1) If a person who files a petition pursuant to this 324
section requests an ex parte order, the court shall hold an ex 325
parte hearing as soon as possible after the petition is filed, 326
but not later than the next day after the court is in session 327
after the petition is filed. The court, for good cause shown at 328
the ex parte hearing, may enter any temporary orders, with or 329
without bond, that the court finds necessary for the safety and 330
protection of the person to be protected by the order. Immediate 331
and present danger to the person to be protected by the 332
protection order constitutes good cause for purposes of this 333
section. Immediate and present danger includes, but is not 334
limited to, situations in which the respondent has threatened 335
the person to be protected by the protection order with bodily 336
harm or in which the respondent previously has been convicted 337
of, pleaded guilty to, or been adjudicated a delinquent child 338
for committing a violation of section 2903.11, 2903.12, 2903.13, 339

2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or 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.

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

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

(ii) The parties consent to the continuance.

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

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

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing

under division (D) (2) (a) of this section or because the court 369
grants a continuance under that division. 370

(3) If a person who files a petition pursuant to this 371
section does not request an ex parte order, or if a person 372
requests an ex parte order but the court does not issue an ex 373
parte order after an ex parte hearing, the court shall proceed 374
as in a normal civil action and grant a full hearing on the 375
matter. 376

(E) (1) (a) After an ex parte or full hearing, the court may 377
issue any protection order, with or without bond, that contains 378
terms designed to ensure the safety and protection of the person 379
to be protected by the protection order. The court may include 380
within a protection order issued under this section a term 381
requiring that the respondent not remove, damage, hide, harm, or 382
dispose of any companion animal owned or possessed by the person 383
to be protected by the order, and may include within the order a 384
term authorizing the person to be protected by the order to 385
remove a companion animal owned by the person to be protected by 386
the order from the possession of the respondent. 387

(b) After a full hearing, if the court considering a 388
petition that includes an allegation of the type described in 389
division (C) (2) (b) of this section or the court, upon its own 390
motion, finds upon clear and convincing evidence that the 391
petitioner reasonably believed that the respondent's conduct at 392
any time preceding the filing of the petition endangered the 393
health, welfare, or safety of the person to be protected and 394
that the respondent presents a continuing danger to the person 395
to be protected and if division (N) of this section does not 396
prohibit the issuance of an order that the respondent be 397
electronically monitored, the court may order that the 398

respondent be electronically monitored for a period of time and 399
under the terms and conditions that the court determines are 400
appropriate. Electronic monitoring shall be in addition to any 401
other relief granted to the petitioner. 402

(2) (a) Any protection order issued pursuant to this 403
section shall be valid until a date certain but not later than 404
the date the respondent attains nineteen years of age. 405

(b) Any protection order issued pursuant to this section 406
may be renewed in the same manner as the original order was 407
issued. 408

(3) A court may not issue a protection order that requires 409
a petitioner to do or to refrain from doing an act that the 410
court may require a respondent to do or to refrain from doing 411
under division (E) (1) of this section unless all of the 412
following apply: 413

(a) The respondent files a separate petition for a 414
protection order in accordance with this section. 415

(b) The petitioner is served with notice of the 416
respondent's petition at least forty-eight hours before the 417
court holds a hearing with respect to the respondent's petition, 418
or the petitioner waives the right to receive this notice. 419

(c) If the petitioner has requested an ex parte order 420
pursuant to division (D) of this section, the court does not 421
delay any hearing required by that division beyond the time 422
specified in that division in order to consolidate the hearing 423
with a hearing on the petition filed by the respondent. 424

(d) After a full hearing at which the respondent presents 425
evidence in support of the request for a protection order and 426
the petitioner is afforded an opportunity to defend against that 427

evidence, the court determines that the petitioner has committed 428
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 429
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 430
oriented offense, or a violation of any municipal ordinance that 431
is substantially equivalent to any of those offenses against the 432
person to be protected by the protection order issued pursuant 433
to division (E) (3) of this section, or has violated a protection 434
order issued pursuant to this section or section 2903.213 of the 435
Revised Code relative to the person to be protected by the 436
protection order issued pursuant to division (E) (3) of this 437
section. 438

(4) No protection order issued pursuant to this section 439
shall in any manner affect title to any real property. 440

(5) (a) A protection order issued under this section shall 441
clearly state that the person to be protected by the order 442
cannot waive or nullify by invitation or consent any requirement 443
in the order. 444

(b) Division (E) (5) (a) of this section does not limit any 445
discretion of a court to determine that a respondent alleged to 446
have violated section 2919.27 of the Revised Code, violated a 447
municipal ordinance substantially equivalent to that section, or 448
committed contempt of court, which allegation is based on an 449
alleged violation of a protection order issued under this 450
section, did not commit the violation or was not in contempt of 451
court. 452

(6) Any protection order issued pursuant to this section 453
shall include a provision that the court will automatically seal 454
all of the records of the proceeding in which the order is 455
issued on the date the respondent attains the age of nineteen 456
years unless the petitioner provides the court with evidence 457

that the respondent has not complied with all of the terms of 458
the protection order. The protection order shall specify the 459
date when the respondent attains the age of nineteen years. 460

(F) (1) The court shall cause the delivery of a copy of any 461
protection order that is issued under this section to the 462
petitioner, to the respondent, and to all law enforcement 463
agencies that have jurisdiction to enforce the order. The court 464
shall direct that a copy of the order be delivered to the 465
respondent and the parent, guardian, or legal custodian of the 466
respondent on the same day that the order is entered. 467

(2) Upon the issuance of a protection order under this 468
section, the court shall provide the parties to the order with 469
the following notice orally or by form: 470

"NOTICE 471

As a result of this order, it may be unlawful for you to 472
possess or purchase a firearm, including a rifle, pistol, or 473
revolver, or ammunition pursuant to federal law under 18 U.S.C. 474
922(g) (8) for the duration of this order. If you have any 475
questions whether this law makes it illegal for you to possess 476
or purchase a firearm or ammunition, you should consult an 477
attorney." 478

(3) All law enforcement agencies shall establish and 479
maintain an index for the protection orders delivered to the 480
agencies pursuant to division (F) (1) of this section. With 481
respect to each order delivered, each agency shall note on the 482
index the date and time that it received the order. 483

(4) Regardless of whether the petitioner has registered 484
the protection order in the county in which the officer's agency 485
has jurisdiction pursuant to division (M) of this section, any 486

officer of a law enforcement agency shall enforce a protection 487
order issued pursuant to this section by any court in this state 488
in accordance with the provisions of the order, including 489
removing the respondent from the premises, if appropriate. 490

(G) Any proceeding under this section shall be conducted 491
in accordance with the Rules of Civil Procedure, except that a 492
protection order may be obtained under this section with or 493
without bond. An order issued under this section, other than an 494
ex parte order, that grants a protection order, or that refuses 495
to grant a protection order, is a final, appealable order. The 496
remedies and procedures provided in this section are in addition 497
to, and not in lieu of, any other available civil or criminal 498
remedies or any other available remedies under Chapter 2151. or 499
2152. of the Revised Code. 500

(H) The filing of proceedings under this section does not 501
excuse a person from filing any report or giving any notice 502
required by section 2151.421 of the Revised Code or by any other 503
law. 504

(I) Any law enforcement agency that investigates an 505
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 506
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 507
commission of a sexually oriented offense, or an alleged 508
violation of a municipal ordinance that is substantially 509
equivalent to any of those offenses shall provide information to 510
the victim and the family or household members of the victim 511
regarding the relief available under this section. 512

(J) (1) Subject to division (J) (2) of this section and 513
regardless of whether a protection order is issued or a consent 514
agreement is approved by a court of another county or by a court 515
of another state, no court or unit of state or local government 516

shall charge the petitioner any fee, cost, deposit, or money in 517
connection with the filing of a petition pursuant to this 518
section, in connection with the filing, issuance, registration, 519
modification, enforcement, dismissal, withdrawal, or service of 520
a protection order, consent agreement, or witness subpoena or 521
for obtaining a certified copy of a protection order or consent 522
agreement. 523

(2) Regardless of whether a protection order is issued or 524
a consent agreement is approved pursuant to this section, the 525
court may assess costs against the respondent in connection with 526
the filing, issuance, registration, modification, enforcement, 527
dismissal, withdrawal, or service of a protection order, consent 528
agreement, or witness subpoena or for obtaining a certified copy 529
of a protection order or consent agreement. 530

(K) (1) A person who violates a protection order issued 531
under this section is subject to the following sanctions: 532

(a) A delinquent child proceeding or a criminal 533
prosecution for a violation of section 2919.27 of the Revised 534
Code, if the violation of the protection order constitutes a 535
violation of that section; 536

(b) Punishment for contempt of court. 537

(2) The punishment of a person for contempt of court for 538
violation of a protection order issued under this section does 539
not bar criminal prosecution of the person or a delinquent child 540
proceeding concerning the person for a violation of section 541
2919.27 of the Revised Code. However, a person punished for 542
contempt of court is entitled to credit for the punishment 543
imposed upon conviction of or adjudication as a delinquent child 544
for a violation of that section, and a person convicted of or 545

adjudicated a delinquent child for a violation of that section 546
shall not subsequently be punished for contempt of court arising 547
out of the same activity. 548

(L) In all stages of a proceeding under this section, a 549
petitioner may be accompanied by a victim advocate. 550

(M) (1) A petitioner who obtains a protection order under 551
this section may provide notice of the issuance or approval of 552
the order to the judicial and law enforcement officials in any 553
county other than the county in which the order is issued by 554
registering that order in the other county pursuant to division 555
(M) (2) of this section and filing a copy of the registered order 556
with a law enforcement agency in the other county in accordance 557
with that division. A person who obtains a protection order 558
issued by a court of another state may provide notice of the 559
issuance of the order to the judicial and law enforcement 560
officials in any county of this state by registering the order 561
in that county pursuant to section 2919.272 of the Revised Code 562
and filing a copy of the registered order with a law enforcement 563
agency in that county. 564

(2) A petitioner may register a protection order issued 565
pursuant to this section in a county other than the county in 566
which the court that issued the order is located in the 567
following manner: 568

(a) The petitioner shall obtain a certified copy of the 569
order from the clerk of the court that issued the order and 570
present that certified copy to the clerk of the court of common 571
pleas or the clerk of a municipal court or county court in the 572
county in which the order is to be registered. 573

(b) Upon accepting the certified copy of the order for 574

registration, the clerk of the court of common pleas, municipal 575
court, or county court shall place an endorsement of 576
registration on the order and give the petitioner a copy of the 577
order that bears that proof of registration. 578

(3) The clerk of each court of common pleas, municipal 579
court, or county court shall maintain a registry of certified 580
copies of protection orders that have been issued by courts in 581
other counties pursuant to this section and that have been 582
registered with the clerk. 583

(N) If the court orders electronic monitoring of the 584
respondent under this section, the court shall direct the 585
sheriff's office or any other appropriate law enforcement agency 586
to install the electronic monitoring device and to monitor the 587
respondent. Unless the court determines that the respondent is 588
indigent, the court shall order the respondent to pay the cost 589
of the installation and monitoring of the electronic monitoring 590
device. If the court determines that the respondent is indigent 591
and subject to the maximum amount allowable to be paid in any 592
year from the fund and the rules promulgated by the attorney 593
general under section 2903.214 of the Revised Code, the cost of 594
the installation and monitoring of the electronic monitoring 595
device may be paid out of funds from the reparations fund 596
created pursuant to section 2743.191 of the Revised Code. The 597
total amount paid from the reparations fund created pursuant to 598
section 2743.191 of the Revised Code for electronic monitoring 599
under this section and sections 2903.214 and 2919.27 of the 600
Revised Code shall not exceed three hundred thousand dollars per 601
year. When the total amount paid from the reparations fund in 602
any year for electronic monitoring under those sections equals 603
or exceeds three hundred thousand dollars, the court shall not 604
order pursuant to this section that an indigent respondent be 605

electronically monitored. 606

(O) The court, in its discretion, may determine if the 607
respondent is entitled to court-appointed counsel in a 608
proceeding under this section. 609

Sec. 2903.214. (A) As used in this section: 610

(1) "Court" means the court of common pleas of the county 611
in which the person to be protected by the protection order 612
resides. 613

(2) "Victim advocate" means a person who provides support 614
and assistance for a person who files a petition under this 615
section. 616

(3) "Family or household member" has the same meaning as 617
in section 3113.31 of the Revised Code. 618

(4) "Protection order issued by a court of another state" 619
has the same meaning as in section 2919.27 of the Revised Code. 620

(5) "Sexually oriented offense" has the same meaning as in 621
section 2950.01 of the Revised Code. 622

(6) "Electronic monitoring" has the same meaning as in 623
section 2929.01 of the Revised Code. 624

(7) "Companion animal" has the same meaning as in section 625
959.131 of the Revised Code. 626

(B) The court has jurisdiction over all proceedings under 627
this section. 628

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

contain or state all of the following: 633

(1) An allegation that the respondent is eighteen years of 634
age or older and engaged in a violation of section 2903.211 of 635
the Revised Code against the person to be protected by the 636
protection order or committed a sexually oriented offense 637
against the person to be protected by the protection order, 638
including a description of the nature and extent of the 639
violation; 640

(2) If the petitioner seeks relief in the form of 641
electronic monitoring of the respondent, an allegation that at 642
any time preceding the filing of the petition the respondent 643
engaged in conduct that would cause a reasonable person to 644
believe that the health, welfare, or safety of the person to be 645
protected was at risk, a description of the nature and extent of 646
that conduct, and an allegation that the respondent presents a 647
continuing danger to the person to be protected; 648

(3) A request for relief under this section. 649

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

harm or in which the respondent previously has been convicted of 663
or pleaded guilty to a violation of section 2903.211 of the 664
Revised Code or a sexually oriented offense against the person 665
to be protected by the protection order. 666

(2) (a) If the court, after an ex parte hearing, issues a 667
protection order described in division (E) of this section, the 668
court shall schedule a full hearing for a date that is within 669
ten court days after the ex parte hearing. The court shall give 670
the respondent notice of, and an opportunity to be heard at, the 671
full hearing. The court shall hold the full hearing on the date 672
scheduled under this division unless the court grants a 673
continuance of the hearing in accordance with this division. 674
Under any of the following circumstances or for any of the 675
following reasons, the court may grant a continuance of the full 676
hearing to a reasonable time determined by the court: 677

(i) Prior to the date scheduled for the full hearing under 678
this division, the respondent has not been served with the 679
petition filed pursuant to this section and notice of the full 680
hearing. 681

(ii) The parties consent to the continuance. 682

(iii) The continuance is needed to allow a party to obtain 683
counsel. 684

(iv) The continuance is needed for other good cause. 685

(b) An ex parte order issued under this section does not 686
expire because of a failure to serve notice of the full hearing 687
upon the respondent before the date set for the full hearing 688
under division (D) (2) (a) of this section or because the court 689
grants a continuance under that division. 690

(3) If a person who files a petition pursuant to this 691

section does not request an ex parte order, or if a person 692
requests an ex parte order but the court does not issue an ex 693
parte order after an ex parte hearing, the court shall proceed 694
as in a normal civil action and grant a full hearing on the 695
matter. 696

(E) (1) (a) After an ex parte or full hearing, the court may 697
issue any protection order, with or without bond, that contains 698
terms designed to ensure the safety and protection of the person 699
to be protected by the protection order, including, but not 700
limited to, a requirement that the respondent refrain from 701
entering the residence, school, business, or place of employment 702
of the petitioner or family or household member. If the court 703
includes a requirement that the respondent refrain from entering 704
the residence, school, business, or place of employment of the 705
petitioner or family or household member in the order, it also 706
shall include in the order provisions of the type described in 707
division (E) (5) of this section. The court may include within a 708
protection order issued under this section a term requiring that 709
the respondent not remove, damage, hide, harm, or dispose of any 710
companion animal owned or possessed by the person to be 711
protected by the order, and may include within the order a term 712
authorizing the person to be protected by the order to remove a 713
companion animal owned by the person to be protected by the 714
order from the possession of the respondent. 715

(b) After a full hearing, if the court considering a 716
petition that includes an allegation of the type described in 717
division (C) (2) of this section, or the court upon its own 718
motion, finds upon clear and convincing evidence that the 719
petitioner reasonably believed that the respondent's conduct at 720
any time preceding the filing of the petition endangered the 721
health, welfare, or safety of the person to be protected and 722

that the respondent presents a continuing danger to the person 723
to be protected, the court may order that the respondent be 724
electronically monitored for a period of time and under the 725
terms and conditions that the court determines are appropriate. 726
Electronic monitoring shall be in addition to any other relief 727
granted to the petitioner. 728

(2) (a) Any protection order issued pursuant to this 729
section shall be valid until a date certain but not later than 730
five years from the date of its issuance. 731

(b) Any protection order issued pursuant to this section 732
may be renewed in the same manner as the original order was 733
issued. 734

(3) A court may not issue a protection order that requires 735
a petitioner to do or to refrain from doing an act that the 736
court may require a respondent to do or to refrain from doing 737
under division (E) (1) of this section unless all of the 738
following apply: 739

(a) The respondent files a separate petition for a 740
protection order in accordance with this section. 741

(b) The petitioner is served with notice of the 742
respondent's petition at least forty-eight hours before the 743
court holds a hearing with respect to the respondent's petition, 744
or the petitioner waives the right to receive this notice. 745

(c) If the petitioner has requested an ex parte order 746
pursuant to division (D) of this section, the court does not 747
delay any hearing required by that division beyond the time 748
specified in that division in order to consolidate the hearing 749
with a hearing on the petition filed by the respondent. 750

(d) After a full hearing at which the respondent presents 751

evidence in support of the request for a protection order and 752
the petitioner is afforded an opportunity to defend against that 753
evidence, the court determines that the petitioner has committed 754
a violation of section 2903.211 of the Revised Code against the 755
person to be protected by the protection order issued pursuant 756
to division (E) (3) of this section, has committed a sexually 757
oriented offense against the person to be protected by the 758
protection order issued pursuant to division (E) (3) of this 759
section, or has violated a protection order issued pursuant to 760
section 2903.213 of the Revised Code relative to the person to 761
be protected by the protection order issued pursuant to division 762
(E) (3) of this section. 763

(4) No protection order issued pursuant to this section 764
shall in any manner affect title to any real property. 765

(5) (a) If the court issues a protection order under this 766
section that includes a requirement that the alleged offender 767
refrain from entering the residence, school, business, or place 768
of employment of the petitioner or a family or household member, 769
the order shall clearly state that the order cannot be waived or 770
nullified by an invitation to the alleged offender from the 771
complainant to enter the residence, school, business, or place 772
of employment or by the alleged offender's entry into one of 773
those places otherwise upon the consent of the petitioner or 774
family or household member. 775

(b) Division (E) (5) (a) of this section does not limit any 776
discretion of a court to determine that an alleged offender 777
charged with a violation of section 2919.27 of the Revised Code, 778
with a violation of a municipal ordinance substantially 779
equivalent to that section, or with contempt of court, which 780
charge is based on an alleged violation of a protection order 781

issued under this section, did not commit the violation or was 782
not in contempt of court. 783

(F) (1) The court shall cause the delivery of a copy of any 784
protection order that is issued under this section to the 785
petitioner, to the respondent, and to all law enforcement 786
agencies that have jurisdiction to enforce the order. The court 787
shall direct that a copy of the order be delivered to the 788
respondent on the same day that the order is entered. 789

(2) Upon the issuance of a protection order under this 790
section, the court shall provide the parties to the order with 791
the following notice orally or by form: 792

"NOTICE 793

As a result of this order, it may be unlawful for you to 794
possess or purchase a firearm, including a rifle, pistol, or 795
revolver, or ammunition pursuant to federal law under 18 U.S.C. 796
922(g) (8) for the duration of this order. If you have any 797
questions whether this law makes it illegal for you to possess 798
or purchase a firearm or ammunition, you should consult an 799
attorney." 800

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

(4) Regardless of whether the petitioner has registered 806
the protection order in the county in which the officer's agency 807
has jurisdiction pursuant to division (M) of this section, any 808
officer of a law enforcement agency shall enforce a protection 809
order issued pursuant to this section by any court in this state 810

in accordance with the provisions of the order, including 811
removing the respondent from the premises, if appropriate. 812

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

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

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

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

for obtaining a certified copy of a protection order or consent agreement. 841
842

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

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

(a) Criminal prosecution for a violation of section 852
2919.27 of the Revised Code, if the violation of the protection 853
order constitutes a violation of that section; 854

(b) Punishment for contempt of court. 855

(2) The punishment of a person for contempt of court for 856
violation of a protection order issued under this section does 857
not bar criminal prosecution of the person for a violation of 858
section 2919.27 of the Revised Code. However, a person punished 859
for contempt of court is entitled to credit for the punishment 860
imposed upon conviction of a violation of that section, and a 861
person convicted of a violation of that section shall not 862
subsequently be punished for contempt of court arising out of 863
the same activity. 864

(L) In all stages of a proceeding under this section, a 865
petitioner may be accompanied by a victim advocate. 866

(M) (1) A petitioner who obtains a protection order under 867
this section or a protection order under section 2903.213 of the 868
Revised Code may provide notice of the issuance or approval of 869

the order to the judicial and law enforcement officials in any 870
county other than the county in which the order is issued by 871
registering that order in the other county pursuant to division 872
(M) (2) of this section and filing a copy of the registered order 873
with a law enforcement agency in the other county in accordance 874
with that division. A person who obtains a protection order 875
issued by a court of another state may provide notice of the 876
issuance of the order to the judicial and law enforcement 877
officials in any county of this state by registering the order 878
in that county pursuant to section 2919.272 of the Revised Code 879
and filing a copy of the registered order with a law enforcement 880
agency in that county. 881

(2) A petitioner may register a protection order issued 882
pursuant to this section or section 2903.213 of the Revised Code 883
in a county other than the county in which the court that issued 884
the order is located in the following manner: 885

(a) The petitioner shall obtain a certified copy of the 886
order from the clerk of the court that issued the order and 887
present that certified copy to the clerk of the court of common 888
pleas or the clerk of a municipal court or county court in the 889
county in which the order is to be registered. 890

(b) Upon accepting the certified copy of the order for 891
registration, the clerk of the court of common pleas, municipal 892
court, or county court shall place an endorsement of 893
registration on the order and give the petitioner a copy of the 894
order that bears that proof of registration. 895

(3) The clerk of each court of common pleas, municipal 896
court, or county court shall maintain a registry of certified 897
copies of protection orders that have been issued by courts in 898
other counties pursuant to this section or section 2903.213 of 899

the Revised Code and that have been registered with the clerk. 900

(N) (1) If the court orders electronic monitoring of the 901
respondent under this section, the court shall direct the 902
sheriff's office or any other appropriate law enforcement agency 903
to install the electronic monitoring device and to monitor the 904
respondent. Unless the court determines that the respondent is 905
indigent, the court shall order the respondent to pay the cost 906
of the installation and monitoring of the electronic monitoring 907
device. If the court determines that the respondent is indigent 908
and subject to the maximum amount allowable to be paid in any 909
year from the fund and the rules promulgated by the attorney 910
general under division (N) (2) of this section, the cost of the 911
installation and monitoring of the electronic monitoring device 912
may be paid out of funds from the reparations fund created 913
pursuant to section 2743.191 of the Revised Code. The total 914
amount of costs for the installation and monitoring of 915
electronic monitoring devices paid pursuant to this division and 916
sections 2151.34 and 2919.27 of the Revised Code from the 917
reparations fund shall not exceed three hundred thousand dollars 918
per year. 919

(2) The attorney general may promulgate rules pursuant to 920
section 111.15 of the Revised Code to govern payments made from 921
the reparations fund pursuant to this division and sections 922
2151.34 and 2919.27 of the Revised Code. The rules may include 923
reasonable limits on the total cost paid pursuant to this 924
division and sections 2151.34 and 2919.27 of the Revised Code 925
per respondent, the amount of the three hundred thousand dollars 926
allocated to each county, and how invoices may be submitted by a 927
county, court, or other entity. 928

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 929

alleges a violation of section 2909.06, 2909.07, 2911.12, or 930
2911.211 of the Revised Code if the alleged victim of the 931
violation was a family or household member at the time of the 932
violation, a violation of a municipal ordinance that is 933
substantially similar to any of those sections if the alleged 934
victim of the violation was a family or household member at the 935
time of the violation, any offense of violence if the alleged 936
victim of the offense was a family or household member at the 937
time of the commission of the offense, or any sexually oriented 938
offense if the alleged victim of the offense was a family or 939
household member at the time of the commission of the offense, 940
the complainant, the alleged victim, or a family or household 941
member of an alleged victim may file, or, if in an emergency the 942
alleged victim is unable to file, a person who made an arrest 943
for the alleged violation or offense under section 2935.03 of 944
the Revised Code may file on behalf of the alleged victim, a 945
motion that requests the issuance of a temporary protection 946
order as a pretrial condition of release of the alleged 947
offender, in addition to any bail set under Criminal Rule 46. 948
The motion shall be filed with the clerk of the court that has 949
jurisdiction of the case at any time after the filing of the 950
complaint. 951

(2) For purposes of section 2930.09 of the Revised Code, 952
all stages of a proceeding arising out of a complaint alleging 953
the commission of a violation, offense of violence, or sexually 954
oriented offense described in division (A)(1) of this section, 955
including all proceedings on a motion for a temporary protection 956
order, are critical stages of the case, and a victim may be 957
accompanied by a victim advocate or another person to provide 958
support to the victim as provided in that section. 959

(B) The motion shall be prepared on a form that is 960

provided by the clerk of the court, which form shall be 961
substantially as follows: 962

"MOTION FOR TEMPORARY PROTECTION ORDER 963

..... Court 964

Name and address of court 965

State of Ohio 966

v. No. 967

..... 968

Name of Defendant 969

(name of person), moves the court to issue a temporary 970
protection order containing terms designed to ensure the safety 971
and protection of the complainant, alleged victim, and other 972
family or household members, in relation to the named defendant, 973
pursuant to its authority to issue such an order under section 974
2919.26 of the Revised Code. 975

A complaint, a copy of which has been attached to this 976
motion, has been filed in this court charging the named 977
defendant with (name of the specified 978
violation, the offense of violence, or sexually oriented offense 979
charged) in circumstances in which the victim was a family or 980
household member in violation of (section of the Revised Code 981
designating the specified violation, offense of violence, or 982
sexually oriented offense charged), or charging the named 983
defendant with a violation of a municipal ordinance that is 984
substantially similar to (section of 985
the Revised Code designating the specified violation, offense of 986
violence, or sexually oriented offense charged) involving a 987
family or household member. 988

I understand that I must appear before the court, at a 989
time set by the court within twenty-four hours after the filing 990
of this motion, for a hearing on the motion or that, if I am 991
unable to appear because of hospitalization or a medical 992
condition resulting from the offense alleged in the complaint, a 993
person who can provide information about my need for a temporary 994
protection order must appear before the court in lieu of my 995
appearing in court. I understand that any temporary protection 996
order granted pursuant to this motion is a pretrial condition of 997
release and is effective only until the disposition of the 998
criminal proceeding arising out of the attached complaint, or 999
the issuance of a civil protection order or the approval of a 1000
consent agreement, arising out of the same activities as those 1001
that were the basis of the complaint, under section 3113.31 of 1002
the Revised Code. 1003
..... 1004
Signature of person 1005
(or signature of the arresting officer who filed the motion on 1006
behalf of the alleged victim) 1007
..... 1008
Address of person (or office address of the arresting officer 1009
who filed the motion on behalf of the alleged victim)" 1010
(C) (1) As soon as possible after the filing of a motion 1011
that requests the issuance of a temporary protection order, but 1012
not later than twenty-four hours after the filing of the motion, 1013
the court shall conduct a hearing to determine whether to issue 1014
the order. The person who requested the order shall appear 1015
before the court and provide the court with the information that 1016
it requests concerning the basis of the motion. If the person 1017

who requested the order is unable to appear and if the court 1018
finds that the failure to appear is because of the person's 1019
hospitalization or medical condition resulting from the offense 1020
alleged in the complaint, another person who is able to provide 1021
the court with the information it requests may appear in lieu of 1022
the person who requested the order. If the court finds that the 1023
safety and protection of the complainant, alleged victim, or any 1024
other family or household member of the alleged victim may be 1025
impaired by the continued presence of the alleged offender, the 1026
court may issue a temporary protection order, as a pretrial 1027
condition of release, that contains terms designed to ensure the 1028
safety and protection of the complainant, alleged victim, or the 1029
family or household member, including a requirement that the 1030
alleged offender refrain from entering the residence, school, 1031
business, or place of employment of the complainant, alleged 1032
victim, or the family or household member. The court may include 1033
within a protection order issued under this section a term 1034
requiring that the alleged offender not remove, damage, hide, 1035
harm, or dispose of any companion animal owned or possessed by 1036
the complainant, alleged victim, or any other family or 1037
household member of the alleged victim, and may include within 1038
the order a term authorizing the complainant, alleged victim, or 1039
other family or household member of the alleged victim to remove 1040
a companion animal owned by the complainant, alleged victim, or 1041
other family or household member from the possession of the 1042
alleged offender. 1043

(2) (a) If the court issues a temporary protection order 1044
that includes a requirement that the alleged offender refrain 1045
from entering the residence, school, business, or place of 1046
employment of the complainant, the alleged victim, or the family 1047
or household member, the order shall state clearly that the 1048

order cannot be waived or nullified by an invitation to the 1049
alleged offender from the complainant, alleged victim, or family 1050
or household member to enter the residence, school, business, or 1051
place of employment or by the alleged offender's entry into one 1052
of those places otherwise upon the consent of the complainant, 1053
alleged victim, or family or household member. 1054

(b) Division (C) (2) (a) of this section does not limit any 1055
discretion of a court to determine that an alleged offender 1056
charged with a violation of section 2919.27 of the Revised Code, 1057
with a violation of a municipal ordinance substantially 1058
equivalent to that section, or with contempt of court, which 1059
charge is based on an alleged violation of a temporary 1060
protection order issued under this section, did not commit the 1061
violation or was not in contempt of court. 1062

(D) (1) Upon the filing of a complaint that alleges a 1063
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1064
the Revised Code if the alleged victim of the violation was a 1065
family or household member at the time of the violation, a 1066
violation of a municipal ordinance that is substantially similar 1067
to any of those sections if the alleged victim of the violation 1068
was a family or household member at the time of the violation, 1069
any offense of violence if the alleged victim of the offense was 1070
a family or household member at the time of the commission of 1071
the offense, or any sexually oriented offense if the alleged 1072
victim of the offense was a family or household member at the 1073
time of the commission of the offense, the court, upon its own 1074
motion, may issue a temporary protection order as a pretrial 1075
condition of release if it finds that the safety and protection 1076
of the complainant, alleged victim, or other family or household 1077
member of the alleged offender may be impaired by the continued 1078
presence of the alleged offender. 1079

(2) If the court issues a temporary protection order under 1080
this section as an ex parte order, it shall conduct, as soon as 1081
possible after the issuance of the order, a hearing in the 1082
presence of the alleged offender not later than the next day on 1083
which the court is scheduled to conduct business after the day 1084
on which the alleged offender was arrested or at the time of the 1085
appearance of the alleged offender pursuant to summons to 1086
determine whether the order should remain in effect, be 1087
modified, or be revoked. The hearing shall be conducted under 1088
the standards set forth in division (C) of this section. 1089

(3) An order issued under this section shall contain only 1090
those terms authorized in orders issued under division (C) of 1091
this section. 1092

(4) If a municipal court or a county court issues a 1093
temporary protection order under this section and if, subsequent 1094
to the issuance of the order, the alleged offender who is the 1095
subject of the order is bound over to the court of common pleas 1096
for prosecution of a felony arising out of the same activities 1097
as those that were the basis of the complaint upon which the 1098
order is based, notwithstanding the fact that the order was 1099
issued by a municipal court or county court, the order shall 1100
remain in effect, as though it were an order of the court of 1101
common pleas, while the charges against the alleged offender are 1102
pending in the court of common pleas, for the period of time 1103
described in division (E)(2) of this section, and the court of 1104
common pleas has exclusive jurisdiction to modify the order 1105
issued by the municipal court or county court. This division 1106
applies when the alleged offender is bound over to the court of 1107
common pleas as a result of the person waiving a preliminary 1108
hearing on the felony charge, as a result of the municipal court 1109
or county court having determined at a preliminary hearing that 1110

there is probable cause to believe that the felony has been 1111
committed and that the alleged offender committed it, as a 1112
result of the alleged offender having been indicted for the 1113
felony, or in any other manner. 1114

(E) A temporary protection order that is issued as a 1115
pretrial condition of release under this section: 1116

(1) Is in addition to, but shall not be construed as a 1117
part of, any bail set under Criminal Rule 46; 1118

(2) Is effective only until the occurrence of either of 1119
the following: 1120

(a) The disposition, by the court that issued the order 1121
or, in the circumstances described in division (D)(4) of this 1122
section, by the court of common pleas to which the alleged 1123
offender is bound over for prosecution, of the criminal 1124
proceeding arising out of the complaint upon which the order is 1125
based; 1126

(b) The issuance of a protection order or the approval of 1127
a consent agreement, arising out of the same activities as those 1128
that were the basis of the complaint upon which the order is 1129
based, under section 3113.31 of the Revised Code~~+~~. 1130

(3) Shall not be construed as a finding that the alleged 1131
offender committed the alleged offense, and shall not be 1132
introduced as evidence of the commission of the offense at the 1133
trial of the alleged offender on the complaint upon which the 1134
order is based. 1135

(F) A person who meets the criteria for bail under 1136
Criminal Rule 46 and who, if required to do so pursuant to that 1137
rule, executes or posts bond or deposits cash or securities as 1138
bail, shall not be held in custody pending a hearing before the 1139

court on a motion requesting a temporary protection order. 1140

(G) (1) A copy of any temporary protection order that is 1141
issued under this section shall be issued by the court to the 1142
complainant, to the alleged victim, to the person who requested 1143
the order, to the defendant, and to all law enforcement agencies 1144
that have jurisdiction to enforce the order. The court shall 1145
direct that a copy of the order be delivered to the defendant on 1146
the same day that the order is entered. If a municipal court or 1147
a county court issues a temporary protection order under this 1148
section and if, subsequent to the issuance of the order, the 1149
defendant who is the subject of the order is bound over to the 1150
court of common pleas for prosecution as described in division 1151
(D) (4) of this section, the municipal court or county court 1152
shall direct that a copy of the order be delivered to the court 1153
of common pleas to which the defendant is bound over. 1154

(2) Upon the issuance of a protection order under this 1155
section, the court shall provide the parties to the order with 1156
the following notice orally or by form: 1157

"NOTICE 1158

As a result of this protection order, it may be unlawful 1159
for you to possess or purchase a firearm, including a rifle, 1160
pistol, or revolver, or ammunition pursuant to federal law under 1161
18 U.S.C. 922(g) (8) for the duration of this order. If you have 1162
any questions whether this law makes it illegal for you to 1163
possess or purchase a firearm or ammunition, you should consult 1164
an attorney." 1165

(3) All law enforcement agencies shall establish and 1166
maintain an index for the temporary protection orders delivered 1167
to the agencies pursuant to division (G) (1) of this section. 1168

With respect to each order delivered, each agency shall note on 1169
the index, the date and time of the receipt of the order by the 1170
agency. 1171

(4) A complainant, alleged victim, or other person who 1172
obtains a temporary protection order under this section may 1173
provide notice of the issuance of the temporary protection order 1174
to the judicial and law enforcement officials in any county 1175
other than the county in which the order is issued by 1176
registering that order in the other county in accordance with 1177
division (N) of section 3113.31 of the Revised Code and filing a 1178
copy of the registered protection order with a law enforcement 1179
agency in the other county in accordance with that division. 1180

(5) Any officer of a law enforcement agency shall enforce 1181
a temporary protection order issued by any court in this state 1182
in accordance with the provisions of the order, including 1183
removing the defendant from the premises, regardless of whether 1184
the order is registered in the county in which the officer's 1185
agency has jurisdiction as authorized by division (G) (4) of this 1186
section. 1187

(H) Upon a violation of a temporary protection order, the 1188
court may issue another temporary protection order, as a 1189
pretrial condition of release, that modifies the terms of the 1190
order that was violated. 1191

(I) (1) As used in divisions (I) (1) and (2) of this 1192
section, "defendant" means a person who is alleged in a 1193
complaint to have committed a violation, offense of violence, or 1194
sexually oriented offense of the type described in division (A) 1195
of this section. 1196

(2) If a complaint is filed that alleges that a person 1197

committed a violation, offense of violence, or sexually oriented 1198
offense of the type described in division (A) of this section, 1199
the court may not issue a temporary protection order under this 1200
section that requires the complainant, the alleged victim, or 1201
another family or household member of the defendant to do or 1202
refrain from doing an act that the court may require the 1203
defendant to do or refrain from doing under a temporary 1204
protection order unless both of the following apply: 1205

(a) The defendant has filed a separate complaint that 1206
alleges that the complainant, alleged victim, or other family or 1207
household member in question who would be required under the 1208
order to do or refrain from doing the act committed a violation 1209
or offense of violence of the type described in division (A) of 1210
this section. 1211

(b) The court determines that both the complainant, 1212
alleged victim, or other family or household member in question 1213
who would be required under the order to do or refrain from 1214
doing the act and the defendant acted primarily as aggressors, 1215
that neither the complainant, alleged victim, or other family or 1216
household member in question who would be required under the 1217
order to do or refrain from doing the act nor the defendant 1218
acted primarily in self-defense, and, in accordance with the 1219
standards and criteria of this section as applied in relation to 1220
the separate complaint filed by the defendant, that it should 1221
issue the order to require the complainant, alleged victim, or 1222
other family or household member in question to do or refrain 1223
from doing the act. 1224

(J) (1) Subject to division (J) (2) of this section and 1225
regardless of whether a protection order is issued or a consent 1226
agreement is approved by a court of another county or a court of 1227

another state, no court or unit of state or local government 1228
shall charge the movant any fee, cost, deposit, or money in 1229
connection with the filing of a motion pursuant to this section, 1230
in connection with the filing, issuance, registration, 1231
modification, enforcement, dismissal, withdrawal, or service of 1232
a protection order, consent agreement, or witness subpoena or 1233
for obtaining a certified copy of a protection order or consent 1234
agreement. 1235

(2) Regardless of whether a protection order is issued or 1236
a consent agreement is approved pursuant to this section, if the 1237
defendant is convicted the court may assess costs against the 1238
defendant in connection with the filing, issuance, registration, 1239
modification, enforcement, dismissal, withdrawal, or service of 1240
a protection order, consent agreement, or witness subpoena or 1241
for obtaining a certified copy of a protection order or consent 1242
agreement. 1243

(K) As used in this section: 1244

(1) "Companion animal" has the same meaning as in section 1245
959.131 of the Revised Code. 1246

(2) "Sexually oriented offense" has the same meaning as in 1247
section 2950.01 of the Revised Code. 1248

(3) "Victim advocate" means a person who provides support 1249
and assistance for a victim of an offense during court 1250
proceedings. 1251

Sec. 2919.27. (A) No person shall recklessly violate the 1252
terms of any of the following: 1253

(1) A protection order issued or consent agreement 1254
approved pursuant to section 2919.26 ~~or~~ 3113.31, or 3113.311 1255
of the Revised Code; 1256

(2) A protection order issued pursuant to section 2151.34, 1257
2903.213, or 2903.214 of the Revised Code; 1258

(3) A protection order issued by a court of another state. 1259

(B) (1) Whoever violates this section is guilty of 1260
violating a protection order. 1261

(2) Except as otherwise provided in division (B) (3) or (4) 1262
of this section, violating a protection order is a misdemeanor 1263
of the first degree. 1264

(3) If the offender previously has been convicted of, 1265
pleaded guilty to, or been adjudicated a delinquent child for a 1266
violation of a protection order issued pursuant to section 1267
2151.34, 2903.213, or 2903.214 of the Revised Code, two or more 1268
violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of 1269
the Revised Code that involved the same person who is the 1270
subject of the protection order or consent agreement, or one or 1271
more violations of this section, violating a protection order is 1272
a felony of the fifth degree. 1273

(4) If the offender violates a protection order or consent 1274
agreement while committing a felony offense, violating a 1275
protection order is a felony of the third degree. 1276

(5) If the protection order violated by the offender was 1277
an order issued pursuant to section 2151.34 or 2903.214 of the 1278
Revised Code that required electronic monitoring of the offender 1279
pursuant to that section, the court may require in addition to 1280
any other sentence imposed upon the offender that the offender 1281
be electronically monitored for a period not exceeding five 1282
years by a law enforcement agency designated by the court. If 1283
the court requires under this division that the offender be 1284
electronically monitored, unless the court determines that the 1285

offender is indigent, the court shall order that the offender 1286
pay the costs of the installation of the electronic monitoring 1287
device and the cost of monitoring the electronic monitoring 1288
device. If the court determines that the offender is indigent 1289
and subject to the maximum amount allowable and the rules 1290
promulgated by the attorney general under section 2903.214 of 1291
the Revised Code, the costs of the installation of the 1292
electronic monitoring device and the cost of monitoring the 1293
electronic monitoring device may be paid out of funds from the 1294
reparations fund created pursuant to section 2743.191 of the 1295
Revised Code. The total amount paid from the reparations fund 1296
created pursuant to section 2743.191 of the Revised Code for 1297
electronic monitoring under this section and sections 2151.34 1298
and 2903.214 of the Revised Code shall not exceed three hundred 1299
thousand dollars per year. 1300

(C) It is an affirmative defense to a charge under 1301
division (A) (3) of this section that the protection order issued 1302
by a court of another state does not comply with the 1303
requirements specified in 18 U.S.C. 2265(b) for a protection 1304
order that must be accorded full faith and credit by a court of 1305
this state or that it is not entitled to full faith and credit 1306
under 18 U.S.C. 2265(c) . 1307

(D) As used in this section, "protection order issued by a 1308
court of another state" means an injunction or another order 1309
issued by a criminal court of another state for the purpose of 1310
preventing violent or threatening acts or harassment against, 1311
contact or communication with, or physical proximity to another 1312
person, including a temporary order, and means an injunction or 1313
order of that nature issued by a civil court of another state, 1314
including a temporary order and a final order issued in an 1315
independent action or as a pendente lite order in a proceeding 1316

for other relief, if the court issued it in response to a 1317
complaint, petition, or motion filed by or on behalf of a person 1318
seeking protection. "Protection order issued by a court of 1319
another state" does not include an order for support or for 1320
custody of a child issued pursuant to the divorce and child 1321
custody laws of another state, except to the extent that the 1322
order for support or for custody of a child is entitled to full 1323
faith and credit under the laws of the United States. 1324

Sec. 3113.31. (A) As used in this section: 1325

(1) "Domestic violence" means the occurrence of one or 1326
more of the following acts against a family or household member: 1327

(a) Attempting to cause or recklessly causing bodily 1328
injury; 1329

(b) Placing another person by the threat of force in fear 1330
of imminent serious physical harm or committing a violation of 1331
section 2903.211 or 2911.211 of the Revised Code; 1332

(c) Committing any act with respect to a child that would 1333
result in the child being an abused child, as defined in section 1334
2151.031 of the Revised Code; 1335

(d) Committing a sexually oriented offense. 1336

(2) "Court" means the domestic relations division of the 1337
court of common pleas in counties that have a domestic relations 1338
division and the court of common pleas in counties that do not 1339
have a domestic relations division, or the juvenile division of 1340
the court of common pleas of the county in which the person to 1341
be protected by a protection order issued or a consent agreement 1342
approved under this section resides if the respondent is less 1343
than eighteen years of age. 1344

- (3) "Family or household member" means any of the 1345
following: 1346
- (a) Any of the following who is residing with or has 1347
resided with the respondent: 1348
- (i) A spouse, a person living as a spouse, or a former 1349
spouse of the respondent; 1350
- (ii) A parent, a foster parent, or a child of the 1351
respondent, or another person related by consanguinity or 1352
affinity to the respondent; 1353
- (iii) A parent or a child of a spouse, person living as a 1354
spouse, or former spouse of the respondent, or another person 1355
related by consanguinity or affinity to a spouse, person living 1356
as a spouse, or former spouse of the respondent. 1357
- (b) The natural parent of any child of whom the respondent 1358
is the other natural parent or is the putative other natural 1359
parent. 1360
- (4) "Person living as a spouse" means a person who is 1361
living or has lived with the respondent in a common law marital 1362
relationship, who otherwise is cohabiting with the respondent, 1363
or who otherwise has cohabited with the respondent within five 1364
years prior to the date of the alleged occurrence of the act in 1365
question. 1366
- (5) "Victim advocate" means a person who provides support 1367
and assistance for a person who files a petition under this 1368
section. 1369
- (6) "Sexually oriented offense" has the same meaning as in 1370
section 2950.01 of the Revised Code. 1371
- (7) "Companion animal" has the same meaning as in section 1372

959.131 of the Revised Code. 1373

(B) The court has jurisdiction over all proceedings under 1374
this section. The petitioner's right to relief under this 1375
section is not affected by the petitioner's leaving the 1376
residence or household to avoid further domestic violence. 1377

(C) A person may seek relief under this section on the 1378
person's own behalf, or any parent or adult household member may 1379
seek relief under this section on behalf of any other family or 1380
household member, by filing a petition with the court. The 1381
petition shall contain or state: 1382

(1) An allegation that the respondent engaged in domestic 1383
violence against a family or household member of the respondent, 1384
including a description of the nature and extent of the domestic 1385
violence; 1386

(2) The relationship of the respondent to the petitioner, 1387
and to the victim if other than the petitioner; 1388

(3) A request for relief under this section. 1389

(D) (1) If a person who files a petition pursuant to this 1390
section requests an ex parte order, the court shall hold an ex 1391
parte hearing on the same day that the petition is filed. The 1392
court, for good cause shown at the ex parte hearing, may enter 1393
any temporary orders, with or without bond, including, but not 1394
limited to, an order described in division (E) (1) (a), (b), or 1395
(c) of this section, that the court finds necessary to protect 1396
the family or household member from domestic violence. Immediate 1397
and present danger of domestic violence to the family or 1398
household member constitutes good cause for purposes of this 1399
section. Immediate and present danger includes, but is not 1400
limited to, situations in which the respondent has threatened 1401

the family or household member with bodily harm, in which the 1402
respondent has threatened the family or household member with a 1403
sexually oriented offense, or in which the respondent previously 1404
has been convicted of, pleaded guilty to, or been adjudicated a 1405
delinquent child for an offense that constitutes domestic 1406
violence against the family or household member. 1407

(2) (a) If the court, after an ex parte hearing, issues an 1408
order described in division (E) (1) (b) or (c) of this section, 1409
the court shall schedule a full hearing for a date that is 1410
within seven court days after the ex parte hearing. If any other 1411
type of protection order that is authorized under division (E) 1412
of this section is issued by the court after an ex parte 1413
hearing, the court shall schedule a full hearing for a date that 1414
is within ten court days after the ex parte hearing. The court 1415
shall give the respondent notice of, and an opportunity to be 1416
heard at, the full hearing. The court shall hold the full 1417
hearing on the date scheduled under this division unless the 1418
court grants a continuance of the hearing in accordance with 1419
this division. Under any of the following circumstances or for 1420
any of the following reasons, the court may grant a continuance 1421
of the full hearing to a reasonable time determined by the 1422
court: 1423

(i) Prior to the date scheduled for the full hearing under 1424
this division, the respondent has not been served with the 1425
petition filed pursuant to this section and notice of the full 1426
hearing. 1427

(ii) The parties consent to the continuance. 1428

(iii) The continuance is needed to allow a party to obtain 1429
counsel. 1430

- (iv) The continuance is needed for other good cause. 1431
- (b) An ex parte order issued under this section does not 1432
expire because of a failure to serve notice of the full hearing 1433
upon the respondent before the date set for the full hearing 1434
under division (D) (2) (a) of this section or because the court 1435
grants a continuance under that division. 1436
- (3) If a person who files a petition pursuant to this 1437
section does not request an ex parte order, or if a person 1438
requests an ex parte order but the court does not issue an ex 1439
parte order after an ex parte hearing, the court shall proceed 1440
as in a normal civil action and grant a full hearing on the 1441
matter. 1442
- (E) (1) After an ex parte or full hearing, the court may 1443
grant any protection order, with or without bond, or approve any 1444
consent agreement to bring about a cessation of domestic 1445
violence against the family or household members. The order or 1446
agreement may: 1447
- (a) Direct the respondent to refrain from abusing or from 1448
committing sexually oriented offenses against the family or 1449
household members; 1450
- (b) Grant possession of the residence or household to the 1451
petitioner or other family or household member, to the exclusion 1452
of the respondent, by evicting the respondent, when the 1453
residence or household is owned or leased solely by the 1454
petitioner or other family or household member, or by ordering 1455
the respondent to vacate the premises, when the residence or 1456
household is jointly owned or leased by the respondent, and the 1457
petitioner or other family or household member; 1458
- (c) When the respondent has a duty to support the 1459

petitioner or other family or household member living in the 1460
residence or household and the respondent is the sole owner or 1461
lessee of the residence or household, grant possession of the 1462
residence or household to the petitioner or other family or 1463
household member, to the exclusion of the respondent, by 1464
ordering the respondent to vacate the premises, or, in the case 1465
of a consent agreement, allow the respondent to provide 1466
suitable, alternative housing; 1467

(d) Temporarily allocate parental rights and 1468
responsibilities for the care of, or establish temporary 1469
parenting time rights with regard to, minor children, if no 1470
other court has determined, or is determining, the allocation of 1471
parental rights and responsibilities for the minor children or 1472
parenting time rights; 1473

(e) Require the respondent to maintain support, if the 1474
respondent customarily provides for or contributes to the 1475
support of the family or household member, or if the respondent 1476
has a duty to support the petitioner or family or household 1477
member; 1478

(f) Require the respondent, petitioner, victim of domestic 1479
violence, or any combination of those persons, to seek 1480
counseling; 1481

(g) Require the respondent to refrain from entering the 1482
residence, school, business, or place of employment of the 1483
petitioner or family or household member; 1484

(h) Grant other relief that the court considers equitable 1485
and fair, including, but not limited to, ordering the respondent 1486
to permit the use of a motor vehicle by the petitioner or other 1487
family or household member and the apportionment of household 1488

and family personal property;	1489
(i) Require that the respondent not remove, damage, hide,	1490
harm, or dispose of any companion animal owned or possessed by	1491
the petitioner;	1492
(j) Authorize the petitioner to remove a companion animal	1493
owned by the petitioner from the possession of the respondent;	1494
(k) Require a wireless service transfer in accordance with	1495
sections 3113.45 to 3113.459 of the Revised Code.	1496
(2) If a protection order has been issued pursuant to this	1497
section in a prior action involving the respondent and the	1498
petitioner or one or more of the family or household members or	1499
victims, the court may include in a protection order that it	1500
issues a prohibition against the respondent returning to the	1501
residence or household. If it includes a prohibition against the	1502
respondent returning to the residence or household in the order,	1503
it also shall include in the order provisions of the type	1504
described in division (E) (7) of this section. This division does	1505
not preclude the court from including in a protection order or	1506
consent agreement, in circumstances other than those described	1507
in this division, a requirement that the respondent be evicted	1508
from or vacate the residence or household or refrain from	1509
entering the residence, school, business, or place of employment	1510
of the petitioner or a family or household member, and, if the	1511
court includes any requirement of that type in an order or	1512
agreement, the court also shall include in the order provisions	1513
of the type described in division (E) (7) of this section.	1514
(3) (a) Any protection order issued or consent agreement	1515
approved under this section shall be valid until a date certain,	1516
but not later than five years from the date of its issuance or	1517

approval, or not later than the date a respondent who is less 1518
than eighteen years of age attains nineteen years of age, unless 1519
modified or terminated as provided in division (E) (8) of this 1520
section. 1521

(b) Subject to the limitation on the duration of an order 1522
or agreement set forth in division (E) (3) (a) of this section, 1523
any order under division (E) (1) (d) of this section shall 1524
terminate on the date that a court in an action for divorce, 1525
dissolution of marriage, or legal separation brought by the 1526
petitioner or respondent issues an order allocating parental 1527
rights and responsibilities for the care of children or on the 1528
date that a juvenile court in an action brought by the 1529
petitioner or respondent issues an order awarding legal custody 1530
of minor children. Subject to the limitation on the duration of 1531
an order or agreement set forth in division (E) (3) (a) of this 1532
section, any order under division (E) (1) (e) of this section 1533
shall terminate on the date that a court in an action for 1534
divorce, dissolution of marriage, or legal separation brought by 1535
the petitioner or respondent issues a support order or on the 1536
date that a juvenile court in an action brought by the 1537
petitioner or respondent issues a support order. 1538

(c) Any protection order issued or consent agreement 1539
approved pursuant to this section may be renewed in the same 1540
manner as the original order or agreement was issued or 1541
approved. 1542

(4) A court may not issue a protection order that requires 1543
a petitioner to do or to refrain from doing an act that the 1544
court may require a respondent to do or to refrain from doing 1545
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 1546
this section unless all of the following apply: 1547

- (a) The respondent files a separate petition for a protection order in accordance with this section. 1548
1549
- (b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 1550
1551
1552
1553
- (c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 1554
1555
1556
1557
1558
- (d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense. 1559
1560
1561
1562
1563
1564
1565
1566
1567
- (5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property. 1568
1569
1570
- (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 1571
1572
1573
1574
1575
1576

companionship order issued pursuant to section 3109.051, 1577
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 1578
this section granting parenting time rights to the respondent, 1579
the court may require the public children services agency of the 1580
county in which the court is located to provide supervision of 1581
the respondent's exercise of parenting time or visitation or 1582
companionship rights with respect to the child for a period not 1583
to exceed nine months, if the court makes the following findings 1584
of fact: 1585

(i) The child is in danger from the respondent; 1586

(ii) No other person or agency is available to provide the 1587
supervision. 1588

(b) A court that requires an agency to provide supervision 1589
pursuant to division (E) (6) (a) of this section shall order the 1590
respondent to reimburse the agency for the cost of providing the 1591
supervision, if it determines that the respondent has sufficient 1592
income or resources to pay that cost. 1593

(7) (a) If a protection order issued or consent agreement 1594
approved under this section includes a requirement that the 1595
respondent be evicted from or vacate the residence or household 1596
or refrain from entering the residence, school, business, or 1597
place of employment of the petitioner or a family or household 1598
member, the order or agreement shall state clearly that the 1599
order or agreement cannot be waived or nullified by an 1600
invitation to the respondent from the petitioner or other family 1601
or household member to enter the residence, school, business, or 1602
place of employment or by the respondent's entry into one of 1603
those places otherwise upon the consent of the petitioner or 1604
other family or household member. 1605

(b) Division (E) (7) (a) of this section does not limit any 1606
discretion of a court to determine that a respondent charged 1607
with a violation of section 2919.27 of the Revised Code, with a 1608
violation of a municipal ordinance substantially equivalent to 1609
that section, or with contempt of court, which charge is based 1610
on an alleged violation of a protection order issued or consent 1611
agreement approved under this section, did not commit the 1612
violation or was not in contempt of court. 1613

(8) (a) The court may modify or terminate as provided in 1614
division (E) (8) of this section a protection order or consent 1615
agreement that was issued after a full hearing under this 1616
section. The court that issued the protection order or approved 1617
the consent agreement shall hear a motion for modification or 1618
termination of the protection order or consent agreement 1619
pursuant to division (E) (8) of this section. 1620

(b) Either the petitioner or the respondent of the 1621
original protection order or consent agreement may bring a 1622
motion for modification or termination of a protection order or 1623
consent agreement that was issued or approved after a full 1624
hearing. The court shall require notice of the motion to be made 1625
as provided by the Rules of Civil Procedure. If the petitioner 1626
for the original protection order or consent agreement has 1627
requested that the petitioner's address be kept confidential, 1628
the court shall not disclose the address to the respondent of 1629
the original protection order or consent agreement or any other 1630
person, except as otherwise required by law. The moving party 1631
has the burden of proof to show, by a preponderance of the 1632
evidence, that modification or termination of the protection 1633
order or consent agreement is appropriate because either the 1634
protection order or consent agreement is no longer needed or 1635
because the terms of the original protection order or consent 1636

agreement are no longer appropriate. 1637

(c) In considering whether to modify or terminate a 1638
protection order or consent agreement issued or approved under 1639
this section, the court shall consider all relevant factors, 1640
including, but not limited to, the following: 1641

(i) Whether the petitioner consents to modification or 1642
termination of the protection order or consent agreement; 1643

(ii) Whether the petitioner fears the respondent; 1644

(iii) The current nature of the relationship between the 1645
petitioner and the respondent; 1646

(iv) The circumstances of the petitioner and respondent, 1647
including the relative proximity of the petitioner's and 1648
respondent's workplaces and residences and whether the 1649
petitioner and respondent have minor children together; 1650

(v) Whether the respondent has complied with the terms and 1651
conditions of the original protection order or consent 1652
agreement; 1653

(vi) Whether the respondent has a continuing involvement 1654
with illegal drugs or alcohol; 1655

(vii) Whether the respondent has been convicted of, 1656
pleaded guilty to, or been adjudicated a delinquent child for an 1657
offense of violence since the issuance of the protection order 1658
or approval of the consent agreement; 1659

(viii) Whether any other protection orders, consent 1660
agreements, restraining orders, or no contact orders have been 1661
issued against the respondent pursuant to this section, section 1662
2919.26 of the Revised Code, any other provision of state law, 1663
or the law of any other state; 1664

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

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

(xi) The age and health of the respondent;

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

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

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

(9) Any protection order issued or any consent agreement approved pursuant to this section shall include a provision that the court will automatically seal all of the records of the proceeding in which the order is issued or agreement approved on

the date the respondent attains the age of nineteen years unless 1694
the petitioner provides the court with evidence that the 1695
respondent has not complied with all of the terms of the 1696
protection order or consent agreement. The protection order or 1697
consent agreement shall specify the date when the respondent 1698
attains the age of nineteen years. 1699

(F) (1) A copy of any protection order, or consent 1700
agreement, that is issued, approved, modified, or terminated 1701
under this section shall be issued by the court to the 1702
petitioner, to the respondent, and to all law enforcement 1703
agencies that have jurisdiction to enforce the order or 1704
agreement. The court shall direct that a copy of an order be 1705
delivered to the respondent on the same day that the order is 1706
entered. 1707

(2) Upon the issuance of a protection order or the 1708
approval of a consent agreement under this section, the court 1709
shall provide the parties to the order or agreement with the 1710
following notice orally or by form: 1711

"NOTICE 1712

As a result of this order or consent agreement, it may be 1713
unlawful for you to possess or purchase a firearm, including a 1714
rifle, pistol, or revolver, or ammunition pursuant to federal 1715
law under 18 U.S.C. 922(g) (8) for the duration of this order or 1716
consent agreement. If you have any questions whether this law 1717
makes it illegal for you to possess or purchase a firearm or 1718
ammunition, you should consult an attorney." 1719

(3) All law enforcement agencies shall establish and 1720
maintain an index for the protection orders and the approved 1721
consent agreements delivered to the agencies pursuant to 1722

division (F) (1) of this section. With respect to each order and 1723
consent agreement delivered, each agency shall note on the index 1724
the date and time that it received the order or consent 1725
agreement. 1726

(4) Regardless of whether the petitioner has registered 1727
the order or agreement in the county in which the officer's 1728
agency has jurisdiction pursuant to division (N) of this 1729
section, any officer of a law enforcement agency shall enforce a 1730
protection order issued or consent agreement approved by any 1731
court in this state in accordance with the provisions of the 1732
order or agreement, including removing the respondent from the 1733
premises, if appropriate. 1734

(G) Any proceeding under this section shall be conducted 1735
in accordance with the Rules of Civil Procedure, except that an 1736
order under this section may be obtained with or without bond. 1737
An order issued under this section, other than an ex parte 1738
order, that grants a protection order or approves a consent 1739
agreement, that refuses to grant a protection order or approve a 1740
consent agreement that modifies or terminates a protection order 1741
or consent agreement, or that refuses to modify or terminate a 1742
protection order or consent agreement, is a final, appealable 1743
order. The remedies and procedures provided in this section are 1744
in addition to, and not in lieu of, any other available civil or 1745
criminal remedies. 1746

(H) The filing of proceedings under this section does not 1747
excuse a person from filing any report or giving any notice 1748
required by section 2151.421 of the Revised Code or by any other 1749
law. When a petition under this section alleges domestic 1750
violence against minor children, the court shall report the 1751
fact, or cause reports to be made, to a county, township, or 1752

municipal peace officer under section 2151.421 of the Revised Code. 1753
1754

(I) Any law enforcement agency that investigates a 1755
domestic dispute shall provide information to the family or 1756
household members involved regarding the relief available under 1757
this section and section 2919.26 of the Revised Code. 1758

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 1759
section and regardless of whether a protection order is issued 1760
or a consent agreement is approved by a court of another county 1761
or a court of another state, no court or unit of state or local 1762
government shall charge the petitioner any fee, cost, deposit, 1763
or money in connection with the filing of a petition pursuant to 1764
this section or in connection with the filing, issuance, 1765
registration, modification, enforcement, dismissal, withdrawal, 1766
or service of a protection order, consent agreement, or witness 1767
subpoena or for obtaining a certified copy of a protection order 1768
or consent agreement. 1769

(2) Regardless of whether a protection order is issued or 1770
a consent agreement is approved pursuant to this section, the 1771
court may assess costs against the respondent in connection with 1772
the filing, issuance, registration, modification, enforcement, 1773
dismissal, withdrawal, or service of a protection order, consent 1774
agreement, or witness subpoena or for obtaining a certified copy 1775
of a protection order or consent agreement. 1776

(K) (1) The court shall comply with Chapters 3119., 3121., 1777
3123., and 3125. of the Revised Code when it makes or modifies 1778
an order for child support under this section. 1779

(2) If any person required to pay child support under an 1780
order made under this section on or after April 15, 1985, or 1781

modified under this section on or after December 31, 1986, is 1782
found in contempt of court for failure to make support payments 1783
under the order, the court that makes the finding, in addition 1784
to any other penalty or remedy imposed, shall assess all court 1785
costs arising out of the contempt proceeding against the person 1786
and require the person to pay any reasonable attorney's fees of 1787
any adverse party, as determined by the court, that arose in 1788
relation to the act of contempt. 1789

(L) (1) A person who violates a protection order issued or 1790
a consent agreement approved under this section is subject to 1791
the following sanctions: 1792

(a) Criminal prosecution or a delinquent child proceeding 1793
for a violation of section 2919.27 of the Revised Code, if the 1794
violation of the protection order or consent agreement 1795
constitutes a violation of that section; 1796

(b) Punishment for contempt of court. 1797

(2) The punishment of a person for contempt of court for 1798
violation of a protection order issued or a consent agreement 1799
approved under this section does not bar criminal prosecution of 1800
the person or a delinquent child proceeding concerning the 1801
person for a violation of section 2919.27 of the Revised Code. 1802
However, a person punished for contempt of court is entitled to 1803
credit for the punishment imposed upon conviction of or 1804
adjudication as a delinquent child for a violation of that 1805
section, and a person convicted of or adjudicated a delinquent 1806
child for a violation of that section shall not subsequently be 1807
punished for contempt of court arising out of the same activity. 1808

(M) In all stages of a proceeding under this section, a 1809
petitioner may be accompanied by a victim advocate. 1810

(N) (1) A petitioner who obtains a protection order or 1811
consent agreement under this section or a temporary protection 1812
order under section 2919.26 of the Revised Code may provide 1813
notice of the issuance or approval of the order or agreement to 1814
the judicial and law enforcement officials in any county other 1815
than the county in which the order is issued or the agreement is 1816
approved by registering that order or agreement in the other 1817
county pursuant to division (N) (2) of this section and filing a 1818
copy of the registered order or registered agreement with a law 1819
enforcement agency in the other county in accordance with that 1820
division. A person who obtains a protection order issued by a 1821
court of another state may provide notice of the issuance of the 1822
order to the judicial and law enforcement officials in any 1823
county of this state by registering the order in that county 1824
pursuant to section 2919.272 of the Revised Code and filing a 1825
copy of the registered order with a law enforcement agency in 1826
that county. 1827

(2) A petitioner may register a temporary protection 1828
order, protection order, or consent agreement in a county other 1829
than the county in which the court that issued the order or 1830
approved the agreement is located in the following manner: 1831

(a) The petitioner shall obtain a certified copy of the 1832
order or agreement from the clerk of the court that issued the 1833
order or approved the agreement and present that certified copy 1834
to the clerk of the court of common pleas or the clerk of a 1835
municipal court or county court in the county in which the order 1836
or agreement is to be registered. 1837

(b) Upon accepting the certified copy of the order or 1838
agreement for registration, the clerk of the court of common 1839
pleas, municipal court, or county court shall place an 1840

endorsement of registration on the order or agreement and give 1841
the petitioner a copy of the order or agreement that bears that 1842
proof of registration. 1843

(3) The clerk of each court of common pleas, the clerk of 1844
each municipal court, and the clerk of each county court shall 1845
maintain a registry of certified copies of temporary protection 1846
orders, protection orders, or consent agreements that have been 1847
issued or approved by courts in other counties and that have 1848
been registered with the clerk. 1849

(0) Nothing in this section prohibits the domestic 1850
relations division of a court of common pleas in counties that 1851
have a domestic relations division or a court of common pleas in 1852
counties that do not have a domestic relations division from 1853
designating a minor child as a protected party on a protection 1854
order or consent agreement. 1855

Sec. 3113.311. (A) As used in this section: 1856

(1) "Dating violence" means the occurrence of one or more 1857
of the following acts against a petitioner alleging dating 1858
violence: 1859

(a) Attempting to cause or recklessly causing bodily 1860
injury; 1861

(b) Placing the petitioner alleging dating violence by the 1862
threat of force in fear of imminent serious physical harm or 1863
committing a violation of section 2903.211 or 2911.211 of the 1864
Revised Code; 1865

(c) Committing a sexually oriented offense. 1866

(2) "Court" means the domestic relations division of the 1867
court of common pleas in counties that have a domestic relations 1868

division and the court of common pleas in counties that do not 1869
have a domestic relations division. 1870

(3) (a) "Petitioner alleging dating violence" or "person 1871
alleging dating violence" means a person who has or has had a 1872
dating relationship with the respondent within the twelve months 1873
preceding the date of the conduct in question that constitutes 1874
the alleged dating violence. "Petitioner alleging dating 1875
violence" or "person alleging dating violence" does not include, 1876
with respect to a specified respondent, another person who has 1877
only a casual relationship with the specified respondent or 1878
another person who has engaged solely in ordinary fraternization 1879
in a business or social context with the specified respondent. 1880

(b) The existence of a dating relationship between two 1881
persons shall be determined based on a consideration of either 1882
of the following factors: 1883

(i) The nature of the relationship must have been 1884
characterized by the expectation of affection between the two 1885
persons. 1886

(ii) The frequency and type of interaction between the two 1887
persons involved in the relationship must have included that the 1888
persons have been involved over time and on a continuous basis 1889
during the course of the relationship. 1890

(4) "Victim advocate" means a person who provides support 1891
and assistance for a person who files a petition under this 1892
section. 1893

(5) "Sexually oriented offense" has the same meaning as in 1894
section 2950.01 of the Revised Code. 1895

(6) "Companion animal" has the same meaning as in section 1896
959.131 of the Revised Code. 1897

(B) The court has jurisdiction over all proceedings under this section. 1898
1899

(C) A petitioner alleging dating violence may seek relief under this section on the person's own behalf, or any parent or adult household member of a person alleging dating violence may seek relief under this section on behalf of that person, by filing a petition with the court. The petition shall contain or state: 1900
1901
1902
1903
1904
1905

(1) An allegation that the respondent engaged in dating violence against the petitioner alleging dating violence or against the person alleging dating violence if other than the petitioner, including a description of the nature and extent of the dating violence; 1906
1907
1908
1909
1910

(2) The facts upon which the court may conclude that a dating relationship existed between the petitioner alleging dating violence and the respondent, and if the person alleging dating violence is other than the petitioner filing the petition, an explanation of the relationship of the respondent to the person alleging dating violence; 1911
1912
1913
1914
1915
1916

(3) A request for relief under this section. 1917

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a) of this section, that the court finds necessary to protect the petitioner alleging dating violence from any dating violence. Immediate and present danger of dating violence to the 1918
1919
1920
1921
1922
1923
1924
1925
1926

petitioner alleging dating violence constitutes good cause for 1927
purposes of this section. Immediate and present danger includes, 1928
but is not limited to, situations in which the respondent has 1929
threatened the petitioner alleging dating violence with bodily 1930
harm, in which the respondent has threatened that petitioner 1931
with a sexually oriented offense, or in which the respondent 1932
previously has been convicted of, pleaded guilty to, or been 1933
adjudicated a delinquent child for an offense that constitutes 1934
dating violence against the petitioner alleging dating violence. 1935

(2) (a) If the court, after an ex parte hearing, issues any 1936
protection order that is authorized under division (E) of this 1937
section, the court shall schedule a full hearing for a date that 1938
is within ten court days after the ex parte hearing. The court 1939
shall give the respondent notice of, and an opportunity to be 1940
heard at, the full hearing. The court shall hold the full 1941
hearing on the date scheduled under this division unless the 1942
court grants a continuance of the hearing in accordance with 1943
this division. Under any of the following circumstances or for 1944
any of the following reasons, the court may grant a continuance 1945
of the full hearing to a reasonable time determined by the 1946
court: 1947

(i) Prior to the date scheduled for the full hearing under 1948
this division, the respondent has not been served with the 1949
petition filed pursuant to this section and notice of the full 1950
hearing. 1951

(ii) The parties consent to the continuance. 1952

(iii) The continuance is needed to allow a party to obtain 1953
counsel. 1954

(iv) The continuance is needed for other good cause. 1955

(b) An ex parte order issued under this section does not 1956
expire because of a failure to serve notice of the full hearing 1957
upon the respondent before the date set for the full hearing 1958
under division (D) (2) (a) of this section or because the court 1959
grants a continuance under that division. 1960

(3) If a person who files a petition pursuant to this 1961
section does not request an ex parte order, or if a person 1962
requests an ex parte order but the court does not issue an ex 1963
parte order after an ex parte hearing, the court shall proceed 1964
as in a normal civil action and grant a full hearing on the 1965
matter. 1966

(E) (1) After an ex parte or full hearing, the court may 1967
grant any protection order, with or without bond, or approve any 1968
consent agreement to bring about a cessation of dating violence 1969
against the petitioner alleging dating violence. The order or 1970
agreement may: 1971

(a) Direct the respondent to refrain from abusing or from 1972
committing sexually oriented offenses against the petitioner 1973
alleging dating violence; 1974

(b) Require the respondent, the petitioner alleging dating 1975
violence, the petitioner filing the petition if other than the 1976
person alleging dating violence, or any combination of those 1977
persons, to seek counseling; 1978

(c) Require the respondent to refrain from entering the 1979
residence, school, business, or place of employment of the 1980
petitioner alleging dating violence or the petitioner filing the 1981
petition if other than the person alleging dating violence; 1982

(d) Require that the respondent not remove, damage, hide, 1983
harm, or dispose of any companion animal owned or possessed by 1984

the petitioner alleging dating violence; 1985

(e) Authorize the petitioner alleging dating violence to 1986
remove a companion animal owned by that petitioner from the 1987
possession of the respondent; 1988

(f) Grant other relief that the court considers equitable 1989
and fair. 1990

(2) If a protection order has been issued pursuant to this 1991
section in a prior action involving the respondent and the 1992
petitioner alleging dating violence or the petitioner filing the 1993
petition if other than the person alleging dating violence, the 1994
court may include in a protection order that it issues a 1995
prohibition against the respondent returning to the residence, 1996
school, business, or place of employment. 1997

(3) (a) Any protection order issued or consent agreement 1998
approved under this section shall be valid until a date certain, 1999
but not later than five years from the date of its issuance or 2000
approval, or not later than the date a respondent who is less 2001
than eighteen years of age attains nineteen years of age, unless 2002
modified or terminated as provided in division (E) (6) of this 2003
section. 2004

(b) Any protection order issued or consent agreement 2005
approved pursuant to this section may be renewed in the same 2006
manner as the original order or agreement was issued or 2007
approved. 2008

(4) A court may not issue a protection order that requires 2009
a petitioner alleging dating violence to do or to refrain from 2010
doing an act that the court may require a respondent to do or to 2011
refrain from doing under division (E) (1) (a), (c), (d), (e), or 2012
(f) of this section unless all of the following apply: 2013

(a) The respondent files a separate petition for a protection order in accordance with this section. 2014
2015

(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 2016
2017
2018
2019

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 2020
2021
2022
2023
2024

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of dating violence, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense. 2025
2026
2027
2028
2029
2030
2031

(5) (a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner alleging dating violence or the petitioner filing the petition if other than the person alleging dating violence, 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 alleging dating violence or the petitioner filing the petition 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 applicable petitioner. 2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043

(b) Division (E) (5) (a) of this section does not limit any 2044
discretion of a court to determine that a respondent charged 2045
with contempt of court, which charge is based on an alleged 2046
violation of a protection order issued or consent agreement 2047
approved under this section, did not commit the violation or was 2048
not in contempt of court. 2049

(6) (a) The court may modify or terminate as provided in 2050
division (E) (6) of this section a protection order or consent 2051
agreement that was issued after a full hearing under this 2052
section. The court that issued the protection order or approved 2053
the consent agreement shall hear a motion for modification or 2054
termination of the protection order or consent agreement 2055
pursuant to division (E) (6) of this section. 2056

(b) Either the petitioner alleging dating violence or the 2057
respondent of the original protection order or consent agreement 2058
may bring a motion for modification or termination of a 2059
protection order or consent agreement that was issued or 2060
approved after a full hearing. The court shall require notice of 2061
the motion to be made as provided by the Rules of Civil 2062
Procedure. If that petitioner for the original protection order 2063
or consent agreement has requested that the petitioner's address 2064
be kept confidential, the court shall not disclose the address 2065
to the respondent of the original protection order or consent 2066
agreement or any other person, except as otherwise required by 2067
law. The moving party has the burden of proof to show, by a 2068
preponderance of the evidence, that modification or termination 2069
of the protection order or consent agreement is appropriate 2070
because either the protection order or consent agreement is no 2071
longer needed or because the terms of the original protection 2072
order or consent agreement are no longer appropriate. 2073

(c) In considering whether to modify or terminate a protection order or consent agreement issued or approved under this section, the court shall consider all relevant factors, including, but not limited to, the following: 2074
2075
2076
2077

(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement; 2078
2079

(ii) Whether the petitioner fears the respondent; 2080

(iii) The current nature of the relationship between the petitioner and the respondent; 2081
2082

(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences; 2083
2084
2085

(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement; 2086
2087
2088

(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol; 2089
2090

(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement; 2091
2092
2093
2094

(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 or 3113.31 of the Revised Code, any other provision of state law, or the law of any other state; 2095
2096
2097
2098
2099

(ix) Whether the respondent has participated in any dating violence treatment, intervention program, or other counseling 2100
2101

addressing dating violence and whether the respondent has 2102
completed the treatment, program, or counseling; 2103

(x) The time that has elapsed since the protection order 2104
was issued or since the consent agreement was approved; 2105

(xi) The age and health of the respondent; 2106

(xii) When the last incident of abuse, threat of harm, or 2107
commission of a sexually oriented offense occurred or other 2108
relevant information concerning the safety and protection of the 2109
petitioner alleging dating violence, or the petitioner filing 2110
the petition if other than the person alleging dating violence. 2111

(d) If a protection order or consent agreement is modified 2112
or terminated as provided in division (E) (6) of this section, 2113
the court shall issue copies of the modified or terminated order 2114
or agreement as provided in division (F) of this section. A 2115
petitioner may also provide notice of the modification or 2116
termination to the judicial and law enforcement officials in any 2117
county other than the county in which the order or agreement is 2118
modified or terminated as provided in division (L) of this 2119
section. 2120

(e) If the respondent moves for modification or 2121
termination of a protection order or consent agreement pursuant 2122
to this section and the court denies the motion, the court may 2123
assess costs against the respondent for the filing of the 2124
motion. 2125

(7) Any protection order issued or any consent agreement 2126
approved pursuant to this section shall include a provision that 2127
the court will automatically seal all of the records of the 2128
proceeding in which the order is issued or agreement approved on 2129
the date the respondent attains the age of nineteen years unless 2130

the petitioner provides the court with evidence that the 2131
respondent has not complied with all of the terms of the 2132
protection order or consent agreement. The protection order or 2133
consent agreement shall specify the date when the respondent 2134
attains the age of nineteen years. 2135

(F) (1) A copy of any protection order, or consent 2136
agreement, that is issued, approved, modified, or terminated 2137
under this section shall be issued by the court to the 2138
petitioner, to the respondent, and to all law enforcement 2139
agencies that have jurisdiction to enforce the order or 2140
agreement. The court shall direct that a copy of an order be 2141
delivered to the respondent on the same day that the order is 2142
entered. 2143

(2) Upon the issuance of a protection order or the 2144
approval of a consent agreement under this section, the court 2145
shall provide the parties to the order or agreement with the 2146
following notice orally or by form: 2147

"NOTICE 2148

As a result of this order or consent agreement, it may be 2149
unlawful for you to possess or purchase a firearm, including a 2150
rifle, pistol, or revolver, or ammunition pursuant to federal 2151
law under 18 U.S.C. 922(g) (8) for the duration of this order or 2152
consent agreement. If you have any questions whether this law 2153
makes it illegal for you to possess or purchase a firearm or 2154
ammunition, you should consult an attorney." 2155

(3) All law enforcement agencies shall establish and 2156
maintain an index for the protection orders and the approved 2157
consent agreements delivered to the agencies pursuant to 2158
division (F) (1) of this section. With respect to each order and 2159

consent agreement delivered, each agency shall note on the index 2160
the date and time that it received the order or consent 2161
agreement. 2162

(4) Regardless of whether the petitioner has registered 2163
the order or agreement in the county in which the officer's 2164
agency has jurisdiction pursuant to division (L) of this 2165
section, any officer of a law enforcement agency shall enforce a 2166
protection order issued or consent agreement approved by any 2167
court in this state in accordance with the provisions of the 2168
order or agreement, including removing the respondent from the 2169
premises, if appropriate. 2170

(G) Any proceeding under this section shall be conducted 2171
in accordance with the Rules of Civil Procedure, except that an 2172
order under this section may be obtained with or without bond. 2173
An order issued under this section, other than an ex parte 2174
order, that grants a protection order or approves a consent 2175
agreement, that refuses to grant a protection order or approve a 2176
consent agreement that modifies or terminates a protection order 2177
or consent agreement, or that refuses to modify or terminate a 2178
protection order or consent agreement, is a final, appealable 2179
order. The remedies and procedures provided in this section are 2180
in addition to, and not in lieu of, any other available civil or 2181
criminal remedies. 2182

(H) Any law enforcement agency that investigates a dispute 2183
involving persons in a dating relationship shall provide 2184
information to the potential petitioner alleging dating violence 2185
involved regarding the relief available under this section. 2186

(I) (1) Subject to divisions (E) (6) (e) and (I) (2) of this 2187
section and regardless of whether a protection order is issued 2188
or a consent agreement is approved by a court of another county 2189

or a court of another state, no court or unit of state or local 2190
government shall charge the petitioner any fee, cost, deposit, 2191
or money in connection with the filing of a petition pursuant to 2192
this section or in connection with the filing, issuance, 2193
registration, modification, enforcement, dismissal, withdrawal, 2194
or service of a protection order, consent agreement, or witness 2195
subpoena or for obtaining a certified copy of a protection order 2196
or consent agreement. 2197

(2) Regardless of whether a protection order is issued or 2198
a consent agreement is approved pursuant to this section, the 2199
court may assess costs against the respondent in connection with 2200
the filing, issuance, registration, modification, enforcement, 2201
dismissal, withdrawal, or service of a protection order, consent 2202
agreement, or witness subpoena or for obtaining a certified copy 2203
of a protection order or consent agreement. 2204

(J) A person who violates a protection order issued or a 2205
consent agreement approved under this section is guilty of a 2206
violation of section 2919.27 of the Revised Code. 2207

(K) In all stages of a proceeding under this section, a 2208
petitioner may be accompanied by a victim advocate. 2209

(L) (1) A petitioner who obtains a protection order or 2210
consent agreement under this section may provide notice of the 2211
issuance or approval of the order or agreement to the judicial 2212
and law enforcement officials in any county other than the 2213
county in which the order is issued or the agreement is approved 2214
by registering that order or agreement in the other county 2215
pursuant to division (L) (2) of this section and filing a copy of 2216
the registered order or registered agreement with a law 2217
enforcement agency in the other county in accordance with that 2218
division. A person who obtains a protection order issued by a 2219

court of another state may provide notice of the issuance of the 2220
order to the judicial and law enforcement officials in any 2221
county of this state by registering the order in that county 2222
pursuant to section 2919.272 of the Revised Code and filing a 2223
copy of the registered order with a law enforcement agency in 2224
that county. 2225

(2) A petitioner may register a temporary protection 2226
order, protection order, or consent agreement in a county other 2227
than the county in which the court that issued the order or 2228
approved the agreement is located in the following manner: 2229

(a) The petitioner shall obtain a certified copy of the 2230
order or agreement from the clerk of the court that issued the 2231
order or approved the agreement and present that certified copy 2232
to the clerk of the court of common pleas or the clerk of a 2233
municipal court or county court in the county in which the order 2234
or agreement is to be registered. 2235

(b) Upon accepting the certified copy of the order or 2236
agreement for registration, the clerk of the court of common 2237
pleas, municipal court, or county court shall place an 2238
endorsement of registration on the order or agreement and give 2239
the petitioner a copy of the order or agreement that bears that 2240
proof of registration. 2241

(3) The clerk of each court of common pleas, the clerk of 2242
each municipal court, and the clerk of each county court shall 2243
maintain a registry of certified copies of temporary protection 2244
orders, protection orders, or consent agreements that have been 2245
issued or approved by courts in other counties and that have 2246
been registered with the clerk. 2247

Sec. 3113.33. As used in sections 3113.33 to 3113.40 of 2248

the Revised Code: 2249

(A) "Domestic violence" means attempting to cause or 2250
causing bodily injury to a family or household member, or 2251
placing a family or household member by threat of force in fear 2252
of imminent physical harm. "Domestic violence" includes dating 2253
violence. 2254

(B) "Family or household member" means any of the 2255
following: 2256

(1) Any of the following who is residing or has resided 2257
with the person committing the domestic violence: 2258

(a) A spouse, a person living as a spouse, or a former 2259
spouse of the person committing the domestic violence; 2260

(b) A parent, foster parent, or child of the person 2261
committing the domestic violence, or another person related by 2262
consanguinity or affinity to the person committing the domestic 2263
violence; 2264

(c) A parent or a child of a spouse, person living as a 2265
spouse, or former spouse of the person committing the domestic 2266
violence, or another person related by consanguinity or affinity 2267
to a spouse, person living as a spouse, or former spouse of the 2268
person committing the domestic violence; 2269

(d) The dependents of any person listed in division (B) (1) 2270
(a), (b), or (c) of this section. 2271

(2) The natural parent of any child of whom the person 2272
committing the domestic violence is the other natural parent or 2273
is the putative other natural parent; 2274

(3) A person in a dating relationship with the person 2275
committing the dating violence and who is the victim of that 2276

dating violence. 2277

(C) "Shelter for victims of domestic violence" or 2278
"shelter" means a facility that provides temporary residential 2279
service or facilities to family or household members who are 2280
victims of domestic violence. 2281

(D) "Person living as a spouse" means a person who is 2282
living or has lived with the person committing the domestic 2283
violence in a common law marital relationship, who otherwise is 2284
cohabiting with the person committing the domestic violence, or 2285
who otherwise has cohabited with the person committing the 2286
domestic violence within five years prior to the date of the 2287
alleged occurrence of the act in question. 2288

(E) "Dating violence" has the same meaning as in section 2289
3113.311 of the Revised Code. 2290

Section 2. That existing sections 109.42, 2151.34, 2291
2903.214, 2919.26, 2919.27, 3113.31, and 3113.33 of the Revised 2292
Code are hereby repealed. 2293

Section 3. Section 2151.34 of the Revised Code is 2294
presented in this act as a composite of the section as amended 2295
by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2296
Assembly. The General Assembly, applying the principle stated in 2297
division (B) of section 1.52 of the Revised Code that amendments 2298
are to be harmonized if reasonably capable of simultaneous 2299
operation, finds that the composite is the resulting version of 2300
the section in effect prior to the effective date of the section 2301
as presented in this act. 2302

Section 2903.214 of the Revised Code is presented in this 2303
act as a composite of the section as amended by both Sub. H.B. 2304
309 and Am. Sub. S.B. 177 of the 130th General Assembly. The 2305

General Assembly, applying the principle stated in division (B) 2306
of section 1.52 of the Revised Code that amendments are to be 2307
harmonized if reasonably capable of simultaneous operation, 2308
finds that the composite is the resulting version of the section 2309
in effect prior to the effective date of the section as 2310
presented in this act. 2311

Section 2919.26 of the Revised Code is presented in this 2312
act as a composite of the section as amended by both Sub. H.B. 2313
309 and Am. Sub. S.B. 177 of the 130th General Assembly. The 2314
General Assembly, applying the principle stated in division (B) 2315
of section 1.52 of the Revised Code that amendments are to be 2316
harmonized if reasonably capable of simultaneous operation, 2317
finds that the composite is the resulting version of the section 2318
in effect prior to the effective date of the section as 2319
presented in this act. 2320