

**As Passed by the Senate**

**132nd General Assembly**

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**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, Bocchieri, 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**

**Senators Eklund, Bacon, Balderson, Beagle, Brown, Burke, Coley, Gardner, Hackett, Hoagland, Hottinger, Huffman, Jordan, Kunze, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Schiavoni, Skindell, Sykes, Tavares, Terhar, Thomas, Uecker, Williams, Wilson, Yuko**

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**A BILL**

To amend sections 109.42, 2151.34, 2903.214, 1  
2919.26, 3113.31, and 3113.33 of the Revised 2  
Code to authorize the issuance of a domestic 3  
violence civil protection order with respect to 4  
conduct directed at a petitioner alleging 5  
violence in a dating relationship of a specified 6  
nature, to provide access to domestic violence 7  
shelters for victims of violence in such a 8  
dating relationship, and to require the Attorney 9  
General's victim's bill of rights pamphlet to 10  
include a notice that a person alleging violence 11  
in such a dating relationship has the right to 12  
petition for a domestic violence civil 13  
protection order. 14

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

**Section 1.** That sections 109.42, 2151.34, 2903.214, 15  
2919.26, 3113.31, and 3113.33 of the Revised Code be amended to 16  
read as follows: 17

**Sec. 109.42.** (A) The attorney general shall prepare and 18  
have printed a pamphlet that contains a compilation of all 19  
statutes relative to victim's rights in which the attorney 20  
general lists and explains the statutes in the form of a 21  
victim's bill of rights. The attorney general shall distribute 22  
the pamphlet to all sheriffs, marshals, municipal corporation 23  
and township police departments, constables, and other law 24  
enforcement agencies, to all prosecuting attorneys, city 25  
directors of law, village solicitors, and other similar chief 26  
legal officers of municipal corporations, and to organizations 27  
that represent or provide services for victims of crime. The 28  
victim's bill of rights set forth in the pamphlet shall contain 29  
a description of all of the rights of victims that are provided 30  
for in Chapter 2930. or in any other section of the Revised Code 31  
and shall include, but not be limited to, all of the following: 32

(1) The right of a victim or a victim's representative to 33  
attend a proceeding before a grand jury, in a juvenile case, or 34  
in a criminal case pursuant to a subpoena without being 35  
discharged from the victim's or representative's employment, 36  
having the victim's or representative's employment terminated, 37  
having the victim's or representative's pay decreased or 38  
withheld, or otherwise being punished, penalized, or threatened 39  
as a result of time lost from regular employment because of the 40  
victim's or representative's attendance at the proceeding 41  
pursuant to the subpoena, as set forth in section 2151.211, 42

2930.18, 2939.121, or 2945.451 of the Revised Code;	43
(2) The potential availability pursuant to section 2151.359 or 2152.61 of the Revised Code of a forfeited recognizance to pay damages caused by a child when the delinquency of the child or child's violation of probation or community control is found to be proximately caused by the failure of the child's parent or guardian to subject the child to reasonable parental authority or to faithfully discharge the conditions of probation or community control;	44 45 46 47 48 49 50 51
(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	52 53 54
(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;	55 56 57 58 59 60 61
(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;	62 63 64 65 66 67 68
(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any	69 70 71

reasonable terms set by the court as authorized under section 72  
2930.14 of the Revised Code, to make a statement about the 73  
victimization and, if applicable, a statement relative to the 74  
sentencing or disposition of the offender; 75

(7) The opportunity to obtain a court order, pursuant to 76  
section 2945.04 of the Revised Code, to prevent or stop the 77  
commission of the offense of intimidation of a crime victim or 78  
witness or an offense against the person or property of the 79  
complainant, or of the complainant's ward or child; 80

(8) The right of the victim in certain criminal or 81  
juvenile cases or a victim's representative pursuant to sections 82  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 83  
Code to receive notice of a pending motion for judicial release, 84  
release pursuant to section 2967.19 of the Revised Code, or 85  
other early release of the person who committed the offense 86  
against the victim, to make an oral or written statement at the 87  
court hearing on the motion, and to be notified of the court's 88  
decision on the motion; 89

(9) The right of the victim in certain criminal or 90  
juvenile cases or a victim's representative pursuant to section 91  
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 92  
receive notice of any pending commutation, pardon, parole, 93  
transitional control, discharge, other form of authorized 94  
release, post-release control, or supervised release for the 95  
person who committed the offense against the victim or any 96  
application for release of that person and to send a written 97  
statement relative to the victimization and the pending action 98  
to the adult parole authority or the release authority of the 99  
department of youth services; 100

(10) The right of the victim to bring a civil action 101

pursuant to sections 2969.01 to 2969.06 of the Revised Code to	102
obtain money from the offender's profit fund;	103
(11) The right, pursuant to section 3109.09 of the Revised	104
Code, to maintain a civil action to recover compensatory damages	105
not exceeding ten thousand dollars and costs from the parent of	106
a minor who willfully damages property through the commission of	107
an act that would be a theft offense, as defined in section	108
2913.01 of the Revised Code, if committed by an adult;	109
(12) The right, pursuant to section 3109.10 of the Revised	110
Code, to maintain a civil action to recover compensatory damages	111
not exceeding ten thousand dollars and costs from the parent of	112
a minor who willfully and maliciously assaults a person;	113
(13) The possibility of receiving restitution from an	114
offender or a delinquent child pursuant to section 2152.20,	115
2929.18, or 2929.28 of the Revised Code;	116
(14) The right of the victim in certain criminal or	117
juvenile cases or a victim's representative, pursuant to section	118
2930.16 of the Revised Code, to receive notice of the escape	119
from confinement or custody of the person who committed the	120
offense, to receive that notice from the custodial agency of the	121
person at the victim's last address or telephone number provided	122
to the custodial agency, and to receive notice that, if either	123
the victim's address or telephone number changes, it is in the	124
victim's interest to provide the new address or telephone number	125
to the custodial agency;	126
(15) The right of a victim of domestic violence, <u>including</u>	127
<u>domestic violence in a dating relationship as defined in section</u>	128
<u>3113.31 of the Revised Code,</u> to seek the issuance of a civil	129
protection order pursuant to <u>that</u> <del>section 3113.31 of the Revised</del>	130

Code, the right of a victim of a violation of section 2903.14, 131  
2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised 132  
Code, a violation of a substantially similar municipal 133  
ordinance, or an offense of violence who is a family or 134  
household member of the offender at the time of the offense to 135  
seek the issuance of a temporary protection order pursuant to 136  
section 2919.26 of the Revised Code, and the right of both types 137  
of victims to be accompanied by a victim advocate during court 138  
proceedings; 139

(16) The right of a victim of a sexually oriented offense 140  
or of a child-victim oriented offense that is committed by a 141  
person who is convicted of, pleads guilty to, or is adjudicated 142  
a delinquent child for committing the offense and who is in a 143  
category specified in division (B) of section 2950.10 of the 144  
Revised Code to receive, pursuant to that section, notice that 145  
the person has registered with a sheriff under section 2950.04, 146  
2950.041, or 2950.05 of the Revised Code and notice of the 147  
person's name, the person's residence that is registered, and 148  
the offender's school, institution of higher education, or place 149  
of employment address or addresses that are registered, the 150  
person's photograph, and a summary of the manner in which the 151  
victim must make a request to receive the notice. As used in 152  
this division, "sexually oriented offense" and "child-victim 153  
oriented offense" have the same meanings as in section 2950.01 154  
of the Revised Code. 155

(17) The right of a victim of certain sexually violent 156  
offenses committed by an offender who also is convicted of or 157  
pleads guilty to a sexually violent predator specification and 158  
who is sentenced to a prison term pursuant to division (A) (3) of 159  
section 2971.03 of the Revised Code, of a victim of a violation 160  
of division (A) (1) (b) of section 2907.02 of the Revised Code 161

committed on or after January 2, 2007, by an offender who is 162  
sentenced for the violation pursuant to division (B)(1)(a), (b), 163  
or (c) of section 2971.03 of the Revised Code, of a victim of an 164  
attempted rape committed on or after January 2, 2007, by an 165  
offender who also is convicted of or pleads guilty to a 166  
specification of the type described in section 2941.1418, 167  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 168  
the violation pursuant to division (B)(2)(a), (b), or (c) of 169  
section 2971.03 of the Revised Code, and of a victim of an 170  
offense that is described in division (B)(3)(a), (b), (c), or 171  
(d) of section 2971.03 of the Revised Code and is committed by 172  
an offender who is sentenced pursuant to one of those divisions 173  
to receive, pursuant to section 2930.16 of the Revised Code, 174  
notice of a hearing to determine whether to modify the 175  
requirement that the offender serve the entire prison term in a 176  
state correctional facility, whether to continue, revise, or 177  
revoke any existing modification of that requirement, or whether 178  
to terminate the prison term. As used in this division, 179  
"sexually violent offense" and "sexually violent predator 180  
specification" have the same meanings as in section 2971.01 of 181  
the Revised Code. 182

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

section and explain, upon request, the information in the 193  
pamphlet to the victim, the victim's family, or the victim's 194  
dependents. 195

(b) Subject to division (B) (1) (c) of this section, a law 196  
enforcement agency that investigates an offense or delinquent 197  
act committed in this state shall give the victim of the offense 198  
or delinquent act, the victim's family, or the victim's 199  
dependents a copy of the pamphlet prepared pursuant to division 200  
(A) of this section at one of the following times: 201

(i) Upon first contact with the victim, the victim's 202  
family, or the victim's dependents; 203

(ii) If the offense or delinquent act is an offense of 204  
violence, if the circumstances of the offense or delinquent act 205  
and the condition of the victim, the victim's family, or the 206  
victim's dependents indicate that the victim, the victim's 207  
family, or the victim's dependents will not be able to 208  
understand the significance of the pamphlet upon first contact 209  
with the agency, and if the agency anticipates that it will have 210  
an additional contact with the victim, the victim's family, or 211  
the victim's dependents, upon the agency's second contact with 212  
the victim, the victim's family, or the victim's dependents. 213

If the agency does not give the victim, the victim's 214  
family, or the victim's dependents a copy of the pamphlet upon 215  
first contact with them and does not have a second contact with 216  
the victim, the victim's family, or the victim's dependents, the 217  
agency shall mail a copy of the pamphlet to the victim, the 218  
victim's family, or the victim's dependents at their last known 219  
address. 220

(c) In complying on and after December 9, 1994, with the 221



duties imposed by division (B) (1) (a) or (b) of this section, an 222  
official or a law enforcement agency shall use copies of the 223  
pamphlet that are in the official's or agency's possession on 224  
December 9, 1994, until the official or agency has distributed 225  
all of those copies. After the official or agency has 226  
distributed all of those copies, the official or agency shall 227  
use only copies of the pamphlet that contain at least the 228  
information described in divisions (A) (1) to (17) of this 229  
section. 230

(2) The failure of a law enforcement agency or of a 231  
prosecuting attorney, assistant prosecuting attorney, city 232  
director of law, assistant city director of law, village 233  
solicitor, assistant village solicitor, or similar chief legal 234  
officer of a municipal corporation or an assistant to any of 235  
those officers to give, as required by division (B) (1) of this 236  
section, the victim of an offense or delinquent act, the 237  
victim's family, or the victim's dependents a copy of the 238  
pamphlet prepared pursuant to division (A) of this section does 239  
not give the victim, the victim's family, the victim's 240  
dependents, or a victim's representative any rights under 241  
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 242  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 243  
other provision of the Revised Code and does not affect any 244  
right under those sections. 245

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

material provided by the clerk of the court of claims pursuant	253
to section 2743.71 of the Revised Code.	254
(C) The cost of printing and distributing the pamphlet	255
prepared pursuant to division (A) of this section shall be paid	256
out of the reparations fund, created pursuant to section	257
2743.191 of the Revised Code, in accordance with division (D) of	258
that section.	259
(D) As used in this section:	260
(1) "Victim's representative" has the same meaning as in	261
section 2930.01 of the Revised Code;	262
(2) "Victim advocate" has the same meaning as in section	263
2919.26 of the Revised Code.	264
<b>Sec. 2151.34.</b> (A) As used in this section:	265
(1) "Court" means the juvenile division of the court of	266
common pleas of the county in which the person to be protected	267
by the protection order resides.	268
(2) "Victim advocate" means a person who provides support	269
and assistance for a person who files a petition under this	270
section.	271
(3) "Family or household member" has the same meaning as	272
in section 3113.31 of the Revised Code.	273
(4) "Protection order issued by a court of another state"	274
has the same meaning as in section 2919.27 of the Revised Code.	275
(5) "Petitioner" means a person who files a petition under	276
this section and includes a person on whose behalf a petition	277
under this section is filed.	278
(6) "Respondent" means a person who is under eighteen	279

years of age and against whom a petition is filed under this section.	280 281
(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	282 283
(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	284 285
(9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	286 287
(B) The court has jurisdiction over all proceedings under this section.	288 289
(C) (1) Any of the following persons may seek relief under this section by filing a petition with the court:	290 291
(a) Any person on behalf of that person;	292
(b) Any parent or adult family or household member on behalf of any other family or household member;	293 294
(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.	295 296 297
(2) The petition shall contain or state all of the following:	298 299
(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	300 301 302 303 304 305 306

extent of the violation; 307

(b) If the petitioner seeks relief in the form of 308  
electronic monitoring of the respondent, an allegation that at 309  
any time preceding the filing of the petition the respondent 310  
engaged in conduct that would cause a reasonable person to 311  
believe that the health, welfare, or safety of the person to be 312  
protected was at risk, a description of the nature and extent of 313  
that conduct, and an allegation that the respondent presents a 314  
continuing danger to the person to be protected; 315

(c) A request for relief under this section. 316

(3) The court in its discretion may determine whether or 317  
not to give notice that a petition has been filed under division 318  
(C) (1) of this section on behalf of a child to any of the 319  
following: 320

(a) A parent of the child if the petition was filed by any 321  
person other than a parent of the child; 322

(b) Any person who is determined by the court to be an 323  
appropriate person to receive notice of the filing of the 324  
petition. 325

(D) (1) If a person who files a petition pursuant to this 326  
section requests an ex parte order, the court shall hold an ex 327  
parte hearing as soon as possible after the petition is filed, 328  
but not later than the next day after the court is in session 329  
after the petition is filed. The court, for good cause shown at 330  
the ex parte hearing, may enter any temporary orders, with or 331  
without bond, that the court finds necessary for the safety and 332  
protection of the person to be protected by the order. Immediate 333  
and present danger to the person to be protected by the 334  
protection order constitutes good cause for purposes of this 335

section. Immediate and present danger includes, but is not 336  
limited to, situations in which the respondent has threatened 337  
the person to be protected by the protection order with bodily 338  
harm or in which the respondent previously has been convicted 339  
of, pleaded guilty to, or been adjudicated a delinquent child 340  
for committing a violation of section 2903.11, 2903.12, 2903.13, 341  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 342  
sexually oriented offense, or a violation of any municipal 343  
ordinance that is substantially equivalent to any of those 344  
offenses against the person to be protected by the protection 345  
order. 346

(2) (a) If the court, after an ex parte hearing, issues a 347  
protection order described in division (E) of this section, the 348  
court shall schedule a full hearing for a date that is within 349  
ten court days after the ex parte hearing. The court shall give 350  
the respondent notice of, and an opportunity to be heard at, the 351  
full hearing. The court also shall give notice of the full 352  
hearing to the parent, guardian, or legal custodian of the 353  
respondent. The court shall hold the full hearing on the date 354  
scheduled under this division unless the court grants a 355  
continuance of the hearing in accordance with this division. 356  
Under any of the following circumstances or for any of the 357  
following reasons, the court may grant a continuance of the full 358  
hearing to a reasonable time determined by the court: 359

(i) Prior to the date scheduled for the full hearing under 360  
this division, the respondent has not been served with the 361  
petition filed pursuant to this section and notice of the full 362  
hearing. 363

(ii) The parties consent to the continuance. 364

(iii) The continuance is needed to allow a party to obtain 365

counsel. 366

(iv) The continuance is needed for other good cause. 367

(b) An ex parte order issued under this section does not 368  
expire because of a failure to serve notice of the full hearing 369  
upon the respondent before the date set for the full hearing 370  
under division (D) (2) (a) of this section or because the court 371  
grants a continuance under that division. 372

(3) If a person who files a petition pursuant to this 373  
section does not request an ex parte order, or if a person 374  
requests an ex parte order but the court does not issue an ex 375  
parte order after an ex parte hearing, the court shall proceed 376  
as in a normal civil action and grant a full hearing on the 377  
matter. 378

(E) (1) (a) After an ex parte or full hearing, the court may 379  
issue any protection order, with or without bond, that contains 380  
terms designed to ensure the safety and protection of the person 381  
to be protected by the protection order. The court may include 382  
within a protection order issued under this section a term 383  
requiring that the respondent not remove, damage, hide, harm, or 384  
dispose of any companion animal owned or possessed by the person 385  
to be protected by the order, and may include within the order a 386  
term authorizing the person to be protected by the order to 387  
remove a companion animal owned by the person to be protected by 388  
the order from the possession of the respondent. 389

(b) After a full hearing, if the court considering a 390  
petition that includes an allegation of the type described in 391  
division (C) (2) (b) of this section or the court, upon its own 392  
motion, finds upon clear and convincing evidence that the 393  
petitioner reasonably believed that the respondent's conduct at 394

any time preceding the filing of the petition endangered the 395  
health, welfare, or safety of the person to be protected and 396  
that the respondent presents a continuing danger to the person 397  
to be protected and if division (N) of this section does not 398  
prohibit the issuance of an order that the respondent be 399  
electronically monitored, the court may order that the 400  
respondent be electronically monitored for a period of time and 401  
under the terms and conditions that the court determines are 402  
appropriate. Electronic monitoring shall be in addition to any 403  
other relief granted to the petitioner. 404

(2) (a) Any protection order issued pursuant to this 405  
section shall be valid until a date certain but not later than 406  
the date the respondent attains nineteen years of age. 407

(b) Any protection order issued pursuant to this section 408  
may be renewed in the same manner as the original order was 409  
issued. 410

(3) A court may not issue a protection order that requires 411  
a petitioner to do or to refrain from doing an act that the 412  
court may require a respondent to do or to refrain from doing 413  
under division (E) (1) of this section unless all of the 414  
following apply: 415

(a) The respondent files a separate petition for a 416  
protection order in accordance with this section. 417

(b) The petitioner is served with notice of the 418  
respondent's petition at least forty-eight hours before the 419  
court holds a hearing with respect to the respondent's petition, 420  
or the petitioner waives the right to receive this notice. 421

(c) If the petitioner has requested an ex parte order 422  
pursuant to division (D) of this section, the court does not 423

delay any hearing required by that division beyond the time 424  
specified in that division in order to consolidate the hearing 425  
with a hearing on the petition filed by the respondent. 426

(d) After a full hearing at which the respondent presents 427  
evidence in support of the request for a protection order and 428  
the petitioner is afforded an opportunity to defend against that 429  
evidence, the court determines that the petitioner has committed 430  
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 431  
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 432  
oriented offense, or a violation of any municipal ordinance that 433  
is substantially equivalent to any of those offenses against the 434  
person to be protected by the protection order issued pursuant 435  
to division (E) (3) of this section, or has violated a protection 436  
order issued pursuant to this section or section 2903.213 of the 437  
Revised Code relative to the person to be protected by the 438  
protection order issued pursuant to division (E) (3) of this 439  
section. 440

(4) No protection order issued pursuant to this section 441  
shall in any manner affect title to any real property. 442

(5) (a) A protection order issued under this section shall 443  
clearly state that the person to be protected by the order 444  
cannot waive or nullify by invitation or consent any requirement 445  
in the order. 446

(b) Division (E) (5) (a) of this section does not limit any 447  
discretion of a court to determine that a respondent alleged to 448  
have violated section 2919.27 of the Revised Code, violated a 449  
municipal ordinance substantially equivalent to that section, or 450  
committed contempt of court, which allegation is based on an 451  
alleged violation of a protection order issued under this 452  
section, did not commit the violation or was not in contempt of 453



court. 454

(6) Any protection order issued pursuant to this section 455  
shall include a provision that the court will automatically seal 456  
all of the records of the proceeding in which the order is 457  
issued on the date the respondent attains the age of nineteen 458  
years unless the petitioner provides the court with evidence 459  
that the respondent has not complied with all of the terms of 460  
the protection order. The protection order shall specify the 461  
date when the respondent attains the age of nineteen years. 462

(F) (1) The court shall cause the delivery of a copy of any 463  
protection order that is issued under this section to the 464  
petitioner, to the respondent, and to all law enforcement 465  
agencies that have jurisdiction to enforce the order. The court 466  
shall direct that a copy of the order be delivered to the 467  
respondent and the parent, guardian, or legal custodian of the 468  
respondent on the same day that the order is entered. 469

(2) Upon the issuance of a protection order under this 470  
section, the court shall provide the parties to the order with 471  
the following notice orally or by form: 472

"NOTICE 473

As a result of this order, it may be unlawful for you to 474  
possess or purchase a firearm, including a rifle, pistol, or 475  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 476  
922(g) (8) for the duration of this order. If you have any 477  
questions whether this law makes it illegal for you to possess 478  
or purchase a firearm or ammunition, you should consult an 479  
attorney." 480

(3) All law enforcement agencies shall establish and 481  
maintain an index for the protection orders delivered to the 482

agencies pursuant to division (F)(1) of this section. With 483  
respect to each order delivered, each agency shall note on the 484  
index the date and time that it received the order. 485

(4) Regardless of whether the petitioner has registered 486  
the protection order in the county in which the officer's agency 487  
has jurisdiction pursuant to division (M) of this section, any 488  
officer of a law enforcement agency shall enforce a protection 489  
order issued pursuant to this section by any court in this state 490  
in accordance with the provisions of the order, including 491  
removing the respondent from the premises, if appropriate. 492

(G) Any proceeding under this section shall be conducted 493  
in accordance with the Rules of Civil Procedure, except that a 494  
protection order may be obtained under this section with or 495  
without bond. An order issued under this section, other than an 496  
ex parte order, that grants a protection order, or that refuses 497  
to grant a protection order, is a final, appealable order. The 498  
remedies and procedures provided in this section are in addition 499  
to, and not in lieu of, any other available civil or criminal 500  
remedies or any other available remedies under Chapter 2151. or 501  
2152. of the Revised Code. 502

(H) The filing of proceedings under this section does not 503  
excuse a person from filing any report or giving any notice 504  
required by section 2151.421 of the Revised Code or by any other 505  
law. 506

(I) Any law enforcement agency that investigates an 507  
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 508  
2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 509  
commission of a sexually oriented offense, or an alleged 510  
violation of a municipal ordinance that is substantially 511  
equivalent to any of those offenses shall provide information to 512

the victim and the family or household members of the victim 513  
regarding the relief available under this section. 514

(J) (1) Subject to division (J) (2) of this section and 515  
regardless of whether a protection order is issued or a consent 516  
agreement is approved by a court of another county or by a court 517  
of another state, no court or unit of state or local government 518  
shall charge the petitioner any fee, cost, deposit, or money in 519  
connection with the filing of a petition pursuant to this 520  
section, in connection with the filing, issuance, registration, 521  
modification, enforcement, dismissal, withdrawal, or service of 522  
a protection order, consent agreement, or witness subpoena or 523  
for obtaining a certified copy of a protection order or consent 524  
agreement. 525

(2) Regardless of whether a protection order is issued or 526  
a consent agreement is approved pursuant to this section, the 527  
court may assess costs against the respondent in connection with 528  
the filing, issuance, registration, modification, enforcement, 529  
dismissal, withdrawal, or service of a protection order, consent 530  
agreement, or witness subpoena or for obtaining a certified copy 531  
of a protection order or consent agreement. 532

(K) (1) A person who violates a protection order issued 533  
under this section is subject to the following sanctions: 534

(a) A delinquent child proceeding or a criminal 535  
prosecution for a violation of section 2919.27 of the Revised 536  
Code, if the violation of the protection order constitutes a 537  
violation of that section; 538

(b) Punishment for contempt of court. 539

(2) The punishment of a person for contempt of court for 540  
violation of a protection order issued under this section does 541

not bar criminal prosecution of the person or a delinquent child 542  
proceeding concerning the person for a violation of section 543  
2919.27 of the Revised Code. However, a person punished for 544  
contempt of court is entitled to credit for the punishment 545  
imposed upon conviction of or adjudication as a delinquent child 546  
for a violation of that section, and a person convicted of or 547  
adjudicated a delinquent child for a violation of that section 548  
shall not subsequently be punished for contempt of court arising 549  
out of the same activity. 550

(L) In all stages of a proceeding under this section, a 551  
petitioner may be accompanied by a victim advocate. 552

(M) (1) A petitioner who obtains a protection order under 553  
this section may provide notice of the issuance or approval of 554  
the order to the judicial and law enforcement officials in any 555  
county other than the county in which the order is issued by 556  
registering that order in the other county pursuant to division 557  
(M) (2) of this section and filing a copy of the registered order 558  
with a law enforcement agency in the other county in accordance 559  
with that division. A person who obtains a protection order 560  
issued by a court of another state may provide notice of the 561  
issuance of the order to the judicial and law enforcement 562  
officials in any county of this state by registering the order 563  
in that county pursuant to section 2919.272 of the Revised Code 564  
and filing a copy of the registered order with a law enforcement 565  
agency in that county. 566

(2) A petitioner may register a protection order issued 567  
pursuant to this section in a county other than the county in 568  
which the court that issued the order is located in the 569  
following manner: 570

(a) The petitioner shall obtain a certified copy of the 571

order from the clerk of the court that issued the order and 572  
present that certified copy to the clerk of the court of common 573  
pleas or the clerk of a municipal court or county court in the 574  
county in which the order is to be registered. 575

(b) Upon accepting the certified copy of the order for 576  
registration, the clerk of the court of common pleas, municipal 577  
court, or county court shall place an endorsement of 578  
registration on the order and give the petitioner a copy of the 579  
order that bears that proof of registration. 580

(3) The clerk of each court of common pleas, municipal 581  
court, or county court shall maintain a registry of certified 582  
copies of protection orders that have been issued by courts in 583  
other counties pursuant to this section and that have been 584  
registered with the clerk. 585

(N) If the court orders electronic monitoring of the 586  
respondent under this section, the court shall direct the 587  
sheriff's office or any other appropriate law enforcement agency 588  
to install the electronic monitoring device and to monitor the 589  
respondent. Unless the court determines that the respondent is 590  
indigent, the court shall order the respondent to pay the cost 591  
of the installation and monitoring of the electronic monitoring 592  
device. If the court determines that the respondent is indigent 593  
and subject to the maximum amount allowable to be paid in any 594  
year from the fund and the rules promulgated by the attorney 595  
general under section 2903.214 of the Revised Code, the cost of 596  
the installation and monitoring of the electronic monitoring 597  
device may be paid out of funds from the reparations fund 598  
created pursuant to section 2743.191 of the Revised Code. The 599  
total amount paid from the reparations fund created pursuant to 600  
section 2743.191 of the Revised Code for electronic monitoring 601

under this section and sections 2903.214 and 2919.27 of the Revised Code shall not exceed three hundred thousand dollars per year. When the total amount paid from the reparations fund in any year for electronic monitoring under those sections equals or exceeds three hundred thousand dollars, the court shall not order pursuant to this section that an indigent respondent be electronically monitored.

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

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

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

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

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

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

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

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

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

(B) The court has jurisdiction over all proceedings under 629  
this section. 630

(C) A person may seek relief under this section for the 631  
person, or any parent or adult household member may seek relief 632  
under this section on behalf of any other family or household 633  
member, by filing a petition with the court. The petition shall 634  
contain or state all of the following: 635

(1) An allegation that the respondent is eighteen years of 636  
age or older and engaged in a violation of section 2903.211 of 637  
the Revised Code against the person to be protected by the 638  
protection order or committed a sexually oriented offense 639  
against the person to be protected by the protection order, 640  
including a description of the nature and extent of the 641  
violation; 642

(2) If the petitioner seeks relief in the form of 643  
electronic monitoring of the respondent, an allegation that at 644  
any time preceding the filing of the petition the respondent 645  
engaged in conduct that would cause a reasonable person to 646  
believe that the health, welfare, or safety of the person to be 647  
protected was at risk, a description of the nature and extent of 648  
that conduct, and an allegation that the respondent presents a 649  
continuing danger to the person to be protected; 650

(3) A request for relief under this section. 651

(D) (1) If a person who files a petition pursuant to this 652  
section requests an ex parte order, the court shall hold an ex 653  
parte hearing as soon as possible after the petition is filed, 654  
but not later than the next day that the court is in session 655  
after the petition is filed. The court, for good cause shown at 656  
the ex parte hearing, may enter any temporary orders, with or 657

without bond, that the court finds necessary for the safety and 658  
protection of the person to be protected by the order. Immediate 659  
and present danger to the person to be protected by the 660  
protection order constitutes good cause for purposes of this 661  
section. Immediate and present danger includes, but is not 662  
limited to, situations in which the respondent has threatened 663  
the person to be protected by the protection order with bodily 664  
harm or in which the respondent previously has been convicted of 665  
or pleaded guilty to a violation of section 2903.211 of the 666  
Revised Code or a sexually oriented offense against the person 667  
to be protected by the protection order. 668

(2) (a) If the court, after an ex parte hearing, issues a 669  
protection order described in division (E) of this section, the 670  
court shall schedule a full hearing for a date that is within 671  
ten court days after the ex parte hearing. The court shall give 672  
the respondent notice of, and an opportunity to be heard at, the 673  
full hearing. The court shall hold the full hearing on the date 674  
scheduled under this division unless the court grants a 675  
continuance of the hearing in accordance with this division. 676  
Under any of the following circumstances or for any of the 677  
following reasons, the court may grant a continuance of the full 678  
hearing to a reasonable time determined by the court: 679

(i) Prior to the date scheduled for the full hearing under 680  
this division, the respondent has not been served with the 681  
petition filed pursuant to this section and notice of the full 682  
hearing. 683

(ii) The parties consent to the continuance. 684

(iii) The continuance is needed to allow a party to obtain 685  
counsel. 686



(iv) The continuance is needed for other good cause. 687

(b) An ex parte order issued under this section does not 688  
expire because of a failure to serve notice of the full hearing 689  
upon the respondent before the date set for the full hearing 690  
under division (D) (2) (a) of this section or because the court 691  
grants a continuance under that division. 692

(3) If a person who files a petition pursuant to this 693  
section does not request an ex parte order, or if a person 694  
requests an ex parte order but the court does not issue an ex 695  
parte order after an ex parte hearing, the court shall proceed 696  
as in a normal civil action and grant a full hearing on the 697  
matter. 698

(E) (1) (a) After an ex parte or full hearing, the court may 699  
issue any protection order, with or without bond, that contains 700  
terms designed to ensure the safety and protection of the person 701  
to be protected by the protection order, including, but not 702  
limited to, a requirement that the respondent refrain from 703  
entering the residence, school, business, or place of employment 704  
of the petitioner or family or household member. If the court 705  
includes a requirement that the respondent refrain from entering 706  
the residence, school, business, or place of employment of the 707  
petitioner or family or household member in the order, it also 708  
shall include in the order provisions of the type described in 709  
division (E) (5) of this section. The court may include within a 710  
protection order issued under this section a term requiring that 711  
the respondent not remove, damage, hide, harm, or dispose of any 712  
companion animal owned or possessed by the person to be 713  
protected by the order, and may include within the order a term 714  
authorizing the person to be protected by the order to remove a 715  
companion animal owned by the person to be protected by the 716

order from the possession of the respondent. 717

(b) After a full hearing, if the court considering a 718  
petition that includes an allegation of the type described in 719  
division (C) (2) of this section, or the court upon its own 720  
motion, finds upon clear and convincing evidence that the 721  
petitioner reasonably believed that the respondent's conduct at 722  
any time preceding the filing of the petition endangered the 723  
health, welfare, or safety of the person to be protected and 724  
that the respondent presents a continuing danger to the person 725  
to be protected, the court may order that the respondent be 726  
electronically monitored for a period of time and under the 727  
terms and conditions that the court determines are appropriate. 728  
Electronic monitoring shall be in addition to any other relief 729  
granted to the petitioner. 730

(2) (a) Any protection order issued pursuant to this 731  
section shall be valid until a date certain but not later than 732  
five years from the date of its issuance. 733

(b) Any protection order issued pursuant to this section 734  
may be renewed in the same manner as the original order was 735  
issued. 736

(3) A court may not issue a protection order that requires 737  
a petitioner to do or to refrain from doing an act that the 738  
court may require a respondent to do or to refrain from doing 739  
under division (E) (1) of this section unless all of the 740  
following apply: 741

(a) The respondent files a separate petition for a 742  
protection order in accordance with this section. 743

(b) The petitioner is served with notice of the 744  
respondent's petition at least forty-eight hours before the 745

court holds a hearing with respect to the respondent's petition, 746  
or the petitioner waives the right to receive this notice. 747

(c) If the petitioner has requested an ex parte order 748  
pursuant to division (D) of this section, the court does not 749  
delay any hearing required by that division beyond the time 750  
specified in that division in order to consolidate the hearing 751  
with a hearing on the petition filed by the respondent. 752

(d) After a full hearing at which the respondent presents 753  
evidence in support of the request for a protection order and 754  
the petitioner is afforded an opportunity to defend against that 755  
evidence, the court determines that the petitioner has committed 756  
a violation of section 2903.211 of the Revised Code against the 757  
person to be protected by the protection order issued pursuant 758  
to division (E) (3) of this section, has committed a sexually 759  
oriented offense against the person to be protected by the 760  
protection order issued pursuant to division (E) (3) of this 761  
section, or has violated a protection order issued pursuant to 762  
section 2903.213 of the Revised Code relative to the person to 763  
be protected by the protection order issued pursuant to division 764  
(E) (3) of this section. 765

(4) No protection order issued pursuant to this section 766  
shall in any manner affect title to any real property. 767

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

those places otherwise upon the consent of the petitioner or 776  
family or household member. 777

(b) Division (E) (5) (a) of this section does not limit any 778  
discretion of a court to determine that an alleged offender 779  
charged with a violation of section 2919.27 of the Revised Code, 780  
with a violation of a municipal ordinance substantially 781  
equivalent to that section, or with contempt of court, which 782  
charge is based on an alleged violation of a protection order 783  
issued under this section, did not commit the violation or was 784  
not in contempt of court. 785

(F) (1) The court shall cause the delivery of a copy of any 786  
protection order that is issued under this section to the 787  
petitioner, to the respondent, and to all law enforcement 788  
agencies that have jurisdiction to enforce the order. The court 789  
shall direct that a copy of the order be delivered to the 790  
respondent on the same day that the order is entered. 791

(2) Upon the issuance of a protection order under this 792  
section, the court shall provide the parties to the order with 793  
the following notice orally or by form: 794

"NOTICE 795

As a result of this order, it may be unlawful for you to 796  
possess or purchase a firearm, including a rifle, pistol, or 797  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 798  
922(g) (8) for the duration of this order. If you have any 799  
questions whether this law makes it illegal for you to possess 800  
or purchase a firearm or ammunition, you should consult an 801  
attorney." 802

(3) All law enforcement agencies shall establish and 803  
maintain an index for the protection orders delivered to the 804

agencies pursuant to division (F)(1) of this section. With 805  
respect to each order delivered, each agency shall note on the 806  
index the date and time that it received the order. 807

(4) Regardless of whether the petitioner has registered 808  
the protection order in the county in which the officer's agency 809  
has jurisdiction pursuant to division (M) of this section, any 810  
officer of a law enforcement agency shall enforce a protection 811  
order issued pursuant to this section by any court in this state 812  
in accordance with the provisions of the order, including 813  
removing the respondent from the premises, if appropriate. 814

(G) Any proceeding under this section shall be conducted 815  
in accordance with the Rules of Civil Procedure, except that a 816  
protection order may be obtained under this section with or 817  
without bond. An order issued under this section, other than an 818  
ex parte order, that grants a protection order, or that refuses 819  
to grant a protection order, is a final, appealable order. The 820  
remedies and procedures provided in this section are in addition 821  
to, and not in lieu of, any other available civil or criminal 822  
remedies. 823

(H) The filing of proceedings under this section does not 824  
excuse a person from filing any report or giving any notice 825  
required by section 2151.421 of the Revised Code or by any other 826  
law. 827

(I) Any law enforcement agency that investigates an 828  
alleged violation of section 2903.211 of the Revised Code or an 829  
alleged commission of a sexually oriented offense shall provide 830  
information to the victim and the family or household members of 831  
the victim regarding the relief available under this section and 832  
section 2903.213 of the Revised Code. 833

(J) (1) Subject to division (J) (2) of this section and 834  
regardless of whether a protection order is issued or a consent 835  
agreement is approved by a court of another county or by a court 836  
of another state, no court or unit of state or local government 837  
shall charge the petitioner any fee, cost, deposit, or money in 838  
connection with the filing of a petition pursuant to this 839  
section, in connection with the filing, issuance, registration, 840  
modification, enforcement, dismissal, withdrawal, or service of 841  
a protection order, consent agreement, or witness subpoena or 842  
for obtaining a certified copy of a protection order or consent 843  
agreement. 844

(2) Regardless of whether a protection order is issued or 845  
a consent agreement is approved pursuant to this section, the 846  
court may assess costs against the respondent in connection with 847  
the filing, issuance, registration, modification, enforcement, 848  
dismissal, withdrawal, or service of a protection order, consent 849  
agreement, or witness subpoena or for obtaining a certified copy 850  
of a protection order or consent agreement. 851

(K) (1) A person who violates a protection order issued 852  
under this section is subject to the following sanctions: 853

(a) Criminal prosecution for a violation of section 854  
2919.27 of the Revised Code, if the violation of the protection 855  
order constitutes a violation of that section; 856

(b) Punishment for contempt of court. 857

(2) The punishment of a person for contempt of court for 858  
violation of a protection order issued under this section does 859  
not bar criminal prosecution of the person for a violation of 860  
section 2919.27 of the Revised Code. However, a person punished 861  
for contempt of court is entitled to credit for the punishment 862

imposed upon conviction of a violation of that section, and a 863  
person convicted of a violation of that section shall not 864  
subsequently be punished for contempt of court arising out of 865  
the same activity. 866

(L) In all stages of a proceeding under this section, a 867  
petitioner may be accompanied by a victim advocate. 868

(M) (1) A petitioner who obtains a protection order under 869  
this section or a protection order under section 2903.213 of the 870  
Revised Code may provide notice of the issuance or approval of 871  
the order to the judicial and law enforcement officials in any 872  
county other than the county in which the order is issued by 873  
registering that order in the other county pursuant to division 874  
(M) (2) of this section and filing a copy of the registered order 875  
with a law enforcement agency in the other county in accordance 876  
with that division. A person who obtains a protection order 877  
issued by a court of another state may provide notice of the 878  
issuance of the order to the judicial and law enforcement 879  
officials in any county of this state by registering the order 880  
in that county pursuant to section 2919.272 of the Revised Code 881  
and filing a copy of the registered order with a law enforcement 882  
agency in that county. 883

(2) A petitioner may register a protection order issued 884  
pursuant to this section or section 2903.213 of the Revised Code 885  
in a county other than the county in which the court that issued 886  
the order is located in the following manner: 887

(a) The petitioner shall obtain a certified copy of the 888  
order from the clerk of the court that issued the order and 889  
present that certified copy to the clerk of the court of common 890  
pleas or the clerk of a municipal court or county court in the 891  
county in which the order is to be registered. 892

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

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

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

(2) The attorney general may promulgate rules pursuant to



section 111.15 of the Revised Code to govern payments made from 923  
the reparations fund pursuant to this division and sections 924  
2151.34 and 2919.27 of the Revised Code. The rules may include 925  
reasonable limits on the total cost paid pursuant to this 926  
division and sections 2151.34 and 2919.27 of the Revised Code 927  
per respondent, the amount of the three hundred thousand dollars 928  
allocated to each county, and how invoices may be submitted by a 929  
county, court, or other entity. 930

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint that 931  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 932  
2911.211 of the Revised Code if the alleged victim of the 933  
violation was a family or household member at the time of the 934  
violation, a violation of a municipal ordinance that is 935  
substantially similar to any of those sections if the alleged 936  
victim of the violation was a family or household member at the 937  
time of the violation, any offense of violence if the alleged 938  
victim of the offense was a family or household member at the 939  
time of the commission of the offense, or any sexually oriented 940  
offense if the alleged victim of the offense was a family or 941  
household member at the time of the commission of the offense, 942  
the complainant, the alleged victim, or a family or household 943  
member of an alleged victim may file, or, if in an emergency the 944  
alleged victim is unable to file, a person who made an arrest 945  
for the alleged violation or offense under section 2935.03 of 946  
the Revised Code may file on behalf of the alleged victim, a 947  
motion that requests the issuance of a temporary protection 948  
order as a pretrial condition of release of the alleged 949  
offender, in addition to any bail set under Criminal Rule 46. 950  
The motion shall be filed with the clerk of the court that has 951  
jurisdiction of the case at any time after the filing of the 952  
complaint. 953

(2) For purposes of section 2930.09 of the Revised Code, 954  
all stages of a proceeding arising out of a complaint alleging 955  
the commission of a violation, offense of violence, or sexually 956  
oriented offense described in division (A)(1) of this section, 957  
including all proceedings on a motion for a temporary protection 958  
order, are critical stages of the case, and a victim may be 959  
accompanied by a victim advocate or another person to provide 960  
support to the victim as provided in that section. 961

(B) The motion shall be prepared on a form that is 962  
provided by the clerk of the court, which form shall be 963  
substantially as follows: 964

"MOTION FOR TEMPORARY PROTECTION ORDER 965

..... Court 966

Name and address of court 967

State of Ohio 968

v. No. .... 969

..... 970

Name of Defendant 971

(name of person), moves the court to issue a temporary 972  
protection order containing terms designed to ensure the safety 973  
and protection of the complainant, alleged victim, and other 974  
family or household members, in relation to the named defendant, 975  
pursuant to its authority to issue such an order under section 976  
2919.26 of the Revised Code. 977

A complaint, a copy of which has been attached to this 978  
motion, has been filed in this court charging the named 979  
defendant with ..... (name of the specified 980

violation, the offense of violence, or sexually oriented offense 981  
charged) in circumstances in which the victim was a family or 982  
household member in violation of (section of the Revised Code 983  
designating the specified violation, offense of violence, or 984  
sexually oriented offense charged), or charging the named 985  
defendant with a violation of a municipal ordinance that is 986  
substantially similar to ..... (section of 987  
the Revised Code designating the specified violation, offense of 988  
violence, or sexually oriented offense charged) involving a 989  
family or household member. 990

I understand that I must appear before the court, at a 991  
time set by the court within twenty-four hours after the filing 992  
of this motion, for a hearing on the motion or that, if I am 993  
unable to appear because of hospitalization or a medical 994  
condition resulting from the offense alleged in the complaint, a 995  
person who can provide information about my need for a temporary 996  
protection order must appear before the court in lieu of my 997  
appearing in court. I understand that any temporary protection 998  
order granted pursuant to this motion is a pretrial condition of 999  
release and is effective only until the disposition of the 1000  
criminal proceeding arising out of the attached complaint, or 1001  
the issuance of a civil protection order or the approval of a 1002  
consent agreement, arising out of the same activities as those 1003  
that were the basis of the complaint, under section 3113.31 of 1004  
the Revised Code. 1005

..... 1006

Signature of person 1007

(or signature of the arresting officer who filed the motion on 1008  
behalf of the alleged victim) 1009

..... 1010

Address of person (or office address of the arresting officer  
who filed the motion on behalf of the alleged victim)" 1011  
1012

(C) (1) As soon as possible after the filing of a motion 1013  
that requests the issuance of a temporary protection order, but 1014  
not later than twenty-four hours after the filing of the motion, 1015  
the court shall conduct a hearing to determine whether to issue 1016  
the order. The person who requested the order shall appear 1017  
before the court and provide the court with the information that 1018  
it requests concerning the basis of the motion. If the person 1019  
who requested the order is unable to appear and if the court 1020  
finds that the failure to appear is because of the person's 1021  
hospitalization or medical condition resulting from the offense 1022  
alleged in the complaint, another person who is able to provide 1023  
the court with the information it requests may appear in lieu of 1024  
the person who requested the order. If the court finds that the 1025  
safety and protection of the complainant, alleged victim, or any 1026  
other family or household member of the alleged victim may be 1027  
impaired by the continued presence of the alleged offender, the 1028  
court may issue a temporary protection order, as a pretrial 1029  
condition of release, that contains terms designed to ensure the 1030  
safety and protection of the complainant, alleged victim, or the 1031  
family or household member, including a requirement that the 1032  
alleged offender refrain from entering the residence, school, 1033  
business, or place of employment of the complainant, alleged 1034  
victim, or the family or household member. The court may include 1035  
within a protection order issued under this section a term 1036  
requiring that the alleged offender not remove, damage, hide, 1037  
harm, or dispose of any companion animal owned or possessed by 1038  
the complainant, alleged victim, or any other family or 1039  
household member of the alleged victim, and may include within 1040

the order a term authorizing the complainant, alleged victim, or 1041  
other family or household member of the alleged victim to remove 1042  
a companion animal owned by the complainant, alleged victim, or 1043  
other family or household member from the possession of the 1044  
alleged offender. 1045

(2) (a) If the court issues a temporary protection order 1046  
that includes a requirement that the alleged offender refrain 1047  
from entering the residence, school, business, or place of 1048  
employment of the complainant, the alleged victim, or the family 1049  
or household member, the order shall state clearly that the 1050  
order cannot be waived or nullified by an invitation to the 1051  
alleged offender from the complainant, alleged victim, or family 1052  
or household member to enter the residence, school, business, or 1053  
place of employment or by the alleged offender's entry into one 1054  
of those places otherwise upon the consent of the complainant, 1055  
alleged victim, or family or household member. 1056

(b) Division (C) (2) (a) of this section does not limit any 1057  
discretion of a court to determine that an alleged offender 1058  
charged with a violation of section 2919.27 of the Revised Code, 1059  
with a violation of a municipal ordinance substantially 1060  
equivalent to that section, or with contempt of court, which 1061  
charge is based on an alleged violation of a temporary 1062  
protection order issued under this section, did not commit the 1063  
violation or was not in contempt of court. 1064

(D) (1) Upon the filing of a complaint that alleges a 1065  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1066  
the Revised Code if the alleged victim of the violation was a 1067  
family or household member at the time of the violation, a 1068  
violation of a municipal ordinance that is substantially similar 1069  
to any of those sections if the alleged victim of the violation 1070

was a family or household member at the time of the violation, 1071  
any offense of violence if the alleged victim of the offense was 1072  
a family or household member at the time of the commission of 1073  
the offense, or any sexually oriented offense if the alleged 1074  
victim of the offense was a family or household member at the 1075  
time of the commission of the offense, the court, upon its own 1076  
motion, may issue a temporary protection order as a pretrial 1077  
condition of release if it finds that the safety and protection 1078  
of the complainant, alleged victim, or other family or household 1079  
member of the alleged offender may be impaired by the continued 1080  
presence of the alleged offender. 1081

(2) If the court issues a temporary protection order under 1082  
this section as an ex parte order, it shall conduct, as soon as 1083  
possible after the issuance of the order, a hearing in the 1084  
presence of the alleged offender not later than the next day on 1085  
which the court is scheduled to conduct business after the day 1086  
on which the alleged offender was arrested or at the time of the 1087  
appearance of the alleged offender pursuant to summons to 1088  
determine whether the order should remain in effect, be 1089  
modified, or be revoked. The hearing shall be conducted under 1090  
the standards set forth in division (C) of this section. 1091

(3) An order issued under this section shall contain only 1092  
those terms authorized in orders issued under division (C) of 1093  
this section. 1094

(4) If a municipal court or a county court issues a 1095  
temporary protection order under this section and if, subsequent 1096  
to the issuance of the order, the alleged offender who is the 1097  
subject of the order is bound over to the court of common pleas 1098  
for prosecution of a felony arising out of the same activities 1099  
as those that were the basis of the complaint upon which the 1100

order is based, notwithstanding the fact that the order was 1101  
issued by a municipal court or county court, the order shall 1102  
remain in effect, as though it were an order of the court of 1103  
common pleas, while the charges against the alleged offender are 1104  
pending in the court of common pleas, for the period of time 1105  
described in division (E) (2) of this section, and the court of 1106  
common pleas has exclusive jurisdiction to modify the order 1107  
issued by the municipal court or county court. This division 1108  
applies when the alleged offender is bound over to the court of 1109  
common pleas as a result of the person waiving a preliminary 1110  
hearing on the felony charge, as a result of the municipal court 1111  
or county court having determined at a preliminary hearing that 1112  
there is probable cause to believe that the felony has been 1113  
committed and that the alleged offender committed it, as a 1114  
result of the alleged offender having been indicted for the 1115  
felony, or in any other manner. 1116

(E) A temporary protection order that is issued as a 1117  
pretrial condition of release under this section: 1118

(1) Is in addition to, but shall not be construed as a 1119  
part of, any bail set under Criminal Rule 46; 1120

(2) Is effective only until the occurrence of either of 1121  
the following: 1122

(a) The disposition, by the court that issued the order 1123  
or, in the circumstances described in division (D) (4) of this 1124  
section, by the court of common pleas to which the alleged 1125  
offender is bound over for prosecution, of the criminal 1126  
proceeding arising out of the complaint upon which the order is 1127  
based; 1128

(b) The issuance of a protection order or the approval of 1129

a consent agreement, arising out of the same activities as those 1130  
that were the basis of the complaint upon which the order is 1131  
based, under section 3113.31 of the Revised Code~~+~~. 1132

(3) Shall not be construed as a finding that the alleged 1133  
offender committed the alleged offense, and shall not be 1134  
introduced as evidence of the commission of the offense at the 1135  
trial of the alleged offender on the complaint upon which the 1136  
order is based. 1137

(F) A person who meets the criteria for bail under 1138  
Criminal Rule 46 and who, if required to do so pursuant to that 1139  
rule, executes or posts bond or deposits cash or securities as 1140  
bail, shall not be held in custody pending a hearing before the 1141  
court on a motion requesting a temporary protection order. 1142

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

(D) (4) of this section, the municipal court or county court 1154  
shall direct that a copy of the order be delivered to the court 1155  
of common pleas to which the defendant is bound over. 1156

(2) Upon the issuance of a protection order under this 1157  
section, the court shall provide the parties to the order with 1158  
the following notice orally or by form: 1159



"NOTICE 1160

As a result of this protection order, it may be unlawful 1161  
for you to possess or purchase a firearm, including a rifle, 1162  
pistol, or revolver, or ammunition pursuant to federal law under 1163  
18 U.S.C. 922(g)(8) for the duration of this order. If you have 1164  
any questions whether this law makes it illegal for you to 1165  
possess or purchase a firearm or ammunition, you should consult 1166  
an attorney." 1167

(3) All law enforcement agencies shall establish and 1168  
maintain an index for the temporary protection orders delivered 1169  
to the agencies pursuant to division (G)(1) of this section. 1170  
With respect to each order delivered, each agency shall note on 1171  
the index, the date and time of the receipt of the order by the 1172  
agency. 1173

(4) A complainant, alleged victim, or other person who 1174  
obtains a temporary protection order under this section may 1175  
provide notice of the issuance of the temporary protection order 1176  
to the judicial and law enforcement officials in any county 1177  
other than the county in which the order is issued by 1178  
registering that order in the other county in accordance with 1179  
division (N) of section 3113.31 of the Revised Code and filing a 1180  
copy of the registered protection order with a law enforcement 1181  
agency in the other county in accordance with that division. 1182

(5) Any officer of a law enforcement agency shall enforce 1183  
a temporary protection order issued by any court in this state 1184  
in accordance with the provisions of the order, including 1185  
removing the defendant from the premises, regardless of whether 1186  
the order is registered in the county in which the officer's 1187  
agency has jurisdiction as authorized by division (G)(4) of this 1188  
section. 1189

(H) Upon a violation of a temporary protection order, the 1190  
court may issue another temporary protection order, as a 1191  
pretrial condition of release, that modifies the terms of the 1192  
order that was violated. 1193

(I) (1) As used in divisions (I) (1) and (2) of this 1194  
section, "defendant" means a person who is alleged in a 1195  
complaint to have committed a violation, offense of violence, or 1196  
sexually oriented offense of the type described in division (A) 1197  
of this section. 1198

(2) If a complaint is filed that alleges that a person 1199  
committed a violation, offense of violence, or sexually oriented 1200  
offense of the type described in division (A) of this section, 1201  
the court may not issue a temporary protection order under this 1202  
section that requires the complainant, the alleged victim, or 1203  
another family or household member of the defendant to do or 1204  
refrain from doing an act that the court may require the 1205  
defendant to do or refrain from doing under a temporary 1206  
protection order unless both of the following apply: 1207

(a) The defendant has filed a separate complaint that 1208  
alleges that the complainant, alleged victim, or other family or 1209  
household member in question who would be required under the 1210  
order to do or refrain from doing the act committed a violation 1211  
or offense of violence of the type described in division (A) of 1212  
this section. 1213

(b) The court determines that both the complainant, 1214  
alleged victim, or other family or household member in question 1215  
who would be required under the order to do or refrain from 1216  
doing the act and the defendant acted primarily as aggressors, 1217  
that neither the complainant, alleged victim, or other family or 1218  
household member in question who would be required under the 1219

order to do or refrain from doing the act nor the defendant 1220  
acted primarily in self-defense, and, in accordance with the 1221  
standards and criteria of this section as applied in relation to 1222  
the separate complaint filed by the defendant, that it should 1223  
issue the order to require the complainant, alleged victim, or 1224  
other family or household member in question to do or refrain 1225  
from doing the act. 1226

(J) (1) Subject to division (J) (2) of this section and 1227  
regardless of whether a protection order is issued or a consent 1228  
agreement is approved by a court of another county or a court of 1229  
another state, no court or unit of state or local government 1230  
shall charge the movant any fee, cost, deposit, or money in 1231  
connection with the filing of a motion pursuant to this section, 1232  
in connection with the filing, issuance, registration, 1233  
modification, enforcement, dismissal, withdrawal, or service of 1234  
a protection order, consent agreement, or witness subpoena or 1235  
for obtaining a certified copy of a protection order or consent 1236  
agreement. 1237

(2) Regardless of whether a protection order is issued or 1238  
a consent agreement is approved pursuant to this section, if the 1239  
defendant is convicted the court may assess costs against the 1240  
defendant in connection with the filing, issuance, registration, 1241  
modification, enforcement, dismissal, withdrawal, or service of 1242  
a protection order, consent agreement, or witness subpoena or 1243  
for obtaining a certified copy of a protection order or consent 1244  
agreement. 1245

(K) As used in this section: 1246

(1) "Companion animal" has the same meaning as in section 1247  
959.131 of the Revised Code. 1248

(2) "Sexually oriented offense" has the same meaning as in 1249  
section 2950.01 of the Revised Code. 1250

(3) "Victim advocate" means a person who provides support 1251  
and assistance for a victim of an offense during court 1252  
proceedings. 1253

**Sec. 3113.31.** (A) As used in this section: 1254

(1) "Domestic violence" means ~~the~~ any of the following: 1255

(a) The occurrence of one or more of the following acts 1256  
against a family or household member: 1257

~~(a)~~ (i) Attempting to cause or recklessly causing bodily 1258  
injury; 1259

~~(b)~~ (ii) Placing another person by the threat of force in 1260  
fear of imminent serious physical harm or committing a violation 1261  
of section 2903.211 or 2911.211 of the Revised Code; 1262

~~(c)~~ (iii) Committing any act with respect to a child that 1263  
would result in the child being an abused child, as defined in 1264  
section 2151.031 of the Revised Code; 1265

~~(d)~~ (iv) Committing a sexually oriented offense. 1266

(b) The occurrence of one or more of the acts identified 1267  
in divisions (A) (1) (a) (i) to (iv) of this section against a 1268  
person with whom the respondent is or was in a dating 1269  
relationship. 1270

(2) "Court" means the domestic relations division of the 1271  
court of common pleas in counties that have a domestic relations 1272  
division and the court of common pleas in counties that do not 1273  
have a domestic relations division, or the juvenile division of 1274  
the court of common pleas of the county in which the person to 1275

be protected by a protection order issued or a consent agreement 1276  
approved under this section resides if the respondent is less 1277  
than eighteen years of age. 1278

(3) "Family or household member" means any of the 1279  
following: 1280

(a) Any of the following who is residing with or has 1281  
resided with the respondent: 1282

(i) A spouse, a person living as a spouse, or a former 1283  
spouse of the respondent; 1284

(ii) A parent, a foster parent, or a child of the 1285  
respondent, or another person related by consanguinity or 1286  
affinity to the respondent; 1287

(iii) A parent or a child of a spouse, person living as a 1288  
spouse, or former spouse of the respondent, or another person 1289  
related by consanguinity or affinity to a spouse, person living 1290  
as a spouse, or former spouse of the respondent. 1291

(b) The natural parent of any child of whom the respondent 1292  
is the other natural parent or is the putative other natural 1293  
parent. 1294

(4) "Person living as a spouse" means a person who is 1295  
living or has lived with the respondent in a common law marital 1296  
relationship, who otherwise is cohabiting with the respondent, 1297  
or who otherwise has cohabited with the respondent within five 1298  
years prior to the date of the alleged occurrence of the act in 1299  
question. 1300

(5) "Victim advocate" means a person who provides support 1301  
and assistance for a person who files a petition under this 1302  
section. 1303

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 1304  
1305

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

(8) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context. 1308  
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(9) "Person with whom the respondent is or was in a dating relationship" means an adult who, at the time of the conduct in question, is in a dating relationship with the respondent who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who also is an adult. 1313  
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(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence. 1319  
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(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state: 1323  
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(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent or against a person with whom the respondent is or was in a dating relationship, including a description of the nature and extent of the domestic violence; 1328  
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(2) The relationship of the respondent to the petitioner, 1333  
and to the victim if other than the petitioner; 1334

(3) If the petition is for protection of a person with 1335  
whom the respondent is or was in a dating relationship, the 1336  
facts upon which the court may conclude that a dating 1337  
relationship existed between the person to be protected and the 1338  
respondent; 1339

(4) A request for relief under this section. 1340

(D) (1) If a person who files a petition pursuant to this 1341  
section requests an ex parte order, the court shall hold an ex 1342  
parte hearing on the same day that the petition is filed. The 1343  
court, for good cause shown at the ex parte hearing, may enter 1344  
any temporary orders, with or without bond, including, but not 1345  
limited to, an order described in division (E) (1) (a), (b), or 1346  
(c) of this section, that the court finds necessary to protect 1347  
the family or household member or the person with whom the 1348  
respondent is or was in a dating relationship from domestic 1349  
violence. Immediate and present danger of domestic violence to 1350  
the family or household member or to the person with whom the 1351  
respondent is or was in a dating relationship constitutes good 1352  
cause for purposes of this section. Immediate and present danger 1353  
includes, but is not limited to, situations in which the 1354  
respondent has threatened the family or household member or 1355  
person with whom the respondent is or was in a dating 1356  
relationship with bodily harm, in which the respondent has 1357  
threatened the family or household member or person with whom 1358  
the respondent is or was in a dating relationship with a 1359  
sexually oriented offense, or in which the respondent previously 1360  
has been convicted of, pleaded guilty to, or been adjudicated a 1361  
delinquent child for an offense that constitutes domestic 1362

violence against the family or household member or person with 1363  
whom the respondent is or was in a dating relationship. 1364

(2) (a) If the court, after an ex parte hearing, issues an 1365  
order described in division (E) (1) (b) or (c) of this section, 1366  
the court shall schedule a full hearing for a date that is 1367  
within seven court days after the ex parte hearing. If any other 1368  
type of protection order that is authorized under division (E) 1369  
of this section is issued by the court after an ex parte 1370  
hearing, the court shall schedule a full hearing for a date that 1371  
is within ten court days after the ex parte hearing. The court 1372  
shall give the respondent notice of, and an opportunity to be 1373  
heard at, the full hearing. The court shall hold the full 1374  
hearing on the date scheduled under this division unless the 1375  
court grants a continuance of the hearing in accordance with 1376  
this division. Under any of the following circumstances or for 1377  
any of the following reasons, the court may grant a continuance 1378  
of the full hearing to a reasonable time determined by the 1379  
court: 1380

(i) Prior to the date scheduled for the full hearing under 1381  
this division, the respondent has not been served with the 1382  
petition filed pursuant to this section and notice of the full 1383  
hearing. 1384

(ii) The parties consent to the continuance. 1385

(iii) The continuance is needed to allow a party to obtain 1386  
counsel. 1387

(iv) The continuance is needed for other good cause. 1388

(b) An ex parte order issued under this section does not 1389  
expire because of a failure to serve notice of the full hearing 1390  
upon the respondent before the date set for the full hearing 1391



under division (D) (2) (a) of this section or because the court 1392  
grants a continuance under that division. 1393

(3) If a person who files a petition pursuant to this 1394  
section does not request an ex parte order, or if a person 1395  
requests an ex parte order but the court does not issue an ex 1396  
parte order after an ex parte hearing, the court shall proceed 1397  
as in a normal civil action and grant a full hearing on the 1398  
matter. 1399

(E) (1) After an ex parte or full hearing, the court may 1400  
grant any protection order, with or without bond, or approve any 1401  
consent agreement to bring about a cessation of domestic 1402  
violence against the family or household members or persons with 1403  
whom the respondent is or was in a dating relationship. The 1404  
order or agreement may: 1405

(a) Direct the respondent to refrain from abusing or from 1406  
committing sexually oriented offenses against the family or 1407  
household members or persons with whom the respondent is or was 1408  
in a dating relationship; 1409

(b) ~~Grant~~ With respect to a petition involving family or 1410  
household members, grant possession of the residence or 1411  
household to the petitioner or other family or household member, 1412  
to the exclusion of the respondent, by evicting the respondent, 1413  
when the residence or household is owned or leased solely by the 1414  
petitioner or other family or household member, or by ordering 1415  
the respondent to vacate the premises, when the residence or 1416  
household is jointly owned or leased by the respondent, and the 1417  
petitioner or other family or household member; 1418

(c) ~~When~~ With respect to a petition involving family or 1419  
household members, when the respondent has a duty to support the 1420

petitioner or other family or household member living in the 1421  
residence or household and the respondent is the sole owner or 1422  
lessee of the residence or household, grant possession of the 1423  
residence or household to the petitioner or other family or 1424  
household member, to the exclusion of the respondent, by 1425  
ordering the respondent to vacate the premises, or, in the case 1426  
of a consent agreement, allow the respondent to provide 1427  
suitable, alternative housing; 1428

(d) ~~Temporarily~~ With respect to a petition involving 1429  
family or household members, temporarily allocate parental 1430  
rights and responsibilities for the care of, or establish 1431  
temporary parenting time rights with regard to, minor children, 1432  
if no other court has determined, or is determining, the 1433  
allocation of parental rights and responsibilities for the minor 1434  
children or parenting time rights; 1435

(e) ~~Require~~ With respect to a petition involving family or 1436  
household members, require the respondent to maintain support, 1437  
if the respondent customarily provides for or contributes to the 1438  
support of the family or household member, or if the respondent 1439  
has a duty to support the petitioner or family or household 1440  
member; 1441

(f) Require the respondent, petitioner, victim of domestic 1442  
violence, or any combination of those persons, to seek 1443  
counseling; 1444

(g) Require the respondent to refrain from entering the 1445  
residence, school, business, or place of employment of the 1446  
petitioner or, with respect to a petition involving family or 1447  
household members, a family or household member; 1448

(h) Grant other relief that the court considers equitable 1449

and fair, including, but not limited to, ordering the respondent 1450  
to permit the use of a motor vehicle by the petitioner or, with 1451  
respect to a petition involving family or household members, 1452  
other family or household ~~member~~ members and the apportionment 1453  
of household and family personal property; 1454

(i) Require that the respondent not remove, damage, hide, 1455  
harm, or dispose of any companion animal owned or possessed by 1456  
the petitioner; 1457

(j) Authorize the petitioner to remove a companion animal 1458  
owned by the petitioner from the possession of the respondent; 1459

(k) Require a wireless service transfer in accordance with 1460  
sections 3113.45 to 3113.459 of the Revised Code. 1461

(2) If a protection order has been issued pursuant to this 1462  
section in a prior action involving the respondent and the 1463  
petitioner or, with respect to a petition involving family or 1464  
household members, one or more of the family or household 1465  
members or victims, the court may include in a protection order 1466  
that it issues a prohibition against the respondent returning to 1467  
the residence or household. If it includes a prohibition against 1468  
the respondent returning to the residence or household in the 1469  
order, it also shall include in the order provisions of the type 1470  
described in division (E) (7) of this section. This division does 1471  
not preclude the court from including in a protection order or 1472  
consent agreement, in circumstances other than those described 1473  
in this division, a requirement that the respondent be evicted 1474  
from or vacate the residence or household or refrain from 1475  
entering the residence, school, business, or place of employment 1476  
of the petitioner or, with respect to a petition involving 1477  
family or household members, a family or household member, and, 1478  
if the court includes any requirement of that type in an order 1479

or agreement, the court also shall include in the order 1480  
provisions of the type described in division (E) (7) of this 1481  
section. 1482

(3) (a) Any protection order issued or consent agreement 1483  
approved under this section shall be valid until a date certain, 1484  
but not later than five years from the date of its issuance or 1485  
approval, or not later than the date a respondent who is less 1486  
than eighteen years of age attains nineteen years of age, unless 1487  
modified or terminated as provided in division (E) (8) of this 1488  
section. 1489

(b) ~~Subject~~ With respect to an order involving family or 1490  
household members, subject to the limitation on the duration of 1491  
an order or agreement set forth in division (E) (3) (a) of this 1492  
section, any order under division (E) (1) (d) of this section 1493  
shall terminate on the date that a court in an action for 1494  
divorce, dissolution of marriage, or legal separation brought by 1495  
the petitioner or respondent issues an order allocating parental 1496  
rights and responsibilities for the care of children or on the 1497  
date that a juvenile court in an action brought by the 1498  
petitioner or respondent issues an order awarding legal custody 1499  
of minor children. Subject to the limitation on the duration of 1500  
an order or agreement set forth in division (E) (3) (a) of this 1501  
section, any order under division (E) (1) (e) of this section 1502  
shall terminate on the date that a court in an action for 1503  
divorce, dissolution of marriage, or legal separation brought by 1504  
the petitioner or respondent issues a support order or on the 1505  
date that a juvenile court in an action brought by the 1506  
petitioner or respondent issues a support order. 1507

(c) Any protection order issued or consent agreement 1508  
approved pursuant to this section may be renewed in the same 1509

manner as the original order or agreement was issued or 1510  
approved. 1511

(4) A court may not issue a protection order that requires 1512  
a petitioner to do or to refrain from doing an act that the 1513  
court may require a respondent to do or to refrain from doing 1514  
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 1515  
this section unless all of the following apply: 1516

(a) The respondent files a separate petition for a 1517  
protection order in accordance with this section. 1518

(b) The petitioner is served notice of the respondent's 1519  
petition at least forty-eight hours before the court holds a 1520  
hearing with respect to the respondent's petition, or the 1521  
petitioner waives the right to receive this notice. 1522

(c) If the petitioner has requested an ex parte order 1523  
pursuant to division (D) of this section, the court does not 1524  
delay any hearing required by that division beyond the time 1525  
specified in that division in order to consolidate the hearing 1526  
with a hearing on the petition filed by the respondent. 1527

(d) After a full hearing at which the respondent presents 1528  
evidence in support of the request for a protection order and 1529  
the petitioner is afforded an opportunity to defend against that 1530  
evidence, the court determines that the petitioner has committed 1531  
an act of domestic violence or has violated a temporary 1532  
protection order issued pursuant to section 2919.26 of the 1533  
Revised Code, that both the petitioner and the respondent acted 1534  
primarily as aggressors, and that neither the petitioner nor the 1535  
respondent acted primarily in self-defense. 1536

(5) No protection order issued or consent agreement 1537  
approved under this section shall in any manner affect title to 1538

any real property. 1539

(6) (a) ~~If~~ With respect to an order involving family or 1540  
household members, if a petitioner, or the child of a 1541  
petitioner, who obtains a protection order or consent agreement 1542  
pursuant to division (E) (1) of this section or a temporary 1543  
protection order pursuant to section 2919.26 of the Revised Code 1544  
and is the subject of a parenting time order issued pursuant to 1545  
section 3109.051 or 3109.12 of the Revised Code or a visitation 1546  
or companionship order issued pursuant to section 3109.051, 1547  
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 1548  
this section granting parenting time rights to the respondent, 1549  
the court may require the public children services agency of the 1550  
county in which the court is located to provide supervision of 1551  
the respondent's exercise of parenting time or visitation or 1552  
companionship rights with respect to the child for a period not 1553  
to exceed nine months, if the court makes the following findings 1554  
of fact: 1555

(i) The child is in danger from the respondent; 1556

(ii) No other person or agency is available to provide the 1557  
supervision. 1558

(b) A court that requires an agency to provide supervision 1559  
pursuant to division (E) (6) (a) of this section shall order the 1560  
respondent to reimburse the agency for the cost of providing the 1561  
supervision, if it determines that the respondent has sufficient 1562  
income or resources to pay that cost. 1563

(7) (a) If a protection order issued or consent agreement 1564  
approved under this section includes a requirement that the 1565  
respondent be evicted from or vacate the residence or household 1566  
or refrain from entering the residence, school, business, or 1567

place of employment of the petitioner or, with respect to a 1568  
petition involving family or household members, a family or 1569  
household member, the order or agreement shall state clearly 1570  
that the order or agreement cannot be waived or nullified by an 1571  
invitation to the respondent from the petitioner or other family 1572  
or household member to enter the residence, school, business, or 1573  
place of employment or by the respondent's entry into one of 1574  
those places otherwise upon the consent of the petitioner or 1575  
other family or household member. 1576

(b) Division (E) (7) (a) of this section does not limit any 1577  
discretion of a court to determine that a respondent charged 1578  
with a violation of section 2919.27 of the Revised Code, with a 1579  
violation of a municipal ordinance substantially equivalent to 1580  
that section, or with contempt of court, which charge is based 1581  
on an alleged violation of a protection order issued or consent 1582  
agreement approved under this section, did not commit the 1583  
violation or was not in contempt of court. 1584

(8) (a) The court may modify or terminate as provided in 1585  
division (E) (8) of this section a protection order or consent 1586  
agreement that was issued after a full hearing under this 1587  
section. The court that issued the protection order or approved 1588  
the consent agreement shall hear a motion for modification or 1589  
termination of the protection order or consent agreement 1590  
pursuant to division (E) (8) of this section. 1591

(b) Either the petitioner or the respondent of the 1592  
original protection order or consent agreement may bring a 1593  
motion for modification or termination of a protection order or 1594  
consent agreement that was issued or approved after a full 1595  
hearing. The court shall require notice of the motion to be made 1596  
as provided by the Rules of Civil Procedure. If the petitioner 1597

for the original protection order or consent agreement has 1598  
requested that the petitioner's address be kept confidential, 1599  
the court shall not disclose the address to the respondent of 1600  
the original protection order or consent agreement or any other 1601  
person, except as otherwise required by law. The moving party 1602  
has the burden of proof to show, by a preponderance of the 1603  
evidence, that modification or termination of the protection 1604  
order or consent agreement is appropriate because either the 1605  
protection order or consent agreement is no longer needed or 1606  
because the terms of the original protection order or consent 1607  
agreement are no longer appropriate. 1608

(c) In considering whether to modify or terminate a 1609  
protection order or consent agreement issued or approved under 1610  
this section, the court shall consider all relevant factors, 1611  
including, but not limited to, the following: 1612

(i) Whether the petitioner consents to modification or 1613  
termination of the protection order or consent agreement; 1614

(ii) Whether the petitioner fears the respondent; 1615

(iii) The current nature of the relationship between the 1616  
petitioner and the respondent; 1617

(iv) The circumstances of the petitioner and respondent, 1618  
including the relative proximity of the petitioner's and 1619  
respondent's workplaces and residences and whether the 1620  
petitioner and respondent have minor children together; 1621

(v) Whether the respondent has complied with the terms and 1622  
conditions of the original protection order or consent 1623  
agreement; 1624

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



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

(viii) Whether any other protection orders, consent 1631  
agreements, restraining orders, or no contact orders have been 1632  
issued against the respondent pursuant to this section, section 1633  
2919.26 of the Revised Code, any other provision of state law, 1634  
or the law of any other state; 1635

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

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

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

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

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

(e) If the respondent moves for modification or 1656  
termination of a protection order or consent agreement pursuant 1657  
to this section and the court denies the motion, the court may 1658  
assess costs against the respondent for the filing of the 1659  
motion. 1660

(9) Any protection order issued or any consent agreement 1661  
approved pursuant to this section shall include a provision that 1662  
the court will automatically seal all of the records of the 1663  
proceeding in which the order is issued or agreement approved on 1664  
the date the respondent attains the age of nineteen years unless 1665  
the petitioner provides the court with evidence that the 1666  
respondent has not complied with all of the terms of the 1667  
protection order or consent agreement. The protection order or 1668  
consent agreement shall specify the date when the respondent 1669  
attains the age of nineteen years. 1670

(F) (1) A copy of any protection order, or consent 1671  
agreement, that is issued, approved, modified, or terminated 1672  
under this section shall be issued by the court to the 1673  
petitioner, to the respondent, and to all law enforcement 1674  
agencies that have jurisdiction to enforce the order or 1675  
agreement. The court shall direct that a copy of an order be 1676  
delivered to the respondent on the same day that the order is 1677  
entered. 1678

(2) Upon the issuance of a protection order or the 1679  
approval of a consent agreement under this section, the court 1680  
shall provide the parties to the order or agreement with the 1681  
following notice orally or by form: 1682

"NOTICE 1683

As a result of this order or consent agreement, it may be 1684

unlawful for you to possess or purchase a firearm, including a 1685  
rifle, pistol, or revolver, or ammunition pursuant to federal 1686  
law under 18 U.S.C. 922(g) (8) for the duration of this order or 1687  
consent agreement. If you have any questions whether this law 1688  
makes it illegal for you to possess or purchase a firearm or 1689  
ammunition, you should consult an attorney." 1690

(3) All law enforcement agencies shall establish and 1691  
maintain an index for the protection orders and the approved 1692  
consent agreements delivered to the agencies pursuant to 1693  
division (F) (1) of this section. With respect to each order and 1694  
consent agreement delivered, each agency shall note on the index 1695  
the date and time that it received the order or consent 1696  
agreement. 1697

(4) Regardless of whether the petitioner has registered 1698  
the order or agreement in the county in which the officer's 1699  
agency has jurisdiction pursuant to division (N) of this 1700  
section, any officer of a law enforcement agency shall enforce a 1701  
protection order issued or consent agreement approved by any 1702  
court in this state in accordance with the provisions of the 1703  
order or agreement, including removing the respondent from the 1704  
premises, if appropriate. 1705

(G) Any proceeding under this section shall be conducted 1706  
in accordance with the Rules of Civil Procedure, except that an 1707  
order under this section may be obtained with or without bond. 1708  
An order issued under this section, other than an ex parte 1709  
order, that grants a protection order or approves a consent 1710  
agreement, that refuses to grant a protection order or approve a 1711  
consent agreement that modifies or terminates a protection order 1712  
or consent agreement, or that refuses to modify or terminate a 1713  
protection order or consent agreement, is a final, appealable 1714

order. The remedies and procedures provided in this section are 1715  
in addition to, and not in lieu of, any other available civil or 1716  
criminal remedies. 1717

(H) The filing of proceedings under this section does not 1718  
excuse a person from filing any report or giving any notice 1719  
required by section 2151.421 of the Revised Code or by any other 1720  
law. When a petition under this section alleges domestic 1721  
violence against minor children, the court shall report the 1722  
fact, or cause reports to be made, to a county, township, or 1723  
municipal peace officer under section 2151.421 of the Revised 1724  
Code. 1725

(I) Any law enforcement agency that investigates a 1726  
domestic dispute shall provide information to the family or 1727  
household members involved, or the persons in the dating 1728  
relationship who are involved, whichever is applicable regarding 1729  
the relief available under this section and, for family or 1730  
household members, section 2919.26 of the Revised Code. 1731

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 1732  
section and regardless of whether a protection order is issued 1733  
or a consent agreement is approved by a court of another county 1734  
or a court of another state, no court or unit of state or local 1735  
government shall charge the petitioner any fee, cost, deposit, 1736  
or money in connection with the filing of a petition pursuant to 1737  
this section or in connection with the filing, issuance, 1738  
registration, modification, enforcement, dismissal, withdrawal, 1739  
or service of a protection order, consent agreement, or witness 1740  
subpoena or for obtaining a certified copy of a protection order 1741  
or consent agreement. 1742

(2) Regardless of whether a protection order is issued or 1743  
a consent agreement is approved pursuant to this section, the 1744

court may assess costs against the respondent in connection with 1745  
the filing, issuance, registration, modification, enforcement, 1746  
dismissal, withdrawal, or service of a protection order, consent 1747  
agreement, or witness subpoena or for obtaining a certified copy 1748  
of a protection order or consent agreement. 1749

(K) (1) The court shall comply with Chapters 3119., 3121., 1750  
3123., and 3125. of the Revised Code when it makes or modifies 1751  
an order for child support under this section. 1752

(2) If any person required to pay child support under an 1753  
order made under this section on or after April 15, 1985, or 1754  
modified under this section on or after December 31, 1986, is 1755  
found in contempt of court for failure to make support payments 1756  
under the order, the court that makes the finding, in addition 1757  
to any other penalty or remedy imposed, shall assess all court 1758  
costs arising out of the contempt proceeding against the person 1759  
and require the person to pay any reasonable attorney's fees of 1760  
any adverse party, as determined by the court, that arose in 1761  
relation to the act of contempt. 1762

(L) (1) A person who violates a protection order issued or 1763  
a consent agreement approved under this section is subject to 1764  
the following sanctions: 1765

(a) Criminal prosecution or a delinquent child proceeding 1766  
for a violation of section 2919.27 of the Revised Code, if the 1767  
violation of the protection order or consent agreement 1768  
constitutes a violation of that section; 1769

(b) Punishment for contempt of court. 1770

(2) The punishment of a person for contempt of court for 1771  
violation of a protection order issued or a consent agreement 1772  
approved under this section does not bar criminal prosecution of 1773

the person or a delinquent child proceeding concerning the 1774  
person for a violation of section 2919.27 of the Revised Code. 1775  
However, a person punished for contempt of court is entitled to 1776  
credit for the punishment imposed upon conviction of or 1777  
adjudication as a delinquent child for a violation of that 1778  
section, and a person convicted of or adjudicated a delinquent 1779  
child for a violation of that section shall not subsequently be 1780  
punished for contempt of court arising out of the same activity. 1781

(M) In all stages of a proceeding under this section, a 1782  
petitioner may be accompanied by a victim advocate. 1783

(N) (1) A petitioner who obtains a protection order or 1784  
consent agreement under this section or a temporary protection 1785  
order under section 2919.26 of the Revised Code may provide 1786  
notice of the issuance or approval of the order or agreement to 1787  
the judicial and law enforcement officials in any county other 1788  
than the county in which the order is issued or the agreement is 1789  
approved by registering that order or agreement in the other 1790  
county pursuant to division (N) (2) of this section and filing a 1791  
copy of the registered order or registered agreement with a law 1792  
enforcement agency in the other county in accordance with that 1793  
division. A person who obtains a protection order issued by a 1794  
court of another state may provide notice of the issuance of the 1795  
order to the judicial and law enforcement officials in any 1796  
county of this state by registering the order in that county 1797  
pursuant to section 2919.272 of the Revised Code and filing a 1798  
copy of the registered order with a law enforcement agency in 1799  
that county. 1800

(2) A petitioner may register a temporary protection 1801  
order, protection order, or consent agreement in a county other 1802  
than the county in which the court that issued the order or 1803

approved the agreement is located in the following manner: 1804

(a) The petitioner shall obtain a certified copy of the 1805  
order or agreement from the clerk of the court that issued the 1806  
order or approved the agreement and present that certified copy 1807  
to the clerk of the court of common pleas or the clerk of a 1808  
municipal court or county court in the county in which the order 1809  
or agreement is to be registered. 1810

(b) Upon accepting the certified copy of the order or 1811  
agreement for registration, the clerk of the court of common 1812  
pleas, municipal court, or county court shall place an 1813  
endorsement of registration on the order or agreement and give 1814  
the petitioner a copy of the order or agreement that bears that 1815  
proof of registration. 1816

(3) The clerk of each court of common pleas, the clerk of 1817  
each municipal court, and the clerk of each county court shall 1818  
maintain a registry of certified copies of temporary protection 1819  
orders, protection orders, or consent agreements that have been 1820  
issued or approved by courts in other counties and that have 1821  
been registered with the clerk. 1822

(O) Nothing in this section prohibits the domestic 1823  
relations division of a court of common pleas in counties that 1824  
have a domestic relations division or a court of common pleas in 1825  
counties that do not have a domestic relations division from 1826  
designating a minor child as a protected party on a protection 1827  
order or consent agreement. 1828

**Sec. 3113.33.** As used in sections 3113.33 to 3113.40 of 1829  
the Revised Code: 1830

(A) "Domestic violence" means ~~attempting~~ any of the 1831  
following: 1832

(1) Attempting to cause or causing bodily injury to a 1833  
family or household member, or placing a family or household 1834  
member by threat of force in fear of imminent physical harm; 1835

(2) Attempting to cause or causing bodily injury to a 1836  
person with whom the actor is or was in a dating relationship, 1837  
or placing a person with whom the actor is or was in a dating 1838  
relationship by threat of force in fear of imminent physical 1839  
harm. 1840

(B) "Family or household member" means any of the 1841  
following: 1842

(1) Any of the following who is residing or has resided 1843  
with the person committing the domestic violence: 1844

(a) A spouse, a person living as a spouse, or a former 1845  
spouse of the person committing the domestic violence; 1846

(b) A parent, foster parent, or child of the person 1847  
committing the domestic violence, or another person related by 1848  
consanguinity or affinity to the person committing the domestic 1849  
violence; 1850

(c) A parent or a child of a spouse, person living as a 1851  
spouse, or former spouse of the person committing the domestic 1852  
violence, or another person related by consanguinity or affinity 1853  
to a spouse, person living as a spouse, or former spouse of the 1854  
person committing the domestic violence; 1855

(d) The dependents of any person listed in division (B) (1) 1856  
(a), (b), or (c) of this section. 1857

(2) The natural parent of any child of whom the person 1858  
committing the domestic violence is the other natural parent or 1859  
is the putative other natural parent. 1860



(C) "Shelter for victims of domestic violence" or 1861  
"shelter" means a facility that provides temporary residential 1862  
service or facilities to family or household members who are 1863  
victims of domestic violence or to persons with whom the actor 1864  
is or was in a dating relationship who are victims of domestic 1865  
violence. 1866

(D) "Person living as a spouse" means a person who is 1867  
living or has lived with the person committing the domestic 1868  
violence in a common law marital relationship, who otherwise is 1869  
cohabiting with the person committing the domestic violence, or 1870  
who otherwise has cohabited with the person committing the 1871  
domestic violence within five years prior to the date of the 1872  
alleged occurrence of the act in question. 1873

(E) "Dating relationship" has the same meaning as in 1874  
section 3113.31 of the Revised Code. 1875

(F) "Person with whom the actor is or was in a dating 1876  
relationship" means an adult who, at the time of the conduct in 1877  
question, is in a dating relationship with the actor who also is 1878  
an adult or who, within the twelve months preceding the conduct 1879  
in question, has had a dating relationship with the actor who 1880  
also is an adult. 1881

(G) "Actor" means a person who attempts to cause or causes 1882  
bodily injury to another, or places another by threat of force 1883  
in fear of imminent physical harm. 1884

**Section 2.** That existing sections 109.42, 2151.34, 1885  
2903.214, 2919.26, 3113.31, and 3113.33 of the Revised Code are 1886  
hereby repealed. 1887

**Section 3.** Sections 2151.34, 2903.214, and 2919.26 of the 1888  
Revised Code are presented in this act as composites of the 1889

sections as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 1890  
of the 130th General Assembly. The General Assembly, applying 1891  
the principle stated in division (B) of section 1.52 of the 1892  
Revised Code that amendments are to be harmonized if reasonably 1893  
capable of simultaneous operation, finds that the composites are 1894  
the resulting versions of the sections in effect prior to the 1895  
effective date of the sections as presented in this act. 1896