

As Reported by the Senate Judiciary Committee

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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, Boccieri, Sprague, Boggs, Fedor, Householder, DeVitis, Celebrezze, Rezabek, Anielski, Arndt, Brenner, Carfagna, Clyde, Cupp, Duffey, Edwards, Gavarone, Green, Greenspan, Hagan, Hambley, Howse, Ingram, Kelly, Koehler, Landis, Lepore-Hagan, Miller, Patterson, Reece, Reineke, Ryan, Scherer, Slaby, Smith, K., Stein, Strahorn, Sweeney

Senators Eklund, Bacon

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 44

2151.359 or 2152.61 of the Revised Code of a forfeited 45
recognizance to pay damages caused by a child when the 46
delinquency of the child or child's violation of probation or 47
community control is found to be proximately caused by the 48
failure of the child's parent or guardian to subject the child 49
to reasonable parental authority or to faithfully discharge the 50
conditions of probation or community control; 51

(3) The availability of awards of reparations pursuant to 52
sections 2743.51 to 2743.72 of the Revised Code for injuries 53
caused by criminal offenses; 54

(4) The right of the victim in certain criminal or 55
juvenile cases or a victim's representative to receive, pursuant 56
to section 2930.06 of the Revised Code, notice of the date, 57
time, and place of the trial or delinquency proceeding in the 58
case or, if there will not be a trial or delinquency proceeding, 59
information from the prosecutor, as defined in section 2930.01 60
of the Revised Code, regarding the disposition of the case; 61

(5) The right of the victim in certain criminal or 62
juvenile cases or a victim's representative to receive, pursuant 63
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 64
notice of the name of the person charged with the violation, the 65
case or docket number assigned to the charge, and a telephone 66
number or numbers that can be called to obtain information about 67
the disposition of the case; 68

(6) The right of the victim in certain criminal or 69
juvenile cases or of the victim's representative pursuant to 70
section 2930.13 or 2930.14 of the Revised Code, subject to any 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 Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

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

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

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

(15) The right of a victim of domestic violence, including domestic violence in a dating relationship as defined in section 3113.31 of the Revised Code, to seek the issuance of a civil protection order pursuant to that ~~section 3113.31 of the Revised Code~~, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal

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

Sec. 2151.34. (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 280
section. 281

(7) "Sexually oriented offense" has the same meaning as in 282

section 2950.01 of the Revised Code. 283

(8) "Electronic monitoring" has the same meaning as in 284
section 2929.01 of the Revised Code. 285

(9) "Companion animal" has the same meaning as in section 286
959.131 of the Revised Code. 287

(B) The court has jurisdiction over all proceedings under 288
this section. 289

(C) (1) Any of the following persons may seek relief under 290
this section by filing a petition with the court: 291

(a) Any person on behalf of that person; 292

(b) Any parent or adult family or household member on 293
behalf of any other family or household member; 294

(c) Any person who is determined by the court in its 295
discretion as an appropriate person to seek relief under this 296
section on behalf of any child. 297

(2) The petition shall contain or state all of the 298
following: 299

(a) An allegation that the respondent engaged in a 300
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 301
2903.211, 2903.22, or 2911.211 of the Revised Code, committed a 302
sexually oriented offense, or engaged in a violation of any 303
municipal ordinance that is substantially equivalent to any of 304
those offenses against the person to be protected by the 305
protection order, including a description of the nature and 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 602
Revised Code shall not exceed three hundred thousand dollars per 603
year. When the total amount paid from the reparations fund in 604

any year for electronic monitoring under those sections equals 605
or exceeds three hundred thousand dollars, the court shall not 606
order pursuant to this section that an indigent respondent be 607
electronically monitored. 608

(O) The court, in its discretion, may determine if the 609
respondent is entitled to court-appointed counsel in a 610
proceeding under this section. 611

Sec. 2903.214. (A) As used in this section: 612

(1) "Court" means the court of common pleas of the county 613
in which the person to be protected by the protection order 614
resides. 615

(2) "Victim advocate" means a person who provides support 616
and assistance for a person who files a petition under this 617
section. 618

(3) "Family or household member" has the same meaning as 619
in section 3113.31 of the Revised Code. 620

(4) "Protection order issued by a court of another state" 621
has the same meaning as in section 2919.27 of the Revised Code. 622

(5) "Sexually oriented offense" has the same meaning as in 623
section 2950.01 of the Revised Code. 624

(6) "Electronic monitoring" has the same meaning as in 625
section 2929.01 of the Revised Code. 626

(7) "Companion animal" has the same meaning as in section 627
959.131 of the Revised Code. 628

(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 893
registration, the clerk of the court of common pleas, municipal 894
court, or county court shall place an endorsement of 895
registration on the order and give the petitioner a copy of the 896
order that bears that proof of registration. 897

(3) The clerk of each court of common pleas, municipal 898
court, or county court shall maintain a registry of certified 899
copies of protection orders that have been issued by courts in 900
other counties pursuant to this section or section 2903.213 of 901
the Revised Code and that have been registered with the clerk. 902

(N) (1) If the court orders electronic monitoring of the 903
respondent under this section, the court shall direct the 904
sheriff's office or any other appropriate law enforcement agency 905
to install the electronic monitoring device and to monitor the 906
respondent. Unless the court determines that the respondent is 907
indigent, the court shall order the respondent to pay the cost 908
of the installation and monitoring of the electronic monitoring 909
device. If the court determines that the respondent is indigent 910
and subject to the maximum amount allowable to be paid in any 911
year from the fund and the rules promulgated by the attorney 912
general under division (N) (2) of this section, the cost of the 913
installation and monitoring of the electronic monitoring device 914
may be paid out of funds from the reparations fund created 915
pursuant to section 2743.191 of the Revised Code. The total 916
amount of costs for the installation and monitoring of 917
electronic monitoring devices paid pursuant to this division and 918
sections 2151.34 and 2919.27 of the Revised Code from the 919
reparations fund shall not exceed three hundred thousand dollars 920
per year. 921

(2) The attorney general may promulgate rules pursuant to 922
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 1011
who filed the motion on behalf of the alleged victim)" 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~~7.~~ 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 an attorney." 1166
1167

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

(4) A complainant, alleged victim, or other person who obtains a temporary protection order under this section may provide notice of the issuance of the temporary protection order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county in accordance with division (N) of section 3113.31 of the Revised Code and filing a copy of the registered protection order with a law enforcement agency in the other county in accordance with that division. 1174
1175
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1177
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(5) Any officer of a law enforcement agency shall enforce a temporary protection order issued by any court in this state in accordance with the provisions of the order, including removing the defendant from the premises, regardless of whether the order is registered in the county in which the officer's agency has jurisdiction as authorized by division (G)(4) of this section. 1183
1184
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1189

(H) Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial condition of release, that modifies the terms of the order that was violated. 1190
1191
1192
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 <u>any of the following:</u>	1255
<u>(a) The occurrence of one or more of the following acts</u>	1256
against a family or household member:	1257
(a) <u>(i)</u> Attempting to cause or recklessly causing bodily	1258
injury;	1259
(b) <u>(ii)</u> 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) <u>(iii)</u> 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) <u>(iv)</u> Committing a sexually oriented offense.	1266
<u>(b) The occurrence of one or more of the acts identified</u>	1267
<u>in divisions (A) (1) (a) (i) to (iv) of this section against a</u>	1268
<u>person with whom the respondent is or was in a dating</u>	1269
<u>relationship.</u>	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	1304
section 2950.01 of the Revised Code.	1305
(7) "Companion animal" has the same meaning as in section	1306
959.131 of the Revised Code.	1307
<u>(8) "Dating relationship" means a relationship between</u>	1308

individuals who have, or have had, a relationship of a romantic 1309
or intimate nature. "Dating relationship" does not include a 1310
casual acquaintanceship or ordinary fraternization in a business 1311
or social context. 1312

(9) "Person with whom the respondent is or was in a dating 1313
relationship" means an adult who, at the time of the conduct in 1314
question, is in a dating relationship with the respondent who 1315
also is an adult or who, within the twelve months preceding the 1316
conduct in question, has had a dating relationship with the 1317
respondent who also is an adult. 1318

(B) The court has jurisdiction over all proceedings under 1319
this section. The petitioner's right to relief under this 1320
section is not affected by the petitioner's leaving the 1321
residence or household to avoid further domestic violence. 1322

(C) A person may seek relief under this section on the 1323
person's own behalf, or any parent or adult household member may 1324
seek relief under this section on behalf of any other family or 1325
household member, by filing a petition with the court. The 1326
petition shall contain or state: 1327

(1) An allegation that the respondent engaged in domestic 1328
violence against a family or household member of the respondent 1329
or against a person with whom the respondent is or was in a 1330
dating relationship, including a description of the nature and 1331
extent of the domestic violence; 1332

(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