

Packet A – Forms for Domestic Violence Civil Protection Order

1. Civil Protection Order Service Request
2. 10.01-A General Information About Domestic Violence Protection Orders
3. 10.01-C Information About Filing a Domestic Violence or Dating Violence Civil Protection Order Petition
4. 10.01-D Petition for Domestic Violence Civil Protection Order
5. 10-E Wireless Transfer in Domestic Violence Civil Protection Order
6. 10.01-F Information for Parenting Proceeding Affidavit
7. 10.01-K Motion to Modify or Terminate Domestic Violence or Dating Violence Civil Protection Order or Consent Agreement
8. CPO 10-01-O(1) -MOTION FOR CONTEMPT of DVCPO our form 10-01-O(1) rev 10-13-2023 from SCOhio Form 10-01-O
9. CPO 10-01-O(2) AFFIDAVIT in supp of MOTION FOR CONTEMPT of DVCPO our form 10-01-O(2) rev 10-13-2023 from SCOhio Form 10-01-O
10. CPO 10-01-O(3) ORDER TO APPEAR AND SHOW CAUSE CONTEMPT OF A DVCPO OR DATING VIOLENCE CPO our form 10-01-O(3) rev 10-13-2023 from SCOhio Form 10-01-O

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO

PETITIONER

CASE NUMBER: _____

vs.

RESPONDENT

DOMESTIC VIOLENCE SERVICE REQUEST

RESPONDENT'S HOME ADDRESS:

RESPONDENT'S NAME/ADDRESS OF EMPLOYER:

**PETITIONER POLICE DEPARTMENT
WHERE YOU RESIDE:**

**PETITIONER POLICE DEPARTMENT
OF YOUR EMPLOYER:**

**PETITIONER COUNTY YOU RESIDE IN /
SHERIFF'S DEPARTMENT:**

**FOREIGN SHERIFF
CONTACT INFORMATION:**

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO**

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PETITIONER
vs.

RESPONDENT

CASE NUMBER: _____

DOMESTIC VIOLENCE SERVICE REQUEST

Special Instructions to the Sheriff Department

BEST TIME TO SERVE RESPONDENT WITH RESTRAINING ORDER: _____ A.M. / P.M.

BEST PLACE RESPONDENT CAN BE SERVED: (PLEASE PROVIDE COMPLETE ADDRESS)

WORK / OTHER ADDRESSES RESPONDENT CAN BE SERVED: _____

ADDITIONAL INFORMATION (IF ANY) TO ASSIST SHERIFF IN SERVING RESPONDENT:

Respondent's Physical Description

Birth Date: _____
Height: _____
Weight: _____
Hair Color: _____
Eye Color: _____
Race: _____
Complexion: _____
Tattoos/Scars: _____
Health Issues: _____
Glasses / Beard / Moustache
Male / Female

Respondent Property Description

Vehicle Make: _____
Vehicle Model: _____
Vehicle Year: _____
Vehicle Color: _____
License Plate #: _____
Residents of above Address: _____

Pets at above Address: _____

Other Vehicles: _____

Does Respondent have any other arrests? _____ What were they: _____

Respondent's Phone Number: _____ Cell Number: _____

If parties have child(ren) in common, who currently has possession? _____

Contact Number of Petitioner for Sheriff: _____

SIGNATURE OF PETITIONER / VICTIM

FORM 10.01-A: GENERAL INFORMATION ABOUT DOMESTIC VIOLENCE PROTECTION ORDERS

DEFINITIONS YOU NEED TO KNOW

Domestic violence is when a family or household member uses physical violence, threats, intimidation, and/or emotional, sexual, and economic abuse to maintain power and control over the other person, usually within an intimate relationship. Domestic violence is most often a combination of psychological and physical actions; the physical results are just the most visible. Domestic violence is a pattern of conduct in which one intimate partner uses force or threats of force to control the other person.

State law has determined that some forms of abuse do not constitute criminal behavior or behavior requiring the Court's intervention. For example, psychological battering, economic abuse, or verbal harassment without evidence of threats or physical harm are not recognized by Ohio law as domestic violence that allows a petitioner to obtain a protection order or request that criminal charges be filed.

When a family or household member tries to cause you bodily harm by hitting, pushing, beating, or physically hurting you, that is domestic violence. When a family or household member makes you afraid that you will be harmed, that is domestic violence. When a family or household member stalks, commits sexually oriented offenses against you, or forces sexual relations on you, that is domestic violence. When a family or household member abuses your children, that is domestic violence.

IN A CIVIL DOMESTIC VIOLENCE CASE:

Petition for Domestic Violence Civil Protection Order ("CPO") is the document a domestic violence victim, the victim's parent, or an adult household member of the victim must file with the domestic relations court to obtain a civil protection order against an alleged offender.

Domestic Violence Civil Protection Order ("CPO") *Ex Parte* is an emergency order the Court issues in response to the Petition for a Civil Protection Order after an *ex parte* hearing. The *ex parte* hearing is described in this form on page 3.

Domestic Violence Civil Protection Order ("CPO") Full Hearing is the final order the Court issues after a full hearing. The full hearing is described in this form on page 3. The full hearing CPO replaces the *ex parte* CPO. Sometimes the final order issued by the Court is a **Consent Agreement and Domestic Violence Civil Protection Order**, Form 10.01-J, upon terms agreed to by the parties.

Petitioner is the person asking or "petitioning" the Court for protection. By filing the Petition for a CPO, YOU are the Petitioner.

Respondent is the alleged domestic violence offender. Petitioner seeks protection from the Respondent by filing for a CPO.

IN A CRIMINAL DOMESTIC VIOLENCE CASE:

Motion for a Criminal Domestic Violence Temporary Protection Order ("DVTPO") is the document that must be filed in a criminal case if a victim of domestic violence or victim of a sexually oriented offense wishes to obtain a protection order against an alleged offender, who is a family or household member. The criminal case must allege the offender committed negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, endangering children, any offense of violence, or any sexually oriented offense against a family or household member. The prosecutor has a form for this purpose.

Domestic Violence Temporary Protection Order ("DVTPO") is the order the Court issues in response to the Motion for Temporary Protection Order. The DVTPO requires the offender to stop abusing and to stay away from the victims named in the Motion for Temporary Protection Order. A DVTPO expires when the alleged offender's criminal case ends or when a new CPO is issued based on the same facts.

Alleged Victim is the person asking the Court for protection in the Motion for a DVTPO.

Defendant is the person the Motion for a DVTPO is filed against. The Defendant is the person accused of the crimes of negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, endangering children, any sexually oriented offense, or any offense of violence against a family or household member.

FEES

You **cannot** be charged any costs or fees for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, or obtaining a protection order.

DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS (CPO)

What is a Domestic Violence Civil Protection Order ("CPO")?

A CPO is issued by a domestic relations court to protect a victim of domestic violence. A CPO is intended to prevent further domestic violence. It orders someone who has been abusive to do or not do certain things in the future. You may want to consider getting a CPO even if you have a DVTPO from a criminal court because a CPO lasts longer and provides more benefits – such as child custody and support orders. Domestic violence includes the commission of sexually oriented offenses.

Violating a CPO is a crime. If the Respondent violates the CPO, he or she may be arrested, jailed, and fined for disobeying the CPO. A CPO can remain in effect for up to 5 years. If the Respondent violates the CPO, you can call the police, go back to the domestic relations court to file a contempt charge, and go to the prosecutor's office to have the Respondent charged with the crime of violating the CPO.

Why get a Domestic Violence Civil Protection Order?

If you are a victim of domestic violence, a CPO may help you. Once domestic violence starts, the violence often happens more often and gets increasingly severe. A CPO may stop this cycle of violence because the Court orders the Respondent to stop hurting or threatening you and your family or household members. The Court can use a CPO to order the Respondent to stay away from you for up to five years. A CPO can give you time to "sort things out" and decide what you want to do next without having to be afraid all of the time. If your children have seen domestic violence, a CPO may give all of you a chance to get some help so that you and your children are safe.

Domestic violence is a crime. A CPO tells the Respondent you and the Court are serious about requiring the Respondent to stop his or her abusive behavior and not to hurt or threaten you again.

A CPO sets some "rules" that the Respondent must obey while the CPO is in effect. These rules may require the Respondent to pay child or spousal support; give up possession of a home or car; and/or obey the Court's orders about visitation.

A CPO issued by a domestic relations court may last longer than a DVTPO issued by a criminal court and can provide more kinds of help. You should know that if you get a CPO based upon the same facts as the DVTPO, the DVTPO from the criminal court will automatically end, even if the criminal case continues.

Who can get a Domestic Violence Civil Protection Order?

You can apply for a CPO if you are related to the Respondent by blood or marriage AND have lived with Respondent at any time; OR you are living with or have lived with the Respondent during the past five years; OR you used to be married to the Respondent; OR you have a child with the Respondent, whether or not you ever married or lived together.

You can also get a CPO for any member of your household.

You may be able to get a CPO if you have been dating the Respondent; if you share family or financial responsibilities with the Respondent; AND you have an intimate relationship with the Respondent.

Remember that a CPO has limits. If you suspect that the Respondent will not obey the terms of a CPO, contact your local domestic violence program or the Ohio Domestic Violence Network at 800-934-9840.

Do I need an attorney for me to obtain a Domestic Violence Civil Protection Order?

No, but you are often better off having legal representation in your CPO proceeding. Neither the Clerk of Court nor other Court employees can give you legal advice. Having an attorney represent you is especially helpful when your case involves contested custody and visitation and/or when an attorney represents the Respondent. If you cannot afford an attorney, contact your local legal aid office at 866-LAWOHIO (toll free), bar association, or Ohio State Legal Services (800-589-5888) for information on low cost or free legal representation.

Must there be a court hearing for me to obtain a Domestic Violence Civil Protection Order?

Yes. There are two hearings involved in a CPO case: the *ex parte* hearing and the full hearing.

Ex Parte Hearing: At this hearing, only you are present. The Respondent is not present.

An *ex parte* hearing is held on the same day a Petition for Civil Protection Order is filed. If a Petition for a CPO is filed early enough in the day, an *ex parte* hearing is held that same day. At the *ex parte* hearing, you take an oath to tell the truth and a judge or magistrate hears your statement of what happened. If the judge or magistrate finds that the events you described meet the requirements of the law, the Court will issue an *Ex Parte* CPO and schedule a full hearing. If the Respondent is asked to vacate the home in which you live, there will be a full hearing within 7 business days. Otherwise, a full hearing will be set within 10 business days. The Court can hold a full hearing only after the Respondent has been served with the *Ex Parte* CPO. You may need to fill out forms for the Clerk of Court to cause service.

Full Hearing: The full hearing is the final hearing.

At this hearing, both you and the Respondent can testify. You must be present at the full hearing. You should bring any witnesses and other evidence to support your case. If the Court issues a Full Hearing CPO, it remains in force until the date indicated in the CPO, with 5 years being the maximum.

If the Respondent does not show up for the full hearing, you can still obtain a final CPO. However, if the Respondent is not served with the *Ex Parte* CPO before the full hearing, the Court postpones the full hearing until the Respondent is served. If the full hearing is postponed, the *Ex Parte* CPO remains in effect until the full hearing is held.

You may bring an advocate with you to the *ex parte* and full hearings for support. Some domestic violence shelters and victim assistance programs can provide advocates to go with you to these hearings. Contact your local domestic violence program or the Ohio Domestic Violence Network, 800-934-9840, for program and shelter information.

CRIMINAL DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDERS (DVTPO)

Your local criminal court grants a DVTPO. You ask the Court for a DVTPO when a criminal complaint is filed alleging someone has committed domestic violence or a sexually oriented offense against you. The DVTPO orders someone who has abused you to do or stop doing certain things in the future. Violating a DVTPO is a crime. If the Defendant violates the DVTPO, the Defendant may be arrested, jailed, and fined for disobeying the DVTPO. Violating a DVTPO is also a reason for the Court to revoke the Defendant's bail. A DVTPO lasts only until the criminal case is ended or a CPO, based on the same facts, is issued by a domestic relations court.

RESOURCES

You can find information about Domestic Violence Civil Protection Orders in R.C. 3113.31 and information about Domestic Violence Temporary Protection Orders in R.C. 2919.26.

You may be able to find additional information about domestic violence at the following web sites:

Ohio Domestic Violence Network	www.odvn.org
Ohio Legal Help	www.ohiolegalhelp.org
National Resource Center on Domestic Violence	www.nrcdv.org
Supreme Court of Ohio – Domestic Violence Program	www.supremecourt.ohio.gov/domviol

PLEASE NOTE: Computer use can be monitored. It is impossible to completely clear all website footprints. If you are in danger, please use a safer computer that your abuser cannot access directly or remotely. For example, computers at a public library, internet café, domestic violence shelter, or community technology center, may be safer computers.

FORM 10.01-C: INFORMATION ABOUT FILING A DOMESTIC VIOLENCE OR DATING VIOLENCE CIVIL PROTECTION ORDER PETITION

- If you have any questions about completing the Petition for a Domestic Violence Civil Protection Order (Form 10.01-D) or the Dating Violence Civil Protection Order (Form 10.01-P), contact the local victim assistance program, domestic violence program, or Ohio Domestic Violence Network at 800-934-9840.
- Neither the Clerk of Court's Office nor the local domestic violence program can give legal advice. If you need legal advice, talk to a lawyer. Only a lawyer can give you legal advice.
- There is NO FEE for filing the Petition.
- Once completed, take the Petition and other necessary documents to the Clerk of Court's Office.
- If you want an emergency order, also known as an *Ex Parte* Protection Order, check "want" in paragraph 2 of the Petition.
- The Court will consider your request for an *Ex Parte* Protection Order and may ask you questions.
- Regardless if an *Ex Parte* Protection Order was requested, granted, or denied, a full hearing will be scheduled.
- You must attend the full hearing. Your victim advocate may also be present at the hearing.
- On the day of the full hearing, be prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) ask Respondent questions.
- Respondent may be represented by a lawyer. You may represent yourself or ask for a continuance to obtain a lawyer. [R.C. 3113.31(D)(2)(a)(iii)]
- Respondent or Respondent's lawyer may present evidence and ask you questions.
- The Court cannot issue a protection order against you unless Respondent has filed a Petition.

DEFINITIONS	
Domestic Violence [R.C. 3113.31]	"Domestic violence" means the occurrence of one or more of the following acts against a family or household member or a person with whom Petitioner has a dating relationship: attempting to cause or recklessly causing bodily injury; placing another person by the threat of force in fear of imminent serious physical harm or committing menacing by stalking or aggravated trespass; committing any act with respect to a child that would result in the child being an abused child, as defined [by law]; or committing a sexually oriented offense.
Person with Whom Respondent Is or Was in a Dating Relationship [R.C. 3113.31(A)(9)]	An adult who, at the time of the conduct in question, is in a dating relationship with Respondent who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with Respondent who also is an adult.

Dating Relationship [R.C. 3113.31(A)(8)]	A relationship between adults who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
Family or Household Member [R.C. 3113.31(A)(3)-(4)]	"Family or household member" means either of the following: (1) Any of the following who is residing with or has resided with Respondent, such as a spouse, a person living as a spouse, or a former spouse of Respondent; a parent, a foster parent, or a child of Respondent, or another person related by consanguinity or affinity (blood or marriage) to Respondent; a parent or a child of a spouse, person living as a spouse, or former spouse of Respondent, or another person related by consanguinity or affinity (blood or marriage) to a spouse, person living as a spouse, or former spouse of Respondent. (2) The natural parent of any child of whom Respondent is the other natural parent or is the putative other natural parent. "Person living as a spouse" means a person who is living or has lived with Respondent in a common law marital relationship, who otherwise is cohabiting with Respondent, or who otherwise has cohabited with Respondent within five years prior to the date of the alleged occurrence of the act in question.

IN THE _____

COURT
COUNTY, OHIO

Petitioner _____ : Case No. _____

_____ :

Address (Safe mailing address) _____ : Judge/Magistrate _____

City, State, Zip Code _____ :

Date of Birth _____ / _____ / _____ : PETITION FOR DOMESTIC VIOLENCE CIVIL
PROTECTION ORDER (R.C. 3113.31)

v. _____ :

Respondent _____

Address (If home address unknown, put work
address) _____ :

City, State, Zip Code _____ :

Date of Birth _____ / _____ / _____ ☐ Respondent is 18 years old or older

IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE PUT A MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

- ☐ 1. I need or witness needs a foreign language interpreter in _____ or an American Sign Language interpreter per Sup.R. 88.
- ☐ 2. I ☐ want ☐ do not want an **ex parte (emergency) protection order** per R.C. 3113.31. Petitioner further requests a full hearing trial be scheduled, even if the *ex parte* protection order is granted, denied, or not requested.
- ☐ 3. Who needs protection?
- ☐ Me
 - ☐ My minor children
 - ☐ A family or household member who is not a minor child
 - ☐ Other _____
4. What is the domestic violence victim's relationship to Respondent?
- ☐ Spouse of Respondent
 - ☐ Former spouse of Respondent
 - ☐ Natural parent of Respondent's child
 - ☐ Child of Respondent
 - ☐ Parent of Respondent
 - ☐ Foster Parent

- ☐ Other relative (by blood or marriage) of Respondent/ Petitioner who has lived with Respondent at any time

☐ Person “living as a spouse of Respondent” is defined as:

 - now cohabiting;
 - or cohabited within five years before the alleged act of domestic violence

5. I have listed below all family or household members who need protection, other than me or the person for whom I am filing the Petition. **(Leave blank if you are not including other family or household members.)**

NAME	DATE OF BIRTH	RELATIONSHIP TO PETITIONER	RELATIONSHIP TO RESPONDENT	THIS PERSON LIVES WITH PETITIONER
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO

6. Petitioner requests a Domestic Violence Civil Protection Order.

You **must** describe Respondent's threats or actions that made you request a protection order, including if children were present when the acts took place. When did it happen? (If you do not know exact dates, give approximate dates). Explain why you believe you or your family or household members are in danger. **If you need more space, attach an additional page.**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

7. (Optional) You may describe, **if you want and know**, about any of the following items. Not describing these items in the Petition does not mean domestic violence did not happen. If you need more space, attach an additional page:

- Respondent's history of domestic violence or other violent acts;
- Respondent's history of violating court orders;
- Respondent's mental health;
- Respondent's threats to other persons;
- Respondent's access to deadly weapons, firearms, and ammunition or use of deadly weapons and acts or threats of violence with deadly weapon;
- Respondent's abuse alcohol or controlled substances (drugs);
- Respondent's violence resulted in serious physical injury, forced sex, strangulation (or choking), abuse during pregnancy, abuse of the family's pet, and/or forced entry to gain access to Petitioner or Petitioner's family and household members;
- Recent separation from Respondent or relationship was recently terminated;
- Respondent's obsessive and controlling behaviors, including stalking, spying, following, and/or isolating you (Petitioner);
- Respondent's threats to kill self or others.

8. Petitioner is in fear and in continuing danger.

9. Petitioner further requests that the Court grant relief under R.C. 3113.31 to protect Petitioner and/or the family or household members named in this Petition from domestic violence by granting a civil protection order that (check all boxes that apply):

- ☐ (a) Directs Respondent to not abuse Petitioner and the family or household members named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them.
- ☐ (b) Directs Respondent to not enter, approach, or contact by any means the residence, school, business, and place of employment of Petitioner and the family or household members named in this Petition.
-
-
- ☐ (c) Directs Respondent to not approach or have contact by any means with Petitioner and the family or household members named in this Petition.
- ☐ (d) Directs Respondent to leave, not return to, or interfere with Petitioner's right to occupy the residence, including but not limited to cancelling any utilities or insurance or interrupting phone service, mail delivery, or the delivery of any other documents or items, and grants Petitioner exclusive possession of the following residence:
-
-

- ☐ (e) Allocates temporary parental rights and responsibilities for the care of the following minor

children to Petitioner until further Order of the Court (include names and birth dates of the minor children):

☐ Petitioner has completed and attached the **Information for Parenting Proceeding, Form 10.01-F** and it is incorporated herein.

☐ (f) Establishes or modifies parenting time with the following minor children and requires parenting time to be suspended or supervised or to occur under such conditions that the Court determines will ensure the safety of Petitioner and the minor children (include names and birth dates of the minor children):

☐ Petitioner has completed and attached the **Information for Parenting Proceeding, Form 10.01-F** and it is incorporated herein.

☐ (g) Directs Respondent to provide financial support for Petitioner and the family or household members named in this Petition (Court may request additional information).

☐ (h) Directs Respondent to not remove, damage, hide, harm, or dispose of any property, companion animals, or pets owned or possessed by Petitioner.

☐ (i) Grants Petitioner permission to take Petitioner's companion animals or pets, as described below, away from the possession of Respondent:

☐ (j) Divides household and family personal property as follows:

☐ (k) Directs Respondent to permit Petitioner to have exclusive use of the following motor vehicle:

☐ (l) Directs Respondent to complete batterer counseling, substance abuse counseling, or other treatment or intervention as determined necessary by the Court.

☐ (m) Directs the wireless service provider to separate Petitioner's account from Respondent's account, per R.C. 3113.45 through 3113.459. Petitioner will assume all financial responsibility for any costs associated with the wireless service number and any costs for the device associated with the wireless service number.

Respondent's billing telephone number is: _____

Petitioner's contract information is on page 1 of this Petition. The wireless service numbers to be transferred to Petitioner which are used by Petitioner or the minor children in the care of Petitioner are: _____

☐ (n) Includes the following additional provisions:

10. Petitioner further requests that the Court issue no mutual protection orders or other orders against Petitioner unless all of the conditions of R.C. 3113.31(E)(4) are met.
11. Petitioner further requests that if Petitioner has a victim advocate, the Court permit the victim advocate to accompany Petitioner at all stages of these proceedings as required by R.C. 3113.31(M).
12. Petitioner further requests at the *ex parte* hearing or full hearing that the Court grant such other relief as the Court considers equitable and fair, including orders or directives to law enforcement.
13. Petitioner has listed court cases (including divorce, custody, visitation, paternity, child support, children service/CPS case, animal cruelty, sexually oriented offense, no contact order, and protection order) and other legal matters regarding Respondent that may relate to this case: (Attach additional pages, if necessary.)

CASE NAME	CASE NUMBER	COURT/COUNTY	TYPE OF CASE	RESULT OF CASE

The information above is true, complete, and accurate to the best of my knowledge. I understand that knowingly providing false information in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, or criminal penalties under R.C. 2921.13.

SIGNATURE OF PETITIONER

DATE

IF YOU DO NOT HAVE AN ATTORNEY, PLEASE LEAVE THE INFORMATION BELOW BLANK.

Signature of Attorney

Attorney's Registration Number

Name of Attorney

Attorney's Telephone

Attorney's Address

Attorney's Fax

City, State, Zip Code

Attorney's Email

IN THE COURT OF COMMON PLEAS

COUNTY, OHIO

Petitioner _____ : Case No. _____

v. _____ : Judge/Magistrate _____

Respondent _____ :

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(2), please serve Respondent a copy of the Petition, *ex parte* protection order, if granted, and any other accompanying documents to the address below and as follows:

☐ Personal service

☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

☐ Other (address): _____

☐ Personal service

☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

SIGNATURE OF ATTORNEY OR PETITIONER

RETURN OF SERVICE

Respondent was served on _____ .

Officer and Badge Number

Law Enforcement Agency

Date

CLERK'S CERTIFICATE OF MAILING

Service of Process was sent by _____ this _____ day of _____ .

Attest: _____ Deputy Clerk

IN THE COURT OF COMMON PLEAS

COUNTY, OHIO

_____ : Case No. _____

Petitioner _____ : Judge/Magistrate _____

_____ v. _____ : **WIRELESS SERVICE TRANSFER ORDER IN**

Respondent _____ : **DOMESTIC VIOLENCE CIVIL PROTECTION ORDER**

This Court issued a Domestic Violence Civil Protection Order, pursuant to R.C. 3113.31, on _____

Wireless service provider or reseller agent is _____

The account holder name and billing telephone number: _____

THE COURT HEREBY ORDERS:

Within 72 hours after receipt of this Order, the wireless service provider shall transfer to Petitioner _____ each of the following telephone numbers listed below:

That the provider transfer to Petitioner all financial responsibility for any costs associated with the wireless service numbers and any costs for the devices associated with the wireless service numbers from the date of transfer forward.

That this Order shall be automatically suspended upon the wireless service provider's notification to Petitioner that one of the following circumstances apply:

1. The account holder named in this Order has terminated the account.
2. The differences in network technology prevent the functionality of a device on the network if transfer occurs.
3. There are geographic or other limitations on network or service availability to Petitioner.
4. Another operational or technical issue prevents or impairs the use of the wireless service number if the transfer occurs.

That the wireless service provider shall notify Petitioner within 72 hours after receipt of the Order that based on the circumstances listed above the transfer could not be operationally or technically completed.

Petitioner's contact information as listed in the Domestic Violence Civil Protection Order Petition is:

IT IS SO ORDERED.

MAGISTRATE

JUDGE

REQUEST FOR SERVICE

A copy of this Order shall be served pursuant to R.C. 3113.454 on the wireless service provider or reseller agent listed with the Ohio Secretary of State:

IN THE _____ COURT
 _____ COUNTY, OHIO

 Petitioner

Case No. _____

Judge: _____

v.

 Respondent

**INFORMATION FOR PARENTING
 PROCEEDING AFFIDAVIT (R.C. 3127.23)**

**(Filed with Form 10.01-D: Petition for
 Domestic Violence Civil Protection Order)**

Use this form if you are requesting a parenting (custody or visitation) order in your Domestic Violence Civil Protection Order Petition (Form 10.01-D). If another court is already addressing or has addressed custody issues involving the children, custody and visitation issues may be handled in that case. By law, this form **must** be filed and served with the first pleading filed by each party in every parenting (custody or visitation) proceeding in this Court including a Petition for a Domestic Violence Civil Protection Order. **If you need more space, attach an additional page.**

I (full legal name) _____,
 state under oath or affirmation that these cases involve the custody of a child or children and the following statements are true:

- ☐ Pursuant to R.C. 3127.23(D), I am requesting that the Court not disclose my current address or that of the children. My address is confidential and should be placed under seal because my health, safety, or liberty or that of the children would be jeopardized by the disclosure of the identifying information.
- _____ (number) Minor children are subject to this case as follows:

(NOTE: Provide residence information for the last FIVE years.)

a. Child's Name:		Date of Birth:	
Period of Residence		Address (Do not list your address if confidential)	Person with whom Child Lived and Relationship to Child

Case No. _____

to present	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
b. Child's Name:		Date of Birth:	
☐ Check this box if the information requested below is the same as above.			
Period of Residence		Address (Do not list your address if confidential)	Person with whom Child Lived and Relationship to Child
to present	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		

Case No. _____

to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		

c. Child's Name:		Date of Birth:	
☐ Check this box if the information requested below is the same as above.			
Period of Residence		Address (Do not list your address if confidential)	Person with whom Child Lived and Relationship to Child
to present	☐ Address Confidential		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		

- d.** List additional children on a page titled **Attachment 2(d)**. (Provide the following information for each additional child: name, date of birth, person with whom the child lived and child's relationship to the person, address, unless confidential, and dates when the child lived in that place with that person.)

Case No. _____

3. **Participation in custody case(s): (check only one)**

- ☐ I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this case.
- ☐ I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this case. Explain:

- _____
- a. Name of each child _____
- b. Type of case _____
- c. Court and State _____
- d. Date of court order or judgment (if any): _____

4. **Information about custody case(s): (check only one)**

- ☐ I **HAVE NO INFORMATION** of any cases that could affect the current case, any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations, or adoptions concerning any child subject to this case.
- ☐ I **HAVE THE FOLLOWING INFORMATION** concerning cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations, or adoptions concerning any child subject to this case, other than listed in Paragraph 3. Explain:

- _____
- a. Name of each child _____
- b. Type of case _____
- c. Court and State _____
- d. Date of court order or judgment (if any): _____

5. List all of the criminal convictions including guilty pleas for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

NAME	CASE NUMBER	COURT/STATE/ COUNTY	TYPE OF CASE	RESULT OF CASE

6. **Persons not a party to this case:**

- ☐ I **DO NOT KNOW OF ANY PERSON** who is not a party to this case and who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case.

Case No. _____

☐ **I KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case:

a. Name and address of person _____
has ☐ physical custody ☐ claims custody rights ☐ claims visitation rights.
Name of each child _____

b. Name and address of person _____
☐ has physical custody ☐ claims custody rights ☐ claims visitation rights.
Name of each child _____

c. Name and address of person _____
has ☐ physical custody ☐ claims custody rights ☐ claims visitation rights.
Name of each child _____

7. **I have a continuing duty to inform this Court of any child custody, visitation, parenting time, divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, parentage, termination of parental rights, or domestic violence case concerning the children in this state or in any other state that could affect the current case.**

OATH OR AFFIRMATION

I swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that making false statements in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and may also subject me to criminal penalties for perjury under R.C. 2921.11.

DO NOT SIGN THE FORM UNLESS YOU ARE IN FRONT OF THE PERSON WHO WILL NOTARIZE THE PARENTING PROCEEDING AFFIDAVIT FOR YOU.

Signature of Petitioner

Sworn to and subscribed before me on this _____ day of _____

NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS

COUNTY, OHIO

Petitioner

: Case No. _____

Address (Safe mailing address)

: Judge/Magistrate _____

City, State, Zip Code

:

v.

:

**MOTION TO MODIFY OR TERMINATE
DOMESTIC VIOLENCE OR DATING VIOLENCE
CIVIL PROTECTION ORDER OR CONSENT
AGREEMENT
(R.C. 3113.31)**

Respondent

:

Address

:

City, State, Zip Code

IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE PUT A MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

☐ Petitioner ☐ Respondent moves this Court to modify or terminate the following Order:

☐ Domestic Violence Civil Protection Order granted on _____

☐ Dating Violence Civil Protection Order granted on _____

☐ Consent Agreement Domestic Violence Civil Protection Order approved on _____

☐ Consent Agreement Dating Violence Civil Protection Order approved on _____

In the original proceeding, I was the ☐Petitioner ☐Respondent.

1. The terms of the civil protection order or consent agreement to be modified or terminated are:

2. The reasons for the modification or termination are:

3. Court fees cannot be assessed against Petitioner for filing a Motion to Modify or Terminate Civil Protection Order or Consent Agreement, which is in connection with a previously issued or approved protection order or consent agreement, pursuant to R.C. 3113.31(J)(1).

Respectfully submitted,

SIGNATURE OF PETITIONER/RESPONDENT

Safe mailing address where the Court may send the moving party (YOU) mail. **If you are a participant in the Secretary of State's address confidentiality program, please use the P.O. Box address given to you.**

Signature of Attorney for Petitioner/Respondent (if applicable)

Name

Address

Attorney Registration

Attorney's Telephone

Attorney's Fax

Attorney's Email

Case No. _____

IN THE COURT OF COMMON PLEAS

COUNTY, OHIO

Petitioner

: Case No. _____

v.

: Judge/Magistrate _____

Respondent

:

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(4), please serve ☐ Petitioner ☐ Respondent a copy of the Motion and any other accompanying documents to the address below and as follows:☐ Personal service☐ Certified Mail, Return Receipt Requested☐ Other (specify) _____☐ Other (address): _____☐ Personal Service☐ Certified Mail, Return Receipt Requested☐ Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

SIGNATURE OF ATTORNEY OR
PETITIONER / RESPONDENT

RETURN OF SERVICE

Respondent was served on _____ .

Officer and Badge Number_____
Law Enforcement Agency_____
Date

CLERK'S CERTIFICATE OF MAILING

Service of Process was sent by _____ this _____ day of _____ .

Attest: _____ Deputy Clerk

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO**

Petitioner	)	Case No. _____
	)	
Address (Safe Mailing Address)	)	Judge _____
	)	
City, State, Zip Code	)	Magistrate _____
	)	
vs.	)	
	)	
Respondent	)	
	)	
Address (Safe Mailing Address)	)	
	)	
City, State, Zip Code	)	

**MOTION FOR CONTEMPT OF A
DOMESTIC VIOLENCE OR DATING VIOLENCE
CIVIL PROTECTION ORDER (R.C. §3113.31)
AND AFFIDAVIT**

IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE GIVE ANOTHER MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

- ☐ **Petitioner** ☐ **Respondent** moves this Court to find _____
in contempt of court for violating one or more of the provisions of the:
- ☐ Domestic Violence Civil Protection Order
☐ Dating Violence Civil Protection Order
- Issued on ____/____/____ for the reasons below.
1. Respondent violated the Civil Protection Order by (check all that apply):
- ☐ Abusing me or another protected person
 - ☐ Harming me or attempting to harm me or another protected person
 - ☐ Threatening me or another protected person
 - ☐ Following me or another protected person
 - ☐ Stalking me or another protected person
 - ☐ Harassing me or another protected person
 - ☐ Stalking me or another protected person
 - ☐ Harassing me or another protected person
- ☐ 2. Respondent failed to vacate the residence at _____

- ☐ 3. Respondent interfered with my exclusive possession of the residence located at _____.

Furthermore, Respondent did the following (check all that apply):

- ☐ Cancelled utilities
 - ☐ Cancelled insurance
 - ☐ Interrupted telecommunication (telephone, internet, or cable) services
 - ☐ Interrupted mail delivery
 - ☐ Interrupted delivery of any other documents or items
- ☐ 4. Respondent failed to surrender keys or garage door openers to the residence for which the Civil Protection Order grants Petitioner exclusive use.
- ☐ 5. Respondent entered or interfered with the residence, school, business, place of employment, day care center, or child care provider of the protected persons.
- ☐ 6. Respondent violated the stay away provision of the Civil Protection Order.
- ☐ 7. Respondent violated the no contact provision of the Civil Protection Order by (check all that apply):
- ☐ Posting photographs, videos, or other images of me or another protected person on social media
 - ☐ Referring to me or another protected persons on social media
 - ☐ Electronically surveilling me or another protected person
- ☐ 8. Respondent failed to surrender the keys to the motor vehicle for which the Civil Protection Order grants Petitioner exclusive use.
- ☐ 9. Respondent removed, damaged, hid, or disposed of personal property, companion animals, or pets in violation of the Civil Protection Order.
- ☐ 10. Respondent impeded Petitioner from removing Petitioner's companion animal or pet in violation of the Civil Protection Order.
- ☐ 11. Respondent caused or encouraged another person to do acts prohibited by the Civil Protection Order.
- ☐ 12. Respondent violated the Civil Protection Order by possessing, using carrying, obtaining, or failing to turn over a deadly weapon, including firearms, and ammunition.
- ☐ 13. ☐ Petitioner ☐ Respondent violated the temporary allocation of parental rights and responsibilities (custody).
- ☐ 14. ☐ Petitioner ☐ Respondent violated the visitation order.
- ☐ 15. Respondent violated the child or spousal support provision in the Civil Protection Order.
- ☐ 16. Respondent used or possessed alcohol or illegal drugs in violation of the Civil Protection Order.
- ☐ 17. ☐ Petitioner ☐ Respondent failed to attend the ordered counseling program in violation of the Civil Protection Order.

☐ 18. Respondent interfered with the wireless service transfer, prevented the functionality of a device on the network, or incurred further contractual or financial obligations related to the wireless service transferred in violation of the Civil Protection Order.

☐ 19. Other violations of the Civil Protection Order or additional explanation **(if you need more space, attach an additional page):**

☐ 20. The applicable order was issued on (date:) _____.
[ATTACH APPLICABLE ORDER]

☐ 21. Complete the attached Affidavit in Support of Motion for Contempt and have notarized.

☐ 22. Attorney fees and costs and any other relief as necessary and proper are also requested.

I swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that making false statements in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and may also subject me to criminal penalties for perjury under R.C. §2921.11.

Signature of Party

IF YOU DO NOT HAVE AN ATTORNEY FOR THIS CASE, PLEASE LEAVE THIS INFORMATION BELOW BLANK:

Signature of Attorney for Petitioner

Name

Address

Attorney Registration Number

Telephone and E-Mail

NOTICE OF HEARING

A Hearing shall be held before Magistrate _____, on the _____ **day of** _____, **20**____, at _____ **.m.**, at the Summit County Domestic Relations Court, 205 South High Street, _____ Floor, Akron Ohio 44308.

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO

_____	)	Case No. _____
Petitioner	)	
	)	Judge _____
	)	
	)	Magistrate _____
vs.	)	
	)	<u>AFFIDAVIT</u>
	)	
_____	)	In Support of Motion for Contempt of a
Respondent	)	Domestic Violence or Dating Violence
	)	Civil Protection Order

Affiant states that the Civil Protection Order dated _____, has been violated as follows:

I, _____, hereby swear and affirm the information set forth in this Affidavit is true, complete and accurate.

AFFIANT

State of Ohio)
Summit County) ss:

SWORN TO and subscribed before me this _____ day of _____, 20____.

NOTARY PUBLIC

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO**

Petitioner	)	CASE NO. _____
	)	
	)	
Address (Safe Mailing Address)	)	JUDGE _____
	)	
City, State, Zip Code	)	MAGISTRATE _____
	)	
vs.	)	
	)	
Respondent	)	
	)	
Address (Safe Mailing Address)	)	<u>ORDER</u>
	)	<u>TO APPEAR AND SHOW CAUSE</u>
	)	
City, State, Zip Code	)	(DOMESTIC VIOLENCE CIVIL PROTECTION ORDER OR DATING VIOLENCE CIVIL PROTECTION ORDER)

From a review of complainant's affidavit attached to his/her motion the Court finds there are reasonable grounds to believe that _____ has violated a prior Domestic Violence Civil Protection Order or Dating Violence Civil Protection Order of this Court. _____ is ORDERED TO APPEAR on _____, at _____ .m. before Magistrate _____, Summit County Domestic Relations Court, 205 South High Street, Akron, OH 44308, and show cause why he/she should not be held in contempt for failure to comply with the prior Orders of this Court as specified in the Motion and Affidavit.

JUDGE

Pursuant to O.R.C. §2705.031, you are notified of the following:

- a. Your failure to appear at the contempt hearing may result in the issuance of an order of arrest.**
- b. You have a right to counsel and that, if you believe you are indigent, you must apply for a public defender or court appointed counsel within three business days after receipt of the summons.**
- c. The Court may refuse to grant a continuance at the time of the hearing for the purposes of your obtaining counsel, if you fail to make a good faith effort to retain counsel or to obtain a public defender.**

If you are found guilty of contempt, you could be sentenced to:

- 1) For a first offense, a fine of not more than Two Hundred Fifty Dollars (\$250), a definite term of imprisonment of not more than thirty (30) days in jail, or both;
- 2) For a second offense, a fine of not more than Five Hundred Dollars (\$500), a definite term of imprisonment of not more than sixty (60) days in jail, or both; or
- 3) For a third offense, a fine of not more than One Thousand Dollars (\$1,000), a definite term of imprisonment of not more than ninety (90) days in jail or both for a thirty or subsequent offense.

Forms and Rules of Court are available on the website at www.drcourt.org

Summit County Court of Common Pleas, Domestic Relations Division

Domestic Relations Form 10.01-O(3)

ORDER TO APPEAR AND SHOW CAUSE –CONTEMPT OF A DOMESTIC VIOLENCE OR DATING VIOLENCE CIVIL PROTECTION ORDER

Effective Date: October 13, 2023

Amended from Supreme Court of Ohio Uniform Domestic Relations Form 10.01-O, amended Apr. 15, 2021