



THE SUPREME COURT *of* OHIO

**Ohio's New Protection  
Order Forms –  
LE Edition Part V:  
Dating Violence and  
other changes**

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Anne Murray, Esq.

# Welcome



- Introductions
- Revised forms can be found at DV Program page:  
<http://www.supremecourt.ohio.gov/JCS/domesticViolence/>
- This is NEW for all of us
  - There will be hiccups
  - Please send us your questions/concerns

# Objectives & Abbreviation Key



- Understand the reason for the revisions to protection order forms
- Recognize Dating Violence protection order forms and how they differ from DV civil protection orders
- Identify general changes to the existing protection order forms
- Consider policies and procedures to be addressed

DT	=	Dating Violence
LE	=	Law Enforcement/Officer
NCO	=	No Contact Order
PO	=	Protection Order
R	=	Respondent or Defendant

# **NEW** Dating Violence Protection Orders (DT CPOs)

IN THE COURT OF COMMON PLEAS  
COUNTY, OHIO

# Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at \_\_\_\_\_

Case No. \_\_\_\_\_

Judge/Magistrate \_\_\_\_\_

State **OHIO**

LAW ENFORCEMENT AGENCY WHERE INDEXED \_\_\_\_\_

( ) \_\_\_\_\_

PHONE NUMBER

PETITIONER:

First Middle Last

v.

DATING VIOLENCE CIVIL PROTECTION ORDER  
(DTCPO) EX PARTE (R.C. 3113.31)

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: \_\_\_\_\_ DOB: \_\_\_\_\_  
 Petitioner's Family or Household Members:  
 Additional forms attached.)  
 \_\_\_\_\_ DOB: \_\_\_\_\_  
 \_\_\_\_\_ DOB: \_\_\_\_\_  
 \_\_\_\_\_ DOB: \_\_\_\_\_  
 \_\_\_\_\_ DOB: \_\_\_\_\_

RESPONDENT:

First Middle Last

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
DRIVER'S LIC. NO.		EXP. DATE	STATE

Petitioner is or was in a dating relationship with Respondent within 12 months preceding the conduct resulting in this Order being requested.

Address where Respondent can be found: \_\_\_\_\_

Distinguishing features: \_\_\_\_\_

**WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

**THE COURT HEREBY FINDS:**

That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. Additional findings of this Order are set forth below.

**THE COURT HEREBY ORDERS:**

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ **UNLESS EXTENDED BY SEPARATE ENTRY.**

**WARNING TO RESPONDENT: See the warning page attached to the front of this Order.**



# NEW Dating Violence Protection Orders



## WHY?

- Dynamics and potential lethality of dating violence similar to DV
- Law changed in 2018 to allow protection orders against an abusive dating partner as part of R.C. 3113.31, the CPO statute
- Separate forms for DT CPOs because findings required are different and remedies available are more limited than for DV CPOs

# Dating Violence Definitions



## WHO?

**“Person with whom the respondent is or was in a dating relationship”** means [R.C. 3113.31(A)(9)]:

- An adult
- Is or was in a dating relationship within twelve months preceding the conduct

## WHAT?

**“Dating Relationship”** means [R.C. 3113.31(A)(8)]:

- A relationship of a romantic or intimate nature
- Not a casual acquaintanceship

# NEW Dating Violence Protection Order Forms per R.C. 3113.31



- Unlike DV victims, dating violence victims have to give details of their relationship to R, and judge must find there was a Dating Relationship
- Potential remedies limited compared to DV CPO (stay away, no contact, etc.)

You **must** describe the relationship with Respondent. You may include: (If you need more space, attach an additional page.)

- Whether you developed a special bond beyond a casual acquaintanceship or an ordinary business or social relationship
- Length of the relationship with Respondent
- Nature and frequency of contact with Respondent, including whether you had an intimate relationship with Respondent and communications that would show the relationship with Respondent was more than a casual acquaintanceship or an ordinary business or social relationship
- Expectations about the relationship with Respondent
- Statements or conduct by Respondent or you that could show to the Court the depth of or commitment to the relationship
- Any other reason or explanation to prove the dating relationship



# NEW Dating Violence Protection Order Forms



- Forms joined DVCPO and DTCPO
  - Motion for Modification/Termination
  - Motion for Contempt
  - Judgment Entry

**JUDGMENT ENTRY ON MOTION TO MODIFY OR  
TERMINATE CIVIL PROTECTION ORDER OR  
CONSENT AGREEMENT**

**(R.C. 3113.31)**

# Highlights of Other Changes to Protection Order Forms

# Highlights of Changes to the Ex Partes

Information for both parties about full hearing:

And Discovery:

**A FULL HEARING** on this Order, and on all other issues raised by the Petition, shall be held before Judge or Magistrate:

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ a.m.  p.m. at the following location:

**On the day of the Full Hearing, come prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) be aware that the other party or the party's attorney may ask you questions. If you do not have an attorney, you may ask for a brief continuance to obtain an attorney per R.C. 3113.31(D)(2)(a)(iii) or you may represent yourself.**

**Parties do not have to give discovery, answer questions, or give information to the other party or the other party's lawyer unless ordered by judge or magistrate (Civ.R. 65.1(D)(2)).**

# Highlights of general changes to existing forms



(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.

Lethality  
Factors on DV  
and Dating  
Petitions

(Same factors  
as in DV bond  
statute R.C.  
2919.251)

# Highlights of Changes to the Ex Parte Orders continued



Added language that ex parte may be extended by separate entry (to address continuance for lack of service, for attorney, etc.)

The terms of this Order shall be effective until		/		/		<b>UNLESS EXTENDED BY SEPARATE ENTRY.</b>
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Notation that ex parte does not expire because of failure of service or continuance

<b>27. THIS ORDER DOES NOT EXPIRE</b> because of a failure to serve notice of the full hearing upon Respondent before the date set for the full hearing or because the Court grants a continuance, as set forth in R.C. 3113.31(D)(2)(b).
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# Additional Checkboxes: Deadly Weapons/Alcohol/Illegal Drugs



- Federal Law – qualifying relationship “intimate partners” is narrower than Ohio’s “Family/Household”
- Federal v. Ohio Law

<input checked="" type="checkbox"/>	<b>13. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION</b> at any time while this Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]
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# Additional Checkboxes: Deadly Weapons/Alcohol/Illegal Drugs



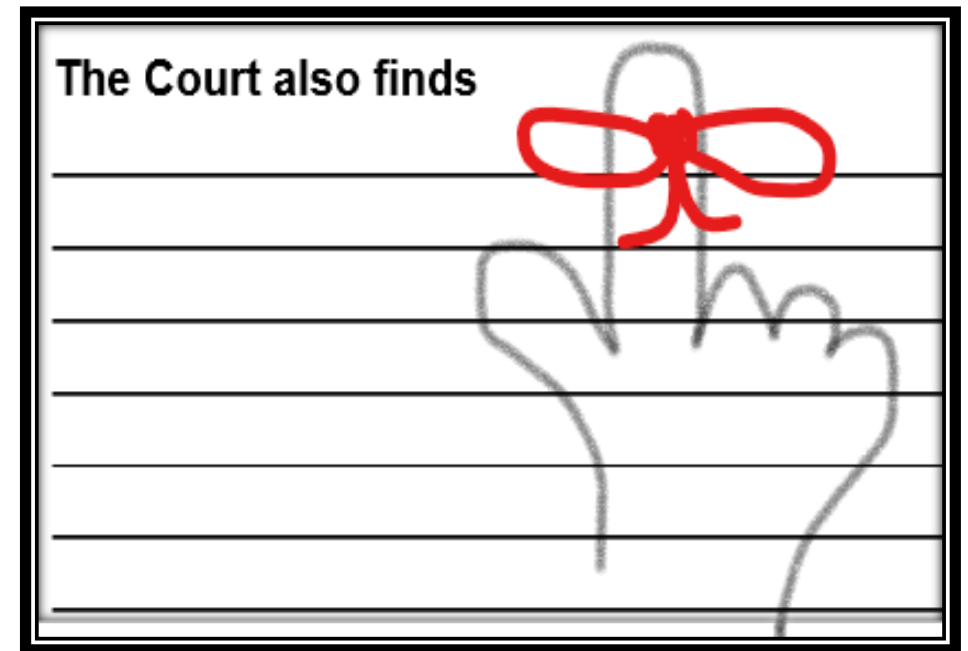
- Not automatic, but an option based on court's understanding of state and federal laws and the facts and circumstances presented
- Reminder: If court orders R to surrender of weapons, and R surrenders, LE would complete a 10-F Notice of Receipt (of deadly weapons) and return to issuing court

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# Why All Those Extra Lines???



- **NO** additional requirements to make findings – rather visual cue of importance of findings
- Result of review of nexus in case law including *Bey v. Rasawehr* (2020-Ohio-3301)
- Cases make clear need specific findings if certain orders are made (e.g., social media, weapons, alcohol)





# Questions to be determined by LE policy and procedures:



- How will agencies train staff on the revised forms?
- How will staff get access to forms in all the places they will need them?
- How will your local courts and LE collaborate to determine the best way for justice partners to use and return the forms?



(And we know more questions will follow)

# Thank you! Contact Us



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