

# Protection Orders in Ohio

You may hear people talk about “Restraining Orders.” These are *not* the same as protection orders. Restraining Orders are usually part of a divorce case, are not enforced by the police, and have little value in a dangerous situation. Read the terms carefully if you receive one.

There are different kinds of **Protection Orders** available to victims of domestic violence, sexual assault and stalking. Depending on who the perpetrator is, what happened, and other factors, there are differences in where, when and how you seek these orders, what they do, and how long they last. The charts below provide basic information on each, and then detailed information follows. Ohio has jurisdiction over these cases as long as some of the acts occurred in Ohio, regardless of where the perpetrator lives. In Protection Order cases, the person who files the motion for the Protection Order is the “**Petitioner**” and the accused perpetrator is the “**Respondent.**”

**Considering Filing a Protection Order: Things to Consider** - Protection orders are often promoted as *the* solution for every situation. You should consider if a protection is right for you. Know that:

- If you are a victim of domestic violence, filing for a protection order makes a statement that you intend to end the relationship, at least for now. That may increase danger for the short term.
- If you are a LGBTQ survivor, filing for a protection order may make your sexual orientation public. Do you risk other losses, such as your job or custody of your children if your sexual orientation or gender identity is made public?
- If your abuser does not know what county you are in, they will be given that information when they are served.
- There are some cases where you should not file for a protection order, and you should always talk to an attorney before filing for one. There is information at the end of this document about how to find an attorney.

## Types of Protection Orders

Type of Order	Who Can File for One:	Court*	Based on:
<b>Domestic Violence Civil Protection Order –</b> up to 5 years, can be renewed**	Family or household members including : <ul style="list-style-type: none"> <li>• Spouses, former spouses</li> <li>• Parent, child, foster parent</li> <li>• People who have kids together</li> <li>• Intimate partners who lived together in the last 5 years</li> <li>• Same sex couples are eligible</li> </ul>	Domestic Relations Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements for how recent the incident must be)
<b>Dating Violence Civil Protection Order –</b> up to 5 years, can be renewed**	A person who is (or was in the last 12 months) in a dating relationship defined as a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.	Domestic Relations Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements for how recent the incident must be)
<b>Stalking Protection Order -</b> up to 5 years, can be renewed**	Any person who is a victim of stalking. No relationship with stalker is required.	Common Pleas Court - where victim lives (if family or household member, can be filed as DV Protection Order, see above)	Pattern of conduct (2 or more events), closely related in time, that cause distress or make a victim believe the stalker will cause harm
<b>Sexually Oriented Offense Protection Order -</b> up to 5 years, can be renewed**	Any person who was a victim of a sexually oriented offense (see ORC 2950.01). No relationship with offender is required. Case does not have to be criminally prosecuted.	Common Pleas Court – where victim lives	Sexual assault or unwanted sexual contact (see ORC 2950.01)
<b>Juvenile Protection Order –</b> until abuser reaches age 19	Victim of abuse by a person who is under age 18, or the victim’s parent or other household member, or other parties the Court approves.	Juvenile Court – where victim lives	Assault, stalking, sexual offenses, threats of harm or aggravated trespass

\* Some Common Pleas courts assign all protection orders to their Domestic Relations Judges. Some smaller communities do not have separate divisions of their court. Ask your Clerk of Courts for help on where to file. Make sure you file in the correct Court to avoid having a court rule that they do not have jurisdiction in your case.

**\*\* Renewing a Protection Order:** In some courts, new violence or threats are required to renew or extend a protection order. Sometimes, the order can be renewed based on your continued fear of the abuser. A combination of past violence and recent threats of future violence should be enough for the court to renew the CPO. *A motion/petition to renew your order should be filed before the expiration date of the original one.*

<b>How Protection Orders Can Help</b>	
<b>Type</b>	<b>Courts Can Order Respondents:</b>
<p><b>Stalking Protection Orders</b> *and* <b>Sexually Oriented Offense Protection Order</b></p>	<ul style="list-style-type: none"> <li>• To not harm or try to harm, follow, threaten, stalk, harass, or force sexual relations</li> <li>• To turn over keys and garage door openers to the victim</li> <li>• To stay away from the victim and/or to have no contact with the victim by phone, fax, email, voice mail, etc.; order can specify 500 feet away, or another distance</li> <li>• To not enter the victim’s residence, school, business or workplace or parking lots of these locations</li> <li>• To not interfere with the utilities, insurance, telephone, or mail at the victim’s residence</li> <li>• To not hide, remove, damage property or pets of the victim</li> <li>• To complete counseling or substance abuse treatment</li> <li>• To turn over weapons to police, and prohibit future gun access</li> <li>• To wear an electronic monitoring device</li> <li>• Any other relief the court considers “equitable and fair”</li> </ul>

<b>Domestic Violence Civil Protection Order</b>	<ul style="list-style-type: none"> <li>• To not harm or try to harm, follow, threaten, stalk, harass, or force sexual relations</li> <li>• To move out of the household (even if the home is leased only in the abuser’s name, the court may evict him or her if he or she has any duty to support the victim or the victim’s children)</li> <li>• To follow temporary child custody and visitation orders</li> <li>• To comply with police officers who can also be ordered to help victim get his/her children back or to transfer personal belongings</li> <li>• To pay temporary child/financial support</li> <li>• To abide by orders setting up temporary use of assets such as a car</li> <li>• To turn over keys and garage door openers to the victim</li> <li>• To stay away from the victim and/or to have no contact with the victim by phone, fax, email, voice mail, etc.; order can specify 500 feet away, or another distance</li> <li>• To not enter the victim’s residence, school, business or workplace or parking lots of these locations</li> <li>• To not interfere with utilities, insurance, telephone, or mail at the victim’s home</li> <li>• To not hide, remove, damage property or pets of the victim</li> <li>• To complete counseling or substance abuse treatment</li> <li>• To turn over weapons to police, and prohibit future gun access</li> <li>• Can protect companion animals (pets) that are owned or possessed by the Petitioner.</li> <li>• Require a wireless service transfer</li> <li>• Any other relief the court considers “equitable and fair”</li> </ul>
<b>Dating Violence Civil Protection Order</b>	<ul style="list-style-type: none"> <li>• To not harm or try to harm, follow, threaten, stalk, harass, or force sexual relations</li> <li>• To comply with police officers who can also be ordered to help victim get his/her children back or to transfer personal belongings</li> <li>• To abide by orders setting up temporary use of assets such as a car</li> <li>• To stay away from the victim and/or to have no contact with the victim by phone, fax, email, voice mail, etc.; order can specify 500 feet away, or another distance</li> <li>• To not enter the victim’s residence, school, business or workplace or parking lots of these locations</li> <li>• To not hide, remove, damage property or pets of the victim</li> <li>• To complete counseling or substance abuse treatment</li> <li>• To turn over weapons to police, and prohibit future gun access</li> <li>• Can protect companion animals (pets) that are owned or possessed by the Petitioner.</li> <li>• Require a wireless service transfer</li> <li>• Any other relief the court considers “equitable and fair”</li> </ul>
<b>Juvenile Protection Order</b>	<ul style="list-style-type: none"> <li>• To not harm or try to harm, follow, threaten, stalk, harass, or force sexual relations</li> <li>• To not enter the victim’s residence, school, business or workplace or parking lots of these locations</li> <li>• To not hide, remove, damage property or pets of the victim</li> <li>• To stay away; to have no contact with the victim by phone, fax, email, voice mail, etc.</li> <li>• To turn over weapons to police, and prohibit future gun access</li> <li>• To submit to electronic monitoring (under very specific conditions)</li> </ul>

Enforcement of Protection Orders		
Type of Order	Issued	How it is Enforced if Violated
TPO – Temporary Protection Order	As part of a criminal case (prosecution of a crime)	By arrest and prosecution. Penalties increase based on number of convictions for violations. First offense is a maximum sentence of 6 months in jail and \$1000 fine. A second conviction of violating a protection order is a 5 <sup>th</sup> degree felony punishable by up to one year in jail and/or a \$2,500 fine.
Civil Protection Orders (Domestic Violence, Dating Violence, Sexually Oriented Offense, Stalking)	In response to a petition for a protection order	Either by a motion for contempt (up to 30 days in jail for first finding of contempt, then increases) <b>and/or</b> by arrest, prosecution and possible jail time. See penalties above for prosecution. You can pursue either or both options.

### Finding An Attorney

Here are some places to try to find legal help:

1. **Legal Aid Offices.** To find a **Legal Aid Office** that serves your community, call 1-866-529-6446 (866-LAW-Ohio) or go to: <http://www.ohiolegalservices.org/programs>
2. **Legal Access Works.** If you cannot get help from legal aid, you may be able to get help through **Legal Access Works**, a legal assistance project coordinated by the Ohio Domestic Violence Network (ODVN) and the Ohio Alliance to End Sexual Violence (OAESV). To seek an attorney, call your local domestic violence program or rape crisis program to be referred. Local domestic violence programs can be found at [www.odvn.org](http://www.odvn.org), or by calling ODVN at 800-934-9840. Local rape crisis programs can be found at [www.oaesv.org](http://www.oaesv.org) or by calling OAESV at 888-886-8388. If you have any problems being referred to Legal Access Works by your local domestic violence or rape crisis program, call ODVN or OAESV directly at the numbers above.
3. **Law School Clinics.** If you live in one of these communities, the law clinic may be able to help you also:
  - Columbus - Capital University Law Clinic, (614) 236-6779
  - Cincinnati - University of Cincinnati (513) 241-9400
  - Toledo - University of Toledo (419) 530-4236
4. Online help can never substitute for the help of an attorney, but there is more information about legal options and resources in the ***Self Help Legal Manual for Survivors of Domestic Violence, Sexual Assault and Stalking*** which can be found at [www.odvn.org](http://www.odvn.org).



### Finding an Advocate & Making a Safety Plan

Taking legal action can tell the abuser that they may face consequences, and if you are in a relationship with them, that you are serious about ending it. While protection orders can increase safety, legal action can also create additional danger. In addition to having an attorney, ***it is important that you have an advocate and a safety plan, and that you change your safety plan as needed.*** To find a domestic violence advocate, you can go to [www.odvn.org](http://www.odvn.org) and look under Information for Survivors, or call 800-934-9840. To find a sexual assault advocate you can go to [www.oaesv.org](http://www.oaesv.org) or call OAESV at 888-886-8388.

Ohio Domestic Violence Network, for more information go to: [www.odvn.org](http://www.odvn.org), click on: Information for Survivors/Legal Information