

FORM 10.05-A: HOW TO OBTAIN A PETITION FOR A JUVENILE CIVIL PROTECTION ORDER OR A JUVENILE DOMESTIC VIOLENCE CIVIL PROTECTION ORDER

These instructions are intended to assist you in preparing the Petition for a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order, which can be heard only by the juvenile division of the court of common pleas in the county where you reside. If your county does not have a juvenile court, the Petition will be heard in the court of common pleas in the county where you reside.

Throughout the Petition, you (the party to be protected) are called *Petitioner* and the person you are filing this petition against is called *Respondent*.

SOME HINTS BEFORE YOU BEGIN

- Read these instructions carefully.
- The types of offenses for which a juvenile civil protection order or juvenile domestic violence civil protection order can be obtained are explained in the last section of this Form.
- A juvenile civil protection order or a juvenile domestic violence civil protection order should **ONLY** be requested if the Respondent is less than 18 years old.
- If the Respondent is 18 years old or older, then you must file a petition for a civil protection order in the appropriate court of common pleas.
- All forms must be typed or printed.
- Write your name and Respondent's name the same way throughout the Petition.
- When you write your name on the Petition, use your legal name.
- Fill out the Petition as completely and accurately as possible.
- If you have any questions about completing the Petition, contact your local domestic violence program or the Ohio Domestic Violence Network at 800-934-9840 for assistance.

FILLING OUT THE PETITION

On the front page, leave the "Case No." line and "Judge/Magistrate" lines blank. The Clerk of Court's office will fill in this information.

On the top left-hand side of the front page, fill in the requested information about yourself or minor for whom you are filing. If you want your address or that of the minor for whom you are filing to remain confidential, do not write the address on the Petition. However, you must write another address where you can safely receive notices from the Court.

Also on the top left-hand side of the front page, fill in the requested information about the Respondent as best as you can. You may use the Respondent's work or school address if you do not know the Respondent's home address. If you do not know the Respondent's date of birth, try to estimate at least year of birth. **Do not attempt to obtain this information unless it is safe to do so.**

Paragraph 1: Mark the first box if you are filing the Petition on your own behalf.

Paragraph 2: If you are filing the Petition on behalf of a minor who is not your family or household member, mark the box and write the minor's name.

Paragraph 3: If you are filing the Petition on behalf of a family or household member, mark the box and fill in their names and the other information requested in the chart. You may attach additional pages if you need more room.

Paragraph 4: Mark this box if you are **NOT** related to the Respondent by blood or marriage.

Paragraph 5: Mark this box if you **ARE** related to the Respondent in one of the three ways shown in the Petition. Please mark the appropriate box to show your relation to the Respondent and indicate your relationship.

Paragraph 6: Mark this box if you or a family or household member of yours has a child with the Respondent.

Paragraph 7: Provide a description of the Respondent's action(s) that caused you to believe that the Respondent caused or will cause physical or emotional harm to you or another family or household member. State the date(s) of the incident(s) that caused you to file the Petition. An exact date(s) is not necessary. Approximate time frame may be sufficient. You may attach additional pages if you need more room.

Paragraph 8: Provide a description of the impact the Respondent's actions have had on you or your family or household members. You may attach additional pages if you need more room to complete your description.

Paragraph 9: Mark this box if you, your family or household members, or the person for whom you are filing attends the same school or are transported in the same school bus as the Respondent. Please write the name and address of the school AND the school bus number, route, district or any other information which can be helpful to the Court.

Paragraph 10: Complete as much of the chart as you are able by listing all relevant open, pending, or closed court cases involving the Respondent, your family or household members, or you (or the person for whom you are filing).

Paragraph 11 (a)–(h): Indicate the action you want the Court to take by marking the boxes next to the lettered paragraphs that apply to your situation

If you do **NOT** want the Respondent to come to a specific location, tell the Court in Paragraph 11(b) of these locations and their addresses.

If you do **NOT** want the Respondent to contact you or your family or household members at all by landline, cordless, or cellular telephone; text; instant message; fax; e-mail; voice mail; delivery service; social network media (like Twitter, My Space, Facebook, etc.); blogging; writings; electronic communications; or communications by any other means regardless if directly or through another person, mark Paragraph 11(c).

If you want the Respondent to be electronically monitored, make sure you mark Paragraph 11(f) and provide a description of the Respondent's conduct that puts your and/or your family or household members' health, welfare, and safety at risk.

Write any special court orders you believe would help protect you and your family or household members in Paragraph 11(h).

Paragraph 12: Mark this box if you want to request the Court grant you an emergency (*Ex Parte*) protection order because you and/or your family and household members are in immediate and present danger.

SIGNING THE PETITION

Try to fill out the Petition before you go to the courthouse. **AFTER YOU HAVE FILLED OUT THE PETITION, TAKE THE PETITION TO A NOTARY PUBLIC OR DEPUTY CLERK OF COURT TO HAVE YOUR SIGNATURE NOTARIZED. DO NOT SIGN THE PETITION UNLESS YOU ARE IN FRONT OF THE PERSON WHO WILL NOTARIZE THE PETITION FOR YOU.**

FILING THE PETITION

After you have your signature notarized, file your Petition at the Clerk of Court's office. If you have requested an emergency protection order, the Clerk of Court's office will tell you when and where your *Ex Parte* hearing, if one has been requested, will take place.

FEES

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

DISCOVERY

Unless you have received an order from the Court regarding discovery, you have no obligation to comply with a deposition notice, interrogatories, request for production of documents, physical or mental examination, or request for admissions.

If ordered, the Court will indicate each of the following:

1. The time and place where discovery will be held;
2. The name of persons who can be in the room during discovery, including a victim advocate;
3. The necessary terms and conditions to keep everyone safe, including keeping the Petitioner's address confidential.

Discovery must be completed prior to the full hearing.

RENEWAL

A juvenile civil protection order and juvenile domestic violence civil protection order can be renewed in the same manner as the initial protection order was issued.

EXPIRATION OF CIVIL PROTECTION ORDER

A juvenile civil protection order and juvenile domestic violence civil protection order will terminate on a specific date as determined by the Court, but no later than the Respondent's 19th birthday.

SEALING OF RECORDS

The Court will automatically seal all of the records of the juvenile civil protection order or juvenile domestic violence civil protection order proceeding if a full hearing or consent agreement civil protection order is not granted.

The Court will automatically seal all of the records of the juvenile civil protection order or juvenile domestic violence civil protection order proceeding on the Respondent's 19th birthday, unless you provide the Court information that the Respondent did not comply with the Order.

If the Respondent did not comply with all the terms of the juvenile civil protection order or juvenile domestic violence civil protection order, the Court may consider sealing the records two years after the order expires. The Court must provide you notice of the hearing to seal the juvenile civil protection order or juvenile domestic violence civil protection order records.

APPOINTMENT OF COUNSEL

The Court may appoint a lawyer to represent the interests of the Respondent.

NOTICE TO PARENT, GUARDIAN, OR LEGAL CUSTODIAN

The Court **may** provide your parent, guardian, or legal custodian notice that you (if you are a minor) or someone else on your behalf has filed a petition for a juvenile civil protection order or a juvenile domestic violence civil protection order.

The Court **must** provide the parent, guardian, or legal custodian of the Respondent notice of the full hearing on a petition to obtain a juvenile civil protection order or juvenile domestic violence civil protection order.

OFFENSES

A juvenile civil protection order or juvenile domestic violence civil protection order can **ONLY** be issued for specific behavior under R.C. 2151.34 and 3113.31. Below is a summary of the specific behaviors identified in the law.

Aggravated Assault No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly cause serious physical harm to another or to another's unborn. [R.C. 2903.12(A)(1)]

No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code. [R.C. 2093.12(A)(2)]

Aggravated Menacing No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. [R.C. 2903.21(A)]

Aggravated Trespass No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to the person. [R.C. 2911.211 (A)]

Assault No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn. [R.C. 2903.13(A)]

No person shall recklessly cause serious physical harm to another or to another's unborn. [R.C. 2903.13(B)]

Domestic Violence "Domestic violence" means the occurrence of one or more of the following acts against a family or household member: 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 a violation of section 2903.211 or 2911.211 of the Revised Code; committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code; committing a sexually oriented offense. [R.C. 3113.31(A)(1)(a)-(d)]

Family or Household Member "Family or household member" means any of the following:

(a) Any of the following who is residing with or has resided with the respondent, such as a spouse, a person living as a spouse, or a former spouse of the respondent; a parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity (blood or marriage) to the respondent; a parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity (blood of marriage) to a spouse, person living as a spouse, or former spouse of the respondent. [R.C. 3113.31(A)(3)(a)]

(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent. [R.C. 3113.31(A)(3)(a)-(b)]

“Person living as a spouse” means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question. [R.C. 3113.31(A)(4)]

Felonious Assault

No person shall knowingly cause serious physical harm to another or to another’s unborn. [R.C. 2903.11(A)(1)]

No person shall knowingly cause or attempt to cause physical harm to another or to another’s unborn by means of a deadly weapon or dangerous ordnance. [R.C. 2903.11(A)(2)]

No person, with knowledge that the person has tested positive as a carrier of a virus that causes AIDS, shall knowingly do any of the following: (1) engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct; (2) engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes AIDS; or (3) engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.[R.C. 2903.11(B)]

Menacing

No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person’s unborn, or a member of the other person’s immediate family. [R.C. 2903.22(A)]

Menacing by Stalking

No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. [R.C. 2903.211(A)(1)]

No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section. [R.C. 2903.211(A)(2)]

Sexually Oriented Offense

Sexually oriented offenses are defined in R.C. 2950.01.