

JUVENILE CIVIL PROTECTION ORDERS

Understanding the Basics

See what you need to know to take action.

A protection order is an official document from a judge. When a judge issues a protection order, they are ordering an abuser to stop certain actions which help keep the victim safe. The protection order can tell an abuser to stop actions like:

- Hurting you
- Threatening you
- Contacting you
- Coming to your home or workplace

The court can order other protections like making the abuser move out of your home or making alternate school arrangements.

In Ohio, there are two types of civil protection orders to protect people against abusers who are younger than 18 years old.

- **Domestic Violence Juvenile Civil Protection Orders** can protect a family or household member who has been the victim of domestic violence or a sexually oriented offense committed by a minor.
- **Juvenile Civil Protection Orders** can protect anyone who is the victim of felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, aggravated trespass and sexually oriented offenses committed by a minor.

Filing for a civil protection order does not guarantee your safety. [Learn about the other types of protection orders in Ohio and the risks of filing for a civil protection order here.](#)

How to get a Juvenile Civil Protection Order

You do not need a lawyer to apply for a protection order, but a lawyer can be helpful. [Some lawyers can help you for free.](#) Some courts also have special departments that can help you through the Civil Protection Order process. [Community advocates can also assist you for free.](#) [Check Local Government and Community Resources](#) to see if your court has a Domestic Violence Help Center or other resources.

To get a Juvenile Civil Protection Order:

- **Get the forms and fill them out.** You can get the [Petition for a Domestic Violence Juvenile Civil Protection Order or a Juvenile Civil Protection Order here](#). Include details about the recent violence, threats and stalking and a history of past violence, threats and stalking. You can attach additional pages. The court may limit your case to the incidents described in the forms. So, be sure to include everything you want the court to consider.
- **Talk to an expert.** [Before you file, talk to a lawyer or an advocate from a local domestic or sexual violence organization](#). A lawyer can help you understand your complete legal situation and the risks of taking different legal actions. Advocates can help you understand any additional risks you might have, connect you with services and help you complete the forms. Advocates may be able to go to court with you.
- **File the forms.** [Contact the local Juvenile Court where you live](#). Your court may have other local forms that you have to file with your petition, so ask the Clerk if there are more required forms before you file. **You must go to the Clerk's office in-person to file.**
- **Attend the ex parte hearing.** On the day that you file for a Domestic Violence Juvenile Civil Protection Order, or no later than the next day for a Juvenile Civil Protection Order, the Court will hold an emergency hearing, called an "ex parte" hearing. The respondent does not attend the ex parte hearing. At this hearing, you (and your lawyer, if you have one) meet with the judge. Your advocate is also allowed to be present during this hearing. The judge reviews your forms and may ask you some questions. Then, the judge decides if you need an emergency "ex parte" protection order that starts immediately.
- **Complete service.** "Service" is when the Court officially tells the abuser about your filing. Ohio rules say that the first method of service in a civil protection order case must be personal service by the sheriff. This means that the sheriff will attempt to serve the papers in-person to the respondent at the address you provide. **It's recommended that you also select "certified mail," in addition to personal service.** This means that the sheriff will attempt to serve your papers in-person, and at the same time they will be sent to the respondent by certified mail. This helps make sure service is successful--**if service is not successful your hearing could be canceled and your case dismissed.**
- **Attend the full hearing.** Whether or not you are given the emergency, ex parte protection order, the Court holds a full hearing, usually within 7 or 10 business days. At the full hearing, you testify and present evidence including any witnesses to show the judge why you need a protection

order. **You must show that the abuser's actions have met the requirements for the civil protection order.**

- For a Juvenile Domestic Violence Civil Protection Order, that means showing that there has been recent violence or threats and that there is a danger of future violence.
- For a Juvenile Civil Protection Order, that means showing evidence that the offender has committed "menacing by stalking" which caused you "mental distress," or made you believe that the stalker would hurt you physically; or showing evidence that the offender committed a sexually oriented offense.
- **A lawyer can help you prepare evidence.** If you want protection for other family or household members, you must show why they are in danger, too. The respondent also has a chance to present evidence.
- **Be careful with agreements.**
 - In Domestic Violence Juvenile Civil Protection Order cases, you and the other party can negotiate a "consent agreement" that defines the protection order's terms. Unlike with a regular protection order, getting a consent agreement means that the court does not have to make a finding that the violence occurred, only that the parties agreed to the order. If the other party wants to negotiate a consent agreement, you should consult with a lawyer first to see if it could put you at legal risk.
 - If you are getting a Juvenile Protection Order, while the law does not allow for consent agreements in these cases, many courts ask the parties to make an agreement instead of going to a hearing. The agreement would explain what the respondent, and sometimes you, are allowed or not allowed to do. Getting an agreement means that the court does not have to make a finding that the violence occurred, only that the parties agreed to the order. An agreement may give the abuser a legal advantage. Some courts may consider a "mutual stay away order" which is different from an agreement. If the other party wants to negotiate an agreement or "mutual stay away", you should consult with a lawyer first to see if it could put you at legal risk.
- **Get a court order.** The Court issues the order after the hearing. Keep your protection order with you in case you need to call the police to enforce it. Give copies to people who may need it (like school). You can also share it with your employer if you feel comfortable disclosing that information.

How to enforce a protection order

If the abuser breaks the rules of a civil or criminal protection order, it is a “violation of the protection order” and they can be arrested or face other consequences.

If there is a violation of a protection order:

- **You should call the police.** The police can enforce protection orders by arresting the violator.
- **The police or prosecutor can file criminal charges.** If convicted, the abuser can face fines, probation, or jail time.
- **For civil protection orders, the court that issued the order could also find the abuser in contempt of court.** When someone violates a civil protection order, you can ask the Court that issued the order to find them in contempt. If found in contempt, the abuser can face fines or jail time. [Filing for contempt is complicated, so you should talk to a lawyer or advocate before filing.](#)

If you do not feel safe calling the police, [contact a lawyer or an advocate](#) to determine your best options.

Renewing a civil protection order

To extend or renew a protection order, **you must file before the original protection order’s expiration date.**

Some courts require new violence or threats to extend or renew a protection order. Other courts allow you to extend or renew a protection order if you are still afraid of the abuser.

If your Juvenile Civil Protection Order or Juvenile Domestic Violence Protection Order is expiring because the abuser is turning 19 and you would like to continue to have a civil protection order in place, you will need to file for another type of protection order. [Read more about the other civil protection orders to see if they would apply.](#)

[For help extending or renewing a protection order, talk to a lawyer.](#)

JUVENILE PROTECTION ORDER

Protection orders must be filed by an adult, the petitioner, on behalf of a minor.

The Respondent is the juvenile you are filing against.

1. The alleged victim lives in Clermont County Yes _____ No _____

If you answered yes, continue to question 2.

If you answered no, **STOP**. You must file in the county in which the victim lives.

2. Is the respondent (alleged offender) under the age of 18? Yes _____ No _____

If you answered yes, continue to question 3.

If you answered no, **STOP**. You are in the wrong court and will need to file in either Domestic Relations Court or Municipal Court.

3. Do you believe you are the victim of felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing or aggravated trespass, a sexually oriented offense or a violation of a municipal ordinance that is substantially equivalent to any of these offenses and the respondent (alleged offender) is under the age of 18?

Yes _____ No _____

If yes, please review Question 6 on the Petition and check the appropriate box.

OR

Are you alleging the respondent (alleged offender) has engaged in domestic violence against a family member (parent, foster parent, child, other parent of a sibling or others related by blood or marriage) who resides with or has resided with the respondent (alleged offender)? Or against another parent of a child in common even if that person has never lived with the respondent (alleged offender)?

Yes _____ No _____

If yes, please review Question 6 on the Petition and check the appropriate box.

4. Are you asking the Court to make a parenting or custody order in the Domestic Violence Civil Protection Order? (This would only apply if the Petitioner (alleged victim) and the Respondent (alleged offender) have a child together.)

Yes _____ No _____

If yes, request a Parenting Proceeding Affidavit to attach to the petition.

***IF YOUR ANSWERS ARE NO TO BOTH QUESTIONS 3 AND 4,
YOU MAY WANT TO CONTACT AN ATTORNEY FOR LEGAL ADVICE.***

***LAWYER REFERRAL SERVICE
(513) 732-2050***

FORM 10.05-A: INFORMATION ABOUT FILING A JUVENILE CIVIL PROTECTION ORDER OR A JUVENILE DOMESTIC VIOLENCE CIVIL PROTECTION ORDER PETITION

- If you have any questions about completing the Petition for a Juvenile Civil Protection Order or Domestic Violence Juvenile Civil Protection Order (Form 10.05-B), 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 private lawyer or a court-appointed lawyer. [R.C. 2151.34(O)] You may represent yourself or ask the Court for a continuance to obtain a lawyer. [R.C. 2151.34(D)(2)(a)(iii) or 3113.31(D)(2)(a)(iii)]
- Respondent or Respondent's lawyer may present evidence and may ask you questions.
- The Court cannot issue a protection order against you unless Respondent has filed a Petition.

DEFINITIONS

Aggravated Assault
[R.C. 2903.12]

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.

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 [the law].

Aggravated Menacing
[R.C. 2903.21]

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.

Aggravated Trespass
[R.C. 2911.211]

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.

Assault

[R.C. 2903.13]

No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn. No person shall recklessly cause serious physical harm to another or to another's unborn.

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: 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.

Family or Household Member

[R.C. 3113.31(A)(3) through (4)]

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

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.

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.

Felonious Assault

[R.C. 2903.11]

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.

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.

Menacing

[R.C. 2903.22]

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.

Menacing by Stalking

[R.C. 2903.211]

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.

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 [this law].

Pattern of Conduct
[R.C. 2903.211(D)(1)]

Pattern of conduct means two or more actions or incidents closely related in time.

Mental Distress
[R.C. 2903.211(D)(2)]

Mental distress means: (a) any mental illness or condition that involves some temporary substantial incapacity **OR** (b) any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, regardless if psychiatric treatment, psychological treatment, or other mental health services was requested or received.

Sexually Oriented Offense
[R.C. 2950.01]

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

**CLERMONT COUNTY JUVENILE COURT
JUVENILE PROTECTION ORDER INFORMATION SHEET**

**Protection orders must be filed by an adult, the petitioner, on behalf of a minor.
The Respondent is the juvenile you are filing against.**

For an emergency hearing, the petitioner's minor child must be present and reside in Clermont County, Ohio. Paperwork must be fully completed and submitted to the Clermont County Juvenile Court before 2:00 pm for an emergency/same day hearing.

Petitioner (Your) Name: _____

Petitioner (Your) Telephone Number: (_____) _____ - _____

In order for the Respondent to be properly served with the Protection Order, the following information must be precisely provided. If you do not have the following information, you can contact your local law enforcement agency and ask them to provide the information to the court using the fax number (513)732-7695.

Respondent's (alleged offender) Name: _____

Street City State Zip Code

Date of Birth: ____/____/____ Sex: _____ Race: _____

Respondent's Parent(s)/Guardian(s) Information

Parent/Guardian's Name (_____) _____ - _____
Parent/Guardian's Phone Number

Street City State Zip Code

Parent/Guardian's Name (_____) _____ - _____
Parent/Guardian's Phone Number

Street City State Zip Code

The following information regarding the juvenile Respondent can be based on your best judgment.

Height: _____ Hair: _____

Weight: _____ Eyes: _____

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION
CLERMONT COUNTY, OHIO

Petitioner : Case No. _____

 Address (Safe mailing address) :

 City, State, Zip Code

 Date of Birth: ____ / ____ / ____ :

v. :

Respondent :

 Address (If home address unknown, put the school or work address) :

 City, State, Zip Code :

 Date of Birth: ____ / ____ / ____ Respondent is under 18 years old

JUDGE JAMES A. SHRIVER

**PETITION FOR JUVENILE CIVIL PROTECTION ORDER
OR JUVENILE DOMESTIC VIOLENCE CIVIL
PROTECTION ORDER (R.C. 2151.34 and 3113.31)**

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 a 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. 2151.34 or 3113.31. Petitioner further requests a full hearing trial even if the ex parte protection order is granted, denied, or not requested.
- 3. Who needs protection?
 - Me
 - My minor child
 - A family or household member, who is not a minor child
 - Other: _____
- 4. The relationship of Petitioner to Respondent is that of:
 - Parent or foster parent of Respondent
 - Respondent is the parent of my child
 - Relative by blood or marriage of Respondent or Petitioner and has lived with Respondent (please specify how you are related): _____

Petitioner is not related to Respondent (please specify how you know Respondent) _____

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 (first, middle initial, and last)	DATE OF BIRTH	RELATIONSHIP TO PETITIONER
	/ /	
	/ /	
	/ /	
	/ /	

6. Petitioner is in fear and in continuing danger and requests the Court grant **Juvenile Civil Protection Order** or **Juvenile Domestic Violence Civil Protection Order**.

7. You **must** describe the threats or acts that made you or your family or household members afraid, include if children were present when the acts happened. 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.**

8. Petitioner has listed court cases (including custody, visitation, paternity, child support, children service case, pending criminal case or conviction for domestic violence, felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, or aggravated trespass; no contact order; stay away order; or other protection order) and other legal matters regarding Respondent, which may relate to this case:

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

9. Petitioner requests the Court grant relief under R.C. 2151.34 or 3113.31. Check all that apply.

- a. Directs Respondent to not abuse Petitioner and the other persons named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, contacting, forcing sexual relations upon, or committing sexually oriented offenses against them.
- b. Directs Respondent to not enter or have limited access to the following places (include name and address, as applicable) where Petitioner and the persons named in this Petition may be found, including the buildings, grounds, and parking lots at these places.

Residence: _____

School: _____

Business or Place of Employment: _____

Other (specify): _____

- c. Directs Respondent to not approach or have contact by any means with Petitioner and persons named in this Petition.
- d. Directs Respondent not to remove, damage, hide, or dispose of any property, companion animals, or pets owned by Petitioner.
- e. Grants Petitioner permission to take Petitioner's companion animals or pets, as described below, away from the possession of Respondent:

- f. Directs Respondent to not possess, use, carry, or obtain any deadly weapon, firearms, and ammunition.
- g. Directs Respondent to be electronically monitored because Respondent's conduct has put or puts the health, welfare, or safety of Petitioner and the persons named in this Petition at risk. Describe Respondent's conduct and how Respondent continues to present a danger to Petitioner and the persons named in this Petition. **If you need more space, attach an additional page.**

- h. Directs Respondent to complete batterer counseling, substance abuse counseling, or other counseling as determined necessary by the Court.

i. Directs the wireless service provider to separate Petitioner’s account from Respondent’s account, per R.C. 3113.45 to 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 contact 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 is:

j. Includes the following additional provisions: _____

10. Petitioner further requests that the Court grant such other relief as the Court considers equitable and fair.

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 PETITIONER

DATE

Name of Attorney (if applicable)

Attorney’s Fax

Signature of Petitioner’s Attorney

Attorney’s Registration Number

Attorney’s Address

Attorney’s Telephone

City, State, Zip Code

Attorney’s Email

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION
CLERMONT COUNTY, OHIO

Petitioner : Case No. _____

v. : **JUDGE JAMES A. SHRIVER**

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