

IN THE _____ COURT
 _____ COUNTY, OHIO

 Petitioner : Case No. _____

 Address : Judge _____

 City, State, Zip Code :

Date Of Birth _____ : **PETITION FOR STALKING CIVIL PROTECTION ORDER (SCPO) (R.C. 2903.214)**

v. _____ :
 _____ :

 Respondent : **Notice to Petitioner: Throughout this form, mark every that applies to your situation.**

 Address :

 City, State, Zip Code :

 Date Of Birth _____

- 1. Petitioner seeks relief on Petitioner's own behalf.
- 2. Petitioner seeks relief on behalf of the following family or household members:

NAME	AGE/ Date Of Birth	HOW RELATED TO PETITIONER

3. Ohio law defines MENACING BY STALKING as follows: "No person by engaging in a pattern of conduct shall knowingly cause another to believe that the offender will cause physical harm to the other person or cause mental distress to the other person." (Ohio Revised Code Section 2903.211(A).) The Respondent does NOT have to be related to Petitioner in any way.

Petitioner states that Respondent has engaged in the following act(s) of MENACING BY STALKING (describe the nature and extent of the act(s), and describe any previous convictions of Respondent for menacing by stalking). Attach additional paper if you need more room:

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4. Petitioner requests that the Court grant relief under Ohio Revised Code 2903.214 for the safety and protection of the Petitioner and the family or household members named in this Petition by granting a Stalking Civil Protection Order that:

- (a) Directs Respondent not to abuse Petitioner and the family or household members named in this Petition by harming, attempting to harm, threatening, molesting, following, stalking, bothering, harassing, annoying, contacting, or forcing sexual relations upon them.
- (b) Requires Respondent to refrain from entering, approaching, or contacting (including contact by any media, writings, e-mail, fax, telephone, voice mail, and delivery service in person or through any other person) the residence, school, business, and place of employment of Petitioner and the family or household members named in this Petition.
- (c) Requires Respondent not to damage any of the property of Petitioner and Petitioner’s family.
- (d) Requires Respondent not to possess any firearm or other deadly weapon.
- (e) Requires Respondent to complete batterer counseling, substance abuse counseling, or other counseling as determined necessary by the Court.
- (f) Requires Respondent to pay all costs of this action.
- (g) Includes the following additional provisions:

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- 5. Petitioner further requests that the Court issue an *ex parte* (emergency) protection order under Ohio Revised Code 2903.214(D) and this Petition.
- 6. Petitioner further requests that the Court not issue any mutual protection orders or other orders against Petitioner unless all of the conditions of R.C. 2903.214(E)(3) are met.
- 7. 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. 2903.214(L).
- 8. Petitioner further requests that the Court grant such other relief as the Court considers equitable and fair.
- 9. The following is a list of all present and past court cases involving Respondent, that Petitioner knows of:

CASE NAME				
CASE NUMBER				
COURT/COUNTY				
OUTCOME OF CASE				

I hereby swear or affirm that the answers above are true, complete and accurate. I understand that falsifying this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsifying this document may also subject me to criminal penalties for perjury under Ohio Revised Code 2921.11.

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

SIGNATURE OF PETITIONER

NOTARY PUBLIC

SIGNATURE OF ATTORNEY FOR PETITIONER, IF ANY

PRINT ATTORNEY NAME AND REGISTRATION NUMBER

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

IN THE _____ COURT
_____ COUNTY, OHIO

: Case No. _____

: Judge _____

: **STALKING EX PARTE CIVIL PROTECTION ORDER (SCPO) (R.C. 2903.214)**

Petitioner
v.

Respondent

NOTICE TO RESPONDENT: SEE THE ATTACHED WARNING AND NOTICE OF FULL HEARING BELOW.

NAME(S) OF FAMILY OR HOUSEHOLD MEMBERS OF PETITIONER PROTECTED BY THIS ORDER:

This proceeding came on for hearing on _____, 20____ (Respondent not being present), upon the petition filed by Petitioner for a stalking civil protection order (SCPO) against the Respondent, pursuant to Ohio Revised Code 2903.214. In accordance with R.C. 2903.214(D)(1), the court held an *ex parte* hearing not later than the next day that the court was in session after the petition was filed.

The court finds that the Respondent has threatened the Petitioner with bodily harm or has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code against the Petitioner. For good cause shown the court enters the following temporary orders. (See R.C. 2903.214(D)(1): "Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised code against the person to be protected by the protection order.")

The court finds the following orders are necessary for the safety and protection of the Petitioner named above, who is to be protected by this order:

- 1. RESPONDENT SHALL NOT ABUSE THE PETITIONER** by harming, attempting to harm, threatening, molesting, following, stalking, bothering, harassing, annoying, contacting, or forcing sexual relations upon Petitioner.
- 2. RESPONDENT SHALL NOT ENTER** the residence, school, business, or place of employment of the Petitioner, including the buildings, grounds and parking lots at those locations.
- 3. RESPONDENT SHALL NOT** interfere with Petitioner's right to occupy the residence, or to shut off any utilities, to cancel any insurance or health benefits, or to interfere with Petitioner's phone service, mail delivery, or the delivery of any other papers to petitioner.
- 4. RESPONDENT SHALL STAY AWAY FROM PETITIONER** and shall not be present within _____ blocks or _____ yards of Petitioner, wherever Petitioner may be found, or any place the Respondent knows or should know the Petitioner is likely to be, *even with Petitioner's permission*. If Respondent accidentally comes in contact with Petitioner in any public or private place, Respondent must depart *immediately*. This order includes, encounters on public and private roads, highways, and thoroughfares.
- 5. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE OR DISPOSE OF** any of Petitioner's personal or business property, or any pets that the Petitioner owns or possesses.

6. RESPONDENT SHALL NOT INITIATE ANY CONTACT, or attempt to initiate any contact with the Petitioner, Petitioner's family, or Petitioner's business, school, or place of employment, by any media, writings, e-mail, fax, telephone, delivery service in person or through another person.

7. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON to do any act which this Order prohibits the Respondent from doing.

8. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY FIREARM OR OTHER DEADLY WEAPON, and shall turn over any weapons possessed to the police department where the Petitioner resides, to be held until further court order.

9. THIS MATTER IS HEREBY REFERRED to the Magistrate for further proceedings, under Civil Rule 53.

NOTICE TO RESPONDENT: THIS ORDER REMAINS IN FULL FORCE EVEN IF YOU ARE INVITED TO ENTER THE RESIDENCE, SCHOOL, BUSINESS OR PLACE OF EMPLOYMENT OF THE PERSONS NAMED IN THIS ORDER. THIS ORDER REMAINS IN FULL FORCE EVEN IF THE PERSONS NAMED IN THIS ORDER CONSENT TO HAVE YOU ENTER THESE PLACES.

ONLY THE COURT THAT ISSUED THIS PROTECTION ORDER CAN DISMISS IT. THE PETITIONER/COMPLAINANT/ VICTIM CANNOT GIVE YOU LEGAL PERMISSION TO VIOLATE THIS PROTECTION ORDER. "GOOD FAITH" OR THE PETITIONER'S "CONSENT" DO NOT ALLOW YOU TO VIOLATE THIS PROTECTION ORDER. YOU CAN BE ARRESTED FOR VIOLATING THIS PROTECTION ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

IT IS FURTHER ORDERED that the Clerk of Courts shall cause the appropriate law enforcement agency to serve a copy of this CPO on the Respondent on the date of its filing, as required by law. This CPO is granted without bond, and is **effective through the following date:** _____.

IT IS FURTHER ORDERED:

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-

IT IS SO ORDERED.

JUDGE

A FULL HEARING on this order shall be held before

Judge/Magistrate _____,
on _____, at _____ a.m./p.m.,
(within ten court days) at the following location:

SERVICE OF THIS ORDER TO:
 Petitioner
 Respondent (by personal service)
 Police Dept. Where Petitioner Resided: _____
 Police Dept. Where Petitioner Works: _____
 The _____ Sheriff's Department
 OTHER: _____

IN THE _____ COURT
_____ COUNTY, OHIO

Petitioner : Case No. _____
v. : JUDGE _____

Respondent : STALKING FULL HEARING CIVIL PROTECTION
ORDER (CPO)
(Ohio Revised Code 2903.214)

**NOTICE TO RESPONDENT: SEE THE ATTACHED
WARNING AND NOTICE OF FULL HEARING
BELOW.**

**NAME(S) OF FAMILY OR HOUSEHOLD MEMBERS
OF PETITIONER PROTECTED BY THIS ORDER:**

This proceeding came on for hearing on _____, 20 ____, before the court or the undersigned
magistrate pursuant to Civil Rule 53, and pursuant to the Stalking *Ex Parte* Civil Protection Order filed on _____,
all in accordance with R.C. 2903.214. The following individuals were present: _____

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The Court/Magistrate hereby makes the following findings of fact: _____

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—

The court finds that the Respondent has threatened the Petitioner with bodily harm or has been convicted of or
pleaded guilty to a violation of section 2903.211 of the Revised Code against the Petitioner. For good cause shown the
court enters the following stalking civil protection orders. (See R.C. 2903.214(D)(1): "*Immediate and present danger to the
person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present
danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the
protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a
violation of section 2903.211 of the Revised code against the person to be protected by the protection order.*")

The court finds the following orders are needed to protect the Petitioner:

1. RESPONDENT SHALL NOT ABUSE THE PETITIONER by harming, attempting to harm, threatening, molesting,
following, stalking, bothering, harassing, annoying, contacting, or forcing sexual relations upon Petitioner.

2. RESPONDENT SHALL NOT ENTER the residence, school, business, or place of employment of the Petitioner,
including the buildings, grounds and parking lots at those locations.

3. RESPONDENT SHALL TAKE NO ACTION to interfere with Petitioner's right to occupy the residence, or to shut off any utilities, to cancel any insurance or health benefits, or to interfere with Petitioner's phone service, mail delivery, or the delivery of any other papers to petitioner.

4. RESPONDENT SHALL STAY AWAY FROM PETITIONER and shall not be present within _____ blocks or _____ yards of Petitioner, wherever Petitioner may be found, *even with Petitioner's permission*. If Respondent accidentally come in contact with Petitioner in any public or private place, Respondent must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares.

5. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE OR DISPOSE OF any Petitioner's personal or business property, or any pets that the Petitioner owns or possesses.

6. RESPONDENT SHALL NOT INITIATE ANY CONTACT, or attempt to initiate any contact with the Petitioner, Petitioner's family, or their residence, business, school, or place of employment, by any media, writings, e-mail, fax, telephone, voice mail, delivery service in person or through another person.

7. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON to do any act which this Order prohibits the Respondent from doing.

8. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY FIREARM OR OTHER DEADLY WEAPON, and shall turn over any weapons possessed to the police department where the Petitioner resides, to be held until further court order.

9. RESPONDENT IS ORDERED TO COMPLETE SUCCESSFULLY the following counseling, rehabilitation, or batterer's treatment program: _____. The Respondent shall contact this program within three days after receiving this order to make immediate arrangements for an initial appointment.

10. RESPONDENT IS ORDERED to pay the remaining court costs in this action.

NOTICE TO RESPONDENT: THIS ORDER REMAINS IN FULL FORCE EVEN IF YOU ARE INVITED TO ENTER THE RESIDENCE, SCHOOL, BUSINESS OR PLACE OF EMPLOYMENT OF THE PERSONS NAMED IN THIS ORDER. THIS ORDER REMAINS IN FULL FORCE EVEN IF THE PERSONS NAMED IN THIS ORDER CONSENT TO HAVE YOU ENTER THESE PLACES.

ONLY THE COURT THAT ISSUED THIS PROTECTION ORDER CAN DISMISS IT. THE PETITIONER/COMPLAINANT/ VICTIM CANNOT GIVE YOU LEGAL PERMISSION TO VIOLATE THIS PROTECTION ORDER. "GOOD FAITH" OR THE PETITIONER'S "CONSENT" DO NOT ALLOW YOU TO VIOLATE THIS PROTECTION ORDER. YOU CAN BE ARRESTED FOR VIOLATING THIS PROTECTION ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

IT IS FURTHER ORDERED that the Clerk of Courts shall cause the appropriate law enforcement agency to serve a copy of this CPO on the Respondent on the date of its filing, as required by law. This CPO is granted without bond.

ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL _____ unless earlier modified, vacated, or extended by order of this Court.

IT IS FURTHER ORDERED: _____

IT IS SO ORDERED.

MAGISTRATE

JUDGE

WAIVER OF HEARING

I have been advised of my right to have a hearing on the motion for a stalking protection order and hereby knowingly and voluntarily waive the hearing on the motion and agree to be bound by the terms set forth above.

Respondent

Date

NOTICE OF FINAL APPEALABLE ORDER

Copies of the foregoing Order, which is a final appealable order, were mailed by ordinary U.S. mail or hand delivered to the parties indicated on the following date: _____

By: _____, Clerk of Court

COPIES OF THIS ORDER TO:

- Petitioner Attorney for Petitioner
- Respondent Attorney for Respondent
- Police Dept. Where Petitioner Resides: _____
- _____
- Police Dept. Where Petitioner Works: _____
- _____
- The _____ Sheriff's Department
- OTHER: _____
- OTHER: _____

Signature of Attorney for Petitioner (If Applicable)

Print Name & Attorney Registration Number

Address

City, State, Zip

Phone

Signature of Attorney for Respondent (If Applicable)

Print Name & Attorney Registration Number

Address

City, State, Zip

Phone

INSTRUCTIONS FOR COMPLETING THE PETITION FOR A STALKING CIVIL PROTECTION ORDER (SCPO)

These instructions are intended to assist you in preparing the Petition for a Stalking Civil Protection Order (SCPO), which can only be heard by the Common Pleas Court in your county. **Throughout the petition you are called *Petitioner* and the person you are filing this petition against (the alleged stalker) is called *Respondent*.**

SOME HINTS BEFORE YOU BEGIN

Type or print **ONLY** on the Petition.

Write your name on the Petition the way it appears on your signature.

Write your name and Respondent's name the same way throughout the Petition.

Fill out the Petition as completely and accurately as possible.

If you have any questions about completing the Petition, ask the clerk of court's office for assistance or contact the following domestic violence or victim/witness program:

FILLING OUT THE PETITION: MARK EACH INSTRUCTION BELOW AFTER YOU READ AND COMPLETED IT.

- On the front page, leave the "Case No." line and "Judge" 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. If you do not want your present address to be known, write "confidential" in the space for your address, but list someone else's address where you can receive notices from the court.
- Also on the top left-hand side of the front page, fill in the requested information about Respondent as best you can. You may use Respondent's work address if you do not know Respondent's home address. If you do not know Respondent's date of birth, leave that line blank. Do not attempt to obtain this information unless it is safe to do so.
- Paragraph 1: If you are filing the Petition on behalf of yourself, mark the first box.
- Paragraph 2: If you are filing the Petition on behalf of a family or household member, mark the box and fill in their name(s) and the other information requested in the chart. You may attach additional pages if you need more room.
- Paragraph 3: State the date(s) of the incident(s) that brought you to file the Petition and provide a brief description of what happened that caused you to believe that the Respondent will cause physical harm or mental distress to you or another family member. (NOTE: Respondent does NOT have to be related to you or the other family members in any way.) If you are aware of any prior convictions of the Respondent for menacing by stalking, list what information you know about those convictions. You may attach additional pages if you need more room to complete your description.
- Paragraph 4: Indicate the action you want the court to take by marking the boxes next to the numbered paragraphs that apply to your situation.
- Paragraph 4(g): Write any special court orders you believe would help protect you and your family or household members.
- Paragraph 5: Be sure to mark the box next to Paragraph 5 if you need an emergency ("*ex parte*") protection order.
- Paragraph 9: List ALL present or past court cases or investigations that involve Respondent. This includes all criminal, divorce, custody, visitation, bankruptcy cases, and any other case that may have a bearing on the safety of you or your family or household members. Write the case name, the court, the case number, and the outcome of the case, if known. You may attach additional pages if you need more room.

SIGNING THE PETITION: Try to fill out the Petition before you go the courthouse. **AFTER YOU HAVE FILLED OUT THE PETITION, TAKE IT TO THE CLERK OF COURT'S OFFICE OR TO A NOTARY PUBLIC TO HAVE YOUR SIGNATURE NOTARIZED. *DO NOT SIGN THE PETITION UNLESS YOU ARE IN FRONT OF A NOTARY PUBLIC.***

FILING THE PETITION: After you have your signature notarized, file your Petition at the clerk of court's office. The clerk of court's office will tell you when and where your *ex parte* hearing will take place. **There is no filing fee for a Petition for a SCPO.**

**WARNING CONCERNING THE ATTACHED
STALKING PROTECTION ORDER**

NOTE: Rule of Superintendence 10.03 requires this Warning to be attached to the FRONT of all stalking protection orders issued by the courts of the State of Ohio.

WARNING TO RESPONDENT/ DEFENDANT

Violating the attached Protection Order is a crime, punishable by imprisonment or fine or both, and can cause your bond to be revoked or result in a contempt of court citation against you.

Only the Court that issued this Protection Order can dismiss it. The Petitioner / Complainant / Victim cannot give you legal permission to violate this Protection Order. Your "Good faith" or the Petitioner's "consent" do not allow you to violate this Protection Order. You can be arrested for violating this Protection Order. You act at your own risk if you disregard this WARNING.

WARNING TO PETITIONER / COMPLAINANT / VICTIM

You cannot change the terms of this Protection Order. Only the Court can allow the Respondent / Defendant to contact you or return to your residence.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violating this Protection Order, whether it is a criminal or civil Protection Order, is a crime under R.C. 2919.27. Law enforcement officers with powers to arrest for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2919.27 and R.C. 2903.214. If you have reasonable grounds to believe that Respondent / Defendant has violated this Protection Order, in Ohio under R.C. 2935.03, you should arrest and detain Respondent / Defendant until you can obtain a warrant.

FORM 10-A: PROTECTION ORDER NOTICE TO NCIC (June 1, 2000)

New Form

(Required fields appear in bold print) Discard all previous versions of this form.

**Modification of
Previous Form**

OHP
DATA
ONLY
#EPO

SUBJECT NAME _____
(LAST) (FIRST) (M.I.)

ADDRESS _____

SSN ____ / ____ / ____ **DOB** ____ / ____ / ____

PHYSICAL DESCRIPTION: HGT ____ WGT ____ HAIR ____ EYES ____ **RACE** ____ **SEX** ____

VEHICLE LICENSE NO. _____ **STATE** ____ **LICENSE YR.** _____ **LICENSE TYPE** ____

BRADY HANDGUN DISQUALIFIERS (18 U.S.C. § 922(d)(8), requires all "yes" to disqualify handgun purchase):

*Does order protect intimate partner or child? YES NO

*Did subject have opportunity to participate in hearing regarding order? YES NO

*Does order find subject a credible threat or explicitly prohibit physical force? YES NO

BRADY DISQUALIFIED? YES

CASE / ORDER NO. _____ (15 DIGIT MAXIMUM) NO

COURT ORIGINATING AGENCY IDENTIFIER _____ (9 DIGIT ORI ASSIGNED BY NCIC)

R.C. 2903.213 R.C. 2903.214 **NAME OF JUDGE** _____

R.C. 2919.26 R.C. 3113.31

DATE OF ORDER ____ / ____ / ____ **EXPIRATION OF ORDER** ____ / ____ / ____ (IN R.C. 2919.26 CASES, NONEXP MAY BE USED)

TERMS AND CONDITIONS OF ORDER (MARK ALL THAT ARE APPLICABLE):

- 01 The subject is restrained from assaulting, threatening, abusing, harassing, following, interfering, or stalking the protected person and/or the child of the protected person.
- 02 The subject shall not threaten a member of the protected person's family or household.
- 03 The protected person is granted exclusive possession of the residence or household.
- 04 The subject is required to stay away from the residence, property, school, or place of employment of the protected person or other family or household member.
- 05 The subject is restrained from making any communication with the protected person, including but not limited to, personal, written, or telephone contact, or their employer, employees, or fellow workers, or others with whom the communication would be likely to cause annoyance or alarm the victim.
- 06 The subject [NOT THE PROTECTED PERSON] is awarded temporary custody of the children named.
- 07 The subject is prohibited from possessing and/or purchasing a firearm or other weapon.
- 08 See the Miscellaneous Field for comments regarding the specific terms and conditions of the order.

Miscellaneous comments: _____

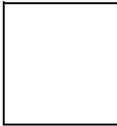
LIST ALL PROTECTED PERSONS (TOTAL OF 9 ALLOWED, MAY ATTACH ADDITIONAL FORMS):

PROTECTED PERSON _____ **DOB** ____ / ____ / ____
(LAST) (FIRST) (M.I.)

PROTECTED PERSON _____ **DOB** ____ / ____ / ____
(LAST) (FIRST) (M.I.)

PROTECTED PERSON _____ **DOB** ____ / ____ / ____
(LAST) (FIRST) (M.I.)

MIS/



PROTECTED PERSON _____ **DOB** ___ / ___ / ___
(LAST) (FIRST) (M.I.)

Authorized by (signature) _____ **Date** _____
(circle one) Judge Magistrate Clerk May be reproduced

locally