

FORM 10.03-H: WARNING CONCERNING THE ATTACHED PROTECTION ORDER

NOTE: Rule 10.03 of the Rules of Superintendence for the Courts of Ohio requires this Warning to be attached to the **FRONT** of all protection orders issued pursuant to R.C. 2903.213 and 2903.214 by the courts of the State of Ohio. **TO BE USED WITH FORMS 10.03-B, 10.03-E, and 10.03-F.**

WARNING TO RESPONDENT/ DEFENDANT

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

This Protection Order is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. Territories pursuant to the Violence Against Women Act, 18 U.S.C. 2265. Violating this Protection Order may subject you to federal charges and punishment.

Only the Court may change this Order. The Petitioner/Alleged Victim cannot give you legal permission to violate this order. If you go near the Petitioner or other protected persons, even with their permission, you may be arrested. **You act at your own risk if you disregard this WARNING.**

WARNING TO PETITIONER / ALLEGED VICTIM

You **cannot** change the terms of this Order by your words or actions. Only the Court may allow the Respondent/Defendant to contact you or return to your residence. This Order **cannot** be changed by either party without obtaining a written court order.

NOTICE ABOUT FIREARMS AND DEADLY WEAPONS

As a result of this Order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition, pursuant to federal law, 18 U.S.C. 922(g)(8). If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult a lawyer.

This Order may be subject to the exceptions pursuant to 18 U.S.C. 925(a)(1) with respect **only** to the official use of government-issued firearms or ammunition for the use of any department or agency of the United States, Ohio, or its political subdivision. This exception does not apply if the Defendant/Respondent has been convicted of an offense of violence, for example domestic violence, menacing by stalking, etc., against a family or household member.

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 under R.C. 2935.03 for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2919.27, 2903.213, and 2903.214. If you have reasonable grounds to believe that Respondent/Defendant has violated this Protection Order, it is the preferred course of action in Ohio under R.C. 2935.03 to arrest and detain Respondent/ Defendant until a warrant may be obtained. Federal and state laws prohibit charging a fee for service of this order.

IN THE COURT OF COMMON PLEAS

COUNTY, OHIO

Order of Protection

Per R.C. 2903.214(F)(3), this Order is indexed at

Case No.

Judge/Magistrate

State

OHIO

LAW ENFORCEMENT AGENCY WHERE INDEXED

() -

PHONE NUMBER

☐ CIVIL STALKING PROTECTION ORDER *EX PARTE*
(R.C. 2903.214)☐ CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION
ORDER *EX PARTE* (R.C. 2903.214)**PETITIONER:**

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First

Middle

Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner:

DOB:

Petitioner's Family or Household Members :

☐ Additional forms attached.)

DOB:

DOB:

DOB:

DOB:

RESPONDENT:

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First

Middle

Last

RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
		/ /	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Relationship to Petitioner:

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 the 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 the 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 / / (DATE CERTAIN).

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

This proceeding came on for an *ex parte* hearing on _____ / _____ / _____ (Respondent not being present), upon the filing of a Petition by Petitioner for a civil stalking protection order or civil sexually oriented offense protection order against the Respondent, pursuant to R.C. 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 protected persons herein are in immediate and present danger and, for good cause shown, the following temporary orders are necessary to protect the persons named in this Order.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO THE RESPONDENT

- ☐ 1. **RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]
- ☐ 2. **RESPONDENT SHALL NOT INTERFERE** with protected persons' right to occupy the residence including, but not limited to canceling utilities or insurance or interrupting telephone service, mail delivery, or the delivery of any other documents or items.
- ☐ 3. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the following residence:
- _____
- at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:
- _____
- _____
- _____
- ☐ 4. **RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, **even with the protected persons' permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- ☐ 5. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order.
- ☐ 6. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text;

instant messaging; fax; e-mail; voice mail; delivery service; social networking media; blogging; writings; electronic communications; or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person.** [NCIC 05]

☐ 7. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

8. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while the Order remains in effect unless Respondent is excepted for official use pursuant to 18 U.S.C. 925(a)(1). [NCIC 07]

☐ **RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS AND CONCEALED CARRY WEAPON LICENSE** in Respondent's possession to the law enforcement agency that serves Respondent with this Order or as follows:

 Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

☐ 9. **IT IS FURTHER ORDERED:** [NCIC 08]

10. **ALL DISCOVERY SHALL STRICTLY COMPLY** with Civ.R. 65.1(D).

11. **IT IS FURTHER ORDERED** that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by Civ.R. 65.1. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. No costs or fees shall be assessed against the Petitioner for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, or serving this protection order.

12. **ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL**

_____/_____/_____.

IT IS SO ORDERED.

JUDGE/MAGISTRATE

NOTICE TO RESPONDENT

THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

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:

TO THE CLERK**COPIES OF THIS ORDER SHALL BE DELIVERED TO:**

- ☐ Petitioner
☐ Respondent
☐ Police Department Where Petitioner Resides:

☐ Sheriff's Office:

☐ Police Department Where Petitioner Works:

☐ Other:

IN THE COMMON PLEAS COURT
PORTAGE COUNTY OHIO

PETITIONER

CASE # _____

VS

A. SHERIFF
B. PERSON APPOINTED

RESPONDENT

PETITIONER HOME ADDRESS

PETITIONER WORK ADDRESS

RESPONDENT HOME ADDRESS

RESPONDENT WORK ADDRESS

POLICE DEPT WHERE PETITIONER
LIVES _____

POLICE DEPT WHERE PETITIONER
WORKS _____

SHERIFF OF PETITIONERS
COUNTY _____

POLICE DEPT FOR ALL OTHER
REASONS _____

SPECIAL INSTRUCTIONS AS NEEDED FOR TIME AND PLACE:

IN THE COMMON PLEAS COURT
PORTAGE COUNTY OHIO

SERVICE AND INFORMATION REQUEST

PETITIONER

CASE NO. _____

VS.

RESPONDENT

VICTIM-PETITIONER'S
CITY OF EMPLOYMENT

RESPONDENT'S ADDRESS

CITY OF RESIDENCE

STREET

CITY STATE ZIP

CITY FOR ANY OTHER REASON

RESPONDENTS PLACE OF
EMPLOYMENT

RESPONDENTS PHYSICAL DESCRIPTION

VEHICLE DESCRIPTION

HGT: _____ HAIR _____

YEAR _____ COLOR _____

WGT: _____ EYES _____

MAKE _____

RACE: _____ DOB: _____

LICENSE NO. _____

COMPLEXION: _____

SS # _____ AGE: _____ SEX: _____

SHERIFF (COUNTY?) _____

SPECIAL INSTRUCTIONS AS NEEDED FOR TIME AND PLACE :

ATTORNEY FOR VICTIM-PETITIONER

FORM 10-B: HOW TO COMPLETE A PROTECTION NOTICE TO NCIC

These instructions are contemplated in light of Form 10-A, Protection Notice to NCIC, to ensure the court's protection order or consent agreement entry is accepted into the protection order database of the National Crime Information Center ("NCIC"). Thorough and accurate completion of Form 10-A is critical, as this form is the sole method to enter the terms and conditions of a protection order into the computerized index of criminal justice information. Inaccurate or inconsistent information in Form 10-A will result in delay in entering the protection order into the NCIC index and enforcing the order. Form 10-A must be completed each time the court approves, issues, modifies, renews, or terminates a protection order or consent agreement, regardless of whether it is an *ex parte* or full hearing order.

Courts are encouraged to verify with law enforcement that orders are being entered in a timely fashion. The delay in entering a protection order or consent agreement may not only result in the failure to enforce the order, but may also result in the improper authorization of the subject of a protection order to possess or purchase a firearm or ammunition.

ELEMENTS OF FORM 10-A

- (A) The required fields in Form 10-A appear in **BOLD**.
- (B) Form 10-A is the primary method used to inform law enforcement of the terms and conditions of the protection order. The court must mark the appropriate box "Initial NCIC Form" or "Modification of Previous Form."

The court must check "Initial NCIC Form" anytime the court is issuing a protection order for the first time based on a current filing, i.e., an *ex parte* order or a full hearing order where an *ex parte* order was not issued. The court must check "Modification of Previous NCIC" for any subsequent change in the terms and conditions of a protection order, including modifications due to a clerical or orthographical correction or termination of the order.

- (C) **SUBJECT'S INFORMATION.** The subject's full name, including first and last name; race; and sex are mandatory identifiers pursuant to federal guidelines. The other identifiers, i.e., height ("HGT"), weight ("WGT"), hair, and eyes, are not mandatory, yet they are helpful information to ensure the correct person is identified. Similarly, the address is not mandatory information.
- (D) **NUMERICAL IDENTIFIER.** Pursuant to federal guidelines, the court must provide at least **one** of four numerical identifiers to properly identify the subject of the protection order:
1. **SOCIAL SECURITY NUMBER ("SSN");**
 2. **DATE OF BIRTH ("DOB");**
 3. **DRIVER'S LICENSE NUMBER ("DRIVER'S LIC. NO."):** In the instance the driver's license number is provided, the state that issued the driver's license and the expiration date of the driver's license must also be included;
 4. **VEHICLE LICENSE NUMBER ("VEHICLE LIC. NO."):** In the instance the vehicle's license plate is provided, the state that issued the license plate and the expiration date of the license plate must also be included.

The court should consider providing additional numerical identifiers, if information is available.

- (E) **BRADY DISQUALIFIERS.** Pursuant to 18 U.S.C. 922(g)(8), all three factors must be met to be federally disqualified from possessing or purchasing firearms or ammunition due to the issuance of a protection order:

- (1) The parties have an intimate relationship:
- Spouse of the person;
 - Former spouse of the person;
 - An individual who cohabits or has cohabited with the person;
 - An individual who is a parent of a child of the person.
- (2) The court observed the parties' due process rights, i.e., notice of hearing and opportunity to be heard; **AND**
- (3) A finding that the person subject to the order poses a credible threat of harm to the protected party.

The subject of a protection order may be Brady disqualified pursuant to 18 U.S.C. 922(g)(1) through (9), state law, or a court order.

- (F) **CASE/ORDER NO.** The case/order number of the protection order is a required element. It is particularly relevant when the court modifies, renews, or terminates a protection order. Law enforcement and NCIC will use the case/order number to cross-reference the appropriate order. In addition, law enforcement also uses this information to verify the currency of an order.
- (G) **COURT ORIGINATING AGENCY IDENTIFIER.** To accept a Form 10-A entry into the federal protection order database, NCIC mandates the court issuing the protection order to include its agency identifier (a.k.a. "ORI"). This is a unique 9 digit alphabetic and numeric series issued by the FBI to identify the court issuing the order.

Although the "Name of Judge/Magistrate" is not a mandatory field, it is prudent to include the name of the judicial officer issuing the protection order. Similarly, NCIC does not require a court to indicate under which Revised Code section the order is being issued. However, this information is captured through the Ohio Courts Network and is useful for law enforcement to quickly determine the possible scope of the order and assess risk.

- (H) **DATE OF ORDER AND EXPIRATION OF ORDER.** The court must note on the form the date the protection order was issued and the date when it will expire. Civil protection orders expire on a date certain within 5 years of being issued. The protection order database will automatically purge the orders on their expiration date.

In a Criminal Protection Order (R.C. 2903.213) or Temporary Domestic Violence Protection Order (R.C. 2919.26), the order terminates by operation of law upon the disposition of the criminal case. The court may indicate "NONEXP" as the expiration date when the court does not know the exact date the order will expire. The court must submit to law enforcement another Form 10-A indicating "Modification of Previous Form" stating the expiration of the order when such a date is known so that the order can be purged from the NCIC protection order file.

If a protection order or consent agreement is terminated before the original expiration, the court must also submit to law enforcement another Form 10-A indicating "Modification of Previous Form" and state the new expiration date for removal of the order from the protection order file.

- (I) **TERMS AND CONDITIONS OF ORDER.** The court must check every box that corresponds to terms of the protection order. Note that the numbering next to each term and condition in Form 10-A does not correspond to the sequence of the remedies in a protection order or consent agreement. However, the remedies in the protection order forms are cross-referenced with the terms and conditions listed in Form 10-A, e.g. NCIC 01.

The court should submit a new Form 10-A indicating "Modification of Previous Form" to law enforcement in every instance that a term of the court order, i.e., divorce decree or custody order, results in a modification of the protection order.

- (J) **LIST ALL PROTECTED PERSONS.** A maximum of 9 persons, including the petitioner, may be listed as protected parties in a protection order. The full name and date of birth for each protected person must be provided. The protected person's social security number, race, and gender are not required entries in Form 10-A.
- (K) **AUTHORIZED SIGNATURE.** The judge or magistrate who issued the protection order must sign and date Form 10-A. Pursuant to Civ.R. 65.1, an ex parte civil protection order issued by a magistrate and filed with the clerk of court has the full force and effect of a court order.

PROTECTION ORDER NOTICE TO NCIC (Required fields appear in bold print)☐ Initial NCIC Form☐ Modification of Previous Form

Pursuant to Rules 10.01, 10.02, 10.03, and 10.05 of the Rules of Superintendence for the Courts of Ohio, this information shall be promptly entered into the National Crime Information Center index.

SUBJECT NAME

(LAST)

(FIRST)

(M.I.)

ADDRESS

(STREET)

(CITY)

(STATE)

(ZIP)

PHYSICAL DESCRIPTION:

HGT _____

WGT _____

HAIR _____

EYES _____

RACE _____

SEX

☐ M☐ F**NUMERICAL IDENTIFIER (NOTE: Only ONE of the 4 numerical identifiers is needed.)**

1.

SSN _____

2. DOB _____

/

/

3.*

DRIVER'S LIC. NO. _____

STATE _____

EXPIRATION YR. _____

4.*

VEHICLE LIC. NO. _____

STATE _____

EXPIRATION YR. _____

(* If #3 or #4 is used as a numerical identifier, entire line MUST be completed.)

BRADY DISQUALIFIERS:

Pursuant to 18 U.S.C. 922(g)(8), a "yes" response to all three Brady questions disqualifies the subject from purchasing or possessing any firearms, including a rifle, pistol, revolver, or ammunition.

- Does the Order protect an intimate partner or child(ren)? ☐ YES ☐ NO
- Did the subject have an opportunity to participate in the hearing regarding the Order? ☐ YES ☐ NO
- Does the Order find the subject a credible threat or explicitly prohibit physical force? ☐ YES ☐ NO

CASE / ORDER NO. _____ (15 DIGIT MAXIMUM)**COURT ORIGINATING AGENCY IDENTIFIER** _____ (9 DIGIT ORI ASSIGNED BY NCIC)☐ R.C. 2903.213☐ R.C. 2903.214☐ R.C. 2151.34☐ R.C. 2919.26☐ R.C. 3113.31**NAME OF JUDGE/MAGISTRATE** _____**DATE OF ORDER** _____

/

/

EXPIRATION OF ORDER _____

/

/

(IN R.C. 2919.26 AND 2903.213 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(ren) 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 has visitation or custody rights of the children named in this Order.
- ☐07 The subject is prohibited from possessing and/or purchasing a firearm or other weapon as identified in the Miscellaneous Field.
- ☐08 See the Miscellaneous Field for comments regarding the specific terms and conditions of this Order.
Miscellaneous comments: _____

- ☐09 The protected person is awarded temporary exclusive custody of the children named.

OHP
DATAONLY
#EPO

Subject's Name _____

Case/Order No. _____

LIST ALL PROTECTED PERSONS (Total of 9 allowed. **SSN is NOT necessary if DOB is given.**)

PROTECTED PERSON

(LAST) _____ (FIRST) _____ (M.I.) _____
 DOB ____/____/____ SSN ____-____-____ RACE _____
 SEX ☐ M ☐ F

PROTECTED PERSON

(LAST) _____ (FIRST) _____ (M.I.) _____
 DOB ____/____/____ SSN ____-____-____ RACE _____
 SEX ☐ M ☐ F

PROTECTED PERSON

(LAST) _____ (FIRST) _____ (M.I.) _____
 DOB ____/____/____ SSN ____-____-____ RACE _____
 SEX ☐ M ☐ F

PROTECTED PERSON

(LAST) _____ (FIRST) _____ (M.I.) _____
 DOB ____/____/____ SSN ____-____-____ RACE _____
 SEX ☐ M ☐ F

PROTECTED PERSON

(LAST) _____ (FIRST) _____ (M.I.) _____
 DOB ____/____/____ SSN ____-____-____ RACE _____
 SEX ☐ M ☐ F

PROTECTED PERSON

(LAST) _____ (FIRST) _____ (M.I.) _____
 DOB ____/____/____ SSN ____-____-____ RACE _____
 SEX ☐ M ☐ F

PROTECTED PERSON

(LAST) _____ (FIRST) _____ (M.I.) _____
 DOB ____/____/____ SSN ____-____-____ RACE _____
 SEX ☐ M ☐ F

PROTECTED PERSON

(LAST) _____ (FIRST) _____ (M.I.) _____
 DOB ____/____/____ SSN ____-____-____ RACE _____
 SEX ☐ M ☐ F

PROTECTED PERSON

(LAST) _____ (FIRST) _____ (M.I.) _____
 DOB ____/____/____ SSN ____-____-____ RACE _____
 SEX ☐ M ☐ F

Authorized by (signature): _____ Date ____/____/____

Judge/Magistrate (circle one)