

ATTENTION

**IF YOU ARE A FEMALE VICTIM OF DOMESTIC
VIOLENCE**

“OR”

**IF YOU HAVE A CHILD BY THE PERSON WITH WHOM
YOU
WANT THE CIVIL PROTECTION ORDER AGAINST**

**PLEASE CALL CROSSROADS CRISIS CENTER AT
419-228-4357. THEY HAVE ADVOCATES WHO
SPECIALIZE IN THIS TYPE OF PROTECTION ORDER.**

Protection Order Guide

from Crime Victim Services; 419-222-8666 (not legal advice)

If you believe that you or a family/household member is a victim of domestic violence by another family/household member you may qualify to file a **Petition for a Domestic Violence Civil Protection Order** either on your own behalf or on behalf of any other family/household member who is a victim of domestic violence. Section 3113.31(A) of the Ohio Revised Code defines "family/household member" as follows:

- (3) "Family or household member" means any of the following:
- (a) Any of the following who is residing with or has resided with the respondent:
 - (i) A spouse, a person living as a spouse, or a former spouse of the respondent;
 - (ii) A parent or a child of the respondent or another person related by consanguinity or affinity to the respondent;
 - (iii) A parent or a child or a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.
 - (b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

Section 3113.31 (C) of the Ohio Revised Code provides that:

A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member. . .

If you are a female and you believe that you are a victim of domestic violence, you may call Crossroads Crisis Center in Lima at 419-228-4357 for a free appointment.

For circumstances other than domestic violence by a family member, you might be eligible to file a **Petition for a Civil Stalking or Sexually Oriented Offense Protection Order (CSSOOPO)** either on your own behalf or on behalf of any other family member in your home. In order for you to obtain a CSSOOPO Ohio law requires that there must have been:

Two or more events closely related in time that caused physical harm to you or significant mental distress to you.

- OR -

At least one incidence of sexual assault

Documentation, such as police reports and witnesses, will help support your request as a Petitioner for a SSOOPO. Incidents may include: assaults, abuse, threats, following, harassing, stalking, forcing sexual contact or other acts.

What do I have to do?

1) **Complete and sign** the “Civil Protection Order **Determination** Form”. You are the Petitioner, and you may include other members of your family to be protected in the order. If the individual who is most affected by the events is under the age of 18, a parent or guardian must file on his or her behalf. However, if more than one person committed such acts against you, you must complete a separate Intake Sheet and Petition for each person. You must include the full name and address of the Respondent. If the Respondent is under the age of 18, cite the parent’s name, if known, e.g., “Johnny Smith, a minor, by and through, James Smith.”

2) Take the completed Determination Form to the Allen County Clerk’s Office on the **2nd floor of the old courthouse** at 301 N. Main St. (corner of W. North & N. Main Streets), Lima, Ohio. There is a map enclosed. Enter off Main Street.

3) A Deputy Clerk will provide you with the appropriate Petition. You will then be given the date and time for an **Ex Parte (emergency) Hearing, usually held the same day or within a few days**. The Deputy Clerk will direct you to the appropriate Courtroom..

4) At the Ex Parte Hearing you are the Petitioner, and you must be present to give **testimony to the Judge explaining why you need a Protection Order** against the Respondent. The Respondent will not be present at this hearing.

5) If the Court grants the Ex Parte (emergency) Protection Order, the Court will **schedule a Full Hearing to be held within about ten (10) days**, and you must be present at this hearing. At the Full Hearing both parties will be given an opportunity to present their testimony, witnesses, and other evidence to prove or disprove the allegations of stalking or sexual offense.

6) **Even though an attorney is not required, it is strongly recommended that you have an attorney to represent you** during the Full Hearing. You may select any attorney to help you. The following options may be helpful:

√ If you already have an attorney you may want to call them for help in this matter. **If you do NOT have a felony conviction** within the past 10 years, the Columbus-based Victims of Crime Compensation program may pay your attorney fees. The phone number is 1-877-584-2846. A downloadable application is available on their website: www.ohioattorneygeneral.gov.

√ If you do not have an attorney, you will find in this packet a list of attorneys who have told Crime Victim Services that they will assist people in these matters. These attorneys have agreed to bill the Victims Compensation Program first for your fees. If you are ineligible to have your fees paid by the Program, please ask your attorney how the matter will be handled.

7) If the Court determines that a SSOOPO should be granted, it will be a valid order enforceable by any police and sheriff's department in the nation for the period of time the Judge chooses (maximum is for 5 years). It can be renewed every five years if there is sufficient evidence for the need of a Protection Order.

✓ The Respondent may be prohibited from owning or possessing a firearm for any reason while the Protection Order is valid, according to federal law. The respondent will be prohibited from acquiring or possessing a license to carry a concealed weapon.

✓ Keeping a Log / Diary may be helpful (see the sample). It is your record of when and what happened to cause you injury, fear and / or mental distress.

** Enclosed: 1) Determination Form; 2) Map; 3) Stalking brochure; 4) Sample Stalking Log / Diary 5) List of Attorneys

Effective March 1, 2020

CIVIL PROTECTION ORDER DETERMINATION FORM

Your Name

Person you want order against

Date of Birth

Person's Date of Birth

Street Address

Street Address

City, State, Zip

City, State, Zip

-
1. Do you and the other person have a child together: ☐ Yes /or/ ☐ No
 2. Have you and the other person had a relationship of a romantic or intimate nature within the last 12 months? ☐ Yes /or/ ☐ No

If either question 1 or 2 is answered yes, it is domestic, you need to complete paperwork for Domestic Violence Civil Protection Order (3113.31).

If the answers to questions 1 and 2 are both no, CONTINUE.

-
3. Do you live with the other person? ☐ Yes /or/ ☐ No
 4. Have you lived with the other person in the past? ☐ Yes /or/ ☐ No

If the answers to questions 3 and 4 are both no this is a stalking case, you need to complete the paperwork for a Civil Stalking Protection Order.

If EITHER questions 3 or 4 are answered yes, CONTINUE.

-
5. Is the other person your husband, wife or marital partner? ☐ Yes /or/ ☐ No
 6. Is the other person your **former** husband, wife or marital partner? ☐ Yes /or/ ☐ No
 7. Has the other person lived with you like a husband, wife or marital partner during the last five (5) years? ☐ Yes /or/ ☐ No
 8. Did you live with the other person in a common law marital relationship prior to October 10, 1991 even though you were not married? ☐ Yes /or/ ☐ No

9. Is the other person your mother or father? ☐ Yes /or/ ☐ No
10. Is the other person your son or daughter? ☐ Yes /or/ ☐ No
11. Is the other person your foster child? ☐ Yes /or/ ☐ No
12. Has the other person ever been your foster child? ☐ Yes /or/ ☐ No
13. Is the other person related to you? ☐ Yes /or/ ☐ No
14. Is the other person the mother or father of your husband, wife or marital partner? ☐ Yes /or/ ☐ No
15. Is the other person the mother or father of your **former** husband, wife or marital partner? ☐ Yes /or/ ☐ No
16. Is the other person the mother or father of a person who has lived with you like a husband, wife or marital partner during the last five years? ☐ Yes /or/ ☐ No
17. Is the other person the son or daughter of your husband, wife or marital partner? ☐ Yes /or/ ☐ No
18. Is the other person the son or daughter of your **former** husband, wife or marital partner? ☐ Yes /or/ ☐ No
19. Is the other person the son or daughter of a person who has lived with you like a husband, wife or marital partner during the last five years? ☐ Yes /or/ ☐ No

If the answers to **any** question 5 through 19 is also **YES**, you should complete paperwork for a Domestic Violence Civil Protection Order.

If **all** answers to question 5 through 19 are **NO**, you should complete paperwork for a Civil Stalking Protection Order.

Your Signature

Today's Date

Do not write above this line



Stalking Log/Diary

[illegible]

LIST OF ATTORNEYS

- 1) The attorneys listed below have indicated to Crime Victim Services that they would assist people in the following matters: Civil Protection Orders and Victims of Crime Compensation Applications.
- 2) It is advised that anyone wishing to file a petition for an ex-parte, contact an attorney prior to filing, if possible.
- 3) Crime Victim Services does not endorse any attorney.

Civil Protection Orders Only	
Mark E. Davis 2569 West Breese Road Lima, OH 45806 419-229-2022 Mark@Davislawllc.com	Carlene Huston-Kinworthy 565 Wakashan Trail Lima, OH 45805 419-234-4222
Civil Protection Orders and Victims of Crime Compensation	Victims of Crime Compensation Applications Only
Legal Aid of Western Ohio, Inc. 545 W. Market Street Lima, OH 45801 877-894-4599	Angela M. Elliott 121 West High Street, Suite 905 Lima, OH 45801 419-227-5858 amelliott@frvlimalaw.com
Carroll R. Creighton 121 West High Street, #1004 Lima, OH 45801 419-228-2091 carroll@ccreightonlaw.com	Michael Falleur 1625 Bethel Road, Suite 205 Columbus, OH 43220 614-326-1009 Fax: 614-326-1125 falleurlaw@aol.com
Jerome Doute 121 West High Street, #1004 Lima, OH 45801 419-228-2091 carroll@ccreightonlaw.com	C. Bradford Kelley 540 West Market Street Lima, OH 45801 419-223-3501 cbk@540westmarket.com
Linda Gabriele P.O. Box 735 Lima, OH 45802 419-371-1114 gabrielelaw272@gmail.com	Matthew M. Mitchell 540 West Market Street Lima, OH 45801 419-227-3423 mmm@540westmarket.com
Gregory J. Hermiller 1800 North Perry Street, Suite 104 Ottawa, OH 45875 419-523-6299 g.hermiller@hermillerlaw.com	Mark A. Van Dyne 121 West High Street, 9 th Floor Lima, OH 45801 419-227-5858 mavandyne@frvlimalaw.com
Clayton P. Osting 1101 Kriefft Street Delphos, OH 45833 Office: 419-695-8480 Cell: 419-296-3400 Fax: 419-695-5006	Robert Vaughn P.O. Box 191 South Charleston, OH 45368 937-360-6570 rvaughnlegal@yahoo.com

CRIME VICTIM SERVICES: COURT AND OTHER IMPORTANT LOCATIONS

- ### Important Locations

 - 1 Crime Victim Services
 - 2 Allen County Courthouse – Clerk's Office, Domestic Relations Court
 - 3 Allen County Justice Center and Sheriff's Department – Common Pleas Court (Felonies)
 - 4 Municipal Court, Police Department and Hall of Justice – City Prosecutor (Misdemeanors)
 - 5 Court of Appeals – Felony Prosecutor
- ### For Your Convenience

Restaurants

 - 1 Subway \$
 - 2 Joey's Submarines \$
 - 3 Kewpee \$
 - 4 McDonalds \$
 - 5 The Meeting Place \$\$
- #### Other

 - 6 Post Office
 - 7 Regional Transit Authority and Greyhound Bus Depot
 - 8 Rite Aid Pharmacy
 - 9 Veterans Memorial Civic and Convention Center

