

## Steps for obtaining a Civil Protection Order

1. Go to the Allen County Clerk of Courts Office (Room 209A) in the Courthouse on the corner of Main and North Street. You can download the Petition ahead of time by clicking: [www.sconet.state.oh.us/JCS/domesticViolence/protection\\_forms/stalkingForms/10.03D.pdf](http://www.sconet.state.oh.us/JCS/domesticViolence/protection_forms/stalkingForms/10.03D.pdf)
2. You must complete the Petition for Civil Stalking Protection setting forth the allegations and then sign the Petition in front of a Notary Public or Deputy Clerk.
3. Ex parte (emergency) hearings, if requested, are held by the Court (days and times to be determined by the Court). If you do not request an ex parte hearing, your Petition will be filed and the Court will send you an Assignment Notice with a hearing date and time.
4. It is recommended that you seek legal advice from an attorney at law to protect your rights, however you may proceed without one.
5. The following resources may be available to you:

Legal Aid 1-888-534-1432 [www.LegalAidLine.org](http://www.LegalAidLine.org)

Crime Victim Services 419-222-8666 <https://www.crimevictimservices.org/>

Crossroads Crisis Center 419-228-4357 <http://crossroadscrisiscenter.com/>

**IT IS RECOMMENDED THAT YOU VISIT THE CLERK OF COURT'S WEBSITE for more information regarding this process, including definitions, forms and Frequently Asked Questions. <https://clerkofcourts.allencountyohio.com/>**

**Please remember that the Clerk of Courts and Court personnel are prohibited by law from giving legal advice.**

**IF YOU ARE IN NEED OF A PROTECTION ORDER AND YOU:**

- ✓ HAVE A CHILD WITH THE OTHER PERSON
- ✓ HAVE BEEN MARRIED TO THE OTHER PERSON
- ✓ ARE FAMILY OR A MEMBER OF THE SAME HOUSEHOLD WITH THE OTHER PERSON

**REPORT TO THE CLERK OF COURT'S OFFICE ON THE SECOND FLOOR OF THE COURTHOUSE TO COMPLETE PAPERWORK FOR A \*DOMESTIC VIOLENCE PROTECTION ORDER\***

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**IF YOU ARE IN NEED OF A CIVIL STALKING PROTECTION ORDER AND YOU DO NOT HAVE A CHILD WITH THE OTHER PERSON, HAVE NOT BEEN MARRIED TO THE OTHER PERSON, ARE NOT FAMILY OR A MEMBER OF THE SAME HOUSEHOLD WITH THE OTHER PERSON YOU MUST:**

- ✓ LIVE IN ALLEN COUNTY
- ✓ BE FILING AGAINST SOMEONE WHO IS 18 YEARS OR OLDER
- ✓ HAVE HAD MORE THAN ONE INCIDENT OF THREATS AND/OR VIOLENT BEHAVIOR
- ✓ HAVE YOUR PHOTO IDENTIFICATION WITH YOU
- ✓ **YOU MUST KNOW THE OTHER PERSON'S PHYSICAL ADDRESS** (a Protection Order must be served upon the Respondent in order for it to be enforced)

**PETITION FORMS ARE AVAILABLE BY CLICKING ON THIS LINK:**

[http://www.sconet.state.oh.us/JCS/domesticViolence/protection\\_forms/stalkingForms/10.03D.pdf](http://www.sconet.state.oh.us/JCS/domesticViolence/protection_forms/stalkingForms/10.03D.pdf)

**THE COURT CANNOT HEAR YOUR REQUEST FOR A CIVIL STALKING PROTECTION ORDER IF ANY OF THE ABOVE ARE NOT TRUE. IF ALL OF THE ABOVE ARE TRUE, YOU MUST COMPLETE THE PETITION. THE PETITION MUST BE SIGNED IN THE PRESENCE OF A NOTARY.**

**THE CLERK OF COURTS STAFF AND COURT PERSONNEL ARE UNABLE TO GIVE LEGAL ADVICE AND CANNOT COMPLETE THE FORM FOR YOU.**

**FREQUENTLY ASKED QUESTIONS:**

**What is a Civil Stalking Protection Order?**

A Civil Stalking Protection Order is an order issued by the Allen County Court of Common Pleas that protects individuals from menacing by stalking. The Court is empowered to issue Civil Stalking Protection Orders by Ohio Revised Code §2903.214.

**Who can get a Civil Stalking Protection Order?**

Pursuant to Ohio Revised Code §2903.214, an individual may receive a Civil Stalking Protection Order from the court of common pleas of the county in which he or she resides. Therefore, a resident of Allen County can get a Civil Stalking Protection Order from the Allen County Court of Common Pleas, provided all of the requirements for the issuance of a Civil Stalking Protection Order have been met.

If an individual resides in a county other than Allen County but the events giving rise to the need for the protection order occur in Allen County, the individual still must seek a Civil Protection Order from the county in which he or she resides.

If the individual(s) against whom protection is sought is/are:

1. A family or household member (i.e., mother, father, stepparent, sister, brother, etc.)
2. The natural father or mother of the children of the individual seeking protection, or
3. If parental rights are implicated

Then the matter must be filed as a Domestic Violence Civil Protection case – You should report to the Clerk of Courts office at 301 N. Main Street, Lima OH

If the other person is under the age of 18, the matter must be filed in the Allen County Juvenile Court. You can reach the Juvenile Court at 419-227-5531.

**Can I get a Civil Stalking Protection Order for my child?**

Pursuant to Ohio Revised Code §2903.214(C), a person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court.

Accordingly, a parent may seek a protection order for his or her child; however, the order will be issued only if evidence of stalking indicates a pattern of conduct towards the child, or the person you are seeking protection from committed a sexually oriented offense against the child.

### **How much does a Civil Stalking Protection Order Cost?**

Ohio Revised Code §2903.214(J) prohibits a court from charging the person seeking a protection order: a fee, cost, deposit or money in connection with: the filing, issuance, registration, or service of a Civil Stalking Protection Order or consent agreement or for obtaining a certified copy of a Civil Stalking Protection Order or consent agreement.

### **Do I need an Attorney to petition for a Civil Stalking Protection Order?**

If you do not have an attorney, you may proceed without legal representation.

### **How do I get a Civil Stalking Protection Order?**

First, you must complete the Petition for Civil Stalking which is available by clicking:

[www.sconet.state.oh.us/JCS/domesticViolence/protection\\_forms/stalkingForms/10.03D.pdf](http://www.sconet.state.oh.us/JCS/domesticViolence/protection_forms/stalkingForms/10.03D.pdf)

or from the Clerk of Courts Office, 301 N. Main Street, Lima, OH.

### **THE PETITION MUST BE SIGNED IN THE PRESENCE OF A NOTARY.**

After a review of the petition, the court will hold an ex parte hearing if requested. Ex parte means only one party is present. Therefore, the ex parte hearing is between you, your attorney (if you have one) and a magistrate or judge. The individual whom you are seeking protection from will not be present at this hearing.

During the ex parte hearing, the magistrate/judge reviews the forms, asks questions of the petitioner and determines whether a temporary Civil Stalking Protection Order is warranted. This temporary order will be valid until the second hearing, known as an evidentiary hearing or full hearing.

Prior to the ex parte hearing, it is your responsibility to provide the court with a correct address of the person from whom you are seeking protection.

At the second hearing, both you and the person you are seeking protection from will be present. To obtain a Civil Stalking Protection Order you have the burden of proving by a preponderance of the evidence that the person you are seeking protection from

1. engaged in a pattern of conduct,
2. through this pattern of conduct the person knowingly caused you, and/or the person you are seeking protection for, to believe that the offender will cause physical harm or mental distress.

The presiding magistrate will make a determination as to whether a full Civil Stalking Protection Order is warranted. This decision is subject to approval by a judge.

### **How long are Civil Stalking Protection Orders valid?**

Based upon the evidence presented at the full evidentiary hearing, the Court can issue a Civil Stalking Protection Order for a maximum period of five years. Based upon the evidence presented, the Court will determine the appropriate length of the order. The order's expiration date will be clearly indicated in the order.

### **Can a Civil Stalking Order be renewed?**

A Civil Stalking Protection Order may be renewed. An individual seeking to renew a Civil Stalking Protection Order prior to the order's expiration date may file a motion with the Court for renewal. The Court will hold a hearing on the motion and the respondent will have the opportunity to be present. Based upon the evidence presented at the hearing, the Court will determine if a renewal is warranted. The Allen County Clerk of Court can provide a Motion for Modification form, which can be used to submit a motion to renew a Civil Stalking Protection Order to the Court.

If an individual seeks to renew a Civil Stalking Protection Order after the order has expired, the individual must file a new petition setting forth the reasons for the renewal. The Court will hold a hearing on the new petition and the respondent will have the opportunity to be present.

### **Can a Civil Stalking Order be dropped?**

The Allen County Court of Common Pleas takes the issuance of a Civil Stalking Protection Orders very seriously. Civil Stalking Protection Orders will only be dismissed upon a showing of good cause. An individual seeking to dismiss or "drop" a Civil Stalking Protection Order must file a motion with the Court setting forth the grounds for dismissal. If the Court finds that there is good cause to dismiss the petition, it may do so: or it may set a hearing on the matter.

The Allen Clerk of Court provides a motion form, which can be used to submit a motion to dismiss a Civil Stalking Protection Order to the Court.

If an individual wants to dismiss his or her petition for a Civil Stalking Protection Order prior to the full evidentiary hearing, he or she may do so by written motion filed with the Court or may orally make the request to the Court prior to the start of the hearing.

### **What do I do if someone is violating a Civil Stalking Protection Order?**

If you have a Civil Stalking Protection Order and the person against whom the order is issued violates the order, call the police (911) IMMEDIATELY.

Ohio Revised Code §2903.214(K) provides for criminal and civil contempt punishments for violators of Civil Stalking Protection Orders

### **I have been served notice of a Civil Stalking Protection Order hearing. What do I do?**

**DO NOT CONTACT THE PETITIONER.** It is likely that there is already a temporary protection order against you. This order is enforceable until the date of the evidentiary hearing for which you were notified. If you violate the temporary order you are subject to arrest and/or contempt of court sanctions.

You may agree to the terms of the issuance of the protection order. If you do not agree, during the evidentiary hearing you or your attorney may defend against the petitioner's claims. After both sides have presented their case the magistrate will determine whether a full Civil Stalking Protection Order is warranted. This determination is subject to a judge's approval.

**I have a Civil Stalking Protection Order issued against me and the petitioner is violating it. What can I do?**

Pursuant to Ohio Revised Code §2903.214(E)(3), a Civil Stalking Protection Order does not require a petitioner to do or refrain from doing an act, unless the respondent has filed a separate petition for a Civil Stalking Protection Order against the petitioner, and the Court has heard the matter.

If a Civil Stalking Protection Order has been issued against you, and the petitioner is engaging you in conduct, you may call the police to report such conduct. Additionally, if you believe that the petitioner is engaged in menacing by stalking against you, you may file for a Civil Stalking Protection Order against the petitioner.

Be advised that the petitioner cannot give you legal permission to violate a Civil Stalking Protection Order. If you go near the petitioner or any other protected person, even with their consent, YOU MAY BE ARRESTED.