

What is a Protection Order?

A protection order is a court order that can be a tool to increase safety for survivors of domestic violence, sexual violence, and stalking. Protection orders can be issued as part of a criminal prosecution for certain charged crimes.

Criminal protection orders last only through the criminal case and can end suddenly without warning. You can also seek a Civil Protection Order whether or not there is a criminal case. These can last much longer; up to five years and they can sometimes be renewed. If there is a criminal case pending, talk to an attorney before filing for a civil protection order because the civil filing may leave you with no protection and may impact the criminal case.

There are several kinds of civil protection orders available depending on your relationship with the person you need protection from and the type of violence that is occurring or has occurred. For more information on the types of protection orders available, which type(s) you may qualify for, and what relief they may offer, visit www.odvn.org/.

Is a Protection Order Right for Me?

Danger often increases once you begin to think about and take steps to separate or end a relationship with an abusive person. Protection orders can offer some protection, but they are no guarantee of safety. Filing for a protection order may also create other problems for you, especially if you: have children, have other legal issues, or have a difficult case for other reasons. For more information on the risks of filing for a protection order, visit www.odvn.org/.

It is important that you develop your own personalized safety plan with the help of a domestic violence advocate. You can find the closest program by calling 800-934-9840. You can also talk with a domestic violence advocate to explore whether a protection order is the right decision for you. Filing for a protection order without a safety plan and without legal advice may not make you safer, and could increase danger for you.

How to Get Legal Help

In most cases, especially if you have children or shared assets or debt with your abuser, it is really important to get an attorney before you file. Here are some ways to try to find an attorney and legal information:

- **Legal Aid Offices:** Call 866-lawohio (866-529-6446) or go to: www.ohiolegalhelp.org to find the legal aid office for your community. They may be able to provide you with an attorney free of charge.
- **Domestic Violence Programs:** There are programs available for survivors who need protection orders that may be able to provide you free legal services regardless of your income. Your local advocate should be able to help link you with these programs and the Crime Victim Compensation Program.
- **Pro Bono/Volunteer Attorneys:** Some communities have volunteer attorneys. If your advocate cannot refer you to a trusted attorney, you can contact your local Bar Association to see if a volunteer attorney can help you. If there is a law school near where you live, see if they have free legal help through a legal clinic.

Only an attorney can give you legal advice or help you present your case in court. An advocate can help you develop a personalized safety plan, which is an important part of any legal action you take.



What is a Protection Order?



The Ohio Domestic Violence Network (ODVN) is a statewide coalition of domestic violence programs, supportive agencies, and concerned individuals working together to stop domestic violence through education, information and training for those who are affected by domestic violence, and by promoting social and systems change.

This publication was supported by grant number 2019-VOCA-132133375 awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice, through the Ohio Attorney General's Office. Victims of federal crimes will be served.



How Can I Seek a Protection Order?

The process varies in each county. Contact your local domestic violence program to find out how the process works in your county. They may also be able to assist you in filing your petition for your protection order or help you find an attorney. An attorney is not required to file for a Protection Order, but the process can be complicated and it is always best to have an attorney. Especially if you have children with your abuser or have any other legal issue, you should talk to an attorney before you file. An attorney may be available to you free of charge, depending on your income, through your local legal aid or other pro bono (free) program. You may also get resources to pay an attorney, regardless of your income, through the Crime Victim Compensation Program. You can get the paperwork from the clerk of courts in the county where you will be filing. You can also download the forms from the Ohio Supreme Court website (www.supremecourt.ohio.gov/JCS/domesticviolence/default.asp). If you are using any websites in your process, be sure to use a computer your abuser cannot access, such as at the library or a trusted friend's computer.

How Does the Court Process Work?

Step 1: FILING—The victim or their attorney files a petition for the protection order. The petition should include a request that the court conduct an ex-parte hearing, if you need immediate protection.

Step 2: EX-PARTE HEARING—The Court holds an ex-parte hearing (meaning only one party is there) within a timeframe required by statute. For a CPO, it is the same day as the filing. For a Stalking and/or Sexually Oriented Offense Protection Order (SSOPO) or Juvenile Protection Order, it is the next court day following the filing. This is your opportunity to tell the judge why you need the immediate protection order and the judge decides whether or not to issue it.

Step 3: PAPERWORK SERVED—The respondent (the person you filed for protection from) is served with the notice for the full hearing, and the Protection Order (if it was issued at the ex-parte hearing.) This can be a more dangerous time and your safety plan should address your extra needs for safety during this time.

Step 4: FULL HEARING—The court has a full hearing usually within 7-10 days, which you must attend. Any of the following may happen:

- Respondent was served, does not appear—court may go ahead with the hearing.
- Respondent was NOT served—hearing will likely be rescheduled.
- Respondent appears and asks for a continuance—

court may reschedule the hearing

- Respondent appears and wants a hearing—court hearing may happen with you and respondent presenting testimony (making statements under oath) about what you put in your petition and anything else that the court allows (this may include custody and visitation of your children, drug use, living situations, etc).
- Respondent appears and wants to agree—both you and respondent can reach an agreement to a protection order. This is called a Consent Agreement.
- You need to be ready to go forward with a hearing on any date that the hearing is set, with your witnesses, evidence, and anything else you have prepared to present your case.

Step 5: COURT ORDERS—The court may issue an order at the time of the hearing or may wait to make an order that you will get in the mail. The orders can be powerful—including where respondent can be, who gets custody of the children, who can live in the house, and whether respondent can have access to firearms. A court order may also deny a protection order and make it more difficult for your safety in the future.

Keep your protection order with you at all times in case you need to call the police to enforce it. Provide copies of the order to other people who may need it, such as your child's school or your work.

Preparing for Court Before your Hearing

- Know how to get to the courthouse and park (if needed). Plan to be about 15 minutes early to any court hearing.
- A neat and clean appearance in court is important.
- Plan ahead with your advocate and attorney about where you can wait so that you do not have to interact with the respondent before, during, and after court. Seek help from court personnel if the respondent attempts any unwanted contact with you or if you need an escort to leave.
- Unless your children will give testimony, it is not a good idea to bring them to court. Make arrangements for childcare before court knowing that any court appearance may be short or last most of the day. Tell your advocate if you cannot find child care.
- Review and be familiar with what you filed and with your evidence before each court date. Be sure your witnesses are available and issue subpoenas if they are needed.
- You have the legal right to be accompanied by an advocate in the courtroom for all of your court dates.

- You have a right to a language interpreter provided by the court if you do not speak English or if you are deaf or hard of hearing. Let your advocate and the court know if you need an interpreter when you file and any time a court date is set. It is always best to have an attorney for these hearings.

Tips on Testifying

- Stick to the facts and answer only the question you are asked. If you need to provide more information, you may need to wait your turn again to speak.
- Speak loudly and clearly so the judge and the court reporter can hear you.
- Avoid using any words, such as legal or medical terms, if you don't know what they mean.
- Take your time when answering questions. If you don't understand a question or don't know the answer to it, say so. Do not answer any question until you fully understand what they are asking you.
- Be serious in the courtroom and always address the judge as "Your Honor."
- Respondent's attorney may say things that are upsetting or may even try to make you angry. Focus on staying calm. Ask the judge for a break if you need one.

What if My Protection Order is Violated?

Your protection order is enforceable wherever you go, even in other states. If your protection order is violated, talk with an advocate to revise your safety plan. In addition, you can also:

- Collect and save any evidence. This could include taking pictures of the abuser, their car, or damage done to property, or saving text or phone messages, social media posts, or emails.
- Call the police and ask them to enforce your protection order (by arresting the respondent). Violating a protection order can be a criminal offense. If you do call the police, do so as soon as possible during or after the violation. If they do not make an arrest, ask for a report to be taken.
- Talk to the prosecutor where your order was violated about filing a criminal charge.
- File a motion to have the respondent found in contempt of court in the original court that issued your protection order.

