Ohio Supreme Court Forms For

FILING FOR A DATING VIOLENCE CIVIL PROTECTION ORDER

<u>CAUTION</u>: Civil Protection Order cases affect important rights and involve difficult legal concepts, including custody. If you can afford an attorney, it would be reckless to proceed without one. You can contact your local Legal Aid office to determine if you are eligible for services.

Remember, the opposing party's attorney does not represent you and you should not rely upon them for advice or explanations.

This packet is designed to help someone interested in filing for a Dating Violence Civil Protection Order (Dating Violence CPO). This packet only provides the Ohio Supreme Court forms. You may need additional Ohio Supreme Court forms which can be found on its website:

https://www.supremecourt.ohio.gov/JCS/domesticViolence/protection_forms/DVForms/default.asp. You may also need local forms which you can find at your local law library and/or the Clerk of Court's office in your county's Court of Common Pleas.

Who Can File: You can file for a Dating Violence CPO if you are in or were in "dating relationship" with the other person. This relationship is defined by Ohio Revised Code § 3113.31(A)(8) and (9) as a romantic or intimate relationship between two adults that is ongoing or occurred in the past twelve (12) months. Typically, you file for this order if you have never resided with the other person and do not have a child with the other person. If you have shared a residence with the other person or share a child, a Domestic Violence Civil Protection Order may be more appropriate.

What To Prove: Typically, to receive a CPO you have to prove *recent* "domestic violence" as defined by Ohio Revised Code § 3113.31(A)(1), which includes any of the following:

- physical domestic violence
- direct threats of imminent physical harm
- stalking
- aggravated trespass
- any act that results in a child that has been abused; and/or sexually oriented offenses.

Where To File: In Ohio, you can file for a Dating Violence CPO (1) in the county you live in, (2) the county the other person lives in, or (3) a county you have fled to. You should file this packet in the county's Family Court/Domestic Relations Division, if it has one, or the Court of Common Pleas.

By providing these forms, the Legal Aid Society of Columbus and Southeastern Ohio Legal Services, and the attorneys who are on its staff, have **NOT** agreed to represent you and **will not** be available to answer your questions regarding these forms. If you need help, you should contact your local domestic violence shelter. You can locate your local shelter at https://www.odvn.org/find-help/.

Forms for a Dating Violence CPO					
Form Name	Purpose				
Petition for Dating Violence	This form is required. This form is used to explain to the Court that (1)				
Civil Protection Order (R.C.	you want a Dating Violence CPO, (2) why you think you need the Dating				
3113.31)	Violence CPO, and (3) what you are asking the Court to do.				
(10.01-P)					
Protection Order Notice to	This form is required in some courts, but not all. We suggest you				
NCIC	complete this form to the best of your ability and bring it with you to				
(10-A)	court in case it is required in your county.				
Information About Filing a	This form is not required to file. This is an informational pamphlet				
Domestic Violence or Dating	created by the Ohio Supreme Court explaining what a Dating Violence				
Violence Civil Protection	CPO is and when it is appropriate.				
Order					
(10.01-C)					
How to Complete a	This form is not required to file. This is an informational pamphlet				
Protection Order Notice to	created by the Ohio Supreme Court explaining what a NCIC is and how				
NCIC	to complete it for Court.				
(10-B)					

Ohio Legal Help has an online program that helps you complete these forms in certain situations. For assistance in completing these forms, you can go to https://www.ohiolegalhelp.org.

IN THE COURT OF COMMON PLEAS

		COUNTY, OHIO		
Petitioner		Case No.		
		Judge/Magistrate		
<u> </u>				
Address (Safe mailin	ng address)			
City, State, Zip Code)	PETITION FOR DATING VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)		
Date of Birth	11	· · · · · · · · · · · · · · · · · · ·		
v.		18:1		
		3		
Respondent				
Address (If home add	dress unknown, put wor	: k		
address)	, p	· ·		
City, State, Zip Code)	³		
		3		
Date of Birth	1 1			
CONFIDENTIAL, PL	EASE PUT A MAILING IT IN THE SECRETAR	U ARE ASKING FOR YOUR ADDRESS TO BE KEPT ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU Y OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, BIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.		
	witness needs a foreign	n language interpreter in		
	rican Sign Language int			
further requ	☐ do not want an ex pauests a full hearing trial not requested.	arte (emergency) protection order per R.C. 3113.31. Petitioner be scheduled, even if the ex parte protection order is granted,		
 I am filing the Petition because I am in fear of continuing danger. I was 18 years old or older when th violence took place, and I am or was in a dating relationship with Respondent within one year before the violence took place. 				
☐3. I have liste if you are	d below all family or hound to be detection not seeking protection	usehold members who need protection other than me (Leave blank n for other family or household members.)		
NAME	DATE OF BIRTH	RELATIONSHIP TO PETITIONER		

FORM 10.01-P: PETITION FOR DATING VIOLENCE CIVIL PROTECTION ORDER Adopted: April 15, 2021

[Page 2 of 5 of Form 10.01-P]

4. Respondent committed an act of violence against me.

5.	Respondent was 18 years old or older when the violence took place.
6.	I have or had a romantic or intimate relationship with the Respondent.
7.	My relationship with Respondent was neither a casual acquaintance nor an ordinary business or social relationship.
8.	You must describe the relationship with Respondent. You may include: (If you need more space, attach an additional page.) Whether you developed a special bond beyond a casual acquaintanceship or an ordinary business or social relationship Length of the relationship with Respondent Nature and frequency of contact with Respondent, including whether you had an intimate relationship with Respondent and communications that would show the relationship with Respondent was more than a casual acquaintanceship or an ordinary business or social relationship Expectations about the relationship with Respondent Statements or conduct by Respondent or you that could show to the Court the depth of or commitment to the relationship Any other reason or explanation to prove the dating relationship
9.	You must describe Respondent's threats or actions that made you afraid. When did it happen (if you do not know exact dates, give approximate dates)? Explain why you believe you are in danger. If you need more space, attach an additional page.
8	
38	
00	

[Page 3 of 5 of Form 10.01-P]

- 10. You may want to describe, **if you want and know**, about any of the following. Not describing these items in the Petition does not mean dating violence did not happen. **If you need more space, attach an additional page.**
 - Respondent's history of domestic violence or other violent acts
 - Respondent's history of violating court orders
 - Respondent's mental health
 - Respondent's threats to other persons
 - Respondent's access to deadly weapons, firearms, and ammunition or use of deadly weapons and acts or threats of violence with deadly weapon
 - Respondent's abuse of alcohol or controlled substances (drugs)
 - Respondent's violence resulted in serious physical injury, forced sex, strangulation (or choking), abuse during pregnancy, abuse of the family's pet, and/or forced entry to gain access to Petitioner or Petitioner's family and household members
 - Recent separation from Respondent or relationship was recently terminated
 - Respondent's obsessive and controlling behaviors, including stalking, spying, following, and/or isolating you (Petitioner)
 Respondent's threats to kill self or others
- 11. Petitioner further requests that the Court grant relief under R.C. 3113.31 to protect Petitioner and/or the family or household members named in this Petition from domestic violence by granting a civil protection order that: (Check all boxes that apply.) ☐a. Directs Respondent to not abuse Petitioner and the family or household members named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them. b. Directs Respondent to not enter, approach, or contact by any means the residence, school, business, and place of employment of Petitioner and the family or household members named in this Petition. Directs Respondent to not approach or have contact by any means with Petitioner and the family or household members named in this Petition. Directs Respondent to not remove, damage, hide, harm, or dispose of any companion animals or pets owned or possessed by Petitioner. e. Grants Petitioner permission to take Petitioner's pets or companion animals, as described below, away from the possession of Respondent: If. Directs Respondent to complete counseling, substance abuse counseling, or other treatment or

intervention as determined necessary by the Court.

[Page 4 of 5 of Form 10.01-P]

□g.	Directs the wireless service provider to separate Petitioner's account from Respondent's account, per R.C. 3113.45 to 3113.459. Petitioner will assume all financial responsibility for any costs associated with the wireless service number and any costs for the device associated with the wireless service number. The Respondent's billing telephone number is					
	Petitioner's contact information is on page 1 of this Petition. The wireless service numbers to be transferred to Petitioner which are used by Petitioner or the minor children in the care of Petitioner is:					
□h.	Includes the following additional provisions:					
12.		further requests that the unless all of the condition			orders against	
13.		further requests that if Po any Petitioner at all stag				
14.		further requests at the ex irt considers equitable a				
15.	oriented of	has listed court cases (ir fense, no contact order, nt which may relate to th	and protection order) an	nd other legal matters re	garding	
CASE	NAME	CASE NUMBER	COURT/COUNTY	TYPE OF CASE	RESULT OF CASE	
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SIGNAT	URE OF PE	TITIONER	DATE			
IF YOU	DO NOT HA	VE AN ATTORNEY, PL	EASE LEAVE THE INF	ORMATION BELOW B	LANK.	
Signatur	e of Attorney	1	Attorney	y's Registration Number		
Name of	Attorney	ti.	Attorney	y's Telephone		
Attorney	's Address		Attorney	/'s Fax	=======================================	
City, Sta	te, Zip Code		Attorney	Attorney's Email		

FORM 10.01-P: PETITION FOR DATING VIOLENCE CIVIL PROTECTION ORDER Adopted: April 15, 2021

IN THE COURT OF COMMON PLEAS

-	COUNTY, OHIO
Petitioner	Case No.
v ,	: Judge/Magistrate
Pagnandant	
Respondent	×
	EQUEST FOR SERVICE
TO THE CLERK OF COURT: Pursuant to Civ.R. 65.1(C)(2), please serve Regranted, and any other accompanying docume	espondent a copy of the Petition, ex parte protection order, if ents to the address below and as follows:
Personal service	☐ Certified Mail, Return Receipt Requested
_	
Other (address):	
Personal Service	Certified Mail, Return Receipt Requested
Other (specify)	
SPECIAL INSTRUCTIONS TO SHERIFF;	
	SIGNATURE OF ATTORNEY OR PETITIONER
	RETURN OF SERVICE
Respondent was served on	×
Officer and Badge Number	Law Enforcement Agency
Date	
CLERK	C'S CERTIFICATE OF MAILING
Service of Process was sent by	this day of
Attest:	Deputy Clerk
Attest.	boputy olotte

FORM 10.01-P: PETITION FOR DATING VIOLENCE CIVIL PROTECTION ORDER Adopted: April 15, 2021

Case/Order No.

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PROTE	CHONC	RDER NOTICE TO NO	ic (Required fields af	opear in boi	a print)				
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Pursua be pron	nt to Rul nptly ent	es 10.01, 10.02, 10.03, ered into the National	and 10.05 of the Rule Crime Information Ce	s of Superir enter index.	ntendence	e for the	Courts of	f Ohio, this infor	mation shall
	SUBJE	CT NAME							
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	ADDIK	(STREET)			(CITY))		(STA	TE) (ZIP)
	PHYSI	CAL DESCRIPTION:	HGT	WGT			HAIR	,	, , ,
			EYES				SEX	□M □F	-
	NUME	RICAL IDENTIFIER (NO	OTE: Only ONE of the	4 numerica	Identifie	rs is ne	eded.)		
	1.	SSN			2.	DOB	-		1
	3.*	DRIVER'S LIC, NO.			STATE		EX	PIRATION YR.	
	4.*	VEHICLE LIC. NO.			STATE		EX	PIRATION YR.	
	(* If #3	or #4 is used as a nume	erical identifier, entire li	ne MUST be	complete	d.)			
	Pursua	Y DISQUALIFIERS: ant to 18 U.S.C. 922(g)(using or possessing an							om
	■ Did	es the Order protect an ir the subject have notice Order?	ntimate partner or child of the hearing and opp	f(ren)? cortunity to pa	articipate i	n the he	aring regar	rding	S 🗆 NO
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		OF JUDGE/MAGISTRA					`		,
		OF ORDER R.C. 2919.26 AND 290	1	EXP	IRATION	OF ORI	DER		1
	□01	S AND CONDITIONS OF The subject is restrain protected person and/	ned from assaulting, thr for the child(ren) of the	eatening, ab protected pe	using, har erson.	<u> </u>		•	king the
	02	The subject shall not t		•	•	-		d.	
	□03 □04								
0115	□04 □0 <i>5</i>	The subject is required person or other family	or household member		•				·
OHP DATA	□05	The subject is restrain personal, written, or te communication would	elephone contact, or the	eir employer,	employee	es, or fel	d person, i low worker	including but not l rs, or others with	limited to, whom the
ONLY	□06	The subject has visitat	tion or custody rights o	of the child(re	n) named	in this C	Order.		
#EPO	□07	The subject is prohibit Miscellaneous Field.	ed from possessing an	nd/or purchas	ing a firea	ırm or ot	her weapo	n as identified in	the
	□08	See the Miscellaneous Miscellaneous comme		egarding the	specific te	erms and	d conditions	s of this Order.	
		-							
	□09	The protected person	is awarded temporary	exclusive cu	stody of th	e child(r	ren) named	ala a	

[Page 2 of 2 of Form 10-A]

PROTECTED PERSON						
	(LAST)		(FIRST)			(M.
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PROTECTED PERSON						
	(LAST)		(FIRST)			(M.
DOB/		SSN		+	RACE	•
SEX MM F						

FORM 10.01-C: INFORMATION ABOUT FILING A DOMESTIC VIOLENCE OR DATING VIOLENCE CIVIL PROTECTION ORDER PETITION

If you have any questions about completing the Petition for a Domestic Violence Civil Protection Order (Form 10.01-D) or the Dating Violence Civil Protection Order (Form 10.01-P), contact the local victim assistance program, domestic violence program, or Ohio Domestic Violence Network at 800-934-9840.

Neither the Clerk of Court's Office nor the local domestic violence program can give legal advice. If you need legal advice, talk to a lawyer. Only a lawyer can give you legal advice.

There is NO FEE for filing the Petition.

Once completed, take the Petition and other necessary documents to the Clerk of Court's Office.

If you want an emergency order, also known as an *Ex Parte* Protection Order, check "want" in paragraph 2 of the Petition.

The Court will consider your request for an Ex Parte Protection Order and may ask you questions.

Regardless if an Ex Parte Protection Order was requested, granted, or denied, a full hearing will be scheduled.

You must attend the full hearing. Your victim advocate may also be present at the hearing.

On the day of the full hearing, be prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) ask Respondent questions.

Respondent may be represented by a lawyer. You may represent yourself or ask for a continuance to obtain a lawyer. [R.C. 3113.31(D)(2)(a)(iii)]

Respondent or Respondent's lawyer may present evidence and ask you questions.

The Court cannot issue a protection order against you unless Respondent has filed a Petition.

DE	FINITIONS
Domestic Violence [R.C. 3113.31]	"Domestic violence" means the occurrence of one or more of the following acts against a family or household member or a person with whom Respondent has a dating relationship: attempting to cause or recklessly causing bodily injury; placing another person by the threat of force in fear of imminent serious physical harm or committing menacing by stalking or aggravated trespass; committing any act with respect to a child that would result in the child being an abused child, as defined [by law]; or committing a sexually oriented offense.
Person with Whom Respondent Is or Was in a Dating Relationship [R.C. 3113.31(A)(9)]	An adult who, at the time of the conduct in question, is in a dating relationship with Respondent who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with Respondent who also is an adult.
Dating Relationship [R.C. 3113.31(A)(8)]	A relationship between adults who have, or have had, a relationship of a romantic or intimate nature.

FORM 10.01-C: INFORMATION ABOUT FILING A DOMESTIC VIOLENCE OR A DATING VIOLENCE CIVIL PROTECTION ORDER PETITION

Amended: April 15, 2021

Discard all previous versions of this form

	"Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
Family or Household Member [R.C. 3113.31(A)(3)-(4)]	"Family or household member" means either of the following:
	(1) Any of the following who is residing with or has resided with Respondent, such as a spouse, a person living as a spouse, or a former spouse of Respondent; a parent, a foster parent, or a child of Respondent, or another person related by consanguinity or affinity (blood or marriage) to Respondent; a parent or a child of a spouse, person living as a spouse, or former spouse of Respondent, or another person related by consanguinity or affinity (blood or marriage) to a spouse, person living as a spouse, or former spouse of Respondent.
	(2) The natural parent of any child of whom Respondent is the other natural parent or is the putative other natural parent.
	"Person living as a spouse" means a person who is living or has lived with Respondent in a common law marital relationship, who otherwise is cohabiting with Respondent, or who otherwise has cohabited with Respondent within five years prior to the date of the alleged occurrence of the act in question.

FORM 10.01-C: INFORMATION ABOUT FILING A DOMESTIC VIOLENCE OR DATING VIOLENCE CIVIL PROTECTION ORDER PETITION

If you have any questions about completing the Petition for a Domestic Violence Civil Protection Order (Form 10.01-D) or the Dating Violence Civil Protection Order (Form 10.01-P), contact the local victim assistance program, domestic violence program, or Ohio Domestic Violence Network at 800-934-9840.

Neither the Clerk of Court's Office nor the local domestic violence program can give legal advice. If you need legal advice, talk to a lawyer. Only a lawyer can give you legal advice.

There is NO FEE for filing the Petition.

Once completed, take the Petition and other necessary documents to the Clerk of Court's Office.

If you want an emergency order, also known as an *Ex Parte* Protection Order, check "want" in paragraph 2 of the Petition.

The Court will consider your request for an Ex Parte Protection Order and may ask you questions.

Regardless if an Ex Parte Protection Order was requested, granted, or denied, a full hearing will be scheduled.

You must attend the full hearing. Your victim advocate may also be present at the hearing.

On the day of the full hearing, be prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) ask Respondent questions.

Respondent may be represented by a lawyer. You may represent yourself or ask for a continuance to obtain a lawyer. [R.C. 3113.31(D)(2)(a)(iii)]

Respondent or Respondent's lawyer may present evidence and ask you questions.

The Court cannot issue a protection order against you unless Respondent has filed a Petition.

DE	FINITIONS
Domestic Violence [R.C. 3113.31]	"Domestic violence" means the occurrence of one or more of the following acts against a family or household member or a person with whom Respondent has a dating relationship: attempting to cause or recklessly causing bodily injury; placing another person by the threat of force in fear of imminent serious physical harm or committing menacing by stalking or aggravated trespass; committing any act with respect to a child that would result in the child being an abused child, as defined [by law]; or committing a sexually oriented offense.
Person with Whom Respondent Is or Was in a Dating Relationship [R.C. 3113.31(A)(9)]	An adult who, at the time of the conduct in question, is in a dating relationship with Respondent who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with Respondent who also is an adult.
Dating Relationship [R.C. 3113.31(A)(8)]	A relationship between adults who have, or have had, a relationship of a romantic or intimate nature.

FORM 10.01-C: INFORMATION ABOUT FILING A DOMESTIC VIOLENCE OR A DATING VIOLENCE CIVIL PROTECTION ORDER PETITION

Amended: April 15, 2021

Discard all previous versions of this form

	"Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
Family or Household Member [R.C. 3113.31(A)(3)-(4)]	"Family or household member" means either of the following:
	(1) Any of the following who is residing with or has resided with Respondent, such as a spouse, a person living as a spouse, or a former spouse of Respondent; a parent, a foster parent, or a child of Respondent, or another person related by consanguinity or affinity (blood or marriage) to Respondent; a parent or a child of a spouse, person living as a spouse, or former spouse of Respondent, or another person related by consanguinity or affinity (blood or marriage) to a spouse, person living as a spouse, or former spouse of Respondent.
	(2) The natural parent of any child of whom Respondent is the other natural parent or is the putative other natural parent.
	"Person living as a spouse" means a person who is living or has lived with Respondent in a common law marital relationship, who otherwise is cohabiting with Respondent, or who otherwise has cohabited with Respondent within five years prior to the date of the alleged occurrence of the act in question.

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

Form 10-A, Protection Order Notice to NCIC, is the mechanism to enter protection orders or consent agreements into the FBI's National Crime Information Center ("NCIC") Protection Order file. Inaccurate or inconsistent information on Form 10-A will delay entering the court order into the NCIC index; result in improper enforcement of the order; and impermissibly allow or deny a person from owning, possessing, purchasing, or transporting firearms and ammunition. Form 10-A must be completed each time the court grants, approves, modifies, renews, or terminates a criminal or civil *ex parte* or full hearing protection order or consent agreement or otherwise makes a clerical correction on a previously issued order or agreement.

Courts are encouraged to verify that orders are timely entered.

ELEMENTS OF FORM 10-A

- (A) Although Form 10-A is the primary method to inform law enforcement of the terms and conditions of a protection order or consent agreement, it is not a substitution for a protection order or judgement entry.
- **(B)** The court must mark the appropriate box:

Initial NCIC Form: This box indicates the court is issuing a criminal or civil protection order or approving a consent agreement for the first time.

Amended NCIC Form: This box points out to law enforcement that the original terms of an existing protection order or consent agreement have been modified, including modifications due to clerical errors.

Removal from NCIC: This box notifies law enforcement that the protection order or consent agreement is no longer valid and the order must be removed from the NCIC protection order database active file, regardless of the reason.

Service Completed: This box is marked if the court has knowledge that service of process has been perfected as set forth in Civ.R. 65.1 and Crim.R.49. The protection order should be entered promptly regardless of service.

- **(C) NUMERICAL IDENTIFIER.** Although the FBI only requires one numerical identifier, the court should provide additional numerical identifiers, if available, to facilitate identification of the subject of the protection order.
- (D) BRADY DISQUALIFIERS. All of the following requirements must be met to result in firearms disability pursuant to 18 U.S.C. 922(g)(8):

Existence of an intimate relationship between the protected parties and Respondent or Defendant, i.e., spouse, former spouse, an individual who cohabits or has cohabited with Respondent or Defendant, and an individual who is a parent of a child of the Respondent or Defendant;

Respondent or Defendant had actual notice of the hearing and an opportunity to participate;

The court made a finding in the order that Respondent or Defendant poses a credible threat of harm or the order explicitly prohibits Respondent or Defendant from the use, attempted use, or threatened use of physical force against an intimate partner or child.

In addition to the firearms and ammunition prohibition per 18 U.S.C. 922(g)(8), a Respondent or Defendant may be firearms and ammunition disqualified as result of other circumstances, e.g., 18 U.S.C. 922(g)(1) through (9), state law, or a court order.

(E) DATE OF ORDER AND EXPIRATION OF ORDER. The NCIC protection order database will automatically render a record inactive on the order's expiration date. Protection orders issued pursuant to R.C. 2903.213

[Page 2 of 2 Form 10-B]

or 2919.26 may indicate "NONEXP." Upon disposition of the criminal case or the issuance of a civil protection order arising out of the same facts, the court must send to law enforcement another Form 10-A indicating Removal from the NCIC and state the expiration date of the order.

(F) TERMS OF ORDER. The court must check every box that corresponds to the terms of the protection order. Note that the numbering next to each term in Form 10-A does not correspond to the sequence of 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.

In every instance that the court changes a term of the protection order or consent agreement, e.g., divorce decree, custody order, continuance of hearing, or extension of the protection order, the court must submit Form 10-A or a form that is substantially similar, indicate the applicable terms to law enforcement and mark "Amended NCIC Form."

FORM 10-B: HOW TO COMPLETE A PROTECTION ORDER NOTICE TO NCIC Amended: April 15, 2021

Discard all previous versions of this form