Frequently Asked Questions about Domestic Abuse and Domestic Violence

It is important to understand the similarities and differences between “domestic abuse” and the legal definition of “domestic violence.” Understanding these terms will help you identify steps that you can take to ensure your safety and to help end the cycle of abuse.

What is domestic abuse?
The Ohio Domestic Violence Network (ODVN) has developed a helpful definition and explanation of abuse and the different ways that abuse arises in relationships. According to ODVN: “Domestic abuse is when your partner uses a pattern of coercive and assaultive behaviors to obtain power and control over you. The American Heritage Dictionary defines coercion as 'to force to act or think in a certain way by use of pressure, threats, or intimidation or to compel; to dominate, restrain, or control forcibly; and to bring about by force or threat.' While every relationship has its ups and downs, what makes a relationship abusive is the repeated and patterned behavior by a partner that attempts to control aspects of the other person’s life through manipulation, fear, bullying, and multiple other coercive tactics. In some abusive relationships, the abusive person physically or sexually assaults their partner, though this is not always the case. In other cases, the abusive individual primarily uses emotional abuse (such as name calling, isolating from friends and family, making you feel bad about yourself), intimidation (such as threats, scary looks, throwing things, or invading personal space to scare you), economic abuse (such as controlling money, not providing proper economic support for children, not giving their partner access to funds), and/or restricting choices and options to obtain and maintain power and control. You might feel as if you aren’t allowed to make your own decisions or decide where you want to go and who you want to talk to. You may feel as if you can only respond to your partner in certain ways, and sometimes you partner blames you for his misbehavior. Often when you resist the ways in which your partner tries to control you, the abuse gets worse, forcing you into an extremely difficult situation with no easy solutions.”

“Domestic abuse impacts individuals of all ethnicities, races, ages, educational levels, religions, and sexual orientations. Women are overwhelmingly the victims of abuse (with 85-90% of victims of domestic abuse being women abused by male partners), but men can also be victims of abuse by male or female partners and domestic abuse also occurs in same-sex relationships. A partner’s decision to use abusive tactics in a relationship is often hard to identify and notice at first. Abusive individuals are known to be extremely manipulative and in many cases are kind, attentive, and charming when a relationship begins. Often abusive behaviors, such as possessiveness (disguised as
lots of attention) and jealously (portrayed as a caring concern for their partner), appear to be flattering in the early stages of a new relationship. In many cases, abuse becomes worse once the victim has developed emotional, economic, or social ties to the abuser that make leaving the relationship more difficult. Each individual's experience with domestic violence is unique, so there is no “one way” an abusive relationship should look. But many of the tactics that abusive people use are similar, due to the fact that they are very effective tools to control and dominate others."

“The Power and Control Wheel, developed by survivors of domestic abuse in 1984, portrays the different tactics that perpetrators of domestic violence use in their relationship to obtain power and control. "Power and control" is at the center of the wheel because this is what your partner is trying to obtain. Sexual and physical violence are listed on the “tire” of the wheel because they are tactics used more intermittently to keep the dynamic in place. Listed below are eight separate tactics that work very effectively to control a person. You might have experienced some or all of these tactics. Some examples of how the tactics are used are listed below, but know that there are many more ways in which abusers use these tactics: Emotional Abuse: putdowns, name calling, making you think you are crazy, playing mind games
Isolation: Preventing you from seeing family and friends, controlling what you do or who you talk to
Intimidation: Scary looks, actions or gestures, destroying property, abusing pets, displaying weapons
Using coercion and threats: threatening to leave, hurt their partner, or hurt themselves, coercing you into doing things you don’t want to do, threatening to ruin your reputation
Using economic abuse: Controlling all of the money, ruining credit, giving an allowance, sabotaging your finances
Using male privilege: treating you like a servant, making all of the big decisions, being the “master of the castle”, having different rules for you than your partner has for himself
Using children: threatening to take the children away, being emotionally abusive in front of the children, teaching the children to not respect you
Minimizing, denying and blaming: not taking abuse seriously, blaming abusive behavior on the you, telling you everything is your fault
If your partner is successful in obtaining power and control over you using the above tactics, he might not decide to use physical or sexual violence in the relationship. Most of the tactics listed above do not currently meet the criminal threshold for what is considered to be domestic violence, but that does not make these tactics any less frightening, damaging or hurtful. In addition, your partner may sexually assault or coerce you (such as constant demand for sex, making your partner do something sexually they don’t want to do), and use physical force (such as pushing, slapping, hitting, kicking, biting, or beating you up) in your relationship. These particularly frightening attacks often show you that your partner is willing to use physical or sexual force, which makes threats and intimidation in future cases often just as powerful and frightening as physical assault or sexual assault.”

Quoting from: https://www.odvn.org/for-survivors/what-is-abuse/

What is domestic violence?
“Domestic violence” is a legal term that is defined by Ohio Revised Code 3113.31. This statute explains when someone might be able to obtain a protection order (sometimes
referred to as a “restraining order”). Domestic violence is defined as: “[T]he occurrence of one or more of the following acts against a family or household member:

- 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 a violation of section 2903.211 [menacing by stalking] or 2911.211 [criminal trespass] of the Revised Code;
- Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;
- Committing a sexually oriented offense.”

As you can see, the term “domestic abuse” is broader than the legal term “domestic violence” used for granting protection orders. Therefore, not all victims of domestic abuse will be able to qualify for protection orders. That is why it is important for victims of domestic abuse to seek supportive services to help them understand their legal and non-legal options for ending abusive relationships.

**What legal options do I have to protect myself from domestic violence?**

There are different ways that one may be able to seek protection from domestic violence. Many people refer to these legal options generally as “restraining orders,” but there are different kinds. The following are different types of court orders in criminal and civil (non-criminal) cases:

**A. Criminal:** Defendant-abuser has been charged with a crime, and prosecutor pursues the case.

1. **Stay Away Orders:** These are general provisions requiring the defendant to stay away from the victim. These “stay away” provisions are usually a condition of bond while the case is pending, or a condition of probation after the criminal case concludes. If the defendant violates this provision, they will probably not be subject to immediate arrest unless there is another order (see below). If there is only a “stay away” provision, then this will likely result in a bond revocation or probation revocation.

2. **Temporary Protection Order (TPO):** A temporary protection order (TPO) issued in a criminal case is an order requiring the defendant to stay away from the victim that lasts for the length of the criminal case, and that subjects the criminal defendant to immediate arrest if it is violated. In order to qualify for a TPO, there must be some relationship between defendant and victim: family or household member, child in common, or other cohabitating type of relationship. Most of the time, the victim should attend the arraignment hearing (where the defendant formally hears the charges filed) in order to get a TPO; however, one can be granted at later stages in the case. Even though the TPO expires at the conclusion of the criminal case, a limited “stay away” order will likely be part of the defendant’s sentencing order.

3. **Post-Conviction No Contact Orders:** At the conclusion of the case, a victim can request the criminal court to issue a post-conviction no contact order.
This type of order is an enforceable order which may lead to arrest or revocation of probation if violated.

B. Civil: Non-criminal proceeding. Victim or survivor, not the prosecutor, initiates this case.

1. Domestic Violence Civil Protection Order (DVCPO): DVCPOs are available to victims against family or household members as part of a civil legal proceeding that does not involve prosecutors or the criminal justice system. Rather, this is the type of case that is started by the individual victim or survivor. R.C. 3113.31 establishes the rules for these types of orders. See below for additional information.

2. Civil Stalking and Sexually-Oriented Offense Protection Orders (SSOOPO): These orders are usually reserved for non-family members and situations where there is not “domestic violence.” For stalking, the victim or “petitioner” needs to show: (a) that the other person (the “respondent”) engaged in a pattern of conduct; and (b) a fear that defendant may cause harm, or defendant has caused mental distress. For sexually-oriented offenses, the petitioner needs to show that the respondent engaged in one of the sexually-oriented offenses defined by the statute.

3. Dating Violence Protection Order (DTCPO): These protection orders can be used when someone doesn’t meet the definition of family or household member for a DVCPO. In dating violence orders, the current forms require the victim to state that they were in a “romantic or intimate” relationship that was more than a “casual acquaintance” or “ordinary business or social” relationship.

What is the process for obtaining a Civil Protection Order (CPO)?

In order to start the CPO process, the victim or survivor must file a “petition,” which is similar to a complaint, in common pleas court. The victim is referred to as the “petitioner” and the abuser is referred to as the “respondent.” The petition is a form established by the Supreme Court of Ohio and is readily-available on its website and at many courthouses. The victim will need to state some of the reasons why the victim needs a protection order. For many victims, this will include a description of the defendant’s abusive behaviors. The Court conducts an immediate “ex parte” hearing. This is a hearing where only the petitioner/victim is present. At this hearing, the court determines whether it will grant a temporary “ex parte” CPO until the case can be scheduled for a full hearing.

Regardless of whether the court grants the ex parte CPO, the court will schedule the case for a full hearing, where both the petitioner and respondent present their evidence. This hearing is scheduled in approximately 7-10 days. In order for the court to conduct the full hearing, the respondent must be served with a copy of the petition, and the ex parte CPO (if one is issued). Sometimes, a petitioner and a respondent may agree to the protection order by consenting to a protection order without the need for a hearing.
In what county can I file a CPO?
A CPO can be filed where the petitioner resides or is temporarily residing. Sometimes, a victim may flee from their usual place of residence, and temporarily reside in a different county. The victim can file in the county in which they are temporarily residing. A CPO can also be filed in the county where the respondent resides, or the county where the violence occurred.

What do I need to prove in order to obtain a Domestic Violence CPO (DVCPO)?

In order to obtain a domestic violence CPO, a petitioner will need to show all of the following:

1. That the respondent is a family or household member. This could include having a child in common or have another type of cohabitating relationship; this does not need to be a current cohabitation. AND

2. That the respondent committed an act of domestic violence. Under R.C. 3113.31, domestic violence is defined as:
   - 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 a violation of section 2903.211 [menacing by stalking] or 2911.211 [criminal trespass] of the Revised Code;
   - Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code; or
   - Committing a sexually oriented offense. AND

3. Fear that respondent can cause imminent/immediate harm. This third requirement is most important at the ex parte hearing, but it is still something that the petitioner should demonstrate at the final hearing, regardless of the type of violent act that was committed, in order to increase the chances of obtaining a protection order.

How can I prove to the court what happened to me? Do I need to have physical injuries to obtain a CPO?
There is no one right way for a victim to present their story to the court, and the type of information that a victim presents may depend on what happened. A victim can provide their own testimony or statement; sometimes, a victim may decide not to testify because
they have other evidence. A victim could present photos of injuries, or testimony of a friend or neighbor who witnessed something or heard something directly. Sometimes, victims present medical records. If an abuser sent threatening emails or text messages, victims may present copies of these records. These are just some examples of helpful evidence. However, victims do NOT need to have physical injuries, photos of physical injuries, or police reports in order to obtain a CPO. While those facts and reports may be helpful for the victim’s case, they are not required.

**What type of relief can I get in a Domestic Violence CPO?**
The most common provision in a domestic violence CPO is an order requiring the respondent to stay away from the victim, and the victim’s residence, place of employment, or school; this also includes restricting communication, such as phone, letters, email or other electronic communication. It also prevents someone else from doing things on the respondent’s behalf that the respondent is prohibited from doing. For example, the respondent’s brother cannot pass a message from the respondent to the victim. In addition, a CPO can:

1. Protect other family and household members;
2. Provide an award of temporary custody and temporary financial support;
3. Grant petitioner exclusive use of a residence, and exclude the respondent from the residence;
4. Divide household goods and furnishings; or
5. Require the respondent to allow the petitioner to use a motor vehicle.

**How long can a CPO last?**
A CPO can last up to 5 years from the date it is issued.

**Do I need an attorney to file for a CPO?**
No, a petitioner can file a petition for a CPO on their own. However, there are various resources for legal representation, including The Legal Aid Society, and Capital University Law School, which has attorneys based at the court in Franklin County. In addition, petitioners may be able to find private attorneys who can take cases at no cost to the petitioner; the attorney then receives fees from the Ohio Attorney General, or other agencies such as Ohio Domestic Violence Network. If you cannot afford an attorney, contact your local legal aid office at 866-LAWOHIO (toll free), bar association, or the Ohio Domestic Violence Network at 800-934-9840, for information on low cost or free legal representation.

**Are there any costs for filing a CPO case?**
No, the petitioner does not incur any fees or costs for any part of a CPO case, even if the case is dismissed. The petitioner’s income does not matter. NO petitioners are charged court fees or costs for a CPO, regardless of income.
I do not want my abuser to know where I am living. Can I keep my address confidential?
Yes. A petitioner can keep their address confidential and does not need to disclose their address on the petition. Sometimes, petitioner may use a P.O. Box, a family member’s address, or an address of an attorney. Also, some individuals may qualify for a confidential address through the Safe at Home program administered by the Ohio Secretary of State: [https://www.ohiosos.gov/secretary-office/office-initiatives/safe-at-home/](https://www.ohiosos.gov/secretary-office/office-initiatives/safe-at-home/)

I have a temporary ex parte order, but I can’t get my abuser “served.” Is my order valid? What happens next?
The order is valid, but the respondent may not face criminal charges for not following the CPO if the respondent is not served with the CPO. If the respondent is doing something that would otherwise violate the terms of the order, the petitioner should still immediately contact law enforcement to complete a report. In order to proceed at a full hearing and to get a longer order, the petitioner must be able to serve the respondent. Each court handles these situations slightly differently, but there may be opportunities to serve through “publication” if the respondent can not be located or is deliberately avoiding service.

What happens if I have a CPO and my abuser violates its terms?
If a respondent violates the terms of a protection order, the respondent can face criminal charges for violating the CPO. A petitioner should immediately contact law enforcement to complete a report. This will help ensure that the respondent is charged for violating the terms of the CPO.

If I obtain a CPO after a full hearing or by consent, can it be modified?
Yes. At any point after a valid protection order has been issued, either the petitioner or respondent may file a motion to modify the terms of the CPO, or they may file a motion to terminate the CPO. The court reviews different circumstances depending on the type of request that is made. When deciding whether to modify or terminate, the court should review the history of abuse, petitioner’s fear of the respondent, compliance with the terms of the order, and other relevant factors.

I am in the middle of a divorce from my spouse, and I received a Temporary Restraining Order (TRO). Is this the same thing as a CPO?
No. A TRO may contain provisions that a spouse can not harm or harass the other spouse, but it is not a CPO. The TRO only lasts for the length of the divorce case, and a spouse will not be subject to criminal charges for violating the terms of the TRO (they may be in “contempt” for violating the order, but law enforcement is not involved in enforcing or prosecuting).

Where can I find these different protection order forms?
Courts should have these forms available in person or online. They are also accessible at: [https://www.supremecourt.ohio.gov/forms/all-forms/protection-order/2](https://www.supremecourt.ohio.gov/forms/all-forms/protection-order/2)

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