

ADULT PROTECTION ORDER COMPARISON

	Domestic Violence Temporary Protection Order (DVTPO) O.R.C. §2919.26	Civil Protection Order (CPO) O.R.C. §3113.31	Criminal Protection Order (CRPO) O.R.C. §2903.213	Stalking And/Or Sexually Oriented Offense Protection Order (SSOOPO) O.R.C. §2903.214
WHEN AVAILABLE	On filing of complaint for any offense of violence (see O.R.C. §2901.01(A)(9)), any sexually oriented offense (see O.R.C. §2950.01), Criminal Damaging or Endangering, Criminal Mischief, Burglary, or Aggravated Trespass ONLY if victim was a family or household member at time of the offense.	When a person has committed or attempted to commit an act of Domestic Violence, Menacing by Stalking, Aggravated Trespass, or a sexually oriented offense <u>against a family or household member</u> or who has committed an act that would result in a <u>family or household member</u> being an abused child (see O.R.C. 2151.031).	If charges filed for Felonious Assault, Aggravated Assault, Assault, Aggravated Menacing, Menacing by Stalking, Menacing, Aggravated Trespass, or any sexually oriented offense ONLY if victim was NOT a family or household member at time of the offense	When a person has engaged in Menacing by Stalking or a sexually oriented offense against any other person (<u>whether or not victim is or was a family or household member</u>)
WHO MAY REQUEST	Complainant OR victim of criminal offense OR a family or household member of the alleged victim OR the arresting officer if victim is unable	Any person or a parent or adult household member on behalf of any other family or household member	Complainant OR victim of criminal offense or a family or household member of the alleged victim	Any person or a parent or adult household member on behalf of any other family or household member
WHERE FILED	Court with jurisdiction over criminal charge	Domestic Relations Court	Court with jurisdiction over criminal charge	Common Pleas Court (General Division) where person(s) to be protected reside(s).
TERMS	“(Any) terms designed to ensure the safety and protection of the complainant, alleged victim, or (other) family or household member “ of the defendant. No order can be waived or nullified by reason of the consent or invitation of the victim or a family or household member. Per 18 U.S.C.A. §922(g)(8) defendant cannot have weapon. If defendant is bound over from a municipal or county court to a common pleas court, the municipal or county court shall order a copy delivered to that common pleas court.	“[A]ny ... orders ... necessary to protect the family or household member[s] from domestic violence” or “to protect the petitioner or victim from a sexually oriented offense.” No order can be waived or nullified by reason of the consent or invitation of the victim or a family or household member. Court may issue custody or support orders as part of CPO – ONLY those portions of a CPO terminate upon Juvenile or Domestic Relations court issuing subsequent custody or support orders. If victim or child is subject of visitation order, court may require public children services agency to supervise visitation for up to 9 months. Respondent shall, if not indigent, reimburse agency for costs.	“(Any) terms designed to ensure the safety and protection of the complainant[.]” No order can be waived or nullified by reason of the consent or invitation of the victim or a family or household member. If defendant is bound over from a municipal or county court to a common pleas court, the municipal or county court shall order a copy delivered to that common pleas court.	“Any ... orders ... that the Court finds necessary for the safety and protection” of the person(s) protected by the order No order can be waived or nullified by reason of the consent or invitation of the victim or a family or household member. A petitioner may request that the respondent be electronically monitored. After a full hearing on a monitoring request, or upon the court’s own motion, the court may order that the respondent be electronically monitored up to the expiration of the protection order. The terms and conditions of the electronic monitoring are determined by the court.
PROCEDURE	Hearing no later than 24 hours after filing. Person requesting order or (if person requesting order is unable to appear due to medical condition from offense) a representative must appear in court Court may on its own motion issue ex parte order – must then hold hearing in presence of defendant no later than next court day after arrest or appearance pursuant to summons No filing fee may be charged. Court shall direct that a copy of order be delivered to defendant on same day order is entered.	Ex parte hearing held same day as filing of petition. Full hearing within 7 court days of ex parte hearing if defendant is ordered evicted or victim granted sole possession of residence, otherwise 10 court days; defendant must have notice and opportunity to be heard. Full hearing may be continued to a “reasonable time” if defendant not served, parties consent, needed to obtain counsel, or “other good cause.” No filing fee may be charged. Court shall direct that a copy of order be delivered to defendant on same day order is entered.	Hearing no later than next court day after filing. Person requesting order must appear in court. Court may on its own motion issue ex parte order – must then hold hearing no later than next court day. No filing fee may be charged. Court shall direct that a copy of order be delivered to defendant on same day order is entered.	Ex parte hearing no later than next court day after petition filed. Full hearing within 10 court days of ex parte hearing; defendant must have notice and opportunity to be heard. Full hearing may be continued to a “reasonable time” if defendant not served, parties consent, a party needs to obtain counsel, or “other good cause.” No filing fee may be charged. Court shall direct that a copy of order be delivered to defendant on same day order is entered.
DURATION	Until underlying criminal charge is dismissed or defendant is sentenced OR victim is issued a CPO or consent agreement.	Up to 5 years from date of issuing order.	Until underlying criminal charge is dismissed or defendant is sentenced OR until victim obtains SSOOPO.	Up to 5 years from date of issuing order.
ENFORCEMENT	Law enforcement agencies shall maintain an index of all protection orders. Statewide enforcement by any law enforcement agency, whether or not order registered in that jurisdiction.	Law enforcement agencies shall maintain an index of all protection orders. Statewide enforcement by any law enforcement agency, whether or not order registered in that jurisdiction.	Law enforcement agencies shall maintain an index of all protection orders. Statewide enforcement by any law enforcement agency, whether or not order registered in that jurisdiction.	Law enforcement agencies shall maintain an index of all protection orders. Statewide enforcement by any law enforcement agency, whether or not order registered in that jurisdiction.
VIOLATION O.R.C. 2919.27	FIRST OFFENSE (M1) 1 PRIOR CONVICTION of violating an order issued pursuant to O.R.C. §2903.213 (CRPO) (F5) 1 PRIOR CONVICTION of violating an order issued pursuant to O.R.C. §2903.214 (SSOOPO) (F5) 2 OR MORE CONVICTIONS (if the prior convictions involved the same person subject to the current protection order) of: §2903.21(Aggravated Menacing), §2903.211 (Menacing by Stalking), §2903.22 (Menacing), §2911.211 (Aggravated Trespass) (F5) 1 OR MORE PRIOR CONVICTIONS OF O.R.C. §2919.27 (Violating Protection Order) (F5) VIOLATES PROTECTION ORDER WHILE COMMITTING A FELONY OFFENSE (F3)			