



# WARREN COUNTY COMMON PLEAS COURT

## GENERAL DIVISION

500 JUSTICE DRIVE, LEBANON, OHIO 45036

### CIVIL STALKING/SEXUALLY ORIENTED OFFENSE PROTECTION ORDER

#### 1. What is a Civil Stalking/Sexually Oriented Offense Protection Order (“CSPO”)?

- A CSPO is a court order directing an individual to not have contact with a person or persons. An order can ONLY be issued for Menacing by Stalking or a Sexually Oriented Offense as defined below:
  - Menacing by Stalking
    - No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. [R.C. 2903.211(A)(1)]
    - No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with the purpose to urge or incite another to commission a violation of R.C. 2903.211(A)(1). [R.C. 2903.211(A)(2)]
  - Sexually Oriented Offense
    - Sexually oriented offenses are defined in section 2950.01 of the Ohio Revised Code.

#### 2. What are the requirements to file in the General Division Court?

- To be eligible for a CSPO you must meet the following criteria:
  - You must be a Warren County resident.
  - You are not related by blood to the Respondent (the person you are filing against).
  - You do not currently live with (or have not lived with in the past five years) the Respondent.
  - You have never been married to the Respondent.
  - You have never had a child with the Respondent, whether you or not you have ever lived together.
  - Have been the victim of:
    - Two (2) or more incidents in which the Respondent caused you to believe that you were in danger; or
    - One (1) sexually oriented offense.
- If you do not satisfy these requirements, you may need to file a petition in the Warren County Domestic Relations Court.

**3. How much does it cost to file a petition?**

- There is NO FEE for the filing, issuance, registration, or service of a CSPO.

**4. Is a CSPO the same as a Criminal Protection Order?**

- A civil stalking protection order is different from a criminal protection order. A civil stalking protection order is not a criminal offense. However, an arrest and criminal charges can stem from violations of a civil stalking protection order. A criminal protection order is typically issued by the prosecutor's office in conjunction with a new or pending criminal charge.

**5. Do I have to provide my address to file for a CSPO?**

- Petitioners can ask that their current address be kept confidential. The Court must have an address in order to mail notices, but the Respondent (the person you are filing against) and the public will not have access to this information.

**6. I live in Warren County, but the incident occurred in another county. Where do I file?**

- Regardless of where the incident occurred, the petition must be filed in the petitioner's county of residence.

**7. Do I need to hire an attorney?**

- Either party may hire an attorney; however, it is not required. The Court has designed this process so that a party can complete the process without having to undergo the expense of hiring an attorney.

**8. Will the Court appoint an attorney for me?**

- The Court will not appoint an attorney for either party. There is no right to a court-appointed attorney in a civil proceeding.
- An exception may be made for a party deemed incompetent to represent themselves.

**9. Can I include my minor child or another adult on the petition?**

- Yes. Minor children and other adults who reside with you may be included as protected parties in your petition.
- If the offense is against the minor child, a parent or guardian may file on behalf of that minor. However, the order will only be issued if there is evidence of menacing by stalking or a sexually oriented offense against the child.

**10. What do I need to file?**

- Petitioners must be able to provide an address for the Respondent.
- It is also helpful to have the Respondent's date of birth, driver's license number, or social security number for identification purposes.

**11. What is the process for filing for a CSPO?**

- You must come in person to the Warren County Common Pleas Court, General Division at 500 Justice Drive, Lebanon, Ohio.
- You will be required to complete a petition with the Civil Stalking Assignment Commissioner.
  - The petition may be obtained via the Court's website and completed before arrival, or you may obtain a hard copy from the Court and complete the petition at the courthouse.

- Once completed, you will be directed to Hearing Room D where you will give testimony before a Magistrate.
- Petitions may be filed any time between 8:30 AM and 4:30 PM, Monday through Friday, however, hearings are only conducted at 10:00 AM.
- There is no cost to file a petition for a CSPO.

## **12. What happens at the *Ex Parte* Hearing?**

- You will be placed under oath and will need to explain to the Magistrate what the Respondent has done to make you fear that you (or your family) may be in danger.
- If the Magistrate determines that your situation meets the statutory requirements, she or he will issue a Temporary Protection Order (“TPO”). If the Magistrate does not believe your situation meets the statutory requirements, you will not be granted a TPO. You also have the right to waive the *Ex Parte* Hearing and not seek a TPO.
- Regardless of the outcome of the *Ex Parte* Hearing (granted, denied, or waived), a Full Hearing will be set within ten (10) business days., as the Respondent must be given an opportunity to respond to your allegations as relayed in the petition and your testimony.

*\*Please note that the Respondent will be notified that a petition has been filed against him/her whether the TPO is issued, denied, or waived.*

## **13. What happens at the Full Hearing?**

- The Magistrate will listen to evidence from both sides, if the Respondent appears, including the testimony of witnesses before making a decision in CSPO cases.
- Both you and the Respondent will have an opportunity to present witnesses, photographs, recordings, police reports, or other evidence that will support your respective versions of events.
- You may call the Respondent as a witness, and he/she may call you as a witness.
- The Court does not accept written statements, so all witnesses must appear in person.
- Any documents, pictures, printouts, etc. can be presented in court to use as exhibits. Any evidence located on a cell phone must be printed or submitted through an alternative format. Any evidence presented on a cell phone may require the phone to be confiscated at the end of the hearing as evidence.
- After all testimony has been given and all evidence presented, the Magistrate will decide whether you are entitled to a CSPO.

## **14. How long does a CSPO last?**

- A CSPO can be in effect for one to five years, as determined by the Court.
- A CSPO may be terminated prior to the expiration date through the Petitioner filing a motion with the Clerk’s Office to dismiss the CSPO. In most cases, the Magistrate will set a hearing on the motion in order to gather more information before vacating a CSPO.

## **15. What should I do if the Respondent violates the CSPO?**

- Violation of a CSPO is a crime in Ohio. If the Respondent violates the CSPO, you must contact local law enforcement, not the Court. The Respondent can be arrested if still in the area when police arrive.
- You cannot give the Respondent permission to violate the CSPO.
- If you are in immediate danger, call 911.

## **16. Can I object to the Magistrate's Decision?**

- Yes. Any objection of a Magistrate's Decision must be filed in writing within fourteen (14) days of the Court's file-stamped date on the order.
- When the written objection to a Magistrate's Decision has been filed with the Court, a submission date will be scheduled before the Judge to whom the case was originally assigned. You need to present all your arguments in writing, and you will not need to appear before the Judge on the submission date. If the Judge determines she or he would like a hearing, a hearing will be set at a later date.
- A transcript of the hearing before the Magistrate, from which the objection is being filed, is required by the Judge in order to review the decision made by the Magistrate. Instructions for obtaining a transcript can be obtained by calling the Court at (513) 695-1346. The cost of the transcript will be the responsibility of the person filing the objection.

***These guidelines are intended to help everyone present their case. This is not legal advice. You cannot ask the Magistrate, Court Administration, or the Clerk of Courts for legal advice or for help in filling out your CSPO Petition. If you feel you cannot present your case alone, you may hire an attorney at your expense.***

## FORM 10.03-G: INFORMATION ABOUT FILING A CIVIL STALKING PROTECTION ORDER AND A CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION ORDER

- If you have any questions about completing the Petition for a Civil Stalking Protection Order (CSPO) or a Civil Sexually Oriented Offense Protection Order (Form 10.03-D), contact the local victim assistance program, domestic violence program, or Ohio Domestic Violence Network at 800-934-9840.
- Neither judicial staff nor, the Clerk of Court's Office, nor a 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 Civil Stalking Assignment Commissioner.
- If you want an emergency order, also known as a Temporary Protection Order, check "want" in paragraph 2 of the Petition. The Court will consider your request for a Temporary Protection Order and may ask you questions.
- Regardless if an Temporary 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 ask for a continuance to obtain a lawyer per R.C. 2903.214(D)(2)(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.

### DEFINITIONS

**Menacing by Stalking**  
[R.C. 2903.211(A)(1)  
through (3)]

No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, or telecommunication device, shall post a message or use any intentionally written or verbal graphic gesture with purpose to (a) violate [this law] **OR** (b) urge or incite another to commit a violation of [this law]. No person, with a sexual motivation, shall violate [this law].

**Pattern of Conduct**  
[R.C. 2903.211(D)(1)]

Pattern of conduct means two or more actions or incidents closely related in time.

**Mental Distress**  
[R.C. 2903.211(D)(2)]

Mental distress means: (a) any mental illness or condition that involves some temporary substantial incapacity **OR** (b) any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, regardless if psychiatric treatment, psychological treatment, or other mental health services was requested or received.

**Sexually Oriented Offense**  
[R.C. 2950.01.]

Sexually oriented offenses are defined at R.C. 2950.01.