

**FORM 10.03-G:
HOW TO OBTAIN A PETITION FOR A
CIVIL STALKING PROTECTION ORDER
OR CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION ORDER**

These instructions are intended to assist you in preparing the Petition for a Civil Stalking Protection Order or Sexually Oriented Offense Protection Order, which can only be heard by the court of common pleas in your county. **Throughout the Petition, you (the party to be protected) are called *Petitioner* and the person you are filing this Petition against is called *Respondent*.**

SOME HINTS BEFORE YOU BEGIN

- All forms must be typed or printed.
- Write your name and the Respondent's name the same way throughout the Petition.
- When you print your name on the Petition, use the same name you use when you write your signature.
- Fill out the Petition as completely and accurately as possible.
- If you have any questions about completing the Petition contact your local domestic violence program or the Ohio Domestic Violence Network at 800-934-9840.

FILLING OUT THE PETITION: Mark each instruction below after you read and complete it.

- On the front page, leave the "Case No." line and "Judge/Magistrate" lines blank.** The Clerk of Court's office will fill in this information.
- On the top left-hand side of the front page, fill in the requested information about yourself.** If you want your address to remain confidential, do not write your address on the Petition. However, you must write another mailing address where you can safely receive notices from the Court.
- Also on the top left-hand side of the front page, fill in the requested information about Respondent as best you can.** You may use the Respondent's work address if you do not know the Respondent's home address. If you do not know Respondent's date of birth, leave that line blank. Do not attempt to obtain this information unless it is safe to do so.
- Paragraph 1:** If you are filing the Petition on behalf of yourself, mark the first box.
- Paragraph 2:** If you are filing the Petition on behalf of a family or household member, mark the box and fill in their name(s) and the other information requested in the chart. The Petitioner and the Respondent need not be related in any way for the Petitioner to obtain the protection order. You may attach additional pages if you need more room.
- Paragraph 3(a):** State the date(s) of the incident(s) that caused you to file the Petition. Exact date(s) is not necessary. Approximate time frame may be sufficient. If you are requesting a civil stalking protection order due to *menacing by stalking*, provide a brief description of the pattern of conduct (two or more instances) that caused you to believe that the Respondent will cause physical harm or cause mental distress to you or another family member. If you are aware of any prior convictions of the Respondent for *menacing by stalking* or similar offenses, or prior convictions of the Respondent for any *sexually oriented offenses*, list what information you know about those convictions. You may attach additional pages if you need more room to complete your description.
- Paragraph 3(b):** State the date(s) of the incident(s) that caused you to file the Petition. Exact date(s) is not necessary. Approximate time frame may be sufficient. If you are requesting a civil sexually oriented offense protection order due to a *sexually oriented offense*, you do not have to provide a description of a pattern of conduct. A brief description of what happened that caused you to request the protection order will be enough.

If you are aware of any prior convictions of the Respondent for *menacing by stalking* or similar offenses, or prior convictions of the Respondent for any *sexually oriented offenses*, list what information you know about those convictions. You may attach additional pages if you need more room to complete your description.

- Paragraph 3(c):** State the date(s) of the incident(s) that caused you to file the Petition and request electronic monitoring of the Respondent. Exact date(s) is not necessary. Approximate time frame may be sufficient. If you are requesting electronic monitoring of the Respondent, describe the nature and extent of the Respondent's conduct before the filing of this Petition that puts you or your family or household members' health, welfare, or safety at risk. Also describe how the Respondent presents a continuing danger to you or your family or household members.

See definition section on Offenses on the last page for the legal definition of *menacing by stalking* and *sexually oriented offense*.

- Paragraph 4:** Indicate the action you want the Court to take by marking the boxes next to the numbered paragraphs that apply to your situation.
- Paragraph 4(f):** Write any special court orders you believe would help protect you and your family or household members.
- Paragraph 5:** If you need an emergency ("*ex parte*") protection order, mark the box next to Paragraph 5.
- Paragraph 9:** List ALL present and pertinent past court cases or investigations that involve the Respondent. This includes all civil, criminal, divorce, custody, visitation, and any other case that may have a bearing on your or your family or household members' safety. Write the case name, the court, the case number, and the result of the case, if known. If the case is not over, write "pending". You may attach additional pages if you need more room.

SIGNING THE PETITION

Try to fill out the Petition before you go to the courthouse. **AFTER YOU HAVE FILLED OUT THE PETITION, TAKE THE PETITION TO A NOTARY PUBLIC TO HAVE YOUR SIGNATURE NOTARIZED. DO NOT SIGN THE PETITION UNLESS YOU ARE IN FRONT OF THE PERSON WHO WILL NOTARIZE THE PETITION FOR YOU.**

FILING THE PETITION

After you have your signature notarized, file your Petition at the Clerk of Court's office. The Clerk of Court's office will tell you when and where your *ex parte* hearing, if one has been requested, will take place.

FEES

You **cannot** be charged any costs or fees for filing, modifying, enforcing, dismissing, withdrawing, serving, or obtaining a protection order.

DISCOVERY

Unless you have received an order from the Court regarding discovery, you have no obligation to comply with a deposition notice, interrogatories, request for production of documents, physical or mental examination, or request for admissions.

If ordered, the Court will indicate each of the following:

1. The time and place where discovery will be held;
2. The name of persons who can be in the room during discovery, including a victim advocate;
3. The necessary terms and conditions to keep everyone safe, including keeping the Petitioner's address confidential.

Discovery must be completed prior to the full hearing.

OFFENSES

A Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order can **ONLY** be issued for specific behaviors listed 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 purpose to urge or incite another to commit a violation of division (A)(1) of this section. [R.C. 2903.211(A)(2)]

Sexually Oriented Offense

Sexually oriented offenses are defined in section 2950.01 of the Revised Code.