

CIVIL PROTECTION ORDER (CPO) FAQ

Frequently Asked Questions on Civil Protection Orders (CPOs)

GETTING STARTED

- **What is a CPO?**

CPO is short for Civil Protection Order. A CPO is a court order directing an individual not to have contact with and to stay away from another person based on a finding that domestic violence has occurred. CPOs are granted on physical harm and verbal threats of physical harm. CPOs are not granted solely on the basis of custody disputes, property damage, etc.

- **Who is eligible to request a CPO?**

Any person 18 years of age who lives in Montgomery County may seek a CPO on behalf of themselves and any other family or household member, or on behalf of a minor child. The respondent (the person the order is against) must also be at least 18 years of age.

- **Who can a CPO be filed against?**

The petitioner (the individual asking for a CPO) may file in the Montgomery County Domestic Relations Court against a family member or an intimate or sexual partner if the parties have lived together within the past 5 years. If there is not a blood-relative relationship or if the parties have not had a sexual relationship, the petitioner may seek an order out of the Montgomery County Common Pleas Court Civil Stalking Department at 41 N. Perry Street, Dayton, Ohio, Room 103.

- **How does someone get a CPO?**

The CPO process starts with the petitioner filing a written document called a petition with the Clerk of Courts. The petitioner asks that the Court order another person (the respondent) to stay away. The completed petition form must be signed by the petitioner in the presence of a notary public.

The case is heard the same day in a proceeding called an ex parte hearing. If the petitioner can prove that an order is legally proper, the court will issue an ex parte CPO directing the respondent to stay away. The ex parte hearing is held without the presence of the respondent. There are no court costs for the petitioner.

After the ex parte CPO is filed with the Clerk of Courts, the respondent will be served with a copy of the order. Both parties will be ordered to appear at a second, full hearing where the parties will present testimony as to whether a final order shall be issued.

- **What do I need to file a CPO?**

The petitioner will need completed CPO paperwork which can be found on the Montgomery County Domestic Relations Court website at www.mcoho.org/dr under the Forms tab, a photo ID (a CPO can be filed without a photo ID, but the petitioner will not receive a certified copy of the order), and an address where the respondent can be located. You will also need approximately 2 hours to complete the process.

- **Where do I go to file a CPO?**

Copies of the paperwork can be found online on the Montgomery County Domestic Relations Court website at www.mcoho.org/dr under the Forms tab or at the Montgomery County Domestic Relations Court, 301 W. Third Street, Dayton, Ohio, 2nd Floor.

SERVICE AND ADDRESSES

- **How does the respondent receive notice of a CPO case?**

It is the responsibility of the petitioner seeking the CPO to provide the court with a current address for the respondent. The Montgomery County Sheriff's Department will attempt to serve the respondent with a copy of an ex parte CPO within 24-48 hours. If the respondent is located out-of-county, this process will take longer.

- **What if I don't know the respondent's address?**

You must provide an address where respondent can be served. You can use a place of employment or a family member's address if there is a possibility that the respondent is there. If you don't have an address for the respondent, you can still file the CPO paperwork, but you will not receive a court order.

If there is no service (meaning the respondent cannot be located to be given a copy of the ex parte CPO), a full hearing may **not** take place.

- **Do I have to give my address to get a CPO?**

Yes, however you may ask that your current address be kept confidential. The court will have a record of where you live for mailing notices, but the respondent will not have access to that address.

- **How do I find out if the respondent has been served with a copy of the paperwork?**

You need to contact the Montgomery Clerk of Courts or the Montgomery County Sheriff's Office to check service.

HEARINGS

- **Where will the CPO hearing take place?**
Both the ex parte CPO hearing and the full hearing will take place at Montgomery County Domestic Relations Court, the 2nd Floor of 301 W. Third Street, Dayton, Ohio.
- **Who hears the CPO cases?**
CPO hearings are heard by magistrates of the Montgomery County Domestic Relations Court. One magistrate will hear the ex parte CPO hearing, and a different magistrate will be assigned to hear the full hearing.
- **When will the full hearing take place?**
At the time an ex parte CPO is issued, the court sets the case for a full hearing where both sides can be present to present their case. The full hearing is usually 10 to 14 days after the ex parte hearing. The respondent must be served and have notice of the full hearing prior to the hearing date. At the time of the full hearing, the court makes a decision based on all the evidence presented on whether or not to issue a final protection order.
- **Can I bring an attorney to a CPO hearing?**
Yes. Both the petitioner and respondent may bring attorneys to represent them; however, you may proceed without an attorney.
- **I can't afford an attorney. Will the court appoint or assign one to help with my case?**
No. CPO cases are civil, not criminal. There is no right to a court-appointed attorney in a civil proceeding. You should also note that the Prosecuting Attorney and Public Defender do not participate in CPO hearings. You may contact the Legal Aid Society of Dayton at 888-534-1432 or online at www.legalaidline.org to see if you meet their financial guidelines (restrictions that may apply).
- **Should I bring witnesses or evidence to a CPO hearing?**
You don't need any witnesses or evidence at the ex parte hearing when you file your paperwork, but you should bring witnesses and/or evidence to the full hearing. The court will listen to all the evidence from both sides including the testimony of witnesses before making a decision in the CPO case. Please note that any evidence you have will need to be presented as an exhibit, and the court will keep these exhibits. If you have text messages, voicemails, social media posts, etc. to present to the court, you should bring printouts, screen shots, or recordings that the court may keep.
- **How should I present my case?**
The court cannot give you legal advice or present your case for you. An outline for CPO courtroom procedure and etiquette can be found on the Montgomery County Domestic Relations Court website at www.mcoho.org/dr.

OTHER COMMON QUESTIONS

- **I live in Montgomery County, but the domestic violence occurred in a different county. Where do I file my CPO petition?**
You may file in Montgomery County. CPOs are typically filed in the petitioner's county of residence regardless of where the alleged domestic violence took place.
- **I live in another county, but the domestic violence occurred in Montgomery County. Where do I file my CPO petition?**
You may file in the county where you live. CPOs are typically filed in the petitioner's county of residence regardless of where the alleged domestic violence took place.
- **What will happen if the respondent doesn't show up for the full hearing? What if the petitioner doesn't show up for the full hearing?**
If the respondent doesn't show up for the full hearing but was served with a copy of the paperwork, the hearing may go forward. There will not be a warrant for the respondent's arrest because a CPO hearing is a civil matter, not criminal. If the petitioner doesn't show up for the full hearing, the court may contact the petitioner and allow them an additional 10 days to file a continuance for another court hearing. If no continuance is received, the case may be dismissed.
- **Will the respondent be arrested at the full hearing if a full order is granted?**
No. A CPO hearing is a civil matter, not criminal. No one is arrested at the hearing, no matter what the evidence. However, a violation of the CPO by the respondent after it is issued may result in arrest and criminal prosecution.
- **My protection order has been violated. What should I do?**
You may contact your local police department or sheriff, as a violation of a CPO may result in criminal charges.
- **How is a CPO dismissed or modified?**
Dismissal paperwork is located at the Montgomery County Domestic Relations Court, and you must appear in person to fill out the paperwork and have a short hearing with a magistrate before the case is dismissed. To modify a CPO, a motion must be filed with the court. This paperwork can be found on the Ohio Supreme Court's website or an attorney can file this paperwork for you. The matter will then be set for a hearing.
- **Can a CPO change a prior custody, parenting time, or support arrangement for minor children?**
No. Only the Domestic Relations Court or the Juvenile Court can change earlier custody, parenting, or support orders affecting the minor children. A CPO is not

an appropriate means to try and obtain custody or visitation of a minor child or children.

- **What if I have other questions about CPOs or my case?**

You may consult with an attorney of your choosing for legal questions about CPO hearings and your case. The court staff cannot give you legal advice.

- **Is there anyone I can contact for assistance or for a safe place to stay?**

You may contact the Artemis Center at (937) 461-4357 or the YWCA Battered Women's Shelter at (937) 461-5550.