

# How to File for a Civil Protection Order

Victims of domestic violence can file for a Civil Protection Order (CPO) with the help of an attorney, or without an attorney (also called “*pro se*”). It is more helpful to have an attorney. Legal Aid attorneys can assist victims who qualify for assistance. Phone the Legal Aid office in your county.

# What Happens when a CPO is Filed?

- A hearing will be held the day the CPO petition is filed with the Court.
- The abuser will not be present for the first hearing, also called an “ex parte” hearing. The petitioner (the person seeking the CPO) will be asked to tell the court about the most recent incidents of domestic violence. The court will then decide whether to grant the CPO.
- Once granted, obtain several certified copies of the CPO from the Clerk of Courts. Certified copies of the order are free. Having a certified copy of the order will help the police enforce the order if the abuser violates it.
- The second hearing, called the “full hearing,” will be held within seven to ten court days. The abuser will be notified and may be present for this hearing.

The Petitioner must be in court and must bring:

- Copies of any police reports
- Any records of medical treatment for the abuse
- Any records of the abuser’s prior convictions for domestic violence, or a crime of violence
- Anyone who witnessed the abuse

If the abuser does not agree to a CPO or the abuser does not appear at court, testimony will be taken at the hearing, and the court will then decide whether to grant a CPO that may remain in effect for up to five years. If the CPO is granted after a full hearing, follow the instructions above for obtaining certified copies of the CPO after the “ex parte” hearing. It is important to keep a certified copy of the CPO on your person at all times and have it ready to show to the police if the abuser violates the order.

If the CPO is violated, the victim should:

- Go to a safe place
- Call police and show the officer the order
- Go to the Prosecutor’s Office to file a complaint
- Contact your attorney or a victim advocate

An abuser who is found guilty of violating the order can be sentenced to jail, probation, court supervision, community service or counseling or a combination of any of these.

## Before Doing Anything Make Sure You Are Safe!

- **If injured, get medical help.**
- **Call one of the local DV agencies**
- **Get advice or help with safety planning from the local DV agency.**
- **If staying in the home with the abuser, practice an escape plan with the children to use in case of an emergency. Make sure to have on hand for a quick escape: money, credit cards, medications, phone numbers, extra car and house keys, copies of birth certificates, Social Security cards and medical cards.**



The  
**Legal Aid Society**  
of Cleveland  
*Since 1905*

*This brochure was prepared by Legal Aid which serves low-income residents of Ashtabula, Cuyahoga, Geauga, Lake and Lorain Counties in Northeast Ohio.*

### New Client Intake

Toll Free: 888.817.3777

Phone: 216.687.1900

Learn more about Legal Aid and upcoming brief advice clinics:

**[www.lasclev.org](http://www.lasclev.org)**

### Legal Aid Offices:

#### Cleveland & Administrative Offices

1223 West Sixth Street, Cleveland, OH 44113

#### Elyria Office

1530 West River Road, Suite 301, Elyria, Ohio 44035

#### Jefferson Office

121 East Walnut Street, Jefferson, OH 44047

#### Painesville Office

8 North State Street, Suite 300, Painesville, OH 44077

*If you have a communications limitation, contact Legal Aid through the Ohio Relay Service at 800.750.0750.*

*Legal Aid offers interpretation and translation services so those with limited English proficiency can communicate with Legal Aid staff in their dominant and/or preferred language.*

*The information in this brochure cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.*



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# Domestic Violence:

## What is it? What can you do about it?



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# What is Domestic Violence?

Domestic violence occurs when a past or present family or household member:

- Causes or tries to cause bodily harm by hitting, pushing, beating, physically abusing, or forcing unwanted sexual relations
- Threatens harm
- Abuses children in the family or household
- Commits acts of stalking or trespass

# Who is a Family or Household Member?

A member of the family or household includes:

- Current or former spouse
- Parent
- Child
- Person related by blood or marriage
- Persons currently living together, or who have lived together within the past five years
- Persons who have children together

# What Immediate Steps Can Be Taken for Protection?

- Go to a hospital or seek medical treatment if injured
- Call the police
- Go to a safe place
- Call a Hotline listed below for help.

# Help for Victims

- In **Ashtabula County**, call **Homesafe** at 440-992-2727 or 1-800-95-ABUSE(1-800-952-2873);
- In **Cuyahoga County** contact the **Witness/Victim Service Center** at (216-443-7345) or the **Domestic Violence Center** at 216-391-HELP or 216-651-8484;

- In **Geauga County**, call **WomanSafe** at 888-285-5665;
- In **Lake County**, call **Forbes House** at 440-357-1018;
- In **Lorain County**, call **Genesis House** at 440-244-1853;
- From anywhere, call the **National Domestic Violence Hotline**, 1-800-799-SAFE(7233).

# What Happens when the Police Arrive?

- Tell them what happened and ask for their assistance
- Police **must** do the following if responding to the incident:
  - Conduct separate interviews with the victim and the abuser
  - Ask about the history of abuse
  - Provide the officer's name, badge and report numbers
  - Provide the telephone number of a domestic violence shelter, a number to call for information about the case and provide information about any local victim advocate program
  - Make a written report of the incident even if an arrest is not made
- Be sure to ask for the officer's name, badge and report numbers, and also request that a police report is filed.
- An officer should arrest an abuser who causes serious physical harm or uses weapon during the incident.
- The police may request that domestic violence or other charges be filed if an arrest is made.

# What Legal Options are Available for Protection?

- Ask the Prosecutor to file criminal charges against the abuser in the city where the abuse occurred and also request a **Temporary Protection Order (TPO)**.

- File for a **Civil Protection Order (CPO)** in the county Domestic Relations Court, or the general division of the county Common Pleas Court if there is no Domestic Relations Court.

## Criminal Temporary Protection Order

A TPO is issued only in criminal cases and orders the abuser to:

- stay away from the victim and family members
- stay away from the residence and workplace
- not damage or remove property
- not carry a weapon
- not phone or otherwise contact the victim

## Civil Protection Order

In addition to the TPO orders listed above, a CPO may award temporary custody, grant or suspend visitation with the minor children, and also may order the abuser to:

- Give the victim exclusive use of an automobile
- Attend substance abuse, anger management or batterer's counseling
- Pay support for the victim and the children
- Be removed from the residence

# How to Press Criminal Charges

Go to the Prosecutor's Office to press charges against the abuser and take:

- Copies of any police reports or incident report numbers
- Any pictures taken of the incident
- Any information about medical treatment for abuse
- Names and addresses of anyone who witnessed the abuse

# What Happens if Criminal Charges are Filed?

- The Prosecutor will decide whether to file criminal charges. If charges are filed, a Temporary Protection Order may be issued by the court. It is important to ask the court for a TPO.

- A court hearing will be held on the next court day after the filing of a motion requesting the TPO.
- It may be helpful to have a victim advocate at court for support during the proceedings. See the list of victim service agencies in this pamphlet
- At the initial court hearing, the judge may issue a Temporary Protection Order. It is important to request a TPO. If the abuser is not present, the abuser may receive notice of the TPO at his or her first court appearance.
- At this hearing, the judge will decide whether the Temporary Protection Order will remain in effect. Any TPO will end at the conclusion of the criminal case or when a Civil Protection Order is issued based on the same facts.
- If the TPO is violated, the victim should:
  - Go to a safe place
  - Call police and show the officer the order
  - Go to the Prosecutor's Office to file a complaint
  - Contact a victim advocate
- If the abuser violates the TPO, bail can be revoked or the abuser can be charged with the additional crime of violating the TPO.

# What Happens if Abuser is Convicted?

If convicted of the crime of domestic violence, the abuser may be sentenced to jail or be placed on probation. **It is important to ask for a "no contact order" to keep the abuser from contacting the victim after the case is over.**