

### **What can I do if someone from my household hurts me or tries to hurt me?**

If someone who is a household member physically hurts you or tries to physically hurt you, the police should be called immediately. If your home is not safe, you need to get out. If you have nowhere safe to go, you may need to go to a shelter. The Battered Women's Hotline is open 24 hours a day and the people there can provide shelter:

The police will determine if anyone should be arrested. The police may contact the Prosecutor's Office, and that office will determine whether charges should be brought. If for whatever reason the police do not contact the Prosecutor's Office, you can do that yourself. The city where you live has a City Prosecutor. You can find the telephone number for your City Prosecutor in the telephone book or on your city's website. Whether the Prosecutor's Office is contacted by you or the police, though, the Prosecutor's Office will determine if anyone is charged with a crime.

Whether someone is charged with a crime or not, you can ask the Court for what is called a Domestic Violence Civil Protection Order. A Domestic Violence Civil Protection Order is an order of the Domestic Relations Court that, among other things, can keep that household member (called the Respondent) away from you and your other household members, can require that Respondent to leave your home immediately and can order that Respondent not to have any contact whatsoever with you or your other household members.

### **Who is a household member?**

Although under some circumstances a few other types of relationships can make someone a household member, usually a household member means:

- your spouse,
- your former spouse,
- someone who lives (or used to live) as your spouse,
- the parent of your child or children,
- your own parent,
- your own brother or your own sister,
- your own child or grandchild.

Household member does **not** mean a boyfriend or girlfriend, unless the boyfriend or girlfriend lives with you as a spouse or used to live with you as a spouse or is the parent of your child or children.

### **Can I ask the Court for a Domestic Violence Civil Protection Order even if the police are not involved?**

Yes

### **How do I get a Domestic Violence Civil Protection Order?**

The way to ask the Court for a Domestic Violence Civil Protection Order is a complex process. You must complete a Petition (called a Petition for Domestic Violence Civil Protection Order) and some related documents, file the documents with the Clerk of Court and then bring the documents (which show a "time stamp" from the Clerk of Court) to the Domestic Relations Court. The assigned Judge will conduct an emergency hearing immediately. If the Judge is convinced that the Respondent has physically hurt you or tried to physically hurt you, and that you or other household members are in danger, an emergency Domestic Violence Civil Protection Order will be issued immediately. A full hearing will be scheduled 7 or 10 days later, depending on the circumstances. That hearing will not take place unless the Respondent has been properly notified as required by law. That notification is your responsibility.

If the Respondent is properly notified by the hearing date, a hearing will go forward whether the Respondent is there or not. You will again have to prove that the Respondent has physically hurt you or tried to physically hurt you, and that you or other household members are in immediate danger. If you prove those things, the Court will issue a Domestic Violence Civil Protection Order that will last for up to five years.

### **What if the Respondent didn't hurt me, but hurt my child or someone else in the household?**

You can petition the Court for a Domestic Violence Civil Protection Order if the Respondent physically hurts or attempts to physically hurt any household member.

### **What if the Respondent doesn't actually hurt anyone, but threatens to hurt me or someone in my household?**

Domestic violence is also defined as placing a household member by threat of force in fear of imminent serious physical harm. If the Respondent threatens you or a household member and makes you feel that the Respondent is about to seriously hurt you or a household member, you can ask the Court for a Domestic Violence Civil Protection Order.

### **What if the Respondent did these things in the past but hasn't done anything like this recently?**

A Domestic Violence Civil Protection Order can only be issued if an emergency situation exists and household members are in danger of domestic violence.

### **Do I need an attorney?**

Anyone can come to Court without an attorney. However, remember that if you do not have an attorney you are representing yourself. You will be held to the same standards as an attorney and must follow the same rules that an attorney must follow. The Court cannot treat you any differently that it would treat a person represented by counsel.

Often, a person can successfully petition the Court for a Domestic Violence Protection Order without the help of an attorney. However, sometimes a person who is not represented by counsel cannot prove their case and a Domestic Violence Civil Protection Order cannot be issued by the Court.

### **What is a victim advocate?**

A victim advocate is defined by law as "a person who provides support and assistance" for a person who files a Petition for Domestic Violence Civil Protection Order. A victim advocate is specially trained to assist you through the system. A victim advocate is not your lawyer and cannot give you legal advice or represent you before the Court. Some of organizations listed below have victim advocates available to assist you.

**What if I receive a packet from a Sheriff's deputy or in the mail that says the Court has issued a Domestic Violence Civil Protection Order *against* me?**

The Domestic Violence Civil Protection Order is a valid Court Order as soon as it is issued. The Domestic Violence Civil Protection Order may say that you have to leave your home immediately. It may say that you cannot go near your household members (meaning your spouse, your children, your children's other parent or another person from your household). If you do not follow the Domestic Violence Civil Protection Order, you can be arrested and charged with a crime. It is important that you read the Domestic Violence Civil Protection Order very carefully. By the time you receive the Domestic Violence Civil Protection Order, it has been sent to the National Crime Information Center, the Sheriff's Office and the police.

One of the things on the Domestic Violence Civil Protection Order is the date, time and place of the full hearing. At that full hearing, the person who asked for the Domestic Violence Civil Protection Order (the Petitioner) must prove that you committed an act or acts of domestic violence as defined in Ohio Revised Code Section 3113.31 and that household members are in danger of domestic violence. You have the opportunity to be heard.

**Do I need an attorney if someone petitions the Court for a Domestic Violence Protection Order *against* me?**

Again, anyone can come to Court without an attorney. However, remember that if you do not have an attorney you are representing yourself. You will be held to the same standards as an attorney and must follow the same rules that an attorney must follow. The Court cannot treat you any differently that it would treat a person represented by counsel.

Remember that the Petitioner may or may not be represented by an attorney. Also remember that with or without an attorney if the Petitioner is successful in proving that you have committed an act or acts of domestic violence as defined in Ohio Revised Code Section 3113.31 and that household members are in danger of domestic violence, you can be ordered away from your family and your home for up to five years.