

IN THE _____ COURT
_____ COUNTY, OHIO

STATE OF OHIO/CITY OF _____

Plaintiff

5.

: Case No. _____

: _____

: JUDGE _____

: _____

: _____

**EX PARTE CRIMINAL STALKING
PROTECTION ORDER (SPO) (R.C. 2903.213)**

NAME(S) OF FAMILY OR HOUSEHOLD MEMBER OF COMPLAINANT PROTECTED BY THIS ORDER:

Defendant

**NOTICE TO DEFENDANT: SEE THE ATTACHED
WARNING AND NOTICE OF FULL HEARING BELOW.**

This proceeding came on for hearing on _____, 20____ (Defendant not being present), upon the motion of Complainant for a stalking protection order (SPO) against the Defendant, or upon the court's own motion, pursuant to R.C. 2903.213. In accordance with R.C. 2903.213(C)(1), the court held an *ex parte* hearing not later than the next day that the court was in session after the motion was filed.

The court finds the motion of the complainant for an SPO is well taken. The court finds that the safety and protection of the complainant and/or other family or household members may be impaired unless the court acts. The following provisions of this order are designed to enhance the safety of those covered by its terms. They are issued to the defendant as pretrial conditions of defendant's release, in addition to any bail.

ALL OF THE PROVISIONS CHECKED BELOW APPLY TO DEFENDANT:

- 1. DEFENDANT SHALL NOT ABUSE THE COMPLAINANT** _____, or the following family or household member(s) living with the Complainant: _____, by harming, attempting to harm, threatening, molesting, following, stalking, bothering, harassing, annoying, contacting, or forcing sexual relations upon them.

- 2. DEFENDANT SHALL NOT ENTER** the residence, school, business, or place of employment of the Complainant, including the buildings, grounds, and parking lots at those locations.

- 3. DEFENDANT SHALL NOT** interfere with Complainant's right to occupy the residence, or to shut off any utilities, to cancel any insurance or health benefits, or to interfere with Complainant's phone service, mail delivery, or the delivery of any other papers to complainant. Defendant shall surrender all keys and garage door openers to that residence and/or business, to the police departments for those locations, within 24 hours of service of the Order.

- 4. DEFENDANT SHALL STAY AWAY FROM COMPLAINANT** and shall not be present within _____ blocks or _____ yards of Complainant, wherever Complainant may be found, or any place the Defendant knows or should know the Complainant is likely to be, ***even with Complainant's permission***. If Defendant accidentally comes in contact with Complainant in any public or private place. Defendant must depart immediately. This order includes

encounters on public and private roads, highways, and thoroughfares.

- 5. DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE OR DISPOSE OF** any Complainant's personal or business property, or any pets that the Complainant owns or possesses.

(Side 2 of Form 10.03-B)

- 6. DEFENDANT SHALL NOT INITIATE ANY CONTACT**, or attempt to initiate any contact with the Complainant, Complainant's family, or Complainant's business, school, or place of employment, in any form of communication by any media, writings, e-mail, fax, telephone, delivery service in person or through another person.
- 7. DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act which this Order prohibits the Defendant from doing.
- 8. DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY FIREARM OR OTHER DEADLY WEAPON**, and shall turn over any weapons possessed to the police department where the Complainant resides, to be held until further court order.

This order remains in effect: (1) until modified by this court; or (2) until the criminal proceeding arising out of the complaint upon which these orders were issued is disposed of by this court or by the common pleas court to which the defendant is bound over for prosecution; or (3) until the court issues a Stalking Civil Protection Order (SCPO) arising out of the same activities as those that were the basis of the complaint filed in this action.

A copy this order shall be delivered on the Defendant on the same day that it is entered.

IT IS SO ORDERED

Judge

NOTES: By its own definitions (see R.C. 2903.213(A)), this statute does not apply to a complaint that involves a person who is a family or household member. In those cases where the complainant/victim is a family or household member of the defendant, use Criminal Temporary Protection Order (TPO) forms and procedures under R.C. 2919.26, and/or Civil Protection Order (CPO) forms and procedures under R.C. 3113.31.

A FINAL HEARING on this order shall be held before

- COPIES SHALL BE ISSUED TO:**
- Prosecutor
 - Complainant
 - Defendant (by personal service)
 - Attorney for Defendant
 - Police Department where Complainant resides:

 - Police Department where Complainant works:
 - The _____ County Sheriff
 - OTHER: _____

Judge/Magistrate _____
on _____, at _____ a.m./p.m.
(the next court day) at the following location:

Service acknowledged:

Defendant
Date

NOTICE TO DEFENDANT: THIS ORDER REMAINS IN FULL FORCE EVEN IF YOU ARE INVITED TO ENTER THE RESIDENCE, SCHOOL, BUSINESS OR PLACE OF EMPLOYMENT OF THE PERSONS NAMED IN THIS ORDER. THIS ORDER REMAINS IN FULL FORCE EVEN IF THE PERSONS NAMED IN THIS ORDER CONSENT TO HAVE YOU ENTER THESE PLACES.

ONLY THE COURT THAT ISSUED THIS PROTECTION ORDER CAN DISMISS IT. THE PETITIONER/COMPLAINANT/VICTIM CANNOT GIVE YOU LEGAL PERMISSION TO VIOLATE THIS PROTECTION ORDER. "GOOD FAITH" OR THE PETITIONER'S "CONSENT" DO NOT ALLOW YOU TO VIOLATE THIS PROTECTION ORDER. YOU CAN BE ARRESTED FOR VIOLATING THIS PROTECTION ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.