

Rule 37: CIVIL PROTECTION ORDER

In response to O.R.C. 2903.214 and the Rules of Superintendence of the Supreme Court of Ohio both of which pertain to civil protection orders, this court adopts the following Local Rule:

A. REFERRAL TO MAGISTRATE/ASSIGNMENT TO EQUITY JUDGE

The assignment commissioner shall assign all cases filed under O.R.C. 2903.214 to the Judge sitting in equity on the date of the filing of the petition. All hearings under O.R.C. 2903.214 and all matters arising from O.R.C. 2903.214 are referred to the Common Pleas Magistrate.

B. STANDARD FORMS

The Clerk of Courts shall use forms substantially similar to those forms prescribed by the Supreme Court of Ohio as described in Rule 10.3 of the Rules of Superintendence for the Supreme Court of Ohio.

C. EX PARTE HEARINGS

1. If the petitioner requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day the court is in session after the petition is filed.
2. The court may issue ex parte orders with or without bond, for the safety and protection of the petitioner (person to be protected by the order.)
3. All ex parte orders shall be in full force and effect until the final hearing on the matter or until further order of the court.
4. Copies of the order shall be delivered pursuant to the statute. The Sheriff shall make a service return prior to the date of the full hearing; and, such service shall be entered timely into the Clerk's electronic docket.

D. FULL HEARING

1. A full hearing must be held within ten court days after the ex parte hearing. Continuances shall be granted as necessary pursuant to the statute.
2. If the petitioner fails to appear, the court will dismiss the petition.
3. Following the full hearing, the court shall issue a final order with or without bond.
4. Final orders shall be valid until a date certain but not later than five years from the date of its issuance.

5. Copies of the Final Order shall be served pursuant to the statute.

E. BONDS

In the event that a protection order is issued with bond, the court shall alert the clerk of such bond and upon further order of the court, the clerk shall issue and serve upon the sheriff a body attachment for the apprehension of the respondent, if necessary. The respondent shall be held until the required bond is posted or until further order of the court. The court shall periodically review the status of those respondents confined under a civil protection order.

F. APPEALABLE ORDERS

For the safety of the petitioner, notice, pursuant to Civil Rule 58, shall be sent by the clerk to those parties designated by the court.