

# FORM 10.01-N: HOW TO COMPLETE A MOTION FOR CONTEMPT FOR VIOLATING A DOMESTIC VIOLENCE CIVIL PROTECTION ORDER

## ENFORCING YOUR CIVIL PROTECTION ORDER

Violating a Domestic Violence Civil Protection Order ("CPO") is a crime. If the Order is violated, call the police or prosecutor. You may also bring a contempt action in the Court that issued your CPO if the other party is not obeying the Order. You may hire an attorney to assist you. You must file a contempt motion with the Clerk of Court to begin a contempt action.

## SOME HINTS BEFORE YOU BEGIN

- All forms must be typed or printed.
- When you write your name on the Motion for Contempt of a Domestic Violence Civil Protection Order, use the same name that is on your CPO.
- Fill out the Motion as completely and accurately as possible.

## FORM YOU WILL NEED

You can get the Motion from the Clerk of Court. Complete the Motion as explained below:

- Fill in the name of the Court, the case number and the judge's last name.
- If you obtained the CPO, you are the Petitioner.** Fill in your name and address. If you want your address to be confidential, do not write your address anywhere on the Motion. However, you must include someone's mailing address to allow the Court to send you legal notices about your case.
- If the Court issued the CPO against you, you are the Respondent.** Fill in your name and address.
- Fill in the other party's name and address.
- Complete the first paragraph.
- In the numbered paragraphs, check every box that applies. There is space at the end of the Motion for any facts or explanations that you want to tell the Court. Attach additional pages, if needed.
- Signing the Motion:** Try to fill out the Motion before you go to the courthouse. **AFTER YOU HAVE FILLED OUT THE MOTION, TAKE IT TO A NOTARY PUBLIC TO HAVE YOUR SIGNATURE NOTARIZED. DO NOT SIGN THE MOTION UNLESS YOU ARE IN FRONT OF A NOTARY PUBLIC. An employee of the Clerk of Court may be available to notarize your Motion.**
- Complete the Instructions for Service at the end of the Motion. This tells the Clerk of Court how you want the Motion delivered.

## FILING THE MOTION FOR CONTEMPT OF A DOMESTIC VIOLENCE CPO

- Present your completed Motion to the filing window/counter of the Clerk of Court's office for filing.
- A Clerk of Court's office employee helps you file the Motion.
- The Court shall not charge a fee for filing a contempt motion to you if the CPO was issued for your protection.
- Ask a Clerk of Court's office employee or your local domestic violence assistance provider about your local court procedures.

**VICTIM ADVOCATE**

State law permits you to have a victim advocate with you at all times in Court during protection order proceedings. Victim advocate means a person who provides support and assistance for a victim of an offense during Court proceedings. Contact your local victim assistance program, local domestic violence program, or the Ohio Domestic Violence Network, 800-934-9840, for advocate information.

**ATTENDING THE CONTEMPT HEARING**

At the hearing, you should tell the judge or magistrate what the other party did to fail to obey the CPO. If you have any physical evidence (photographs, documents, broken property, etc), bring it to this hearing. If you have any witnesses to the violations, bring them to this hearing. If you want the Court to order any witness to appear at the hearing, you can ask the Clerk of Court to issue a subpoena. This needs to be done as far in advance of the hearing as possible.

The Court will give each party the opportunity to present evidence and witnesses.

After all the evidence is presented at the contempt hearing, the Court may find that the Respondent or Petitioner has failed to comply with the CPO. If so, the Court may order the offending party to do or stop certain acts to comply with the terms of the CPO. The Court can also order the offending party to serve time in jail, pay a fine, or both.

IN THE COURT OF COMMON PLEAS  
COUNTY, OHIO

\_\_\_\_\_  
Petitioner : Case No. \_\_\_\_\_

\_\_\_\_\_  
Address (Safe mailing address) : Judge/Magistrate \_\_\_\_\_

\_\_\_\_\_  
City, State, Zip Code :

v. : MOTION FOR CONTEMPT OF A DOMESTIC  
VIOLENCE OR DATING VIOLENCE CIVIL  
PROTECTION ORDER (R.C. 3113.31)

\_\_\_\_\_  
Respondent :

\_\_\_\_\_  
Address :

\_\_\_\_\_  
City, State, Zip Code :

**IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE GIVE ANOTHER MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.**

Petitioner  Respondent moves this Court to find \_\_\_\_\_  
in contempt of court for violating one or more of the provisions of the  Domestic Violence Civil  
Protection Order  Dating Violence Civil Protection Order issued on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
for the reasons below.

- 1. Respondent violated the Civil Protection Order by  
(check all that apply):
  - Abusing me or another protected person
  - Harming me or attempting to harm me or another protected person
  - Threatening me or another protected person
  - Following me or another protected person
  - Stalking me or another protected person
  - Harassing me or another protected person
  - Forcing sexual relations upon \_\_\_\_\_ me or another protected person
  - Committing a sexually oriented offense against me or another protected person

2. Respondent failed to vacate the residence at \_\_\_\_\_

3. Respondent interfered with my exclusive possession of the residence located at \_\_\_\_\_

Case No. \_\_\_\_\_

Furthermore, Respondent did the following (check all that apply):

- Cancelled utilities
  - Cancelled insurance
  - Interrupted telecommunication (telephone, internet, or cable) services
  - Interrupted mail delivery
  - Interrupted delivery of any other documents or items
4. Respondent failed to surrender keys or garage door openers to the residence for which the Civil Protection Order Grants Petitioner exclusive use.
5. Respondent entered or interfered with the residence, school, business, place of employment, day care center, or child care provider of the protected persons.
6. Respondent violated the stay away provision of the Civil Protection Order.
7. Respondent violated the no contact provision of the Civil Protection Order by (check all that apply):
- Posting photographs, videos, or other images of me or another protected person on social media
  - Referring to me or another protected persons on social media
  - Electronically surveilling me or another protected person
8. Respondent failed to surrender the keys to the motor vehicle for which the Civil Protection Order grants Petitioner exclusive use.
9. Respondent removed, damaged, hid, or disposed of personal property, companion animals, or pets in violation of the Civil Protection Order.
10. Respondent impeded Petitioner from removing Petitioner's companion animal or pet in violation of the Civil Protection Order.
11. Respondent caused or encouraged another person to do acts prohibited by the Civil Protection Order.
12. Respondent violated the Civil Protection Order by possessing, using, carrying, obtaining, or failing to turn over a deadly weapon, including firearms, and ammunition.
13. Petitioner Respondent violated the temporary allocation of parental rights and responsibilities (custody).
14. Petitioner Respondent violated the visitation order.
15. Respondent violated the child or spousal support provision in the Civil Protection Order.
16. Respondent used or possessed alcohol or illegal drugs in violation of the Civil Protection Order.
17. Petitioner Respondent failed to attend the ordered counseling program in violation of the Civil Protection Order.
18. Respondent interfered with the wireless service transfer, prevented the functionality of a device on the network, or incurred further contractual or financial obligations related to the wireless service transferred in violation of the Civil Protection Order.
19. Other violations of the Civil Protection Order or additional explanation (**if you need more space, attach an additional page**):

Case No. \_\_\_\_\_

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I swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that making false statements in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and may also subject me to criminal penalties for perjury under R.C. 2921.11.

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**SIGNATURE OF PETITIONER/RESPONDENT      DATE**

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IF YOU DO NOT HAVE AN ATTORNEY FOR THIS CASE, PLEASE LEAVE THIS INFORMATION BELOW BLANK

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Signature of Attorney for Petitioner

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Name

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Address

---

Attorney Registration Number

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Telephone

Case No. \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

Petitioner \_\_\_\_\_ : Case No. \_\_\_\_\_

v. \_\_\_\_\_ : Judge/Magistrate \_\_\_\_\_

Respondent \_\_\_\_\_ :

**REQUEST FOR SERVICE**

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(4), please serve Respondent a copy of the Motion and any other accompanying documents to the address below and as follows:

Personal service  Certified Mail, Return Receipt Requested  
 Other (specify) \_\_\_\_\_

Other (address): \_\_\_\_\_  
 Personal service  Certified Mail, Return Receipt Requested  
 Other (specify) \_\_\_\_\_

SPECIAL INSTRUCTIONS TO SHERIFF:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF ATTORNEY OR PETITIONER

**RETURN OF SERVICE**

Respondent was served on \_\_\_\_\_ .

\_\_\_\_\_  
Officer and Badge Number

\_\_\_\_\_  
Law Enforcement Agency

\_\_\_\_\_  
Date

**CLERK'S CERTIFICATE OF MAILING**

Service of Process was sent by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ .

Attest: \_\_\_\_\_ Deputy Clerk