

Rule 63. Juvenile Civil Protection Orders/Domestic Violence Protection Orders

(A) Purpose; Prevailing Rules; Standard Forms

Juvenile Civil Protection Order cases brought hereunder shall be administered in accordance with Rule 56 of the Ohio Rules of Civil Procedure, Ohio Revised Code Sections 2151.34 and 3113.31, and Rule 10.05 of the Ohio Supreme Court Rules of Superintendence to facilitate the issuance of civil protection orders against juveniles who engage in certain violent behaviors, domestic violence, or sexually oriented offenses. The court shall use forms substantially similar to the petitions, protection order forms, notices, and warning forms promulgated by the Ohio Supreme Court in Rule 10.05 of the Ohio Rules of Superintendence.

(B) Exclusive Jurisdiction

The Juvenile Division of the Court of Common Pleas in any county in which the person or persons to be protected resides has exclusive original jurisdiction with respect to any proceedings brought under Ohio Revised Code Section 2151.34 and Ohio Revised Code Section 3113.31 when the respondent is under eighteen (18) years of age at the time the petition is filed. All orders against a respondent shall expire no later than respondent attaining the age of nineteen (19) years of age.

(C) Costs

There shall be no costs or fees assessed for filing or obtaining a protection order herein.

(D) Mutual Orders

No petitioner, in a protection order which the petitioner originally requested, shall be ordered to perform any act, refrain from any act, or assume any legal duty, unless respondent has filed a separate petition for a protection order, the petitioner has received or waived written notice of respondent's petition at least forty-eight (48) hours in advance of any hearing, and the petitioner's other due process rights have been protected by the court.

(E) Victim Advocate

Every petitioner shall be afforded the opportunity to be accompanied by a victim advocate in all stages of a proceeding commenced hereunder.

(F) Timely Procedures

A petition for a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order shall be promptly filed when it is presented to the court or clerk of courts. The clerk of courts shall assist the petitioners in filling out the forms.

If an *ex parte* hearing is requested, the *ex parte* hearing shall be conducted no later than the next business day after the filing date upon which the petition is filed in Juvenile Civil Protection Order cases and upon the same day as the petition is filed in Juvenile Domestic Violence Civil Protection Order cases, and shall be supported by sufficient testimony in support of the petition.

If the court issues an *ex parte* order in a Juvenile Domestic Violence Civil Protection Order matter in which the child is removed from his or her home, the matter shall be set for full hearing within seven (7) days from the date of the issuance of the *ex parte* order. If the court issues an *ex parte* order in a Juvenile Domestic Violence Civil Protection Order matter and the respondent is not removed from his or her home or if the court issues an *ex parte* order in a Juvenile Civil Protection Order matter, the matter shall be set for full hearing within ten (10) days from the date of said *ex parte* hearing.

If the court denies a request for an *ex parte* order or if the petitioner does not request an *ex parte* order, the matter shall proceed as in a normal civil action and grant a full hearing on the matter.

(G) Service

Service of process is required for a full hearing in accordance with the Ohio Rules of Civil Procedure. Further, the court shall direct that any juvenile civil protection order or juvenile domestic violence protection order or consent agreement issued by the court be delivered the same day upon the respondent, all law enforcement agencies that have jurisdiction to enforce the order, and the parent, guardian, or legal custodian of the respondent the same day that the order is entered upon the court's record. The court may order the protection order delivered to other persons as it deems necessary.

(H) Continuance of Full Hearing

Prior to or at the first full hearing in any Juvenile Civil Protection Order or Juvenile Domestic Violence Protection Order case, the court may continue a case for service upon the respondent, by consent of the parties, to allow a party to obtain counsel, and for other good cause shown, under the condition that any *ex parte* order then in effect shall remain in effect until the date upon which the matter is reset for full hearing. Continuances will not be granted to permit the respondent to file a petition against the petitioner. If petitioner fails to appear at the full hearing, the petition may be dismissed.

(I) Waiver; Modifications of Order

A petitioner may not waive, excuse, or modify any terms set forth in a juvenile civil protection order or juvenile domestic violence civil protection order. All requests for modifications to any existing juvenile civil protection order or juvenile domestic violence civil protection order shall be made by motion to the court and modifications may be made by order after an evidentiary hearing.

(J) Renewal; Termination of Orders

Any juvenile civil protection order or juvenile domestic violence civil protection order may be renewed in the same manner as the original order was issued. The court shall hear all requests for termination of a civil protection order or juvenile domestic violence civil protection order by evidentiary hearing.

(K) Consent Agreements

The judge or magistrate shall review all agreed orders and consent agreements in Juvenile Civil Protection Order cases and Juvenile Domestic Violence Civil Protection Order cases to assure compliance with the law and rules governing such cases. The judge or magistrate shall further assure that any waivers including waiver of right to file objections are waived knowingly, intelligently, and voluntarily.

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