

DOMESTIC RELATIONS COURT

2010 AUG 20 AM 10:13

MONTGOMERY CO. OHIO

1-1 (Amended: July 1, 2010) FORM 10.01-H: DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (CPO) EX PARTE (Discard all previous versions of this form)

DVEXP

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

Order of Protection

Per ORC 3113.31(F)(2), this order is indexed at _____

LAW ENFORCEMENT AGENCY WHERE INDEXED

() -
PHONE NUMBER

Case No. 10-DV-1156

Judge/Magistrate King / Sullivan

Court Reporter / FTR _____

County MONTGOMERY State OHIO

DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (CPO) EX PARTE (R.C. 3113.31)

PETITIONER:

Adam D. Petty

First Middle Last

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: Adam D. Petty DOB: 11-9-80

Petitioner's Family or Household Member(s): _____ DOB: _____

_____ DOB: _____

_____ DOB: _____

v.

RESPONDENT:

Krystal M. Moore

First Middle Last

RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
F	Blk	5'7"	140
EYES	HAIR	DATE OF BIRTH	
Brn	Blk	8-4-81	
DRIVERS LIC NO. & EXP. DATE			STATE
[REDACTED]			

Relationship to Petitioner: Co-Habitant

Address where Respondent can be found:
51 Shannon St.
Dayton OH 45402

Distinguishing Features _____

FIREARMS ACCESS - PROCEED WITH CAUTION

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration; Registration of this form is not required for enforcement.)

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. Additional findings of this order are set forth below.

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against the Petitioner and other protected persons names in this order, as set forth below.

Additional terms of this order are set forth below.

The terms of this order shall be effective until Aug. 20, 2011. (DATE CERTAIN)

WARNINGS TO RESPONDENT: See the warnings page attached to the front of this Order.

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This proceeding came on for an *ex parte* hearing on Aug. 20, 2010 (Respondent not being present), upon the filing of a Petition by Petitioner for a domestic violence civil protection order (CPO) against the Respondent, pursuant to R.C. 3113.31. In accordance with R.C. 3113.31(D)(1), the Court held an *ex parte* hearing on the same day that the petition was filed.

The Court finds that the protected persons herein are in immediate and present danger for domestic violence, and for good cause shown, the following temporary orders are necessary to protect the persons named in this Order from domestic violence.

ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT

- 1. **RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations on them, or by committing sexually oriented offenses against them. [NCIC 01 and 02]
- 2. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence 51 Shannon St. Dayton OH 45402
- 3. **EXCLUSIVE POSSESSION OF THE RESIDENCE** located at: 51 Shannon St. Dayton OH 45402 is granted to: petitioner. Respondent shall not interfere with this individual's right to occupy the residence including, but not limited to canceling utilities or insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- 4. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows: _____
- 5. **RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this Order even with the permission of a protected person. [NCIC 04]
- 6. **RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this order, and not be present within 500 feet or _____ (distance) of protected persons, wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, even with Petitioner's permission. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- 7. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Respondent may not violate this order even with the permission of a protected person. [NCIC 05]
- 8. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** _____ to the law enforcement agency that served Respondent with the Order or as follows: _____
And Petitioner is granted exclusive use of this motor vehicle.
- 9. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows: _____

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- 10. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON to do any act prohibited by this Order.
- 11. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON. Respondent shall turn over all deadly weapons in Respondent's possession to the law enforcement agency who serves Respondent with this Order or as follows:

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

- 12. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS: [NCIC 09]

Petitioner has sole custody by law (R.C. 3109.042) (Unmarried female with no prior custody order)
 Any issues pertaining to allocation of parental rights, parenting time or child support may be resolved in Juvenile Court.

This order applies to the following child(ren): _____

- 13. PARENTING TIME ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.

(A) Respondent's parenting time rights are suspended; or

(B) As a limited exception to paragraph 6, temporary parenting time rights are established as follows: [NCIC 08]

(C) Respondent may visit with the child(ren) at the following times, pending further orders in Juvenile Court as follows: [NCIC 06]

This order applies to the following child(ren): _____

- 14. LAW ENFORCEMENT AGENCIES, including but not limited to, _____, are ordered to assist Petitioner in gaining physical custody of the child(ren) if necessary.

- 15. RESPONDENT SHALL SUPPORT the protected persons named in this Order by following the attached Support Order, which is incorporated herein by reference.

- 16. RESPONDENT MAY PICK UP CLOTHING and personal items from the above residence only in the company of a uniformed law enforcement officer within 7 days of the filing of this Order. Arrangements may be made by contacting: Dayton PD

- 17. RESPONDENT SHALL NOT USE OR POSSESS alcohol or illegal drugs.

- 18. IT IS FURTHER ORDERED: [NCIC 08] _____

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19. IT IS FURTHER ORDERED that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. Under federal and state law, the Clerk shall not charge any fees for filing, issuing, registering, or serving this protection order.

20. ALL OF THE TERMS OF THIS ORDER REMAIN IN FULL FORCE AND EFFECT UNTIL Aug. 20, 2011 unless earlier modified by or dismissed by order of this court. Except for paragraphs 12, 13, 14, and 15 above, this Order survives a divorce, dissolution of marriage, or legal separation.

IT IS SO ORDERED.

[Signature]
MAGISTRATE
8-20-10

[Signature]
JUDGE
8-20-10

NOTICE TO RESPONDENT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

A FULL HEARING on this Order,
and on all other issues raised by the Petition, shall be held
before Judge _____
or Magistrate Steinman
on the 27th day of Aug, 20 10
at 2:30 ~~am~~ pm at the following location:
301 W. Third Street, Dayton-Montgomery County Courts
Bldg., 2nd Floor, Dayton, Ohio

TO THE CLERK
COPIES OF THIS ORDER SHALL BE DELIVERED TO:

- Montgomery County Sheriff's Office
- Petitioner
- Respondent (by personal service)
- Attorney for Petitioner
- Police Dept. Where Petitioner Resides: _____
- Police Dept. Where Petitioner Works: _____
- Other: _____
- Other: _____