

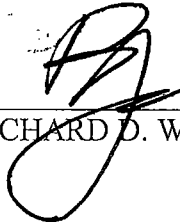
IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

FILED
KNOX COUNTY
COURT OF COMMON PLEAS
2021 JUN 24 PM 2:47
CHRISTY HILLIGAN STATION
CLERK OF COURTS

IN THE MATTER OF
DOMESTIC RELATIONS
LOCAL COURT RULES

:
:
:
:
:

Effective June 24, 2021, IT IS HEREBY ORDERED THAT THE KNOX COUNTY DOMESTIC RELATIONS RULE, 6.0- CIVIL PROTECTION ORDERS (time stamped on June 24, 2021) has been amended and the attached shall be made a part of the rules of court.

 6-24-21
RICHARD D. WETZEL, JUDGE

RULE 6.0

CIVIL PROTECTION ORDERS

- 6.1 **Definition.** For purposes of this section, the term “Civil Protection Order” shall include a civil protection order, dating violence protection order, sexually oriented offense protection order, and stalking protection order.
- 6.2 **Ex Parte Requests.** Should a Petitioner wish to request an *ex parte* Civil Protection Order, the petition shall be accompanied by a notarized affidavit stating facts sufficient to establish that the Petitioner is entitled to an *ex parte* Order. No request for an *ex parte* Civil Protection Order shall be filed with the Clerk of Court without an affidavit including a jurat notary.
- 6.3 **Hearing Requirements.** No Civil Protection Order will be granted without a hearing. The first stage hearing may be *ex parte* and may be oral or non-oral. A second hearing shall be conducted within the guidelines of Revised Code Section 3113.31 unless waived by the parties. Any Petition for an *ex parte* Civil Protection Order filed on or after 3:00 p.m. shall not be considered by the Court until the next business day that the Court is in session.
- 6.4 **Service.** All *ex parte* Civil Protection Orders shall be personally served on the Respondent. Upon failure of personal service, or in addition to personal service, service may be made in accordance with any applicable provision of Civil Rule 4 through Civil Rule 4.6. Permanent Civil Protection Orders may be served pursuant to Civil Rule 5(B). Should a Petitioner wish to file with the Clerk of Court a cd, USB, or other physical exhibit which is not on paper, the Petitioner shall supply to the Clerk of Court two (2) copies of the cd, USB, or other physical exhibit which is not on paper. Should the Petitioner only have one such copy of the item, the Petitioner may keep the exhibit to be introduced at the final hearing, after the Respondent has had a chance to review the exhibit. The Clerk of Court shall not file any cd, USB, or other physical exhibit which is not on paper and which has not been duplicated to serve upon the Respondent. The party should print out any

documents from the cd or USB that can be printed and filed on paper and shall summarize in a filing any recording.

- 6.5 **Failure of Service.** Failure to serve Respondent before the second hearing may result in either a continuance or a dismissal of the petition and the termination of the temporary protective order.
- 6.6 **Children.** Where children are involved and supervised parenting time or suspension of parenting time is requested, petitions for Civil Protection Orders should include proposed parenting time for the Respondent and/or propositions why the parenting time should be supervised or temporarily denied.
- 6.7 **Effective Time of Order.** Any order issued after the full hearing shall be effective for five full years unless specified otherwise in the order. Any provisions in the order pertaining to custody, visitation or support shall terminate at the earliest of either 120 days after the filing of an action for divorce, dissolution, or legal separation; or after temporary orders, a decree of dissolution, or legal separation are issued, unless another time is specified in the order.
- 6.8 **Caption.** Every Civil Protection Order shall be filed on the appropriate Supreme Court Form.
- 6.9 **Dismissals.** All dismissals of Civil Protection Orders shall include instructions to the Clerk to provide a copy of the dismissal entry to all law enforcement agencies originally notified of the Civil Protection Order. The Motion to Dismiss can be found at the end of this Rule.
- 6.10 **Determining Existence of Conflicting Order.** The Petitioner shall inform the Court in the Petition, or at the first hearing in the case, whichever is earlier, about the existence and terms of any other order of any Court that affects the rights of the Petitioner, the protected persons, and the Respondent identified in the Petition. The Court, in issuing a Civil Protection Order, shall make a reasonable effort to determine the existence and terms of any Civil Protection Orders, domestic violence temporary protection orders, and orders allocating parental rights and responsibilities issued by this Court, or any other Court, involving the same parties. In

doing so, the Court may utilize the Ohio Courts Network, examine publicly available Court records involving the same parties from this Court or another Court, or use any other reasonable mechanism suitable for communicating and sharing public information.

The Court may or may not make a record of any communication between it and another Court for the purpose of determining the existence and terms of other Civil Protection Orders, domestic violence temporary protection orders, or orders allocating parental rights and responsibilities.

If this Court issues a Civil Protection Order, or an order allocating parental rights and responsibilities, and the Court becomes aware that another Court has issued a conflicting order, this Court may consider, if appropriate, revising its order to avoid conflict between the orders of any other Court, or denying the Petition.

This rule shall not be construed as a modification to the procedures for modifying or terminating a civil protection order pursuant to division (E)(8) of Section 3113.31 of the Revised Code.

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

_____ : Case No. _____
Petitioner :
 :
 : Judge Richard D. Wetzel
 :
V. :
 : Magistrate Natasha A. Plumly
 :
 :
_____ : **MOTION TO DISMISS**
Respondent :

Now comes the Petitioner, who motions the Court to dismiss the

- Petition for Domestic Violence Civil Protection Order (R.C. 3113.31)
- Petition for Civil Stalking Protection Order (R.C. 2903.214)

filed on _____.

Signature of Petitioner

JURAT CERTIFICATE

State of Ohio, County of _____

Sworn to or affirmed and subscribed before me by _____ (name of
person making oath/affirmation) on this date of _____ (date).

(Notary Seal)

Signature of Notary Public- State of Ohio

My commission expires: _____ (date)