

Ask the Chief.....

I am concerned about my personal safety because of the actions of another person towards me. Someone told me to go to court and get a Temporary Protection Order. What is the difference between a Temporary Protection Order and a Civil Protection Order?

Here at the Sheriff's Office, deputies often field questions regarding protection orders, what kinds of orders there are, how to apply for them and how the orders of protection are granted. So I asked Capt. Carl Dondorfer, our Road Patrol Commander, to give us some insight on TPO's and CPO's.

There are two different types of protection orders which individuals can seek in an effort to insure their safety and protection. One of the protection orders is granted through the Criminal Court pursuant to a filing of a criminal complaint. The other is granted through the Court of Common Pleas / Domestic Relations Court and is civil in nature. Here is a summary of both of these protection orders.

A Temporary Protection Order or T.P.O. is a protection order granted by the Judge in a Criminal Court in which a filing of a criminal complaint has been made. The TPO contains certain, specific terms designed to insure the safety and protection of the complainant / victim, and other family or household members in relation to the named defendant. The complainant or victim does not need to hire an attorney and there are no costs associated with this order.

Usually a TPO is granted by the court pursuant to the filing of a criminal complaint in which an act of violence or the threat of violence is alleged. Criminal violations of the Ohio Revised Code such as Domestic Violence, Assault, Menacing and Menacing by Stalking are usually the criminal violations in which a TPO can be issued by the court.

During the criminal judicial process, a TPO can be requested by the complainant and/or victim in the case and granted by the court to insure the safety and protection of those involved. The judge will outline the terms of the order and grant the TPO if the facts and circumstances surrounding the criminal complaint warrant a TPO. Once the TPO is granted by the court it must be served to the defendant before it becomes effective. If a complaint is lodged that the defendant violated any terms of the TPO and a subsequent investigation by law enforcement showed that there was probable cause to believe that the defendant violated the order, law enforcement is required by law to arrest the defendant for the TPO violation. The suspect is then held without bond until the next available court date in an effort to protect the parties involved in the order. The courts take violations of TPO's very seriously.

The second type of Protection Order is called a **Civil Protection Order or C.P.O.** and is a protection order granted by a judge and or magistrate within the Court of Common Pleas, usually the Domestic Relations Court. There are several individuals who may be victims of domestic violence or some other crime that did not report the

incidents to law enforcement and or a report was made and the incident investigated was deemed not to be a criminal matter.

These orders are civil in nature and there are three types of petitions available which are: Civil Stalking Protection Orders, Civil Sexually Oriented Offense Protection Orders and Domestic Violence Protection Orders. All of these orders fall under the blanket of Civil Orders of Protection and each have their own requirements.

In these civil protection orders it is not necessary to secure the services of an attorney and no deposit is required. An individual wanting to secure a civil protection order must file a petition at the Lake County Clerk of Courts during which time the individual seeking the order will complete an affidavit swearing that the information contained is truthful. Some individuals bring supporting documentation in the form of police reports to show cause for the order. A judge and or magistrate will then hear the facts as presented by the individual and determine whether or not the facts and circumstances noted in the petition warrant a civil protection order. If so, a temporary CPO is ordered and an initial hearing date is set at which time both parties are required to be present to determine whether or not the CPO should stay in effect. If the CPO is justified and ordered to stay in place by the judge or magistrate, certain terms are listed on the order. If the respondent violates any of the terms of the order and these violations are brought to the attention of law enforcement and deemed to more than likely have occurred, the subject may be arrested for violating the C.P.O. order and held until they see the judge and or magistrate.

All of these protection orders are designed to insure the safety and protection of all the parties involved. Law enforcement is tasked with the responsibility of investigating alleged violations of protection orders in an effort to hold those accountable who violate these orders and insure that those protected under these types of orders have the added security and peace of mind that that allow them to feel safe.

Capt. Carl Dondorfer

Road Patrol Commander, Lake County Sheriff's Office
104 East Erie Street, Painesville, Ohio 44077



<http://www.lakecountyohio.gov/sheriffoffice/AsktheChief.aspx>