



THE SUPREME COURT *of* OHIO

Ohio's New Protection Order Forms –

LE Edition Part II: Form 10-F Receipt of deadly weapons

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Welcome



- Introductions
- Revised forms can be found at DV Program page:
<http://www.supremecourt.ohio.gov/JCS/domesticViolence/>
- This is NEW for all of us
 - There will be hiccups
 - Please send us your questions/concerns

Objectives & Abbreviations



- Understand the reason behind the creation of the 10-F
- Recognize when to use the 10-F
- Be able to complete and file the 10-F
- Identify policies and procedures that should be addressed for implementation

LE = Law Enforcement/Officer
PO = Protection Order
R = Respondent or Defendant

New Form 10-F

Notice of Receipt (of deadly weapons)

IN THE COURT OF _____	
_____ COUNTY, OHIO	
Petitioner	Case No. _____
v.	NOTICE OF RECEIPT
Respondent	
<p>Pursuant to an ex parte or full hearing civil or criminal protection order issued pursuant to R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31, law enforcement was instructed to notify the Court upon receiving Respondent's deadly weapons, including firearms, and ammunition for protective custody.</p>	
<p>I hereby notify the Court that on _____ Respondent turned in deadly weapons, including firearms, and ammunition for protective custody. Attached is a copy of the receipt.</p>	
<p><input type="checkbox"/> The deadly weapons, firearms, and ammunition were not turned in for protective custody in accordance with the Order. Respondent reported the deadly weapons, including firearms, and ammunition were:</p> <p><input type="checkbox"/> Transferred to a federal firearms licensee: _____</p> <p><input type="checkbox"/> Other: _____</p>	
Officer and Badge Number	Law Enforcement Agency
Date	
<p>This Notice shall be returned to the Clerk of Court for entry into the docket</p>	



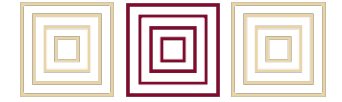
NEW Form 10-F complements firearm surrender section on Revised Orders



WHY?

- Addresses potentially dangerous time when Respondent has been ordered to surrender weapons
- Process wasn't always clear to parties or LE how/when surrender should occur

NEW Form 10-F - Notice of Receipt (of deadly weapons)



WHEN?

- Only needed if/when court orders respondent/defendant to surrender deadly weapons as term of protection order

“In every case in which a court orders the [respondent/defendant] to surrender deadly weapons, including firearms and ammunition, into the protective custody of law enforcement, it shall enter into the docket a form that is substantially similar to “Form 10-F.”

Revised Orders include checkbox and more info about surrender/return of weapons



14. **RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than

_____ or as follows:

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a full hearing order is not issued or consent agreement approved, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

Revised Orders have place for court to specify when/how surrender should occur



- “Shall turn over...no later than _____ or as follows: _____”

14.	RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than
	_____ or as follows:

Revised Orders clarify that any LE may accept weapons



- “Any law enforcement is authorized...”

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Revised Orders include info on return of weapons



- “Respondent may reclaim at expiration or termination of order...unless otherwise disqualified...”

Upon the expiration or termination of this Order and if a full hearing order is not issued or consent agreement approved, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

NEW Form 10-F used for any type of PO



- Applicable to all types of protection orders: civil, criminal, juvenile

IN THE COURT OF _____	
_____ COUNTY, OHIO	
_____	: Case No. _____
Petitioner	: NOTICE OF RECEIPT
v.	:
_____	:
Respondent	:
<p>Pursuant to an ex parte or full hearing civil or criminal protection order issued pursuant to R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31, law enforcement was instructed to notify the Court upon receiving Respondent's deadly weapons, including firearms, and ammunition for protective custody.</p>	

NEW Form 10-F Clarifies deadly weapons more than just guns



- Deadly weapons “including firearms, and ammunition...”

I hereby notify the Court that on Respondent turned in deadly weapons, including firearms, and ammunition for protective custody. Attached is a copy of the receipt.

NEW Form 10-F: If weapons surrendered



- Receiving LE documents when deadly weapons were surrendered

I hereby notify the Court that on Respondent turned in deadly weapons, including firearms, and ammunition for protective custody. Attached is a copy of the receipt.

- Receiving LE should attach copy of property receipt with 10-F

NEW Form 10-F: If weapons NOT surrendered

- Receiving LE documents if weapons NOT turned in and why:

The deadly weapons, firearms, and ammunition were not turned in for protective custody in accordance with the Order. Respondent reported the deadly weapons, including firearms, and ammunition were:

Transferred to a federal firearms licensee: _____

Other: _____

_____	_____
Officer and Badge Number	Law Enforcement Agency

Date

NEW Form 10-F LE Signature and return



- Space for LE agency, LE signature, and date of receipt

_____ Officer and Badge Number	_____ Law Enforcement Agency
_____ Date	
This Notice shall be returned to the Clerk of Court for entry into the docket	

- LE sends 10-F to issuing court's Clerk for entry on docket
- Timeframe: Orders state LE “shall immediately notify the Court upon receiving...”

Scenario: Using a 10-F



- Judge Hayes from Shoe Co. Domestic Relations Court grants an ex parte order on Monday 4/19/21 ordering Blue Wolverine to stay away from Brutus Buckeye
- Judge Hayes checks the term that Wolverine shall surrender all firearms, and indicates Wolverine must surrender firearms within 2 days of being served with the ex parte order
- On Wednesday 4/21/21, Deputy Scarlett serves Wolverine with the ex parte order. Deputy Scarlett asks if Wolverine has weapons to surrender.

Scenario part 2a: R turns over weapons



- Wolverine turns over a handgun and a hunting rifle. When asked if there are other weapons to turn over, Wolverine says no.
- Deputy Scarlett takes the weapons to the Shoe County Sheriff's Office property room, where there is a special section for weapons held pursuant to protection orders. Property room staff create a receipt for Wolverine, and a copy receipt for Deputy Scarlett.
- Deputy Scarlett completes the return of service for the protection order, and completes the 10-F with the copy of the property receipt attached, and files them with the Shoe Co. Domestic Relations Clerk of Courts.

Scenario part 2b: R doesn't turn over weapons



- Wolverine is at work when served, and says will turn over weapons by the timeframe given by Judge Hayes.
- Deputy Scarlett completes the return of service for the protection order, and completes the 10-F, marking in the Other section: “*Wolverine was served at work, acknowledged the court’s order to surrender deadly weapons, and said will surrender within time frame given by Judge Hayes,*” and files them with the Shoe Co. Domestic Relations Clerk of Courts.
- Wolverine turns in weapons to Shoe Co. Sheriffs the next day. Deputy Gray, who took the weapons, completes a 10-F with copy of receipt of weapons and files with Shoe co. Domestic Relations Court.

Some questions to be determined by LE policy and procedures:



- How will officers get copies of 10-F while out on calls?
- What if the R says they sold all their weapons, but no proof of it?
- Will courts accept digital signatures on form 10-F and property receipt or do they need hard copy?
- How will your agency define the meaning of: “immediately notify the court”?
- What if the protection order ends and R doesn’t come to retrieve firearms after 6 months?
- Will your agency require a court order releasing the weapons even after the protection order has ended?

Questions that courts and legal advisors will have to decide:



- Will courts include blank 10-F forms with the orders when they order surrender of weapons?
- Will courts hold compliance hearings for Respondent if they have received no 10-F and the date for surrender indicated on the order has passed?
- Do LE have a process for accepting surrendered weapons?
- Will courts accept digital versions of 10-F and property receipts, or do they need hard copy?
- What if the protection order ends and R doesn't come to retrieve firearms after 6 months? Must LE continue to house them?

Contact Us



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