

Protecting Survivors: Understanding 10Gs and CPOs



Less widely known and understood than the CPO, the 10G is a post-conviction no-contact order issued in criminal court.



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If you know even a little about domestic violence, you've probably heard of a Civil Protection Order (CPO). In Ohio, CPOs have long been the first and best remedy for many survivors. Issued in civil courts that hear domestic relations matters, CPOs can offer a wide range of protections to a survivor by ordering abuse to stop, removing the abuser from the home, prohibiting contact, requiring the surrender of firearms, and making orders about child custody and visitation. Violations of a CPO can result in both civil and criminal penalties. With [domestic violence rates](#) rising in Ohio and nearly 25,000 domestic violence cases coming into courts across the state in 2022, many courts have developed [specialized domestic violence dockets](#) to maximize efficiency and achieve justice.

In 2021, Ohio implemented a new layer of protection for victims referred to as a 10G. Less widely known and understood than the CPO, the 10G (named for its form) is a post-conviction no-contact order issued in criminal court. Guidelines for the issuance of this order are found in the Ohio Supreme Court Rules of Superintendence. The 10G order looks and acts like the civil protection order in many ways, and the two may both be in effect simultaneously. But as attorneys, court personnel, law enforcement, and the judiciary alike get up to speed on this newer remedy, it's important to understand the differences between the two orders so victims can receive the highest and best tailored levels of protection. For example:

- 10Gs should be issued automatically via criminal court proceedings, and CPOs are issued in civil court as a result of their own separate proceedings. A 10G can and should be issued automatically to any defendant going through the criminal system - think a jail sentence, plea deal, community control, supervision, probation - when the Court feels no contact is necessary to prevent "violent or threatening acts or harassment against, sexual violence or contact of community with or physical proximity, to a victim". Given the intent that 10Gs orders be automatically and broadly issued, they should protect more victims more efficiently. They can also help overcome challenges around victim participation in CPO proceedings including fear, intimidation, discomfort with system involvement, red tape, and life barriers.
- 10Gs can potentially mobilize law enforcement and probation officers in a more powerful way than CPOs. Before the 10G, criminal courts were issuing no-contact as part of sentencing, but there was no explicit order for arrest upon violation. For this reason, many victims were forced to rely on protection from their CPO. While criminal ramifications including an arrest should accompany a violation of a CPO, that isn't always what happens in reality. Depending on the culture of a law enforcement entity or community, CPO violations are sometimes regarded as civil matters - leaving law enforcement unsure of their role. The 10G must be entered into the NCIC (National Crime Information Center) and its presence makes it clear to law enforcement that a no-contact order is in place and that arrest is appropriate upon certain conditions.

- 10Gs last for the duration of the probationary period while CPOs last for a maximum of five years (with the potential for renewal, requiring action by the survivor, upon expiration). For example, if an abuser goes to jail for four years and then serves probation for another four, the 10G no-contact order will last for the full eight years. So in some cases, the 10G will provide a longer duration of protection without the need for any victim involvement.
- 10Gs may be less useful as protection for children. Children may be included on a 10G order, but only if the criminal court is ordering that no-contact extend to the kids. In reality, criminal courts are often hesitant to include children as they feel juvenile and family courts are in the best position to make these sorts of orders. For this reason, some survivors may need to seek out a CPO to ensure protection for their children even while a 10G is in place to protect themselves.

As the 10G order has only been around for a few years, there is understandably a learning curve around its implementation. While not every court in Community Legal Aid's eight-county service region in central northeast Ohio is uniformly executing 10G orders, many do. Our advocates have the opportunity to help clients navigate the intersection of CPOs and 10Gs, and can offer some early best practices to the legal and law enforcement communities including:

- When implemented broadly in criminal courts across the state, the 10G order could help lessen the load on overburdened domestic relations courts and domestic violence specialized dockets. Buy-in, education, and process refinements within each system are key. 10Gs have the potential to integrate simply and smoothly into existing criminal court proceedings and don't require the participation of the victim.
- In court systems that are slower to implement the 10G into their no-contact process, prosecutors can play a key role. As the impetus behind the 10G,

prosecutors are filling out 10G forms and essentially handing them to the court
- maximizing protection for the victim and helping to build familiarity with a new, mandated, and necessary process.

- Law enforcement officers and probation officers can and should team up to maximize the efficacy of the 10G. When a victim calls law enforcement to report violation of a 10G, police officers can pull the order up in the NCIC database. An effective best practice can then be to make the police report on the violation of the 10G and contact the probation department directly. When probation officers receive a call from their law enforcement colleagues, many are more likely to follow through on the probation violation.
- 10Gs are new, so all courts are not issuing them as uniformly as they issue CPOs. For this reason, survivors involved in criminal cases can request 10G orders to help ensure they receive this critical layer of protection.

Even as we work to widely implement 10G procedures in courts across the state and maximize the ways they can help survivors, it's important to remember that court orders are only pieces of paper. They are only as valuable as the amount of respect the offender gives them. While most offenders do not want to go to jail, some may lose focus on consequences and still resort to violence and threats. Survivors must always remember this major limitation and consider the best ways to keep themselves safe.

This article is part of Legal Aid's ["Big Ideas" series](#).

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