

**Report of
The Supreme Court of Ohio
Domestic Violence Task Force**

Increasing Safety for Victims

Increasing Accountability of Offenders

October 18, 1996

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**The Supreme Court of Ohio
Domestic Violence Task Force**

October 18, 1996

The Honorable Thomas J. Moyer
Chief Justice
Ohio Supreme Court
30 East Broad Street, 3rd Floor
Columbus, Ohio 43215

Dear Chief Justice Moyer:

As we approach the twentieth anniversary of the Ohio Domestic Violence Act, Ohio's first significant legislative enactment regarding Domestic Violence, we, the co-chairs of the Supreme Court's Domestic Violence Task Force, respectfully submit to you this compilation of over eighteen months of work.

The twenty-eight people you originally named to the task force, along with its appointed advisors, came to the assignment from various disciplines with an above-average appreciation of the domestic violence issues which confront them and their colleagues. This diverse group met monthly and participated in numerous tele-conferences to advance its work.

The task force members divided into three committees, which met individually each month prior to full task force meetings. The members of each committee debated extensively to develop and

refine their separate questionnaires for targeted stakeholders. They then spent long hours evaluating the responses.

Upon convening the full task force, the members participated in wide-ranging discussions in which we listened to each other, questioned each other, shared experiences with each other, and learned from each other. As a result, the members learned together, grew in the understanding of each other's positions together, and, finally, made the Task Force findings -- together.

An increased level of collaboration, consensus building, and sensitivity became more apparent as the task force worked through its charge. As co-chairs, we urge you to consider how much the different entities in each local domestic violence arena will likewise gain from a similar experience of coming together as a domestic violence advisory council to fashion a community response to the problem of domestic violence.

While we know that domestic violence is an extremely serious concern, we have come to the further realization that it is an enormously complex problem. We found that adequate systems are not in place to collect much of the meaningful data which could more specifically quantify many known problems. The statistics which are available, however, indicate many overlapping and interrelated issues.

The task force has identified its immediate objectives to be: 1) increasing safety for victims, and 2) increasing accountability of offenders. The task force has also identified a significant, overarching long-term objective of providing more education for all members of society about the realities of domestic violence.

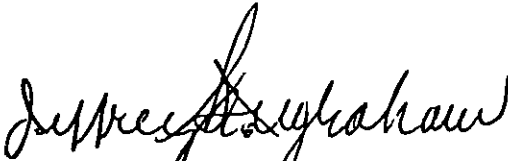
Domestic violence is not a problem caused by government or social service entities. It is a problem caused by people who learn to use, or choose to use, violence in their personal relationships. However, although government and social service entities are not responsible for individual acts of domestic violence, they *are* responsible for ensuring that their policies and procedures do nothing to further domestic violence and do everything reasonably possible to stop it.

Keeping that responsibility in mind, our report's recommendations are truly work-oriented and task-intensive, with many specific actions recommended for the judiciary, the legislature, law enforcement, and social service providers. A sub-committee of the Task Force is already at work developing uniform recommended forms for use in domestic violence protection order proceedings. These forms will be delivered to the Court before the end of calendar year 1996. In addition, we strongly urge that you consider the appointment of a commission to monitor the progress of state and local stakeholders. To that end, we offer the services of those task force members who, over the past eighteen months, have devoted both time and energy to the destructive issue of domestic violence.

We give special thanks to Cheryl Austin, Staff Attorney for the Supreme Court of Ohio, to the Task Force Coordinator, Sherri Senger, and to the inestimable committee co-chairs: Judge V. Michael Brigner, Nancy Neylon, Leslie Malkin, and Chief Douglas Knight.

Into your hands we entrust this, the Report of The Supreme Court of Ohio Domestic Violence Task Force: Increasing Safety for Victims; Increasing Accountability of Offenders.

Most sincerely,



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Court of Common Pleas
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Merle Grace Kearns
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Domestic Violence Task Force

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¹ * Designates that these individuals were not originally appointed to the Task Force by the Chief Justice, but were invited to join a committee because of their expertise in the issues of domestic violence.

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ACKNOWLEDGMENTS

While space prohibits a complete listing, the Domestic Violence Task Force would like to say “thank you” to the following agencies and individuals for all of their hard work and assistance with this project:

- Chief Justice Thomas J. Moyer, for appointing such a diverse group of individuals to serve on this Task Force, and for beginning the process which led to these findings and recommendations.
- The Ohio Department of Human Services, for the funding which made this Task Force project possible, and for assistance with compiling the results of the statewide needs assessment surveys.
- The associations who provided the Task Force with the necessary mailing labels to conduct the statewide needs-assessment surveys.
- The Junior Leagues of Ohio, for their assistance the evenings of the public hearings. A special thank you to Marian Calvin, State Public Affairs Committee Chair of the Junior Leagues of Ohio, for all of her hard work and assistance in publicizing the hearings.
- The people who took the time to share experiences at, to do research for, to send information to, or to present testimony at the public hearings. Your efforts made the public hearings a great success.
- Blackstone Reporting in Columbus, and Susie Ingraham, Court Reporter in Mercer County, who aided in the transcription of the public hearings by providing a donation of services.
- The people who worked to create this report, and the people and organizations who will read this report and try to implement its recommendations.

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**Report of
The Ohio Supreme Court Domestic Violence Task Force:
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Part I.

History of the Task Force

Creation of the Task Force

It has now been nearly twenty years since the Ohio General Assembly first enacted comprehensive legislation designed to combat domestic violence through The Ohio Domestic Violence Act. Even the most optimistic assessment of the domestic violence situation reveals that more work is needed. In recognition of this unfortunate reality, Chief Justice Thomas J. Moyer assembled the Supreme Court of Ohio Domestic Violence Task Force in March, 1995. The Domestic Violence Task Force was charged with the mission of determining the status of coordination and communication among entities responsible for addressing domestic violence issues.

The twenty-eight original members of the Task Force were assigned to one of three main committees: the judicial committee, the law enforcement committee, and the health and social services committee. Each of these committees was permitted to invite up to five individuals to serve as advisors to the committee. Each advisor invited to join a committee was chosen for his or her expertise in or knowledge of issues affecting domestic violence. The advisors were allowed to vote on issues and ideas presented within the committee, and they participated in the meetings of the Task Force as a whole, but they were without authority to vote on official actions of the Task Force.

With this report, the Domestic Violence Task Force has responded to its mission by issuing findings, identifying goals, and making recommendations concerning the appropriate role of the judiciary, the legislature, law enforcement, social service agencies, and other entities involved with the issue of domestic violence. The goal of this report of the Task Force is to support the statement that domestic violence *will not be tolerated* in Ohio communities.

The Information-gathering Process

The findings, goals, and recommendations of the Domestic Violence Task Force are the result of an intensive process of learning, listening, and sharing information. The Task Force met monthly – as a whole, and in its committees – throughout the eighteen months of its existence. During those meetings, the Task Force consulted a variety of experts, reviewed existing legislation in Ohio and

other jurisdictions, and shared information between and among committees and committee members. For example, Task Force Member and Hardin County Magistrate Leslie Malkin analyzed the federal Violence Against Women

“Domestic violence is a shared problem, requiring shared responsibility and shared solutions.”

Act, and reported to the Task Force on her findings. The Task Force was also addressed by Sarah Buel, Esq., of the Massachusetts Council on Domestic Violence. A former victim of domestic violence, Ms. Buel served on the advisory committee that drafted the Model Code on Domestic and Family Violence, and she is a member of the American Bar Association Commission on Domestic

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Violence. Ms. Buel is nationally recognized for her efforts in confronting the problem of domestic violence by promoting increased safety for domestic violence victims and the prosecution of domestic violence offenders.

Task Force members spent a large portion of each monthly meeting learning from each other. They shared experiences and frustrations in dealing with domestic violence problems in Ohio. Together, the Task Force members sought to reach a consensus on what needs to be done in Ohio to achieve the twin goals of increasing safety for victims of domestic violence and increasing accountability for its perpetrators.

"The Task Force consisted of about 40 people who came to the table with above-average knowledge of the problems of domestic violence. But when we got together, we all discovered we had much more to learn."

The experience of the law enforcement committee is typical. That committee reviewed The Ohio Model Protocol for Responding to Domestic Violence (Sec. III - Law Enforcement),

Revised 1995; Family Violence: A Model State Code, (1994), and the federal Violence Against Women Act (18 U.S.C.A. § 2265). It also invited input and anecdotal evidence by the committee's advisory members, which included law enforcement practitioners who have demonstrated expertise and extensive experience in addressing domestic violence issues at the local level.

After learning from and sharing with each other, the members of each committee developed "needs-assessment" surveys designed to measure four areas of concern: 1) the level of understanding

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of the dynamics involved in domestic violence issues, 2) the interaction between entities responsible for handling domestic violence, 3) the degree of training available to and received by those involved with victims and offenders, and 4) the awareness of and typical responses to the problem of domestic violence.

Members of the following entities were sampled:

Law Enforcement Organizations

The Buckeye State Sheriffs' Association
The Ohio Association of Chiefs of Police

Courts and Legal Service Providers

Common Pleas Administrative Judges
Common Pleas Domestic Relations Judges
Municipal Court Judges
Ohio State Legal Services
Ohio Prosecuting Attorneys Association

Medical and Social Service Providers

The Ohio Domestic Violence Network
Domestic Violence Shelters/Programs
Ohio Psychological Association
Action Ohio Coalition for Battered Women
Ohio State Medical Association
The Ohio Council of Community Mental Health
and Recovery Organizations
Ohio Dental Association
Ohio Hospital Association

Survey Distribution and Return Rate

Judicial Committee:	1,117 distributed 27% returned
Law Enforcement Committee:	750 distributed 41% returned
Health & Social Services Committee:	1,323 distributed 30% returned
TOTAL	3,190 distributed 32% returned

The survey results were compiled with assistance from the Ohio Department of Human Services, and then reviewed by the separate committees. All of the surveys were assessed and discussed by each committee. After analyzing the survey results, each committee formulated a series

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of initial recommendations, which were shared with members of the other committees. Each committee then refined its recommendations and selected major points for discussion at the regional public hearings the task force held to learn about the experiences and feelings of Ohio citizens who confront the issue of domestic violence in their own lives.

The public hearings were held during April, 1996, in Columbus, Dayton, Athens, Akron, and

“We need to work on this on a one-to-one basis and get people to deal with one another in a loving way rather than in a violent way.”

Ada. The Task Force was well-represented at the hearings, each of which lasted for over three hours.

The hearings were professionally reported and transcribed. In addition, the Task Force solicited and received written comments from those unable to attend the public hearings.

As one of the Task Force's final steps, Task Force members carefully reviewed the information it had gathered: survey results, public hearing results, existing legislation in Ohio and elsewhere, professional journal articles about domestic violence, and the shared knowledge of the committee members. As a group, the members of the task force concluded that two ultimate truths were borne out and confirmed, again and again, in surveys, hearings, and personal experience. These truths represent, in a sense, the “mission” of this task force:

We, the citizens of the state of Ohio, must increase safety for the victims of domestic violence.

We, the citizens of the state of Ohio, must hold domestic violence offenders accountable for their acts of domestic violence.

Part II.

Task Force Findings

When the Task Force completed its review of the information it had gathered, it clarified its mission: to increase safety for domestic violence victims, and to increase accountability of domestic violence offenders. The discovery of this mission was a direct result of the process of learning about domestic violence and articulating formal findings.

As they met with each other and discussed the dilemma of domestic violence, the members of the Task Force realized one fact with certainty: Members of the public and people who provide domestic violence services within the legal system, the judicial system, law enforcement, and social services often do not sufficiently understand the realities of domestic violence. This lack of understanding may be the result of inadequate awareness of the laws; it may also be the result of a lack of sensitivity to those who live with domestic violence. Whatever its cause, this lack of understanding interferes with both the punishment and prevention of domestic violence. This unmistakable fact is at the root of all of the findings below.

Task Force Findings

- 1. Domestic violence laws are applied inconsistently throughout Ohio.**
- 2. Domestic violence statutes and services provide inadequate safety for domestic violence victims.**
- 3. The collection of statistical data reflecting the rate of domestic violence in Ohio is inadequate.**
- 4. Entities responsible for addressing domestic violence issues do not adequately coordinate their efforts.**
- 5. Domestic violence services are often insufficient or unavailable on the local level.**
- 6. Ohio domestic violence social service providers are not adequately funded.**

Part III.

Goals

After articulating its findings, the task force translated them into six more concrete goals. These goals may not all be easily achievable, but they represent the Task Force's consensus about specific objectives for the Courts, the Legal System, Law Enforcement, and Domestic Violence Service Providers as they seek to increase safety for domestic violence victims and increase accountability for domestic violence offenders.

- 1. To ensure that Ohio court procedures, statutes, and social services decrease the risk of violence to domestic violence victims.**
- 2. To ensure that Ohio court procedures, statutes, and social services require domestic violence perpetrators to be held accountable.**
- 3. To increase the access of actual and potential domestic violence victims to available assistance from courts, law enforcement agencies, and other domestic violence service providers.**
- 4. To educate the public and domestic violence service providers about the realities of domestic violence.**
- 5. To train domestic violence service providers in specific methods that they can use to better accomplish the goals of domestic violence service programs.**
- 6. To increase coordination between and among all domestic violence entities, including but not limited to courts, prosecutors, law enforcement agencies, and domestic violence service providers within each community and within the State of Ohio, to prevent needless procedural conflicts and to make optimal use of community resources.**

Part IV.

Recommendations

For each of the Task Force's six identified goals, the Task Force has delineated specific recommendations designed to ensure that Ohio does a better job of increasing safety for domestic violence victims and increasing accountability for domestic violence offenders. The recommendations range from specific recommendations, such as amending existing statutes, to broad-based recommendations, such as educating domestic violence service providers as to the realities of domestic violence and its victims.

Implementation and Coordination

To better carry out its recommendations, the task force has identified five "action groups" that have a major impact on the prevention of domestic violence and on the enforcement of domestic violence laws. Each recommendation is tied to one of these "action groups." Four of these groups -- the Supreme Court of Ohio, the Ohio General Assembly, Social Service Providers, and Law Enforcement Agencies -- are already in existence. The fifth -- County Domestic Violence Advisory Councils (DVACs) -- would be comprised of local individuals who would be charged with coordinating domestic violence services within each county.

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While Domestic Violence Advisory Councils exist in many of Ohio's 88 counties, the Task Force recommends that each Ohio county establish its own Domestic Violence Advisory Council (DVAC). Existing DVACs are known by a variety of names, including Domestic Violence Task Forces, Domestic Violence Coordinating Councils, and Domestic Violence Initiatives. An established DVAC will provide a forum for discussion for representatives of entities involved in the prevention, treatment, and prosecution of domestic violence.

Typical members of a DVAC include judges (civil, family, juvenile, and criminal), court staff, prosecuting attorneys, defense attorneys, law enforcement, elected representatives, probation chiefs, battered women's shelter directors, social services personnel, medical leaders, attorneys, victim representatives, batterers' treatment counselors, and others. DVAC goals should include: 1) increasing the safety of victims; 2) increasing accountability of perpetrators; 3) monitoring local policies, rules and procedures; 4) establishing fatality review procedures; 5) facilitating a coordinated community response to domestic violence; and 6) assisting in a plan for comprehensive data collection. Each DVAC, whether existing or newly-established, should adopt the Ohio Model Protocol on Domestic Violence, a variation thereof, or any similar, equally comprehensive domestic violence protocol providing for inter-agency coordination and governing all relevant actors who interact with domestic violence victims. The local DVAC should regularly monitor and evaluate the protocol's application.

"Domestic violence tears at the fabric of every Ohio community, regardless of size or composition."

Recommendations

Goal 1. *To ensure that Ohio court procedures, statutes, and social services decrease the risk of violence to domestic violence victims.*

RECOMMENDATIONS TO THE SUPREME COURT OF OHIO

- ▶ Authorize Ohio courts to order that the address of any child or adult domestic violence victim be kept confidential.
- ▶ Require that all domestic violence protection orders be issued with a cover page with boldface language warning of the criminal penalties for violation of that order.
- ▶ Prohibit mediation in all criminal domestic violence cases. In civil domestic violence cases, the rules should allow mediation only when two conditions exist: 1) the mediation is provided by a certified mediator who is trained in the dynamics of domestic violence, and 2) the victim is permitted to have in attendance at any mediation session a supporting person of his or her choice, including but not limited to an attorney or advocate.
- ▶ Authorize Ohio courts to include any of the following five conditions in visitation orders to increase children's safety: 1) ordering an exchange of a child to occur in a protective setting, 2) ordering supervised visitation, 3) ordering a domestic violence perpetrator into a batterers' treatment program, 4) prohibiting overnight visitation, and 5) requiring a bond from the perpetrator for the safe return of the child.
- ▶ Encourage Ohio courts to take advantage of technological advances which would enhance the safety of domestic violence victims, including the use of reverse electronic monitoring. Under this system, the victim is given a "receiver" and the defendant wears a "transmitter" ankle bracelet. If the defendant comes within range of the receiver (or if the transmitter is tampered with), the monitoring company is notified electronically and appropriate enforcement action is initiated.

RECOMMENDATIONS TO THE OHIO GENERAL ASSEMBLY

Recommended Amendments to Title 29

Amend the statutory definitions of "person living as a spouse" as that phrase is defined in Ohio Revised Code § 2919.25, which regulates criminal protection order proceedings, so as not to limit the term to those who have lived together in the past year. All former

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cohabitants, regardless of the time since they have cohabited, should be eligible for a protection order if they otherwise qualify.

Amend Ohio Revised Code § 2919.25 to include among defendants/respondents against whom protection orders may be issued, "the *alleged* natural parent of a child, when the complainant/petitioner is the other parent."

Amend Ohio Revised Code § 2903.211, defining "menacing by stalking," to clarify the definition of menacing by stalking, and to eliminate the requirement that the victim's mental distress be subject to mental diagnosis or be otherwise incapacitating.

Recommended Amendments to Title 31

Revise Ohio custody and visitation factors listed in Ohio Revised Code §§ 3109.04 and 3109.051 to provide that the court "shall consider the safety and well-being of the child and of the parent who is the actual victim" of domestic violence, and "shall consider the perpetrator's history of causing physical harm or reasonable fear of physical harm to another person" in determining custody and visitation.

Revise Ohio custody and visitation factors listed in Ohio Revised Code §§ 3109.04 and 3109.051 to provide that a finding that domestic violence has occurred since the last custody determination constitutes a change in circumstances for the purpose of obtaining an order for modification of custody or visitation of a child.

Revise Ohio custody and visitation factors listed in Ohio Revised Code §§ 3109.04 and 3109.051 to provide that if a parent is absent or relocates because of an act of domestic violence by the other parent, the absence or relocation shall not be considered a factor that weighs against the parent in determining custody or visitation.

Amend the statutory definitions of "person living as a spouse" as that phrase is defined in Ohio Revised Code § 3113.31, which regulates civil protection order proceedings, so as not to limit the term to those who have lived together in the past year. All former cohabitants, regardless of the time since they have cohabited, should be eligible for a protection order if they otherwise qualify.

Amend Ohio Revised Code § 3113.31 to include among defendants/respondents against whom protection orders may be issued, "the *alleged* natural parent of a child, when the complainant/petitioner is the other parent."

Amend Ohio Revised Code § 3113.31 and related sections to permit a juvenile court to issue civil protection orders to individuals under that court's jurisdiction.

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Amend Ohio Revised Code § 3113.31 to permit Ohio courts to issue civil protection orders effective for up to five years.

Other Recommended Legislation

Require each county to establish a supervised visitation center and to promulgate conditions of visitation in cases involving domestic violence. Each supervised visitation center should provide a secure setting and specialized procedures for both supervised visitation and the transfer of children for visitation. Each supervised center should establish a security plan, including safety measures to avoid domestic violence. The State of Ohio, in connection with the Crime Control Act of 1994, should fund this mandate.

Increase funding for domestic violence shelters, legal services, and for other agencies which play a critical role in providing services to domestic violence victims.

Amend the Ohio Revised Code to make the granting or denial of a civil protection order a final appealable order.

Prohibit courts from ordering or referring parties into mediation for resolution of the issues raised in a civil domestic violence protection order petition.

Require that all domestic violence protection orders state clearly that, if a respondent/offender is excluded from the residence of a petitioner/complainant or ordered to stay away from a petitioner/complainant, an invitation by the petitioner/complainant to re-enter the residence does not waive or nullify that protection order.

Enact legislation protecting the confidentiality of domestic violence advocates' records and statements. This legislation should require that the domestic-violence-advocate-privilege, subject to waiver by the victim, applies in all domestic violence cases. Domestic violence advocates should be exempt from disclosing confidential oral communications between the victim and the advocate, and from disclosing written records and reports concerning the victim, except for the duty to report child abuse as defined by statutes.

Enact legislation or regulations that require probation in domestic violence cases to include 1) formal supervision, and 2) monitoring of compliance with conditions of probation. The probation officer should have regular contact with the victim during the period of probation. The legislation should include needed funding.

Establish a means for law enforcement agencies to be able to reliably confirm the existence and terms of domestic violence protection orders twenty-four hours per day.

Enact legislation providing immunity from civil liability to law enforcement officers who, in good faith, enforce facially valid protection orders.

RECOMMENDATIONS TO SOCIAL SERVICE PROVIDERS

- ▶ Increase the monitoring and enforcement, by the Ohio Department of Human Services, of Children Protective Services' risk assessment of domestic violence in all cases. The risk assessment should 1) ensure that services are being provided and 2) prevent, whenever possible, the removal of children (as opposed to removal of the batterer) from the home.

RECOMMENDATIONS TO LAW ENFORCEMENT

- ▶ Request temporary protection orders with the charging document as a pretrial condition of release for perpetrators of domestic violence.

RECOMMENDATIONS TO COUNTY DOMESTIC VIOLENCE ADVISORY COUNCILS (DVACs)

- ▶ Develop in-county domestic violence services in partnership with designated domestic violence service providers. These services should be available and accessible to the county's citizens. These services may include domestic violence shelters, "safe houses," local or toll free phone numbers, and/or transportation services. Monies should be identified within each county to provide transportation to domestic violence victims.

Goal 2. *To ensure that Ohio court procedures, statutes, and social services require domestic violence perpetrators to be held accountable.*

RECOMMENDATIONS TO THE SUPREME COURT OF OHIO

- ▶ Amend Ohio Rule of Criminal Procedure 46 to reconcile bail requirements in all domestic violence cases with those of Ohio Revised Code 2919.251. The Rule should require that in setting bail, a court must consider 1) the safety of domestic violence victims, 2) the increased risk which defendants charged with domestic violence may pose to complainants, family members, and witnesses, and 3) the necessity for a temporary protection order prior to a defendant's release.
- ▶ Require each court with criminal jurisdiction to develop procedures that promptly return an offender to court for adjudication upon any violation of the terms of diversion or probation, including non-compliance with a batterers' intervention program.
- ▶ The Supreme Court of Ohio Domestic Violence Task Force has reservations regarding the effective use of, or propriety of, diversion in domestic violence cases and recommends that the Supreme Court further study the concept of diversion.

RECOMMENDATIONS TO THE OHIO GENERAL ASSEMBLY

Recommended Amendments to Title 29

- ▶ Repeat occurrences of domestic violence, violations of protection orders, violations of consent agreements, and probation violations should result in additional sanctions for the offender. Therefore the following enhancements are recommended:

1) increase the penalty for a threat of domestic violence as defined by Ohio Revised Code § 2919.25^C to a first-degree misdemeanor and include classification enhancement where there has been a conviction under a municipal ordinance substantially similar to domestic violence legislation or civil or criminal protection order legislation; and

2) increase to a fourth-degree felony the penalty for a defendant who has two or more prior convictions for domestic violence, violation of a civil or criminal protection order, or violation of a substantially similar municipal ordinance.

- ▶ Amend Ohio Revised Code § 2903.211 to make the penalties for committing a violation of an anti-stalking protection order consistent with the penalties for violating a civil protection order or criminal temporary protection order under Ohio Revised Code § 2919.27.
- ▶ Amend Ohio Revised Code § 2953.36 to prevent the sealing of domestic violence convictions. This amendment is necessary due to the classification-enhancement provisions based upon prior convictions.

Recommended Amendments to Title 31

- ▶ Expand the requirement of Ohio Revised Code § 3113.32 that mandates reporting of domestic violence incidents to the Ohio Attorney General to include homicide, felonious assault, and aggravated assault involving a family member or current or former household member. Reporting should include case dispositions if criminal charges are filed. State funding needs to be provided for this data collection and reporting.

Other Recommended Legislation

- ▶ Amend the Ohio Revised Code to make aggravated trespass violations and anti-stalking protection orders subject to the statewide preferred arrest policy.
- ▶ Establish reciprocal enhancement of sentencing between a violation of domestic violence statutes and commission of violent crimes against children, including child abuse and sexual offenses.

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- ▶ Enact legislation providing that a conviction for violation of a domestic violence law carries a minimum mandatory fine, and allocate a portion of those fines for indigent batterers' treatment programs, domestic violence advocacy programs, and law enforcement domestic violence training.

RECOMMENDATIONS TO SOCIAL SERVICE PROVIDERS

- ▶ The Ohio Department of Health should require coroners to list domestic violence in the box (33d) entitled "describe how injury occurred" on the Certificate of Death form, if domestic violence is the known cause of injury.

RECOMMENDATIONS TO LAW ENFORCEMENT

- ▶ Develop written procedures for screening and charging in domestic violence cases. Prosecutors should develop statistical data collection tools that report the number of 1) criminal cases filed and dismissed, 2) convictions, 3) repeat offenses, and 4) enhancements.

Goal 3: To increase access of actual and potential domestic violence victims to available assistance from courts, law enforcement agencies, and other domestic violence service providers.

RECOMMENDATIONS TO THE SUPREME COURT OF OHIO

- ▶ Amend the Rules of Superintendence for Courts of Ohio to require every court with domestic violence jurisdiction to adopt a local rule detailing the court's procedure for issuing protection orders and for managing domestic violence cases, including provisions for a victim to obtain a temporary protection order during those hours when the court is not in session (after hours, weekends, holidays, etc). It is especially important for a domestic violence victim to be able to obtain a temporary protection order in those jurisdictions where domestic violence defendants have access to bond prior to arraignment.
- ▶ Promulgate a civil court rule stating the following: "A petition for protection may be filed in the (insert county or district):
 - a. Where the petitioner currently or temporarily resides;
 - b. Where the respondent resides; or
 - c. Where the domestic or family violence occurred."
- ▶ After the Ohio Supreme Court adopts a statewide standard pro-se protection order process pursuant to House Bill 335, the Code of Professional Responsibility should be amended to exempt from the rules defining "the practice of law" any assistance by court personnel, clerk of court personnel, and domestic violence advocates given to domestic violence victims in the preparation of forms for obtaining protection orders.

RECOMMENDATIONS TO THE OHIO GENERAL ASSEMBLY

- ▶ Enact legislation that would exclude domestic violence as an acceptable "pre-existing condition" used to deny insurance coverage for domestic violence-related claims or as a basis for underwriting or rating.
- ▶ Enact legislation that would prohibit courts, clerks, and law enforcement agencies from charging fees for the service of process in any protection order proceeding, including service of interstate or inter-county protection orders.
- ▶ Enact legislation requiring every Ohio county to establish victim advocacy programs that include 1) immediate victim assistance and subsequent support, 2) victim counseling, 3) referral of victims to domestic violence service providers to assure safety and 4) ongoing support for domestic violence victims in continuing stages of court involvement.

RECOMMENDATIONS TO SOCIAL SERVICE PROVIDERS

- ▶ Proactively reach out to the aged and physically challenged communities to educate those populations about domestic violence issues and to reduce the barriers those populations face when accessing appropriate services.
- ▶ Prioritize eligibility through state and local housing authorities for subsidized public housing for victims of domestic violence in the state of Ohio.

RECOMMENDATIONS TO LAW ENFORCEMENT

- ▶ Create a template, through the Ohio Attorney General's Office, for a statewide brochure defining domestic violence law, detailing court procedures and processes, listing victims' rights, etc. A second section of the brochure could be supplemented by each county to include county-specific resources, including names and phone numbers of relevant court departments, domestic violence resources, social service agencies, legal resources, etc.

RECOMMENDATIONS TO COUNTY DOMESTIC VIOLENCE ADVISORY COUNCILS (DVACs)

- ▶ Participate in a statewide public information program to alert domestic violence victims, batterers, and the general public about legal relief and services available in the state of Ohio, and particularly within that county.

Goal 4: *To educate the public and domestic violence service providers about the realities of domestic violence.*

RECOMMENDATIONS TO THE SUPREME COURT OF OHIO

- ▶ Amend Rule IV of the Supreme Court Rules for the Government of the Judiciary of Ohio to require all judges and magistrates who have jurisdiction over civil or criminal domestic violence statutes or juvenile domestic violence matters to receive a minimum of four hours of domestic violence education pertaining to both the law and the psycho-social dynamics of domestic violence prior to December 31, 1998. All newly elected or appointed judges or magistrates who have jurisdiction over civil or criminal domestic violence statutes or juvenile domestic violence matters should receive a minimum of four hours of domestic violence education pertaining to the legal and psycho-social dynamics of domestic violence within two years of the election or appointment.
- ▶ Amend Rule X of the Supreme Court Rules for the Government of the Bar of Ohio to offer incentives that encourage attorneys representing parties in civil or criminal domestic violence cases to obtain domestic violence education.
- ▶ Require continuing legal education providers to include domestic violence education, including education about ethical issues related to domestic violence, in family law and criminal law seminars offered in Ohio.

RECOMMENDATIONS TO THE OHIO GENERAL ASSEMBLY

- ▶ Increase state and local funding for educating the judiciary, prosecutors, and law enforcement on domestic violence issues.

RECOMMENDATIONS TO SOCIAL SERVICE PROVIDERS

- ▶ Educate domestic violence service providers and social service agencies in cultural diversity. The training should include a proactive, targeted outreach to culturally diverse, under-served communities.
- ▶ Encourage the Ohio Department of Education, in conjunction with domestic violence professionals, to develop and implement age-appropriate domestic violence curricula for students K-12, to be presented at a minimum annually. The Board of Regents should encourage that all public and private colleges and universities annually (at minimum) provide domestic violence training in curriculum/programming for students, faculty, and staff. The Board of Education and the Board of Regents should access the funding available through the 1994 Crime Bill to implement this recommendation.

RECOMMENDATIONS TO LAW ENFORCEMENT

- ▶ Provide extensive recruit and in-service refresher training (not less than eight (8) hours bi-annually) to peace officers, police chiefs, sheriffs, and dispatchers in the area of domestic violence. The training should include law instruction, evidence collection (demonstrative evidence such as photographs, 911 tapes, etc.) report writing, issues awareness and sensitivity, victims' rights and community resources. The state should fund this training.

Residents at an Ohio domestic violence shelter were awakened one morning by a loud banging on the door. It was a local law enforcement officer, who had brought the batterer of a shelter victim to the door of the supposedly secret shelter to try to "talk out" the problem.

Goal 5: *To train domestic violence service providers in specific methods that they can use to better accomplish the goals of domestic violence service programs.*

RECOMMENDATIONS TO SOCIAL SERVICE PROVIDERS

- ▶ The Ohio Department of Human Services should appoint a 3-member panel to take responsibility for assessing whether boards of professional services providers have complied with the mandate of House Bill 335 to formulate training opportunities for their members to be competent in handling domestic violence cases. This panel should issue a report to the Ohio Supreme Court annually on the anniversary of the bill's passage.
- ▶ Implement "Trust Talk" as included in the Ohio Model Protocol on Domestic Violence, a variation thereof, or any similar, equally comprehensive domestic violence protocol at all health care institutions that serve victims of domestic violence.
- ▶ The Ohio Department of Health should assist all health care institutions in developing and implementing domestic violence protocols as included in the Ohio Model Protocol on Domestic Violence, a variation thereof, or any similar, equally comprehensive domestic violence protocol.
- ▶ State boards and/or state associations of professional service providers should mandate domestic violence training for health care and social service providers, including but not limited to physicians, psychologists, nurses, social workers, counselors, chemical dependency counselors, dentists, pre-hospital care providers, county and children services workers, and clergy. The training will be updated and renewed on a continuing basis. Funding sources should be explored.

Goal 6: *To increase coordination between and among all domestic violence entities, including but not limited to courts, prosecutors, law enforcement agencies, and domestic violence service providers within each community and within the State of Ohio, to prevent needless procedural conflicts and to make optimal use of community resources.*

RECOMMENDATIONS TO THE SUPREME COURT OF OHIO

- ▶ Require each party in a civil protection order proceeding to inform the court of any related divorce, legal separation, or criminal proceedings.
- ▶ Appoint a committee to analyze the conflicting jurisdictions, statutes, and procedures for issuance of civil and criminal protection orders to individual domestic violence victims. This committee should work towards developing coordinated laws and procedures to resolve the problems of (1) "dueling protection orders," (2) conflicts between protection orders issued by one court and visitation orders issued by a different court, and (3) the gap period in felony domestic violence cases between the expiration of municipal court jurisdiction and the protection orders it has issued, and the assumption of common pleas court jurisdiction upon issuance of a grand jury indictment.
- ▶ Study the problems of juvenile courts in dealing with domestic violence statutes.

RECOMMENDATIONS TO THE OHIO GENERAL ASSEMBLY

- ✓▶ Enact legislation implementing the requirement in the Federal Violence Against Women Act (VAWA), 18 U.S.C.A. § 2265, that states must give full faith and credit to protection orders issued in other states.
- ✓▶ Enact legislation in compliance with VAWA requiring the registration and enforcement of all foreign orders of protection. Procedures should include but not be limited to: 1) the verification and maintenance of such orders and 2) the establishment of full faith and credit of all provisions of the foreign order, regardless of whether the relief is available under Ohio law.
- ✓▶ Enact legislation requiring or encouraging law enforcement agencies to make referrals to the United States Attorney of cases where the abuser has crossed into Ohio to commit domestic violence, which is a federal offense under VAWA.

- ▶ Amend Ohio Revised Code § 2919.26 and Ohio Revised Code § 3113.31 to establish uniform protection order forms which will enable officers to more easily recognize the protection order and understand its pertinent provisions.¹

RECOMMENDATIONS TO SOCIAL SERVICE PROVIDERS

- ▶ Promulgate statewide, uniform standards for certifying batterers' intervention programs from the Ohio Department of Human Services, in consultation with appropriate state agencies and with other appropriate social service agencies.
- ▶ Develop a certification program for batterers' intervention that is congruent with "Violent No More" (A psycho-educational batterers' program) and incorporates the Ohio Standards for Batterer Intervention Programs. Court-ordered referrals for treatment of batterers should be made only to the service providers who meet these standards and who include provisions for ensuring victim safety and accountability to the court.

RECOMMENDATIONS TO COUNTY DOMESTIC VIOLENCE ADVISORY COUNCILS (DVACs)

- ▶ Enhance the coordination among domestic violence shelters and service providers, housing authorities, job training personnel, educators, and child care providers.
- ▶ Participate in the county's Family and Children First Council to coordinate activities and consolidate efforts.

¹Uniform recommended forms will be delivered to the Ohio Supreme Court before the end of calendar year 1996.

Part V.

Conclusion

The establishment of local, coordinated efforts holds the most promise for justice for victims of domestic violence. The recommendations proposed by the Task Force seek to promote these efforts. As these recommendations are implemented, no doubt other challenges and obstacles will arise. Domestic violence is a complex and evolving problem, one that requires the attention of all those who impact the problem.

As domestic violence is a complex problem, so too are the solutions complex. Progress must be continually monitored and evaluated, and new solutions must be considered, as our citizens work toward the goal of ending domestic violence. It is the hope of the members of this Task Force that, beginning with the recommendations contained in this report, the State of Ohio will be successful in its quest to increase accountability for those who commit domestic violence and increase safety for victims of domestic violence.