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***DURING THE COVID-19 CRISIS:
RECOMMENDATIONS FOR COURTS AND ATTORNEYS WHO WORK
WITH FAMILIES EXPERIENCING DOMESTIC VIOLENCE***

Domestic violence advocates and law enforcement officials worry that domestic violence reports may increase during the COVID-19 crisis. For people experiencing domestic violence, Stay At Home orders could mean they are trapped in their homes with their abusers, isolated from people and resources that could help them. [The National Domestic Violence Hotline](#) reports a growing number of calls from survivors confined to their homes, which may be a dangerous place. Meanwhile, children in these homes are less likely to have access to safe spaces like schools and libraries, counselors, and in home service providers.

The following is a list of recommendations for court officials who want to ensure families experiencing domestic violence are able to get the help they need. Staff from the Ohio Domestic Violence Network welcome the opportunity to discuss these ideas and others with the Court, staff, and legislators.

Protection orders: Petitions can be submitted electronically or by fax. Ex parte hearings can then occur via phone or video call to prevent additional time and exposure in the courthouse for petitioners who struggle to negotiate the process and often visit multiple offices to get the petition completed and filed, through assignment, and the hearing. Legal advocates at our shelters are ready to support the technology needs of petitioners remotely and in the community. For example, if the court selects a video conferencing platform and notifies the local domestic violence program, those advocates can walk petitioners through downloading and using the technology for a hearing. Petitioners in shelter also can be provided access to a computer to use for the remote hearing.

As a notarized signature is not statutorily required, issuing guidance that a sworn statement under penalty of perjury without a notary will further remove an obstacle for filing remotely.

If protection order hearings are still being held in the courtroom, please make emergency or temporary local rules consistent with R. C. 3113.31(M) to permit advocates to attend the hearing with petitioner.

When issuing an ex parte protection order, use a date at least a year in the future for the expiration date to avoid unnecessary additional in person continuances and in person service requirements for law enforcement. This best practice to avoid service-related issues including lapses in protection is even more critical during this crisis. The state of New York issued an order on March 19 continuing all of their protection orders until hearings can be held. (See attachment.)

Release of inmates - pre-trial and post-conviction: Use of Amy's Law, Ohio's bond statute in domestic violence cases which requires consideration of numerous factors indicating danger should continue in full force. If the incarceration is related to domestic violence, stalking, sexual assault, violation of protection order offenses, we request that risk assessments specific to domestic violence or sexual violence recidivism and lethality be considered before these defendants are released. Those assessments can be done remotely by pre-trial services, probation, or parole. Courts should strengthen efforts to ensure that victims are enrolled in VINE and maintain current contact information for notification purposes if the defendant in their case is released.

Abuse, Neglect, Dependency: Compliance time periods should be extended for parents to be able to complete case plan objectives. Visitation with parents has been suspended by children services agencies in many counties because of health precautions. Parents' inability to comply with court-imposed requirements should not be held against them because so many services are more difficult to obtain or unavailable. The law might need to be changed to permit an additional extension of time or tolling of the 12 of 22 months for filing of permanent custody during this time period to prevent unnecessary termination of parental rights. If not changed, courts should consider the extenuating circumstances when evaluating "lack of compliance" by parents during this time.

Any case plan requiring communal living, like going into shelter, may need to be amended by the courts to prevent medical concerns and the spread of the COVID 19 virus. Courts and Job and Family Services/Children Services can proactively inform parents working case plans that there are phone and web-based services available for counseling, AA and NA meetings, and other traditionally in person and group programming.

Family Law: In juvenile and domestic court proceedings regarding custody and visitation rights, any efforts to maintain access to the courts for domestic violence related safety matters can make a huge difference. The level many courts require to consider an emergency custody order may need to be slightly relaxed or perhaps an additional question could be asked in filing if the request for a hearing (video or phone or in person) relates to the safety of the child(ren) at issue in the case. Questions are pouring into social media and lawyer's offices regarding sending children to a parent who is not taking any protective action regarding taking reasonable efforts to protect children from exposure to the COVID-19 virus. Many parenting time schedules did not contemplate out-of-work parents who are spending long periods of time indoors with children out of school. Situations that may have been more manageable before are less safe now and protective parents have less access to recourse from the courts.

Courts often advise parents to work out disagreements in the best interest of the children. When domestic violence is involved, the ability to negotiate agreements can be severely hampered by domestic violence offenders who use coercion, threats, and violence during and after separation to control the other parent and the children. Judges who issue standing orders that require parents to take health precautions, suspend in-person visitation for high-risk children and their siblings who should not be travelling back and forth, and change public exchange locations to locations

that remain open could help save lives. Judges should consider holding brief phone hearings to address safety matters and err on the side of caution when safety issues arise; make-up time with the other parent can be addressed at a later time if necessary.

Other cases: We fully support Chief Justice O'Connor and the Supreme Court of Ohio's Guidance to Local Courts about domestic violence remedies being necessary outside of civil protection orders and criminal prosecution. Courts can consider adapting a promising practice from Henry County where lawyers and pro se parties are screened for domestic violence at the time of filing. During this crisis, a pleading or perhaps even a question from the clerk or court official asking whether a matter involves domestic violence at the time of filing would enable courts to better manage dockets to handle all matters necessary to preserve the safety of domestic violence victims, both adults and children. ODVN is happy to develop additional guidance about how this can be safely done if this recommendation is of interest.

Video Hearing Considerations: Non-profit organizations have been using free or low-cost services that will also work for courts: Zoom video conferencing, GoTo Meeting (used by the Supreme Court), and others. The National Network to End Domestic Violence's Safety Net project addresses how domestic violence and other providers can use technology and ensure privacy, confidentiality, and safety for domestic violence survivors. Courts may benefit from some of the project's research and [tool kits](#).

Not all victims will have access to technology sufficient to use video conferencing, but most will be able to use a conference call. There is a limit to safe places right now, so judges may need to take care to ask if the petitioner is safe prior to and during any hearing. Courts should facilitate the ability of advocates to join those calls. Federal courts and many state courts have been using phone-based hearings for a long time and various statutes already provide for the use of phone or video testimony (see the UCCJEA for example). Video and phone conference calling services available for free download and accessible by cellphone app are ideal.

Please do not hesitate to contact Micaela Deming ODVN's staff attorney at 614-742-7902 or MicaelaD@odvn.org if there are additional questions. We look forward to supporting the Court's efforts to ensure the justice system remains a place where domestic violence victims can seek and receive interventions critical to their safety and security.