

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Sharon L. Kennedy

CC: Robert W. Horner, III, Administrative Director
Stephanie Nelson, Court Services Division Director

FROM: Judge James W. Brown, Chair, Advisory Committee on Domestic Violence
Anne M. Murray, Policy Counsel

DATE: March 6, 2024

RE: Advisory Committee on Domestic Violence – 2023 Annual Report

Pursuant to Guideline 4.03 of the Operating Guidelines for the Advisory Committee on Domestic Violence (Advisory Committee), we are proud to present the Advisory Committee's 2022 Annual Report.

Purpose of Advisory Committee

The purpose of the Advisory Committee is to provide ongoing advice to the Supreme Court of Ohio and its staff to improve Ohio courts' response to domestic violence and related issues. Given the far-reaching impact of domestic violence on victims, perpetrators, their families, and communities, the advice spans more than merely criminal or civil protection order matters and includes every type of court. The group recommends workable rules and standards; fosters effectiveness through multidisciplinary approach; and assists the development and delivery of education for justice partners on issues the Advisory Committee deems necessary to assist them to best address this significant topic.

2023 Activities and Accomplishments

The Advisory Committee met in 2023 via remote conferencing platform on March 3rd, June 23rd, October 13th, and December 15th, under the leadership of Judge James W. Brown of the Franklin County Court of Common Pleas Domestic Relations Division and Juvenile Branch. As discussed below, the Advisory Committee's work focused on continued outreach and education regarding new laws, protection order rules and forms, increasing access to courts, providing input on policy matters, and supporting promising practices regarding domestic violence, dating violence, sexual assault, and stalking.

Response to New Laws

Marsy's Law Education

In April 2023, new statutory procedures became effective detailing how crime victims can exercise their constitutional and statutory rights commonly known as “Marsy’s Law” (e.g., the right to receive notice, right to be heard, right to an attorney, right to appeal, etc.). Although Ohio’s constitutional amendment went into effect in 2018, the legislation prescribed procedures to follow for law enforcement, prosecutors, and courts handling criminal matters. The Advisory Committee devoted a portion of each meeting this year to discuss Marsy’s Law, asking members to share the types of questions they received, how their court or agency adjusted practices to comport with the law and any successes or issues experienced in their county. Many of these topics were included in the guidance documents described below.

The new law required the Supreme Court to create two forms: a Victim Rights Request Form (VRR) and a Crime Victim Restitution Amount Summary Form. The VRR was for use by victims, law enforcement, prosecutors, and courts to inform victims of their rights, permit them to elect rights that must be requested to be exercised, and to list victim contact information to be used by justice partners throughout the case. The Crime Victim Restitution Amount Summary Form was to assist victims to document economic harm to request restitution as part of the criminal sentence. Chief Justice Sharon Kennedy tasked the Office of Court Services with developing those forms and other resources for courts on how to implement the new statutory procedures.

Court Services staff also created several resources for courts: a poster and business cards for local courts to post and distribute describing the Marsy’s Law rights, and two bench guides including a brief overview of the rights of victims, duties of the court, and considerations courts should give during various stages of a case (*Understanding Marsy’s Law: Quick Reference Guide for Judges*) and a detailed explanation of the rights and required court procedures (*Understanding Marsy’s Law: Judicial Guide to Protecting the Rights of Crime Victims*).

All Marsy’s Law resources were reviewed and informed by the Advisory Committee throughout their development. [In July 2023, the law was amended, and among the revisions, the Office of the Attorney General was tasked with responsibility for the Victim Rights Request Form.]

Strangulation Law Education

Also in April 2023, legislation went into effect making strangulation or suffocation (obstructing someone’s normal breathing or blood flow) a tiered felony, the level depending upon the level of harm caused, and the relationship of the parties (e.g., the felony level increases if the parties were family or household members or in a dating relationship at the time of the incident). The Advisory Committee devoted a portion of each meeting this year to discuss any changes to practice in their court or community or questions raised regarding the new strangulation law.

On August 30, 2023, the Advisory Committee and Supreme Court's Domestic Violence Program sponsored a webinar presented by a forensic nurse and two members of the Advisory Committee for 78 Ohio justice partners using the Court's Violence Against Women Act (VAWA) grant. Presenters discussed the medical considerations of strangulation and explored the tiered system using case scenarios.

The Advisory Committee's Strangulation and Traumatic Brain Injury Workgroup continued developing a resource for courts about strangulation, including the new law, the signs and symptoms, lethality and risk, emerging research, and bail considerations, and how resulting brain injury might affect one's ability to access court systems. The Advisory Committee expects the resource to be submitted to the justices for review in 2024.

Protection Order Forms and Resources

Translation of Standard Protection Order Forms into American Sign Language

The major project of the Advisory Committee this year has been completing the project to render the revised protection order forms into American Sign Language (ASL). On the Supreme Court website, protection order forms and instructions are already available in English, Spanish, Arabic, Chinese, French, and Russian. This year, the Supreme Court Domestic Violence Program and Language Services Section introduced a video series to assist deaf individuals who need to fill out protection orders. In the videos, produced with VAWA grant funds, certified deaf interpreters explain the protection order forms in ASL. The project arose from a 2019 Court survey that found that the second most requested language in Ohio trial courts is ASL, and that some deaf individuals don't know how to read or write English and therefore can't understand from the standard written forms what protections they can request or what a court might order and expect from them.

For the project, the Advisory Committee consulted with the two statewide service providers for deaf/hard of hearing victims of domestic violence, Deaf World Against Violence Everywhere (DWAVE) and DeafPhoenix. The agencies worked with survivors and offered input about what would be most useful for their clients viewing videos of protection orders in ASL. The videos are available on the Supreme Court's website from the Domestic Violence Program page or the Forms page, with or without captioning.

Outreach and Education

Fulfilling one of its primary roles for the Court, the Advisory Committee continued to conduct outreach and education about the standard protection order and related forms. In addition to fielding questions throughout the year and members conducting education for justice partners in their respective counties, Domestic Violence Program staff presented about the forms in Stark County to their multidisciplinary Domestic Violence Coalition on September 7, 2023.

Ohio Legal Help Protection Order Project

This year, the Advisory Committee continued to partner with Ohio Legal Help (OLH), an online self-help legal assistance website, to enhance the availability of easy to use, online resources and information about protection orders for Ohioans.

In 2021, the Advisory Committee partnered with OLH to place the standard protection order forms on the OLH website, www.ohiolegalhelp.org, using VAWA grant funds. The resulting protection order tool allows users to easily find and complete the forms online, using a mobile phone, tablet, or computer, and to stop and save the information, and return as needed. In addition, the site offers referrals to legal and advocacy services in the user's county, educational materials about the court process and location, and a guided interview for Domestic Violence and Dating Violence Protection Order petitions. The demand for this type of help is significant: 43,400 users visited the page from January to November 2023, and since the protection order pages launched in 2021, it has consistently been the most visited family law topic on the website.

This year, the Advisory Committee approved using VAWA funds for OLH to create a guided interview for Civil Stalking and Sexually Oriented Offender Protection Order petitions like the guided interview previously created for Domestic Violence and Dating Violence Civil Protection Order petitions. Advisory Committee members who regularly work with these types of protection orders and law are providing input for the development. The tool is scheduled to launch in January 2024.

Input on Policy

Legislation

In addition to following the significant amendments to Marsy's Law legislation, the Advisory Committee closely monitored multiple bills addressing issues relating to domestic violence that, if passed, could require revisions to existing or recommended forms, rules, or practices. The topics were wide-ranging: creating emergency protection orders; amending the Address Confidentiality statute; prohibiting installing tracking device or apps without consent; altering the factors for analysis for parental rights and responsibilities; removal of the spousal rape exception, and changing the statutes of limitations for sexual assault.

Violence Against Women Act Advisory Board

In its role as the Collaboration Board for the Supreme Court's VAWA grant program activities, the Advisory Committee guided the program management of the VAWA funds by the Court's Domestic Violence Program. In 2023, along with supporting the Ohio Legal Help CSPO project mentioned above, the monies enabled several projects intended to enhance and improve response to domestic violence, sexual assault, stalking and dating violence in the justice system.

I. Domestic Violence Education

a. Cultural Responsiveness, DV, and the Courts Webinar Series

The Domestic Violence Program organized a webinar series was presented by national domestic violence organizations who specialize in education and resource development regarding procedural justice and enhancing access to court systems for victims, entitled *Cultural Responsiveness, DV, and the Courts*. Originally approved

for funding using the Court's VAWA funds, instead, each webinar was paid for by the presenting organization's grants, so the courses were held at no cost. The three-part series, attended by 150 court personnel, included Part 1: *In the Black Community* by Ujima, Inc. (July 14th); Part 2: *In the Latina/Latino Community* by Esperanza United (August 3rd); and Part 3: *Persons with Disabilities* by Activating Change (November 8th).

b. *Talking Stalking Webinar Series*

In the fall, the Domestic Violence Program sponsored a webinar series for 579 justice partners focused on the crime of stalking, including topics such as the use of technology to stalk, assessing risk, and improving justice system response. Entitled *Talking Stalking*, the series was comprised of Part 1: *Addressing and Assessing Stalking* by TK Logan, Ph.D., University of Kentucky Department of Behavioral Science (October 18th); Part 2a: *The Use of Technology to Stalk* by Dana Fleitman, Training and Awareness Specialist, Stalking Prevention, Awareness, and Resource Center (SPARC) (November 2nd); Part 2b: *Identifying, Assessing, and Presenting Digital Evidence* by Jane Anderson, AEquitas (November 2nd); and Part 3: *A Victim's Experience through Stalking and Beyond* by survivor Anna Nasset (November 14th). The Domestic Violence Program collaborated with the Judicial College for the Part 2 webinars. VAWA funds supported the series.

c. *Nonfatal Strangulation and Brain Injury Webinar Series*

Along with the webinar on the new strangulation law described above, the VAWA grant supported a webinar about traumatic brain injury resulting from domestic violence including a survivor's experience. Entitled *Domestic Violence and Brain Injury: Invisible Injuries*, Rachel Ramirez, Director of Health and Disability Programs and Founder of The Center on Partner-Inflicted Brain Injury at the Ohio Domestic Violence Network (ODVN), and survivor Paula D. Walters presented to over 200 justice partners (December 13th).

II. *Cuyahoga County Domestic Relations Court Victim Survey Translation Project*

The Cuyahoga County Domestic Relations Court is conducting outreach through a survey to survivors of domestic violence who have been part of a custody or parenting plan case in their court to develop a curriculum to improve parenting skills for parents who have used violence against the other parent in the past and who will likely get visitation with their child as part of a court order or agreement. The Advisory Committee was consulted about the court's request for VAWA funds to translate the survey and results for victims who speak Spanish and Arabic, the most common foreign languages in their county. This project is underway and will be completed in 2024.

2024 Anticipated projects

In 2024, the Advisory Committee will continue to assess progress on identified goals and objectives and pursue activities consistent with its mission. In addition to the projects mentioned above that will continue, the Advisory Committee anticipates working on the following projects:

Domestic Violence and Protection Order Education

Attendees of education courses in 2023 were asked what future education they would like the Domestic Violence Program to offer. The most common topics requested were domestic violence dynamics and working with victims, and about the Ohio protection orders and related forms. The Advisory Committee and Domestic Violence Program have requested VAWA funds to conduct a series of regional in-person courses on domestic violence and protection orders, as well as a few webinars on the subjects to reach the most attendees across the state.

Marsy's Law Education

The Advisory Committee has requested VAWA funds in 2024 to translate the Court's Marsy's Law resources into several foreign languages to increase accessibility for court users. If awarded, the Domestic Violence Program will work with the Language Services Section to find certified translators in each language selected for the project.

Continued Stalking Education and Resources

Attendees of this year's courses also requested more education on stalking, particularly responding to the use of increasingly sophisticated technology to stalk. The Advisory Committee will continue to plan stalking education and resources for court personnel.

Technical Assistance

As the Collaboration Board overseeing the Court's VAWA grants activities, the Advisory Committee will continue to provide leadership and direction for the Supreme Court on VAWA funded activities to maximize capacity and project impact.

As always, the dedicated members of the Advisory Committee on Domestic Violence will continue to strive to provide valuable service to the Ohio courts and the Supreme Court of Ohio.