

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Maureen O'Connor

CC: Stephanie Elliot Hess, Interim Administrative Director
Stephanie Graubner Nelson, Director, Court Services Division

FROM: Judge M. Margaret Evans, Chair, Advisory Committee on Domestic Violence
Diana Ramos-Reardon, Policy Counsel

DATE: February 8, 2019

RE: Advisory Committee on Domestic Violence – 2018 Annual Report

Pursuant to Guideline 4.03 of the Operating Guidelines for the Advisory Committee on Domestic Violence, we are proud to present the advisory committee's 2018 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 regarding statewide rules and uniform standards concerning the establishment and operation of domestic violence programs in Ohio courts; the development and delivery of services to Ohio courts on matters involving domestic violence, including education for judicial officers, court personnel, and justice partners; and the consideration of any other issues the advisory committee deems necessary to assist Ohio courts to strengthen their response to dating violence, domestic violence, sexual assault, and stalking.

2018 Activities and Accomplishments

The advisory committee met at the Ohio Judicial Center on March 16th, May 18th, and August 24th. The fall meeting was cancelled due to scheduling conflicts. As discussed in further detail below, the advisory committee focused on providing input on policy matters, revising the protection order rules and forms, and supporting education on domestic violence.

Input on Policy

The advisory committee closely monitored legislative measures codifying dating violence, sealing of ex parte protection order records, making law enforcement personnel mandatory child abuse reporters, removing firearms from persons subject to protection orders, prosecuting protection order violations even when the respondent had not been served with the order, and

codifying victims' rights in Ohio's Constitution. Central to the committee's discussion on these measures was their impact on court rules, policies, and practices and whether the legislative measures would entail revisions on existing forms or rules. During these discussions, the committee also considered 2017 Ohio Atty.Gen.Ops. No. 2017-031 and its implication to entering no contact orders into the National Crime Information Center protection order database. Additionally, the advisory committee monitored the amendment to Civ.R. 4.4, which clarified the use of service by publication by posting in civil protection order proceedings.

Protection Order Forms

The advisory committee is tasked with periodically examining the protection orders rules and forms and proposing revisions based on statutory changes and known best practices. The committee proposed revisions based on (1) recent legislation—e.g., dating violence civil protection order, address confidentiality program through the Ohio Secretary of State, transfer of wireless service, custody of companion animals, and knowledge of the issuance of a protection order—(2) societal trends regarding the use of social media, service instructions, and clarification of firearms disability, and (3) increased access to justice and procedural justice.

The proposed rules and forms were presented to the Court on June 26 and July 17, 2018, and were released for public comments on August 12, 2018. Given the breadth of the revisions being proposed, the rules and forms were published for a 60-day comment period, which officially closed on October 12, 2018. Nearly 4,000 public comments were received. National and statewide organizations, such as Ohio Domestic Violence Network, Buckeye Firearms Association, National Rifle Association, Brady Center and Brady Campaign to Prevent Gun Violence, Ohio Coalition Against Gun Violence, and ACTION OHIO Coalition For Battered Women, commented on provisions regarding firearms surrender and return incident to the issuance of a protection order.

The Forms subcommittee met in-person and by telephone for more than 25 hours to review and consider all comments. The packet of revisions was finalized in December 2018 upon the approval of the advisory committee and will be presented to the Court on March 5, 2019, for final consideration and adoption.

Domestic Violence Education

The advisory committee serves as the Collaboration Board for the Supreme Court's Violence Against Women Act (VAWA) Grant Program activities. In this capacity, the committee oversaw the Court's operation of the grants, and provided input, as appropriate, on grant activities. In 2018, the Court administered nearly \$130,000 in VAWA funds. The monies primarily focused on bringing technical assistance and resources to local courts to meet the needs of the courts as perceived by them. Through this effort, thirteen courts—Akron Municipal Court, Cleveland Municipal Court, Henry County Family Court, Franklin County Municipal Court, Franklin County Domestic Relations/Juvenile Court, Cuyahoga County Domestic Relations Court, Trumbull County Family Court, Fairfield County Domestic Relations Court, Darke County Municipal Court, Tuscarawas County Common Pleas Court, Meigs County Common Pleas Court, Mahoning County Domestic Relations Court, and Wood County Common Pleas Court—received technical assistance to strengthen the courts' response to domestic violence. The eight VAWA-funded trainings at the

local level provided a platform to foster judicial leadership and increase coordination between the local court and its justice partners. The advisory committee also supported the use of VAWA funds in other statewide educational opportunities for courts, including the Specialized Docket Conference and a Judicial College's probation course.

Additionally, the advisory committee continued shepherding an online, asynchronous domestic violence course for guardians ad litem (GALs). This effort was pursued at the request of juvenile courts, which expressed an interest in building capacity among GALs to better assess cases with a history of domestic violence. The course is grounded on the Safe & Together Model, which is the framework used in Ohio to assess allegations of domestic violence in child welfare cases. The project was completed in November 2018 in partnership with the Ohio Judicial College, the model's architect, David Mandel, and a private sector instructional designer. The 3-hour course was launched in December 2018 and is housed in the Court learning management system. The course meets the advanced continuing education requirements for GALs per Sup.R.48.

2019 Anticipated projects

In 2019, the advisory committee will continue to assess progress on identified goals and objectives and pursue activities consistent with its mission. The committee anticipates working on the following projects:

Standard Protection Order Rules and Forms

The advisory committee will present its final recommendations on amendments to the protection order rules and standard forms to the Court on March 5, 2019. It is anticipated the amended rules and newly adopted forms will go into effect before the summer. The revised forms will be organized by type of proceeding and available on the Domestic Violence Program web page to promote access to justice. Ohio protection order forms have garnered national distinction for being robust and comprehensive. The advisory committee will work diligently to ensure Ohio protection order forms continue to deserve such a distinction.

Translation of Standard Protection Order Forms

Upon the Court's adoption of the revised protection order forms, the advisory committee will oversee the translation of the forms into the top five foreign spoken languages most used in Ohio courts —Arabic, French, Mandarin Chinese, Russian, and Spanish. These languages were identified based on local courts' experiences and demand for court interpreting services. The translated forms will be organized by type of proceeding and available on the Domestic Violence Program web page to promote access to justice.

Mediation of Civil Stalking Protection Order Cases

The advisory committee in partnership with the Commission on Dispute Resolution will propose an amendment to the rules of superintendence to allow the use of mediation in certain civil stalking protection order cases. The contemplated proposal emanates from a joint 18-month pilot project that explored the utility and applicability of mediation in civil stalking protection

order cases. The advisory committee will jointly participate in the development of forms and other tools, as necessary, in support of the implementation of the amended rule.

Firearms Surrender and Return Subcommittee

The protection order rules and forms public comment period exposed significant concerns regarding firearms disability. Although the advisory committee addressed immediate concerns, it is evident that more needs to be done to fully understand the impact of firearms disability on law enforcement, courts, and the general public. To respond to this need, the advisory committee will form an ad hoc workgroup of law enforcement officers and judicial officers to explore the manner in which courts impose firearms disability and law enforcement handles firearms in protective custody. The workgroup will be tasked with proposing ways to improve the business process of collecting and reporting firearms disability data to law enforcement and recommending court rules, policies, and protocols.

Technical Assistance

As the Collaboration Board overseeing the Court's VAWA grants activities, the advisory committee will continue to review and serve as a sounding board for the Supreme Court on VAWA funded-activities. In this capacity, it is tasked with ensuring the funded requests stay within the parameters of the grants. In 2019, the advisory committee will continue to support requests for technical assistance as it believes that local courts are best suited to determine the needs of their community to effectively respond to dating violence, domestic violence, sexual assault, and stalking. Additionally, the advisory committee will favor projects that elevate judicial officers' and court personnel's knowledge about these issues.

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