

# The Supreme Court of Ohio

## MEMORANDUM

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**TO:** Chief Justice Sharon L. Kennedy

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

**FROM:** Judge Linda Warner, Chair, Advisory Committee on Domestic Violence  
Anne M. Murray, Policy Counsel

**DATE:** April 27, 2023

**RE:** Advisory Committee on Domestic Violence – 2022 Annual Report

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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.

### **2022 Activities and Accomplishments**

The Advisory Committee met in 2022 via remote conferencing platform on February 25<sup>th</sup>, May 13<sup>th</sup>, August 5<sup>th</sup>, and November 4<sup>th</sup>, under the continued leadership of Judge Linda Warner from Meigs County Common Pleas Court. As discussed below, the Advisory Committee's work focused on continued outreach and education regarding the updated protection order rules and forms, increasing access to courts, providing input on policy matters, and supporting promising practices and education on domestic violence, dating violence, sexual assault, human trafficking, and stalking for court and justice partners.

## *Protection Order Forms*

### *Outreach and Education*

Fulfilling one of its primary roles for the Court, this year the Advisory Committee continued to conduct outreach and education about the revised standard protection orders and related forms that became effective April 15, 2021. In addition to fielding questions throughout the year and conducting education for justice partners in their respective counties, Advisory Committee members and staff presented about the forms at association meetings for the Municipal Court Judges of Ohio in January 2022, and the Ohio Chief Probation Officers in September 2022.

### *Translation of Standard Protection Order Forms into American Sign Language*

The major project of the Advisory Committee this year has been rendering the revised protection order forms into American Sign Language (ASL) in a series of videos.

Responding to a Supreme Court Language Services Section survey in 2019, Ohio's trial courts reported that requests for ASL interpretations were the second most common (Spanish was first), and 70% of trial courts reported making Americans with Disabilities Act (ADA) accommodation to assist people with sign language. Compounding the need for assistance, not all deaf individuals know how to read or write English. Relying on the written version of protection order forms alone would result in some deaf court users not understanding what protections may be requested, or what has been ordered and expected of them.

For the project, the Advisory Committee worked with the Language Services Section to select a vendor to provide two specialized interpreters: 1.) a Supreme Court Certified Sign Language Interpreter with specialized certification to work in a court setting (called a Specialist Certificate: Legal Interpreter, or SC:L); and 2.) a Certified Deaf Interpreter (CDI). A CDI is a deaf or hard of hearing person who has demonstrated knowledge and understanding of ASL interpreting, deafness, the Deaf community, and Deaf culture, and has specialized training and experience in the use of gesture, mime, props, drawings, and other tools to enhance communication to reach the broadest section of deaf persons. Ohio has only one CDI. She was available to work on some of the forms, but not all of them. Three CDIs were ultimately used for the project.

The SC:L and the DV policy counsel worked with the CDI to translate the English forms into the most accessible, legally accurate ASL for a script. The Advisory Committee members provided input. These scripts were used for filming (and later for the video closed captioning).

To produce the videos, the Advisory Committee also partnered with the Ohio Government Telecommunications (OGT). Unlike other video projects, this project required the SC:L to assist with production and postproduction, to inform the producer what the CDI was signing to make the correct edits, and to assure the closed captioning was paced with the CDI's signing. An additional ASL interpreter was used during filming to assist with communication for the CDI.

In addition, the Advisory Committee consulted with the two statewide service providers for deaf/hard of hearing victims of domestic violence, DeafPhoenix and DWAVE (Deaf World Against Violence Everywhere) throughout the year. These agencies worked with survivors and offered input about presentation styles, formats, and visuals that would be most useful for their clients viewing videos of protection orders in ASL. Their input helped shape filming and editing.

Due to the complicated nature of the project, the cost, grant funding periods, and scheduling issues, production took longer than originally anticipated. Fourteen of the 33 forms were filmed and edited in April through June 2022. Ten more forms were filmed in November and December. The postproduction on the ten, and all work on the remaining forms will be completed in early 2023.

Once completed, the ASL videos will be available on the Supreme Court website with the official English forms and other language translations: Arabic, Chinese, French, Russian, and Spanish.

#### *Ohio Legal Help Protection Order Project*

This year, the Advisory Committee enhanced the Ohio Legal Help Protection Order project to improve access for Spanish speaking Ohioans.

In 2021, the Advisory Committee partnered with Ohio Legal Help (OLH), a legal self-help website that optimizes technology to improve access to justice for Ohioans, to place the standardized protection order forms on the Ohio Legal Help website, [www.ohiolegalhelp.org](http://www.ohiolegalhelp.org), using Violence Against Women Act (VAWA) grant funds. Advisory Committee members Alexandria Ruden from the Legal Aid Society of Cleveland and Micaela Deming of the Ohio Domestic Violence Network served as expert consultants for the project. 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 educational materials about the court process and location, and referrals to legal and advocacy services in the user's county, and a guided interview for domestic violence and dating violence protection order petitions. The protection order section launched in October 2021; by September 2022, the protection order section was the most frequently viewed family law page, surpassing the previously most viewed, termination of marriage.

This year, the Advisory Committee used VAWA grant funds to support translation of the protection order section into Spanish. This free, easy to understand legal information will assist Spanish-speaking Ohioans, nearly one in four of whom, according to the Migration Policy Institute, live below 100% of the federal poverty level. The Spanish language OLH protection order page can be found at <https://www.ohiolegalhelp.org/es/tema/vd-noviazgo-opc>.

## *Input on Policy*

### *Legislation*

The Advisory Committee closely monitored multiple legislative 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 bail statutes and use of risk assessments with bond schedules; amending processes and procedures relative to the rights of crime victims consistent with the constitutional amendment known as “Marsy’s Law”; amending the Address Confidentiality statute; making strangulation a felony; requiring law enforcement use lethality assessments with victims; modifications to eligibility for the Crime Victims Compensation Fund; altering the factors for analysis for parental rights and responsibilities; changing the statutes of limitations for sexual assault, and removal of the spousal rape exception.

### *Enhanced reporting for domestic violence warrants and protection orders*

The Advisory Committee continued to offer feedback to the Ohio Department of Public Safety about the potential impact on courts and parties of the web-based system, known as “eWarrants”, developed to enhance accuracy and timeliness of warrant and protection order submissions to the Law Enforcement Automated Data System (LEADS) and the National Instant Criminal Background Check System (NICS).

Advisory Committee Chair Judge Linda Warner is the eWarrants judicial point person for Meigs County. Meigs was the first county to implement eWarrants as it continued to develop and she has periodically updated the Advisory Committee about Meigs’ county eWarrants progress.

A webinar planned by the Court Services Section with the Department of Public Safety in July to offer eWarrants team members the opportunity to answer frequently asked questions for court stakeholders across the state was postponed until full integration of eWarrants with a court case management system has been achieved. The webinar is expected to be rescheduled sometime in 2023. Judge Warner has volunteered to speak when the webinar is rescheduled.

The Advisory Committee also considered changes in federal legislation and the impact on Ohio practice. In June 2022, the federal government revised the definition of “misdemeanor crimes of domestic violence” for purposes of federal firearms prohibitions. Among other provisions, the federal Bipartisan Safer Communities Act (BSCA), Public Law 117 – 159 (effective June 25, 2022), made convictions to certain crimes against a person with whom the defendant had a “dating relationship” trigger the firearms prohibitions pursuant to 18 USC § 922(g)(9). The federal definition of “dating relationship” is similar to, but not the same as, that in R.C. 3113.31, the Ohio civil protection order statute. The Advisory Committee requested the Firearms Surrender and Return Workgroup consider any changes to forms required and education that would assist courts adhere to the revised law.

### *Firearms Surrender and Return Workgroup*

The ad hoc Firearms Surrender and Return workgroup continued to review promising practices for timely reporting of restrictions, safe surrender and return of firearms pursuant to domestic violence charges and protection orders, as well as caselaw and legislation that could require modifications to protection order forms, Advisory Committee publications, and justice partner practice. The workgroup met remotely on March 4<sup>th</sup> and July 15<sup>th</sup>.

This summer, following the passage of the federal Bipartisan Safer Communities Act (BSCA), the workgroup invited representatives from the National Resource Center on Domestic Violence and Firearms, part of the Battered Women's Justice Project, to present at the July meeting regarding the changes made by the BSCA, as well as national best practices regarding safe surrender and safe return of firearms related to domestic violence and protection orders.

In addition, workgroup members have also inquired of public safety agencies to determine if any changes they have made in response to the federal statute that would require a change of court practice. That inquiry is on-going.

Throughout the year, the workgroup learned of promising domestic violence and firearms projects across the state that, if successful, could be models for other jurisdictions, one in Franklin County Domestic Relations Court for domestic violence civil protection orders, and one in Rocky River Municipal Court. The co-chairs intended to invite representatives to speak at the October 7<sup>th</sup> scheduled meeting, however, the programs were still so new, the chairs decided to cancel that meeting and invite representatives from the programs to present to the workgroup at one of the meetings in early 2023.

Looking forward, the workgroup plans to review Advisory Committee publications to determine if updates are necessary with any legislation passed at the end of the legislative session and monitor any changes the Attorney General's Office or Department of Public Safety make to conform with the Bipartisan Safer Communities Act.

### *Strangulation and Traumatic Brain Injury Workgroup*

Recognizing the relevance and importance of information about strangulation and partner-inflicted traumatic brain injury for court personnel, the Advisory Committee formed a workgroup to create guidance on strangulation and traumatic brain injury for judicial officers, including the frequent lack of visible injury even in near deadly incidents, and possible counterintuitive behavior often caused brain trauma. The resulting draft built upon the work of the Alliance for HOPE and the Center for Partner-Inflicted Brain Injury at the Ohio Domestic Violence Network, the foremost experts in the field, including: the signs and symptoms, lethality and risk, emerging research, relevant statutes, caselaw, and bail considerations, and how these brain injuries might affect the ability to access court systems.

Originally scheduled for completion in the fall, the project was delayed, in part due to a decision to render the topics of strangulation and traumatic brain injury into separate documents, and because it became likely that legislation addressing strangulation would pass. The legislation recently passed and goes into effect April 2023.

The group intends to complete the documents and have online and printable materials in the first quarter 2023.

### *Domestic Violence Education*

In its role as the Collaboration Board for the Supreme Court's Violence Against Women Act (VAWA) Grant Program activities, the Advisory Committee guided the Court's management of VAWA funds. In addition to supporting the Ohio Legal Help project mentioned above, the monies enabled several projects to provide training and resources to meet the needs of the courts.

### *Supervising High Risk Domestic Violence Offenders*

The Advisory Committee partnered with the Judicial College to bring national experts James Henderson and Casey Gwinn to conduct a webinar for probation officers statewide in November. The first part of the course centered on best practice when supervising high risk domestic violence offenders, safely working with victims, and coordinating with local service providers to achieve accountability, best use limited resources, and improve outcomes. The second part of the course focused on emerging research showing the importance of hope and recognizing trauma to achieve change: for perpetrators, victims, and court staff. The course was very well-received.

### *Course Requested by Local Judges for Their Communities*

At the request of judicial officers, the Guernsey County Domestic Violence Task Force and the Advisory Committee brought Mark Wynn, national expert on domestic violence and related issues, to provide two day-long courses for Guernsey, Noble, and Tuscarawas County justice partners in Cambridge in November. The first day focused on primary physical aggressor determination, lethality and threat assessment, working with those who have suffered trauma, the importance of coordinated community response, strangulation, and partner-inflicted brain injury. The second day focused on stalking, violations of protection orders, witness intimidation and forfeiture by wrongdoing, and children exposed to domestic violence. Judicial officers, prosecutors, defense attorneys, law enforcement, probation officers, counselors, battering intervention program facilitators, and advocates attended.

The project was highly successful and provided a platform to foster judicial leadership and increase coordination among the local courts and their justice partners.

### *Domestic Abuse Issues in Mediation*

The Advisory Committee continued to support the refinement of a revised curriculum for *Domestic Abuse Issues in Mediation*, an advanced, synchronous course offered by the Dispute Resolution Section for the Court for mediators of parenting plans. The course teaches attendees how to appropriately screen parents and safely mediate parenting plans or terminate sessions involving families that have experienced domestic violence. This year the Advisory Committee partnered with the Dispute Resolution Section

to create a video of a mediation expert demonstrating how to use one of the domestic violence screening tools taught in the course. The video was well received by students.

For 2023, the Advisory Committee plans to work with the Dispute Resolution Section to create a training video regarding how trauma can affect those who have experienced domestic violence.

## **2023 Anticipated projects**

In 2023, 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:

### *Marsy's Law Education*

An expansive bill that codifies the rights of victims that became part of the Ohio Constitution in 2018, known as "Marsy's Law", passed at the end of the general assembly. The Advisory Committee is drafting victims' rights request forms as required by the statute, and plans to assist the Judicial College as requested with any education deemed appropriate for court personnel.

### *Strangulation Education*

Legislation making strangulation a felony crime passed at the end of the general assembly. In addition to the guidance documents referenced above, the Advisory Committee will assist the Judicial College as requested with any education deemed appropriate for court personnel.

### *Ohio Legal Help Civil Stalking and Sexually Oriented Offense Protection Order Tool*

When the Ohio Legal Help Protection Order project was created in 2021, there was funding and time to include a guided interview tool for petitions of only some of the protection orders. The Advisory Committee and OLH decided the guided interview for domestic violence and dating violence petitions should be the first. They planned to launch the initial tools, monitor if they were well received, and build interviews for other types of protection order petitions in the future.

The Advisory Committee requested funds to build the Civil Stalking and Civil Sexually Oriented Offense Protection Order Tools in the Court's Violence Against Women's Act FY22 grant application. If funded, those tools would be launched by the end of 2023.

### *Continued Guidance for Domestic Violence Court Programs*

The Advisory Committee will work with the Commission on Specialized Dockets Section to offer technical assistance to those courts with domestic violence drug courts to achieve best practices.

*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.