

ERIE COUNTY COMMON PLEAS COURT

JUVENILE DIVISION

**ROBERT C. DELAMATRE,
JUDGE**

**BRUCE R. CROTEAU
GREG MCGORY**
Magistrates

JULIE A. FIDLER
Business Manager

MARY M BOWER
Drug Court Coordinator

KRISTA COLLINS
Superintendent of Corrections

SHIRLEY HOHLER
Court Administrator

TAMMY L. BARBATO
Director of Court Services

February 21, 2017

The Honorable Jim Butler, Chairman
Civil Justice Committee
Ohio House of Representatives
Ohio State House
Columbus, Ohio

Re: H.B. 1-Dating Violence Proposal

Dear Chair Butler, Vice Chair Hughes, Ranking Member Boggs, and members of the House Civil Justice Committee:

I thank you for this opportunity to submit written testimony as an interested party on House Bill 1.

I serve as President of the Ohio Association of Juvenile Court Judges and, also, as a member of the Ohio Judicial Conference's Juvenile Law and Procedure Committee. As a juvenile court judge for over 16 years, I support protecting victims, which is why I want to respectfully suggest a way that H.B. 1 can be improved by amending the bill to remove juvenile court jurisdiction.

Including juveniles in H.B. 1 is unnecessary because the current juvenile protection order statute, R.C. 2151.34, already protects victims by covering a broader list of offenses than the proposed R.C. 3113.311 with a more victim-friendly procedure. The juvenile protection order statute was enacted in the "Shynerra Grant Law" (Am. Sub. H.B. 10, 128th G.A.), which was sponsored by then Rep. Edna Brown in a bill introduced to address teen dating violence. Under R.C. 2151.34, victims can petition for a protection order when juvenile offenders commit felonious assault, aggravated assault, aggravated menacing, menacing by stalking, menacing, aggravated trespass, or a sexually oriented offense. Current R.C. 2151.34 maintains the focus on the respondent's conduct, without requiring the additional determination of a "dating relationship."

Including the dating violence protection order in juvenile law would have the unintended consequence of increasing the difficulty of acquiring a protection order because of the additional required element of establishing a "dating relationship." There are also concerns about applying the "existence of a dating relationship" standard to modern teenage dating situations, and about exposing teenage victims to potentially embarrassing personal questions and further victimization. Those questions are unnecessary with the expansive protections and victim-friendly procedure of the current juvenile protection order statute, R.C. 2151.34.

I respectfully suggest removal of juvenile court jurisdiction from H.B. 1 so juvenile court can continue protecting victims without the possibility of unintended consequences created by this bill. I thank you for your time and consideration of this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "R. C. DeLamatre", with a long horizontal flourish extending to the right.

Judge Robert C. DeLamatre
Erie County Juvenile Court