



Ohio Judicial Conference

The Voice of Ohio Judges

February 22, 2017

Good afternoon, Chairman Butler, Vice Chair Hughes, Ranking Member Boggs, and members of the House Civil Justice Committee. Thank you for the opportunity to testify as an interested party on House Bill 1. I am Judge Diane M. Palos of Cuyahoga County Domestic Relations Court.

I am the president of the Ohio Association of Domestic Relations Judges and the co-chair of the Ohio Judicial Conference's Domestic Relations Law and Procedure Committee, which has reviewed HB 1 and would like to provide input on the bill. Because we take all protection orders, and all situations of violence, seriously, we want to provide suggestions on how the bill could be improved to achieve the goal of expanding protection order coverage while avoiding unintended consequences.

The bill, though well-intentioned, upends longstanding Supreme Court precedent and changes the jurisdiction of domestic relations courts. Domestic relations division courts were established in Ohio to handle divorce, dissolution and annulments. Domestic violence civil protection orders issued by these courts should remain, as they are under current law, limited to incidents arising out of these types of domestic relationships. Domestic relations courts can issue protection orders for spouses and for people living as spouses, which is broadly applied to include anyone who has previously lived together, and anyone who shares consortium as well as some financial or familial responsibilities. If the person seeking a protection order does not fall into this broad category, that person can – and should – get a protection order from the court of common pleas.

Regardless of where these protection orders are to be heard, our overriding concern with the bill as-written is determining the "existence of a dating relationship" under proposed R.C. 3113.311(A)(3)(b). The bill would require domestic relations judges to focus on whether there is proof of the existence of a dating relationship, rather than focusing on the respondent's alleged violence. Without clear guidance, this language could unintentionally harm petitioners by increasing the difficulty of acquiring a protection order because of the additional required element of establishing the "existence of a dating relationship." It limits the court's ability to issue a protection order to those who have a reasonable fear of violence from another but who may only have



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had a casual relationship with a person whom they fear. Modern dating relationships are different from dating relationships of the past and the concept of "expectation of affection" differs from person to person. Some young adults view dating very differently today and may not consider themselves in a "dating relationship," even if, under a statutory definition, they are in one. Relatedly, in following the procedure under proposed R.C. 3113.311(A)(3)(b), petitioners for a protection order could be exposed to potentially embarrassing or harassing questions which could lead to further victimization and shaming. In fact, this could discourage a person from seeking a protection order in the first place.

Creating an entirely new protection order section, like HB 1 creates Sec. 3113.311, may require creating entirely new forms. From a practical standpoint, this could delay the roll-out of the bill by up to a year. More importantly, because most petitioners are self-represented, an additional form only serves to confuse the process.

I would respectfully suggest that, although Ohio's protection order statutes could be improved and even expanded, this bill is not yet in a form that would best achieve the goal of protecting any person who fears violence at the hands of another person. Thank you for taking the time to listen to my testimony today. I am happy to answer any questions.