



The comprehensive resource on domestic violence

Proponent Testimony SB 7
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Chairman Manning, Vice Chair Rezabek, Ranking Member Johnson and members of the House Criminal Justice Committee, thank you for allowing me to provide proponent testimony for Senate Bill 7. I am the Executive Director of the Ohio Domestic Violence Network, Ohio's statewide domestic violence coalition. The Ohio Domestic Violence Network, Ohio's federally recognized statewide domestic violence coalition, serves as a critical resource for professional training, resources, public education and advocacy for Ohio's domestic violence agencies and other allied organizations.

The need for SB 7 became evident following a recent Supreme Court of Ohio decision, *State v. Smith*, which held that a protection order was not valid unless service was affected. For service to be affected, the offender must be handed a copy of the order by a sheriff's deputy or a court bailiff. SB 7 would allow for actual notice to serve as service of a protection order. Violations of Civil Protection Orders are frequently dismissed for a lack of personal service and alternative methods of service are not specifically allowable in the civil domestic violence statute (ORC 3113.31) for ex parte orders. The consequence of dismissing a protection order for unperfected service may expose victims to increased or continued danger, as *State v. Smith* made it clear that ex parte protection orders are unenforceable absent service. Resolving this is critical for the effective enforcement of protection orders, the safety of victims and the accountability of abusers.

In the process for obtaining a hearing to ascertain the merits of issuing a civil protection order, a victim files a petition explaining the facts of the situation and why she or he is in fear of eminent physical harm. The same day the petition is filed, an ex parte hearing is held before a judge or magistrate. If the judge or magistrate finds the victims meets the legal requirements, the court will issue an ex parte civil protection order and there will be a full hearing at which

both the respondent and the victim are present in seven to ten days. The court can hold the full hearing only after the respondent has been served with the ex parte protection order. Both the victim and the respondent can testify at the full hearing. If the court issues a Full Hearing Civil Protection Order, it remains in effect until the date indicated in the CPO to a maximum of five years. Violating a CPO is a crime. If the respondent violates the CPO he or she can be arrested for that violation (ORC 2919.27). Each time a protection order is issued, modified, renewed or terminated, Form 10-A is completed by the court and is used to inform law enforcement of the terms and conditions of the protection order. Pursuant to Rules 10.01, 10.02, 10.03 and 10.05 of the Rules of Superintendence for the Courts of Ohio, this form promulgated by the courts is the method by which law enforcement enters the terms and conditions of a protection order into LEADS and the computerized index of criminal justice information index. (NCIC) Protection orders issued in any county in Ohio are enforceable in every county in Ohio and protection orders that meet the criteria have full faith and credit in every state in the country. As CPO's are criminally enforceable if they are violated, it is critical for law enforcement to know if there is a valid order in place and the terms and conditions of the order.

The need to harmonize the service provisions in the statutes governing protection orders to align with the Rules of Superintendence is necessary to ensure the safety of victims. I ask for your support of SB 7.