

TESTIMONY OF ALEXANDRIA RUDEN,
ON BEHALF OF THE LEGAL AID SOCIETY OF CLEVELAND ON HB 429
TO HOUSE CIVIL JUSTICE COMMITTEE

Chairman Hambley, Vice Chairman Patton, Ranking Member Brown, and Committee Members:

My name is Alexandria Ruden. I am an attorney with the Legal Aid Society of Cleveland. I have been a practicing attorney in the area of domestic violence since the Ohio Domestic Violence Act was enacted by the Ohio General Assembly in 1979. I have represented thousands of survivors of domestic violence in divorce and protection order proceedings. I train attorneys, advocates, judges, police officers and other professionals on Ohio domestic violence law. In addition, I am a member of the Supreme Court's Advisory Committee on Domestic Violence and the Ohio Department of Public Safety's Family Violence Prevention Center Advisory Council. I also co-author *Ohio Domestic Violence Law* with Judge Ronald Adrine and Judge Sherrie Miday, a yearly publication.

To meet the goal of enhanced safety for an ever-increasing number of victims and survivors of domestic violence, stalking, human trafficking or sexual violence, the Ohio Secretary of State seeks to expand the Address Confidentiality Program (hereinafter known as ACP) to further keep a survivor's address confidential and to reduce the risk of ongoing violence from their abuser.

HB 429 has been introduced to close a loophole, address some of the flaws of the original act and provide more protections to the participants. Previously, actual locations of participants would be exposed if they were to purchase any property since land records were open to the public. This has presented a safety concern for potential homeowners as their

home address was available public information. In order to remedy this flaw, the newly introduced bill protects participant's land records and real estate transactions by allowing the Secretary of State to only release those records if the requests are bona fide.

HB 429 seeks to balance making land records accessible to facilitate title searches for litigation or title examination purposes and protecting ACP participants who desire to buy a home, but do not want to become part of the public record.

As a result of the broad scope of the bill, participants can purchase and finance their own homes without the risk of their abusers discovering their location through the documents recorded as part of the transaction. This ability fulfills the purpose stated in the name of the program by allowing participants to be safe in their homes. Without a provision protecting location information in property records, victims of domestic violence face substantial risk in purchasing a home and exposing their location to their abusers.

Further, the bill addresses a gap in court disclosure of a survivor's address in a custody proceeding. It is important to note that court ordered disclosures are the biggest loophole in any ACP across the United States. Since a court is considered a governmental entity or an instrumentality of the state, it is arguable that courts fall within the ambit of this statute. The bill clearly clarifies this point. If enacted, HB 429 will validate a request by a parent who desires that their address not be revealed for safety reasons. It will also strengthen legal arguments to restrict an abuser's access to records that might reveal the address and phone number of the victim.

In sum, this expansion in protections for program participants prevents abusers or potential abusers from using public records as a resource to find their victims and prevents

courts and other public entities from disclosing confidential address information. As concern over domestic violence, stalking and sexual violence continues to grow, as the number of persons killed continues to grow, it is fundamentally essential for Ohio to further protect program participants by passing this legislation.

Thank you for the opportunity to provide testimony.

Alexandria M. Ruden