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**Testimony of Micaela Deming, Policy Director and Staff Attorney of the Ohio Domestic Violence Network (ODVN), in opposition to HB 209 to Senate Judiciary Committee.**

December 7, 2020

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judicial Committee, my name is Micaela Deming and I am the Policy Director and Staff Attorney of the Ohio Domestic Violence Network. I am here today representing 75 local domestic violence organizations across the state. Last year our programs served more than 82,000 survivors and their children across the state. Those victims needed shelter (9,045) or help obtaining a protective order or support while they prosecuted their abusers. Many of them were looking for housing and other assistance as they rebuild their lives after experiencing abuse.

HB 209 as proposed would eliminate Dower rights in Ohio without enacting any protections for a non-titled spouse. In my experience, and according to proponents of the bill, title companies now require a non-titled spouse to sign off on a transaction due to the Dower right that they propose be eliminated or significantly curtail. Eliminating Dower rights without a strong requirement that a non-titled spouse sign off on any sale, transfer, or encumbrance of the property will negatively impact domestic violence victims.

Domestic abusers often use economic abuse to maintain control over their victims. According to the Center for Financial Security, financial abuse occurs in 99% of domestic violence cases. Financial abuse is often cited by victims of abuse as the main reason that they stayed with or returned to their abuser. Financial abuse includes concealing information, limiting a victim's access to assets, and reducing accessibility to the family's finances. Eliminating dower rights helps abusers further their economic abuse. In many families, the only asset of value is the marital home and property. If that asset is encumbered, sold, or transferred without notice to the non-titled spouse, the domestic violence victim is left without a home. Even if they are able to get an order for economic relief from a court, there is often no asset from which the victim could recover that loss. Additionally, funding for legal representation for domestic violence survivors continues to be cut year after year, leaving more and more victims representing themselves against their abusers.

Just in the past couple of years, I have worked on two separate cases where the abusive spouse sold or attempted to sell property to deprive the non-titled spouse of access to the only significant asset of the marriage. In one case transactions that occurred without benefit of a title agent did in fact transfer title of the marital home and property to a relative such that when the divorce was filed, the wife was forced from the home and spent years trying to recover a financial settlement due to the abusive husband's actions. In another case, Dower signature requirements prevented the husband from selling the home in secret after he was told by a court that he would owe wife equity from the property.

It is possible for a victim to want to sell property but have the abuser refuse to sign off as a way to exert control, but the solution for this situation already exists – divorce. The abuser controlling the property is both more common and more difficult to address. If Dower is abolished without a strong statutory

requirement to notify and require the signature of a non-titled spouse, the victim's legal recourse will be limited at best. A limited "look-back" provision, including the 4 or 10 year periods that have been proposed, does little to address this either as abusers often spend years isolating and removing options for their victims to be able to leave. If there is a limited look-back period, an abusive spouse will merely need to prevent the victim from learning about the transfer, sale, or encumbrance long enough to prevent the victim from having any recourse. As mentioned, in an abusive marriage, the abuser hiding financial information from the victim is already quite common. Additionally, because not every real estate transaction includes a title agency, limiting the look-back period incentivizes transfers without industry professionals because any deficiencies will be cured simply with the passage of time.

While not every transaction will involve an abusive spouse intentionally trying to dissipate a marital asset from a victim spouse, the elimination of Dower (and by default the requirement for a non-titled spouse to sign) will have a disparate impact on battered women. The remedies that would be available would be woefully inadequate to protect these domestic violence victims and will be unable to make them whole. The women and their children will be suddenly homeless with quickly evaporating resources to even seek legal recourse.

On behalf of the Ohio Domestic Violence Network and its 75 member programs, I would like to thank Rep. Sara Carruthers and Rep. Kick for their openness to discussing our concerns with the bill. I believe strongly that continuing to dialogue with all of the interested parties will help lead to a bill that protects non-titled spouses and addresses the concerns that have been raised. Until that happens and protections are strengthened for non-titled spouses as nearly every other state to abolish dower rights has done, ODVN is respectfully opposed to the passage of HB 209 because it will irreparably harm domestic violence survivors.