

# **JUSTICE**

for  
Ohio's Domestic Violence Victims



An Easy Guide to Using  
the Justice System

**ACTION OHIO Coalition For Battered Women**

*No portions of the Justice Guide may be reproduced without permission  
From ACTION OHIO Coalition For Battered Women*

## ACKNOWLEDGEMENTS

February 2000

ACTION OHIO Coalition for Battered Women is a statewide coalition of domestic violence shelters and programs and individuals who serve and advocate for domestic victims and their families. Membership also includes other victim service organizations, caring individuals, and professionals within the criminal justice system, law enforcement and the judiciary. Since its beginning in 1976, ACTION OHIO has worked to eliminate violence and to support the work of domestic violence professionals and agencies throughout Ohio.

ACTION OHIO provides a broad range of services, including training and educational opportunities, resources and referral, and technical assistance to DV shelters, programs and staff persons providing direct service. ACTION OHIO also provides referral services and educational resources on domestic violence and related issues to the general public. In addition, ACTION OHIO is developing a research component to foster linkages between academicians studying DV issues and gathering data and professionals providing direct services to victims and their families.

In 1988 ACTION OHIO first developed the Justice Guide as an easy reference tool for victims, victim advocates, and lay volunteers using the justice system. The original Guide offered basic information about protection orders, legal procedures, and compensation. Another version was produced in 1997, with funding from the U.S. Department of Health and Human Services. This newly revised version offers updated information in terms of legislative changes enacted since the 1997 edition.

Special thanks to Michael Smalz, Statewide Attorney with the Ohio State Legal Services Association and ACTION OHIO Board Member, for his assistance in making legal changes in the Guide.

ACTION OHIO's Justice Guide was first developed to help victims and their families, by simplifying the justice system and by providing accurate and up-to-date information they could use to keep them safe. Today, in 2000, the intent is the same. Through the use of the Guide, it is our hope that domestic violence victims will be empowered to ensure their own safety, enabling them to live without fear.

ACTION OHIO Board and Staff



# Table of Contents

INTRODUCTION	..4
I. WHAT IS DOMESTIC VIOLENCE?	...5
II. WHAT CAN I DO IF I AM PHYSICALLY ABUSED?	...6
III. WHAT ARE THE LEGAL DEFINITIONS OF DOMESTIC VIOLENCE?	...8
IV. WHAT LEGAL RELIEF IS AVAILABLE TO DOMESTIC VIOLENCE VICTIMS?	...11
V. HOW ARE CRIMINAL CHARGES FILED?	...14
VI. WHAT ARE MY RIGHTS AND RESPONSIBILITIES WHEN FILING A CRIMINAL CHARGE?	...18
VII. WHAT IS A TEMPORARY PROTECTION ORDER?	...20
VIII. WHAT IS A CIVIL PROTECTION ORDER?	...23
IX. SAFETY SUGGESTIONS ONCE YOU HAVE OBTAINED A CPO OR A TPO	...27
X. WHAT IF I'VE BEEN SEXUALLY ABUSED?	...29
XI. WHAT IF MY CHILD HAS BEEN ABUSED?	...30
XII. WHERE CAN I GET HELP?	...32
XIII. APPENDIX	...33
Definition of Terms	
Ohio Victims of Crime Program	
Ohio Victims Rights	

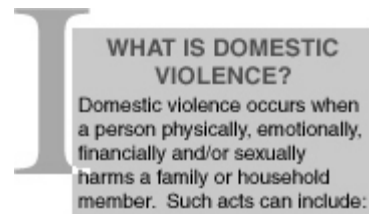
## INTRODUCTION

Almost any action an abuser takes which physically harms or threatens to harm you is a crime. Domestic violence can include: hitting, kicking, slapping, threatening you with a weapon, keeping you trapped, or verbally threatening you or your children.

If you are being abused or threatened in any way, the law can help protect you and your children. Even if you decide not to file a criminal charge, protection orders are available. Protection orders are documents issued by a court to help protect you from someone who is abusing or harassing you. These orders require the abuser to leave you alone and can help keep you safe.

In order to get legal protection, you don't have to be married to or currently living with the abuser. Ex-partners, for example, or same-sex partners can also be charged with domestic violence.

The guide is meant to give you the information you need to make the best decisions for yourself and your family. Keep in mind that legal practices may vary from county to county. Other important resources include your local domestic violence shelter, your county victim's assistance program, and legal aid.



## Physical Abuse

Physical abuse usually increases over time, becomes more violent, and is a crime. It can include:

- pushing or shoving
- slapping or kicking
- using a knife or gun
- holding you down or restraining you
- subjecting you to reckless driving
- punching or hitting
- throwing or destroying objects
- choking
- biting
- burning

## Emotional and Financial Abuse

Although emotional and financial abuse may not be illegal, it is a way of controlling through fear and humiliation. Examples include:

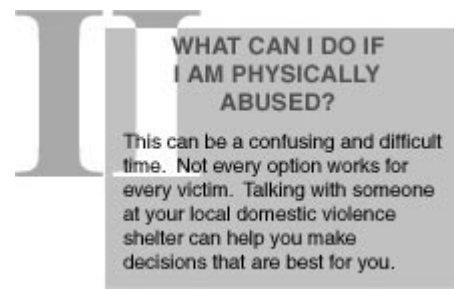
- keeping you trapped
- threatening you or your children with violence
- isolating you from friends and family
- extreme jealousy and false accusations
- humiliating you
- threatening to leave or take the children away
- name calling
- constantly criticizing your behavior and appearance
- controlling money or running up debts
- sabotaging work or school

## Sexual Abuse

Sexual abuse is often the hardest kind of abuse to discuss. It is illegal, and it can include any of the following:

- forcing unwanted sex acts
- committing rape or incest
- using objects or weapons to hurt you during sex

If you do not feel safe at home or think you might be a victim of domestic violence, there is help.



You have a right to live a violent-free life.

- Call your local domestic violence shelter. Your local shelter will be able to provide you with a safe place to stay and give you further information about support groups, available counseling, victim advocates who can help you in court hearings, and other options you may have. The number to your shelter can be found in the section “Where Can I Get Help?”.
- Call the police. Try to call either during a violent incident or immediately afterward. The sooner you notify the police, the stronger your case will be if you go to court. Be sure to get the officers’ names and badge numbers. Tell them all the facts surrounding the abuse.

Remember that in Ohio the police can arrest the abuser regardless of whether or not you want to press charges. Once the abuser has been arrested, the prosecutor will decide whether or not to bring the case to court. The prosecutor’s office may decide to press criminal charges even if you ask that they be dropped.

In criminal prosecution, the police are the ones primarily responsible for gathering evidence, such as conducting interviews with witnesses and taking pictures of visible injuries. However, if you want, you can help them gather the evidence needed to make your case stronger. For example, save torn or bloody clothing that might be evidence. Give the police the names and numbers of any witnesses who witnessed the abuse or who saw you immediately afterward: friends, neighbors, medical staff. Witnesses can also include anyone who has seen or heard previous physical abuse going on.

Even if you do not call the police immediately after an incident, charges can be filed later. However, the sooner you report the incident, the easier it will be for police to gather evidence. Also if you want to be financially reimbursed by the State for any expenses, a crime must be reported within 72

hours.

- Have pictures taken.

Usually the police will do this if they have been called. If the police have not been called, or did not take pictures, have a friend photograph your injuries right after the incident, as well as a few days later if bruises appear. Be sure to write down the time and date the pictures were taken. You may want to use an instant camera because the pictures cannot be altered during development. Make sure at least one picture includes your face to connect the injury with the person. Pictures can also be taken of damaged property.

- Get written statements.

If police are not involved, you may still want to get written statements from witnesses to either help you get a protection order from a civil court or to strengthen your case if charges are filed at a later date. Keep any evidence you gather in a safe place, perhaps with a friend or at work.

- Get legal help.

The court can help protect you by issuing a protection order requiring the abuser to leave you alone. Domestic violence shelters often have victim advocates who can explain to you what protection orders can and cannot do for you, how to go about getting one, and what legal forms you need to use. The victim assistance program in your local prosecutor's office also has advocates who can help you.

- Get medical help.

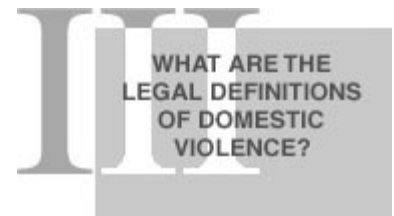
If you or your child is injured, you should go to a clinic or emergency room immediately, even if you decide not to contact the police or press charges. You may have sustained injuries that are not visible. The hospital is a safe environment which can provide you with sensitive care and treatment.

Going to the hospital is also a good way to document your injuries. The staff will likely take pictures of any injuries and collect torn clothing in case you press charges at a later date.

- Make a safety plan.

Even if you decide not to call the police or get a protection order, you need to come up with a concrete plan for a quick escape. Going to a domestic violence shelter or the home of family or friends may be your first step. Plan where to go and how to get there at any time of day or night. Put aside emergency money and important papers (birth certificates, medical records, hot-line numbers) you might need. Hide an extra set of car keys. If you do leave, take your children with you. In case you are not at home, older children should also have emergency numbers to call and an escape plan of their own. Pack a suitcase and leave it with a friend or neighbor.

**REMEMBER: FALSE HOPES CAN BE DANGEROUS.** Believing that abuse will stop by itself or become less frequent can put you and your children at risk. The abuser may apologize and swear that the violence won't happen again, but in most cases abuse gets worse over time.



What is the legal definition of domestic violence according to criminal court?  
According to the criminal court, domestic violence occurs when a person:

1. Knowingly causes or attempts to cause physical harm to a family or household member;
2. Recklessly causes serious physical harm to a family or household member;
3. By threat of force, knowingly causes a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

#### [O.R.C. 2919.25](#)

What is the legal definition of domestic violence in civil court?  
Civil court defines domestic violence as the occurrence of one or more of the following acts against a family or household member:

- a. attempting to cause or recklessly causing bodily injury;
- b. placing another person by threat of force in fear of imminent serious physical harm;
- c. committing any act with respect to a child that would result in the child being an abused child.
- d. committing menacing by stalking or aggravated trespass against a family or household member.
- e. committing child abuse against a family or household member.

#### [O.R.C. 3113.31](#)

Who are considered family or household members?  
Family and household members include:

*No portions of the [Justice Guide](#) may be reproduced without permission  
From ACTION OHIO Coalition For Battered Women*



1. Spouses
2. Former spouses
3. Persons living together or who have lived together within five years before the violence occurred
4. Parent, children of other people related by blood or marriage who are living or have lived with the abuser
5. The natural parent or alleged natural parent of your child.

#### [O.R.C. 2919.25 and 3113.31](#)

What other crimes are associated with domestic violence?

Other crimes associated with domestic violence for which you could get a protection order include felonious assault, sex offenses, child endangerment, menacing by stalking, and aggravated trespass.

What is stalking?

“Menacing by Stalking” occurs when: a person engages in a pattern of conduct knowingly causing another to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

#### [O.R.C. 2903.211](#)

Pattern of conduct refers to two or more actions closely related in time. Stalking can include: following you in public, making threats over the phone, calling repeatedly, or staking out your home or workplace. Stalking often leads to violence.

If you are a household or family member and you are being stalked, you need to get a Temporary Protection Order (TPO). If you are not a household or family member and you are being stalked, you will want an Anti-Stalking Protection Order (SPO). It can order the stalker to not contact you in any way.

You will need to develop a safety plan. You may want to collect evidence (notes the stalker has written to you, statements from witnesses, recorded phone messages) or keep a journal of incidents. You may also want to consider having a “tap” put on your phone.

What is aggravated trespass?

“Aggravated Trespass” occurs when: a person enters or remains on the land or premises of another with the purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing another person to believe that the offender will cause physical harm to that person.

#### [O.R.C. 2911.211](#)

What does it mean to violate a protection order?

“Violating a Protection Order” occurs when: a person recklessly violates any terms of a protection order.

#### [O.R.C. 2919.27](#)

These protection orders include Civil Protection Orders, Temporary Protection Orders, Stalking Criminal Protection Orders, and Stalking Civil Protection Orders.. In issuing a protection order, the court has ordered the abuser to abide by its terms. If the abuser fails to do so, he or she is in violation of the order and subject to criminal action.



There are two avenues of legal relief available:

1. The filing of a criminal complaint by the police, the prosecutor, or possibly yourself alleging a domestic violence crime with the criminal court. Once a criminal complaint is filed, you can request a Temporary Protection Order (TPO) for your safety. For more information on TPO's refer to page 15.

and/or

2. Filing a Civil Protection Order (CPO) in civil court (Domestic Relations Court). You do not have to file criminal charges in order to file for a CPO. For more information on CPO's refer to page 18.

What are the advantages of filing criminal charges?

By filing criminal charges, you can get a Temporary Protection Order and your abuser may be sentenced to a possible fine and/or jail time. The abuser may also be required to participate in a batterers intervention program designed to help the abuser control his or her violence.

What are the advantages of a Civil Protection Order (CPO) over a Temporary Protection Order (TPO)?

1. A CPO contains more detailed restrictions and can include temporary orders of custody and support.

2. A CPO can remain in effect for as long as five years as opposed to a TPO which ends when the criminal case ends.

Protection orders can be useful tools for ending abuse. Not only can they require the abuser to stay away from you, they also send a strong message to the abuser that you will not put up with violent behavior.

What is the difference between civil and criminal courts?

1. Civil court (Domestic Relations) is in charge of granting divorces, determining child custody, and providing for a fair division of property. The court is also responsible for protecting domestic violence victims.

2. Criminal court handles all types of criminal charges, including domestic

violence. In addition to protecting you, the Criminal court (Municipal Court, Common Pleas, or County Court) is responsible for punishing and/or confining the abuser.

Which court should I use?

If a Complaint has been filed in criminal court, you still have the right to file a Petition for a Civil Protection Order in civil court. If you have been abused, you may file in either or in both courts.

What is the difference between a “restraining order” and a protection order?

A restraining order is issued by the civil court in divorce cases. (However, sometimes a CPO will be issued in a pending divorce case.) A restraining order is generally used to keep one person from selling household goods, depleting bank accounts or harassing the other person. Unlike Temporary Protection Orders and Civil Protection Orders, law enforcement officers do not enforce restraining orders. Restraining orders can only be enforced if you file a motion for contempt with the Civil Court (Domestic Relations Court).

What kind of protection order can I get if I am being stalked or if the abuser has committed aggravated trespass?

You can file Menace by Stalking and possibly Aggravated Trespass Criminal charges and, if you are not a family or household member of the stalker, you can petition the criminal court to issue a Stalking Criminal Protection Order (SCPO). If you are a family or household member of the stalker, you can petition the criminal court for a Temporary Protection Order (TPO). The order requires the person to stay away from your home, school, and workplace. Like a TPO, the Stalking Criminal Protection Order is issued only when a charge has been filed and ends when the criminal case ends.

Also, you can petition the civil court for a Stalking Civil Protection Order. If you are a family or household member, you can instead petition the civil court for a Domestic Violence Civil Protection Order, A Stalking Civil Protection Order or a Domestic Violence Civil Protection Order can remain in effect for as long as five years as opposed to a Stalking Criminal Protection Order, which ends when the criminal case ends.

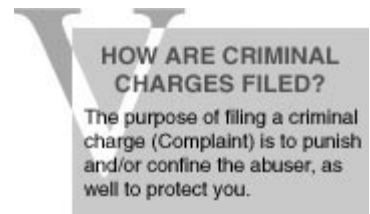
Does my Civil Protection Order (CPO), Temporary Protection Order (TPO), Stalking Criminal Protection Order (SCPO), or Stalking Civil Protection Order (SCPO) remain in effect if I cross state lines?

Yes. If you travel, contact local police in the county in which you are staying and tell them that you have a protection order. If you move to another state, tell the local police that you have a protection order and ask them whether or not you need to apply for a new one. The local domestic violence shelter or legal services can give you information as to how to file for protection orders in that particular state.

Could getting a protection order do more harm than good?

There may be risks involved with filing a protection order. An abuser may become angrier and more dangerous. Think carefully before making a decision. Talk to a victim advocate at your local domestic violence shelter or victim/witness program through your local prosecutor’s office about whether getting a protection order makes sense for you, and explore other options.

REMEMBER: A PROTECTION ORDER CAN HELP KEEP YOU SAFE, BUT IT CAN'T GUARANTEE YOUR SAFETY. While an abuser can be arrested for violating the protection order, you can't always prevent the violation.



How are criminal charges filed in court?

There are many ways to file a Complaint for domestic violence. If the violence occurred in the city, call the police immediately; if it occurred in the county, call the sheriff. Give all the facts of the assault and ask them to arrest the abuser immediately in order to protect you from further violence. Based on the information they gather and the evidence they find, the police may file a complaint or they may tell you how to file a complaint.

Due to Ohio's "preferred arrest" statute, if a complaint for a crime of domestic violence is filed, the police will most likely make an arrest.

If the police fail to file charges or were not called when the violence occurred, and you want to file charges yourself, be sure to get assistance from a victim advocate. The prosecutor's office can file a Complaint on your behalf. To make your case the strongest possible, you will want to cooperate fully with law enforcement and the prosecutor.

A misdemeanor (lesser charge) or a felony (more serious) charge can be filed depending on the circumstances of the incident. Misdemeanors are filed in County or Municipal Court and the case is handled by the city prosecutor. Felonies are filed in the Common Pleas Court and the case is handled by the county prosecutor.

No matter who files the charge, the city or county prosecutor is the one who will decide what will happen to the case. **The abuser can go to trial even if you ask that charges be dropped. You are not responsible for charging the offender. Domestic Violence, Stalking and Aggravated Trespass are crimes against the State of Ohio. You are a victim. Only the judge has the power to dismiss the case.**

What happens if an arrest is made?

If an arrest is made, you should go to court on the next business day for the arraignment. The judge will most likely issue a Temporary Protection Order at that time, so it is very important that you be present.

If the abuser is not immediately arrested, contact law enforcement to find out about the status of your case.

Can the abuser be released after having been arrested?

Yes. If released on bail, the abuser pays to the court an amount of money which has been determined by the judge. By paying the money, the abuser promises to return to court at the appropriate hearings. If he or she has been released on bail, and there have been acts of violence, you can ask the prosecutor to request that the court reconsider the conditions of release.

What criminal charges can be filed?

In addition to the crime of domestic violence, other charges can be filed, including stalking, aggravated trespass, and rape. The police or the prosecutor's office will decide if additional charges should be filed. The prosecutor's office will also recommend that either a misdemeanor or a felony charge be filed with the court. The decision whether to file a misdemeanor or a felony usually depends upon the seriousness of the abuse, the use of a weapon by the abuser, or any prior record of violence.

What happens if a misdemeanor charge is filed?

Crimes of domestic violence are generally classified as misdemeanors unless the abuser has been previously convicted of domestic violence or another violent crime or a weapon or serious injury is involved.

An arraignment hearing will be held the following day or the next business day. At the arraignment hearing, the court will notify the abuser of the charges and he or she will enter a plea of guilty, not guilty, or no contest (this means the accused agrees to the facts of the case but does not admit guilt). If the accused pleads guilty or no contest, the judge will usually make a finding of guilt and proceed to sentencing. A not guilty plea means the case will be set for a future date.

What happens if a felony charge is filed?

### [Preliminary Hearing/Grand Jury](#)

At a preliminary hearing (also called a probable cause hearing), the prosecutor on behalf of the state presents evidence so that the court can make sure that the charge is valid. Witnesses may be required to testify. If the judge finds that there is probable cause, the case will then be presented to a grand jury.

More likely, the prosecutor may choose to bypass a preliminary hearing and present the case directly to the grand jury. The abuser will not be present, and the county prosecutor will be the only attorney present. You will be notified of the results.

### [Initial Appearance Hearing](#)

If the grand jury decides that the charges are valid, an initial appearance hearing will be held. At the hearing, the court informs the defendant of the charges, his or her right to a lawyer, and sets bail. You should inform the prosecutor and your advocate of any concerns you have which the court should take into consideration when setting bail. Tell the court of any problems you've had since the arrest.

### [Arraignment Hearing](#)

At an arraignment hearing, the court will notify the abuser of the charges and he or she will enter a plea of guilty, not guilty, or no contest (this means the accused agrees to the facts of the case but does not admit guilt). If the accused pleads guilty or no contest, the judge will usually make a finding of guilt and proceed to sentencing. A not guilty plea means the case will be set for a future date.

You will be notified of the hearings and you will be required to attend at least one hearing and testify. You have a right to have a victim advocate in court with you. To get information about hearing dates, call the Clerk of Courts. It is very important that you tell the Clerk of Court of any changes in your address or phone number.

What if there is a trial?

If the case goes to trial, the defendant will probably have an attorney and the prosecutor will represent the State. However, you will probably want a victim advocate for support and assistance. Many domestic violence shelters provide victim advocates to victims; many counties also have victim assistance programs through their prosecutors' offices which can provide you with an advocate in court.

The abuser has a right to a trial, either with a jury or with a judge. Find out from your advocate what to expect. If a jury is used, the first step will be picking the jury which is done by the judge and the attorneys. Next the attorneys make opening statements giving an overview of what they intend to present. The prosecution then calls witnesses and presents evidence. After the prosecution has finished, the defense attorney will do the same. When all witnesses have been called, the attorneys will make their closing arguments. Finally, the judge or jury decides if the defendant is guilty "beyond a reasonable doubt".

What if the abuser is found guilty?

If the abuser has been found guilty, the judge will sentence him or her at a sentencing hearing. The abuser may or may not have to spend time in jail. If put on probation, the abuser will not go to jail but will have to report periodically to the court. If, however, the abuser threatens or harms you in any way during the duration of the probation, he or she could be sent to jail.

The abuser could also be ordered to go into counseling. Batterer intervention programs work with abusers to help them take sole responsibility for their actions and to control their violent behavior. **However, simply completing a program is no guarantee that a batterer will stop being either physically or emotionally abusive.**

In all felony cases and in many misdemeanor cases, you can influence sentencing by making your own statement at the hearing about how the violence has affected you and your family. It's a good idea to have a victim advocate help you write the statement.

If the abuser is found not guilty, there are a number of actions you can take to keep yourself safe:

1. If you haven't already done so, get a Civil Protection Order. A Civil Protection Order requires the abuser to stay away from you and may last up to five years. Keep a copy with you at all times, and make sure that the police have a copy. Report any violations immedi-



ately.

2. Devise a safety plan for yourself and your children. In case of an emergency, know where you can go and how to get there at any time. Keep emergency numbers with you (police, your local shelter), and put aside money for food, phone calls, and transportation. You may want to consider having your phone number unlisted and renting a post office box.
3. Check with your local domestic violence shelter for other community resources.
4. Discuss the outcome of the case with your victim advocate, the prosecutor, and law enforcement. They may be able to advise you about what action you should take.

What are the penalties for domestic violence charges?

Penalties for offenses can change over time, so you will want to check with your victim advocate as to whether or not the following penalties are still current.

If the abuser is found guilty of domestic violence as a misdemeanor of the first degree, the maximum sentence is six months in jail and a \$1,000 fine.

If convicted of domestic violence as a misdemeanor of the fourth degree (meaning threats of physical violence were made but not carried out), the abuser faces a maximum penalty of 30 days in jail and a \$250 fine.

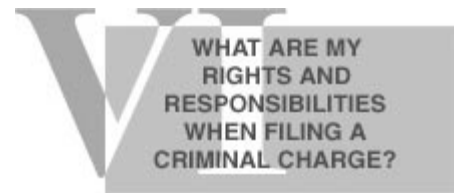
If the abuser has been previously convicted of domestic violence, a felony charge of Domestic Violence can be filed. This is a felony of the fifth degree and is punishable by a term of imprisonment up to two years and a \$2,500 fine.

If you've suffered serious injury, or if you've been threatened with a deadly weapon, a charge of felonious assault may be filed. This is an aggravated felony of the second degree.

Many specific crimes address sexual offenses. In Ohio, marital rape is a crime. Therefore, if you are married and have been forced into any sexual acts, rape may be an appropriate charge. Rape is an aggravated felony of the first degree.

If any crime is committed with a firearm, there is an additional three-year mandatory prison sentence.

Menacing by stalking is a first degree misdemeanor unless the abuser has previous convictions of stalking . In that case, menacing by stalking becomes a fifth degree felony.



1. As a victim, you have the following rights throughout all proceedings:
  - the right to a victim advocate at all stages of the proceedings
  - the right to have your address and phone number kept confidential by the court
  - the right to information concerning step-by-step procedures of the case
  - the right to information concerning procedures to follow if you feel intimidated
  - the right to notification about all hearings, delays, acquittals, appeals, or early release
  - the right to minimal contact with the defendant in court
  - the right to be present at all hearings, including sentencing
  - the right to make a statement at sentencing about the impact of the crime on you and your family

[For a more thorough list of your rights, see page 33.](#)

2. The following are suggestions for appearing in court:
  - Relax. (Your victim advocate can help you stay calm and provide you with emotional support.)
  - Arrive a few minutes ahead of time.
  - If at all possible, do not bring your children with you into court. If you have no other childcare, ask your local domestic violence shelter for assistance.
  - Dress conservatively.
  - Don't get angry.
  - Look at your attorney or victim advocate, not at the abuser.
  - Think about questions before answering them. If you don't understand a question, ask for clarification.

3. It is possible for a person arrested on a charge of Domestic Violence to get out of jail very quickly. If you believe that the abuser will get out of jail soon and will violate the terms of a CPO or TPO, [you will need a safe place to stay.](#)

4. When an abuser is arrested, he has a right to post bond and be released from jail. The judge decides the amount of the bond, taking many factors into consideration: the abuser's prior record, employment, attendance at prior court appearances, and the facts of your individual case. For that reason, it's very important that you give to the police a detailed description of all the circumstances surrounding the violence.

If the abuser is arrested, the abuser may not be made to release any possessions, including money, property, checks, keys and other belongings without a court order.

5. You cannot drop the charge once it has been filed. The parties to a criminal charge are either the State or City versus the abuser. You are a witness; your job is to simply tell what happened. A prosecutor or judge must agree to drop the charges. If you change your mind about wanting charges to be pressed, the prosecutor may go ahead with the case without you. The court can make you testify by issuing a subpoena to appear. The filing of a criminal charge is a serious matter, so once charges are filed, prepare to follow the case through to the end.

6. The abuser may have many court appearances before the case is finally resolved. You will probably be subpoenaed to appear in court at least twice and possibly as many as five times before you actually testify. When you receive your subpoena, contact the prosecutor's office to find out whether you are needed for the hearing and, if so, at what time you actually need to appear. Often the prosecutor can let you wait by a telephone until you are needed.

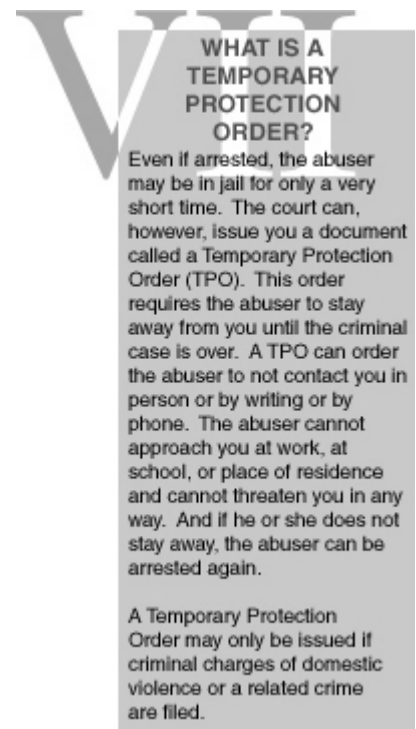
7. If you miss work because of a subpoena to appear in court, your employer cannot penalize you. Your employer, however, does not have to pay you for the time you miss work.

8. If you are subpoenaed to appear in court and do not appear, the criminal charge may be dismissed. In fact, the judge could hold you in contempt of court and issue a warrant for your arrest. The court may also hold you responsible for any court costs.

9. The abuser's attorney may contact you and try to persuade you to drop the charges. The attorney has the duty to interview all witnesses in the case. You may talk to the attorney, but you do not have to. The defense attorney cannot pressure you into dropping the charge (but probably will try to do so anyway). Do not be misled. Only the prosecutor can advise you concerning the outcome of the case. You also have the right to have a victim advocate present during any meeting with the defense attorney.

10. If you give false information in filing a criminal charge, you have committed a number of criminal offenses, such as falsification, obstruction of official business, and possibly perjury. In addition, the person whom you've falsely accused can sue you.

11. Even if your case is dismissed, charges can still be filed again should violence reoccur. As practices vary from county to county, you will want a victim advocate if further problems arise.



Who may request a TPO (Temporary Protection Order)?

Usually the police officer or the prosecutor asks the court for the TPO as a condition of the abuser's release from jail.

Is there a fee for filing a criminal charge and requesting a Temporary Protection Order (TPO)?

No.

How do I get a Temporary Protection Order (TPO)?

Once a criminal charge is filed and an arrest has been made, the judge usually will issue a Temporary Protection Order at the arraignment hearing. This hearing must take place within twenty-four hours or the next business day and will usually be held the next morning in Municipal Court.

If a TPO was not issued at the arraignment and you feel unsafe, contact the city prosecutor if a misdemeanor charge was filed in Municipal Court or the county prosecutor if a felony charge was filed in Common Pleas Court.

If you signed the motion (request) for an order, you must be present at the hearing. (In certain cases, such as hospitalization of a victim, someone else knowledgeable about the situation can take the victim's place.)

If the abuser has not yet been arrested, the court will hold an ex parte

TPO hearing, meaning that the offender is not present in court. **The TPO is not effective, however, until a copy is given to the offender.** More often, the court will issue a TPO when the abuser first appears in court as a pretrial condition of release from jail. In addition, if the abuser is believed likely to commit more violence, the judge may set a high bail which could keep the abuser in jail until the trial.

What do I do when I get to the courtroom for the TPO hearing?

Arrive on time (if you miss the hearing, your TPO request may be dismissed). Appearance is important, so dress neatly. When you arrive in the courtroom, do not sit near the accused. You should, by now, have a victim advocate to assist you. If you do not have a victim advocate with you, tell the representative from the city prosecutor's office who is in the courtroom that you are there for a Temporary Protection Order. That person will look after your interests in court.

You may have to wait for some time. When you hear either the abuser's name or your name called out, go and stand behind the table located in front of the judge. The judge will have you raise your right hand, give your name, and swear that your statements are true. The judge may then ask you to briefly explain why you need the TPO. Speak up so that the judge can clearly hear you, answer the judge's questions, and speak only to the judge. Explain to the judge why you need a TPO to protect yourself or a family member from further harm. A victim advocate can help you prepare your information. Try to stay calm. Remember, the abuser may deliberately say things that will upset you.

What happens after I get a Temporary Protection Order (TPO)?

Once the judge signs the TPO, the order becomes effective when the abuser has been given a copy. Always keep your copy of the order with you. You may also want to give copies to your workplace and to your children's school or day care center.

For how long is a Temporary Protection Order (TPO) effective?

The TPO is effective until the abuser is found guilty or not guilty of the criminal charge, or until replaced by a Civil Protection Order (CPO) issued by civil court (Domestic Relations).

The TPO may be changed, continued or canceled at later hearings which you have a right to attend, so it's important to keep checking to see if your TPO is still in effect.

What should I do if the abuser violates the Temporary Protection Order (TPO)?

**CALL THE POLICE IMMEDIATELY. DO NOT ATTEMPT TO REASON OR ARGUE WITH THE PERSON. GET YOURSELF TO SAFETY.**

If the abuser is in your home or workplace and refuses to leave, the police can arrest the person for violating the TPO. When the police arrive, show them a copy of your TPO. The police may need to make sure the TPO is valid first by checking with their records department or the municipal Clerk of Court.

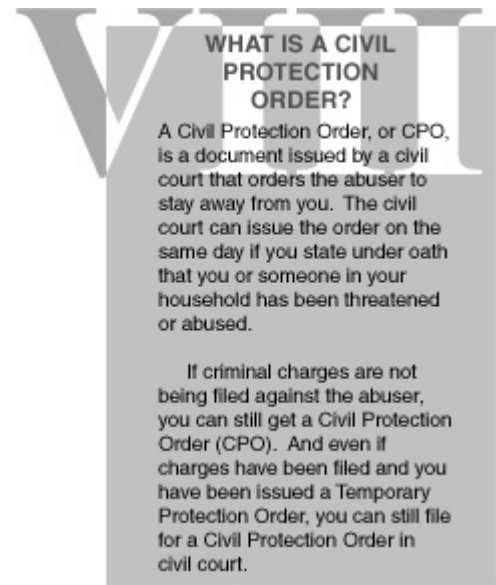
Even if the police do not make an arrest, ask them to still make a police report regarding the TPO violation. You may be required to sign this report. Be sure to write down the officers' names and badge numbers so that the prosecutor's office can contact the officers if necessary.

If the police do not file the TPO violation, contact your victim advocate at your local shelter or the victim witness assistance program through the prosecutor's office.

If I get a TPO from the court, does that mean the abuser has been found guilty?

No. Issuing a TPO does not mean that the abuser has been found guilty and the issuance of a TPO cannot be presented as evidence at trial. The prosecution must still prove your case "beyond a reasonable doubt". Therefore, it's very important that you work with your victim advocate to provide details, witnesses and evidence to support the criminal charge. The actual trial can be set in a very short period of time or, in extraordinary cases, can continue for as long as one year.

**REMEMBER:** If you believe you are still in danger after the criminal case ends which means the TPO is no longer in effect, file for a Civil Protection Order.



How can a Civil Protection Order (CPO) help protect me?

By issuing a Civil Protection Order, a judge may require an abuser to:

1. stop hurting or harassing you;
2. move out;
3. continue support payments;
4. go to counseling that focuses on battering or drug/alcohol abuse or both;
5. let you use the car or other motor vehicle;
6. **not contact you** either in person or in writing or by phone;
7. stay away from your residence, workplace and school;
8. not threaten you, either directly or through a third party;
9. other appropriate relief.

A Civil Protection order can also:

1. give you temporary custody of children (if no other court has determined custody and visitation);
2. require supervised visits so that the abuser can only spend time with his children if a social service agency worker is present;
3. settle arguments over mutual property.

Who may file for the order?

Usually you can file for a Civil Protection Order yourself simply by proving that, as a victim, you are a “family or household member”, that you or your children have been threatened or harmed, and that you fear continuing abuse. Ordinarily, the court can grant the CPO on your word alone.



While other counties may require that you have an attorney, some counties will let you file for a Civil Protection Order pro se (without an attorney). In addition, some counties have attorneys available who will offer their services [pro bono](#) (free of charge). If you need an attorney, call your local domestic violence shelter or local bar association for the name of an attorney who specializes in domestic violence. If you cannot afford an attorney, you should call 800-589-5888 for the local Legal Aid Society. Ask ahead of time about fees and make sure that your attorney is knowledgeable about protection orders and has experience working with domestic violence victims.

It's extremely helpful to have the support and advice of a victim advocate. Either your local domestic violence shelter or the victim witness assistance program through your prosecutor's office may be able to provide you with an advocate who can help you in court.

If you have additional questions, call the clerk of the Domestic Relations Division of Common Pleas Court. The clerk's telephone number should be listed in the government section of the phone book under County Agencies.

Where do I file for a Civil Protection Order (CPO)?

As a victim or potential victim of domestic violence, you may file for a Civil Protection Order in the Domestic Relations Division of the Court of Common Pleas. Forms are available at the prosecutor's office, victim witness program or possibly at your local domestic violence shelter.

Is there a fee for requesting a Civil Protection Order (CPO)?

There is no charge for filing a CPO request. However, the court may order one party to pay court costs after the civil case ends. Filing for a divorce also costs money.

Does the abuser have to be present in order to get a Civil Protection Order (CPO)?

No. Once the Petition is filed, an [ex parte](#) hearing can be scheduled for the same day. ([Ex parte](#) means that the Petition will be heard and an order may be granted without the abuser being present.)

[The abuser must be given a copy of the CPO before he or she can be held liable for violation.](#)

However, within 10 court days (or 7 court days if the abuser has been ordered to leave home), you will have to go back to court for a second hearing. At the second hearing, also called a full hearing, the abuser will have a chance to testify.

For how long is a Civil Protection Order (CPO) effective?

If the judge decides to issue an ex-parte CPO, this first order will generally be effective until the full hearing which will be held 7 or 10 court days later.

If the abuser has not been served the CPO, the full hearing may be rescheduled for a later time. If the court does reschedule the full hearing, the CPO may be extended until that date.



Once the judge issues a final CPO, the order may last for up to five years. If abuse continues after the CPO ends, under some circumstances you can request an extension or file for a new order.

If you file for a divorce or dissolution, the CPO provisions which are designed to protect you from domestic violence will remain in effect.

Can the provisions of a CPO be changed?

Yes. If your circumstances change, you can ask the court to modify provisions of the CPO. For example, visitation rights can be suspended or supervised visitation ordered. As of January 1, 1998, these changes can be filed pro se (without an attorney).

Can I drop the proceedings to obtain a CPO?

Yes. Unlike criminal proceedings, you can drop the proceedings to get a CPO at any time.

What should I bring to the full hearing?

Bring to the hearing any witnesses and documentation of abuse, including police reports and medical records. Witnesses to any past abuse - not just the incident in question - can also testify.

Unlike criminal court, the burden of dealing with the legal system is on you, not the prosecutor. You may want to write out all information you plan to give the court before the hearing; have your lawyer or victim advocate help you. You may also want your lawyer or advocate to speak for you in court.

What happens after I get a Civil Protection Order (CPO)?

Once the order is issued, a copy must be given to the abuser. The CPO is not valid until it is given to the abuser. This is usually done by the sheriff. A copy must also be given to your local police department. Ask the clerk to tell you who is responsible for giving the copy to the police.

Always keep your copy of the order with you. You may also want to give copies to your workplace and to your children's school or day care center.

What should I do if the abuser violates the Civil Protection Order (CPO)?

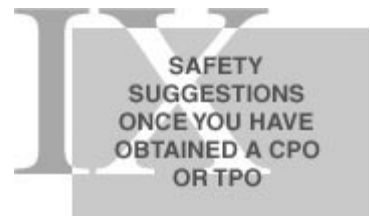
**CALL THE POLICE.** The police may have a copy of your CPO but be sure to have your own copy available to show them. Tell them that the abuser has violated the CPO. The abuser can be arrested and charged with violation of a protection order. Get the officers' names and badge numbers as soon as they arrive.

If the abuser violates any of the order's child custody or support provisions, have an attorney ask the court to issue a contempt order against the abuser.

Violating a CPO by an abuser is a criminal offense in addition to any criminal charges you've already filed! It may result in a Contempt of Court charge or criminal prosecution. If you file a Contempt of Court charge, the abuser faces up to a 30 day jail sentence and a fine up to \$250 for a first violation. A criminal offense can result in a six-month jail sen-

tence and a fine up to \$1,000 for a first violation.

If the police do not file the CPO violation, contact your victim advocate or go to the prosecutor's office immediately.

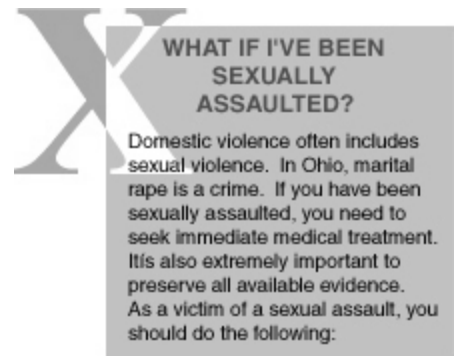


Protection orders can help keep you safe, but you need to take other steps to protect yourself. Only you, of course, know what will work best for you. The following points may help you during this difficult time:

1. Consider renting a post office box for your mail.
2. Change your usual routes going to work or taking children to school.
3. Tell trusted co-workers about the situation so that they can screen calls.
4. Place your own safety above your possessions or your pride.
5. Make sure you have a copy of your TPO or CPO with you at all times.
6. Make sure that your neighborhood police station has a copy of your TPO or CPO so that law enforcement will be aware of potential problems.
7. Change your door locks.
8. Keep your doors and windows locked at all times. Put sturdy sticks in windows and sliding glass doors. Consider installing a peephole in your front door. Never let the abuser in [for any reason](#).
9. Alert neighbors to call police if they see the abuser at your home.
10. Have someone stay with you, if possible.
11. Do not go to places where the abuser might be or to the place where the abuser is living.
12. Do not go out alone. Remember that witnesses are very important. Be around people whenever possible.
13. If you and the abuser should see each other in a public place, do not confront the person. If the abuser does not leave, then you should leave with someone or call someone to be with you.

14. Don't talk to the abuser on the phone. If the abuser calls you, hang up, or say that you don't want to talk and then hang up. If the calls continue, call the victim assistance program in your area or the prosecutor's office.
15. Consider changing your phone number and having it unlisted.
16. Do not in any way encourage the abuser to break the rules of the TPO or CPO.
17. If the abuser needs to get personal belongings from your home, the judge may tell the victim witness assistance program through the prosecutor's office to make the necessary arrangements. You can ask that a police officer be on the scene when the abuser comes to get his belongings. If you are not sure what to do, always check with your victim advocate.
18. Keep emergency numbers handy. Make sure you have numbers for the police, a hospital, and a domestic violence shelter hot-line.
19. If you have children and decide to leave, take your children with you.
20. If you have a TPO and move, contact the prosecutor's office.

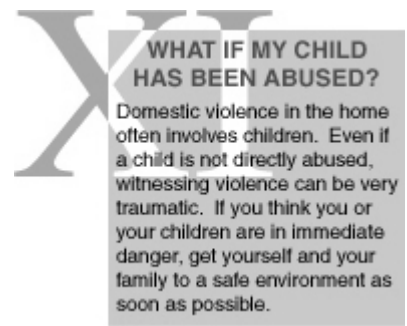
Should you reconcile with your partner, notify the police. You must take the necessary legal steps to have the protection order removed. If you fail to do so, your partner could be arrested for violating the terms of the CPO or TPO.



1. Call the police. Be sure to get the names, badge numbers and telephone numbers of any officers with whom you speak.
2. Do not touch anything. If there has been a struggle and furniture has been knocked about, don't straighten it up. Don't risk erasing fingerprints or disturbing possible evidence.
3. Do not wash. Do not shower or douche. Do not even wash your hands. If oral sex was involved, do not brush your teeth or rinse your mouth. Any type of washing will wash away critical evidence. Evidence such as hair, skin, blood and semen can be analyzed and used to prove the identity of your attacker.
4. Put the clothing you were wearing at the time of the assault in a bag. Each item of clothing must be put in a separate paper bag to preserve any evidence that may be on them. The underwear you were wearing at the time must be put in a paper bag, not a plastic bag. A plastic bag will cause additional moisture to accumulate and could ruin any evidence that exists on the underwear. A paper bag, however, will allow the underwear to dry out which can preserve any evidence on the clothing. If you were wearing a tampon at the time of assault, place it also in a paper bag.
5. Get medical help. You may treat any bleeding cuts you have at home, but only minimally. Get to an emergency center, clinic, or personal doctor as soon as possible. Although the person treating you will need to report the crime, you do not have to file a report if you seek medical help. You have a right to have someone of your choosing remain with you at all times during the medical exam or in talking with law enforcement.

Immediate medical treatment will ensure that the facts of your situation and your injuries will be documented on a medical record which can be used in court. The doctor will gather slides and swabs as evidence and give them to the police for analysis. Medical personnel should be able to answer any questions you may have regarding testing for internal and external injuries, venereal disease, pregnancy and AIDS. A hospital can also refer you to counselors who specialize in sexual trauma.

*No portions of the Justice Guide may be reproduced without permission  
From ACTION OHIO Coalition For Battered Women*



Legally, what is child abuse?

Child abuse is defined as any act that inflicts physical or mental injury.

Must suspected abuse be reported?

Many people are legally required to report any injury to a child under the age of 18 (or under the age of 21 if physically or mentally handicapped). People who must report suspected child abuse include:

- lawyers;
- doctors, dentists, nurses;
- psychologists, social workers, licensed counselors;
- employees of a child day care center or agency;
- school teachers or employees; and
- rabbi, priest, minister, or pastor.

Must a lawyer or doctor disclose all communications made concerning child abuse?

No. If you are a client, the information you give to lawyers and doctors may be considered privileged and protected from disclosure unless you consent to its release.

Must shelter workers report child abuse?

Yes. "Social workers" are included in the list of people who must report child abuse, although the term is never defined in the statute. Failure to report child abuse can result in criminal and civil penalties to both the shelter and the "social worker".

If my child is reported as being abused, will my child be taken away from me?

Children who are reported as being abused will not be removed without consultation from the county children services board or the county department of human services. Child abuse complaints will be investigated within 24 hours if the situation is an emergency and within 72 hours if the situation is not considered an emergency. A hearing will then be held to determine what action is needed to protect the child. Protective and emergency support

services will be available in order to prevent further abuse and to keep the family together. If needed, a child will be immediately removed on a temporary basis.

Some women are concerned that just by seeking help, they may risk custody of their children. Remember that going to a shelter, attending a support group, getting a protection order and taking legal action are all considered positive steps towards freeing yourself and your family from a destructive situation. If problems should arise, your victim advocate can help you in any interactions with the children services board.

Where is child abuse reported?

Anyone suspecting child abuse may report that suspicion anonymously to the county children services board, to the county department of human services, or to the police.

What kinds of action might be taken to protect an abused child?

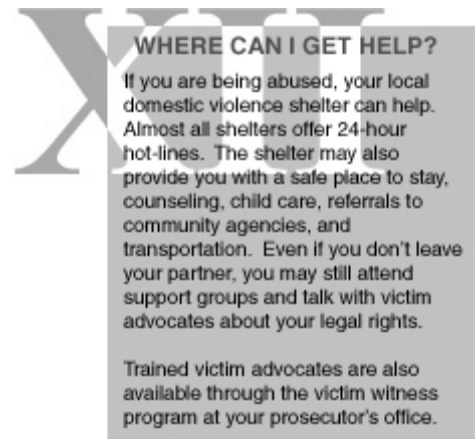
Before a hearing, the court may issue temporary orders concerning: custody or care of the child; relations and conduct of other people toward the child; and/or emergency medical treatment of the child.

Can a court issue an order concerning my child without my presence?

Yes. However, if possible, the court will provide an opportunity for a hearing before issuing such orders. If the court issues orders without notice of a hearing, it must notify the people affected (parents or guardian) and give them the chance for a hearing.

Must my child testify in court?

If the abuser is brought to trial, your child may have to testify. However, in some Ohio counties, your child may be allowed to videotape his or her testimony. You may also ask the prosecutor to arrange a separate waiting room for your child so that your child has limited interaction with the abuser.



**WHERE CAN I GET HELP?**

If you are being abused, your local domestic violence shelter can help. Almost all shelters offer 24-hour hot-lines. The shelter may also provide you with a safe place to stay, counseling, child care, referrals to community agencies, and transportation. Even if you don't leave your partner, you may still attend support groups and talk with victim advocates about your legal rights.

Trained victim advocates are also available through the victim witness program at your prosecutor's office.

National Domestic Violence Hot-line  
800-799-SAFE (7233);  
800-787-3224 (TDD)

Action Ohio Coalition for Battered Women  
614-221-1255  
P.O. Box 15673  
Columbus, Ohio 43215

Ohio Domestic Violence Network  
800-934-9840  
4041 North High Street #400  
Columbus, Ohio 43214

Ohio Coalition on Sexual Assault  
614-268-3322  
4041 North High Street #408  
Columbus, OH 43214

Legal Aid Society  
800-589-5888  
Attorney General's Crime Victims Services  
800-582-2877

Ohio Parole Board  
Victim Notification Section  
614-752-1198  
1050 Freeway Drive, North  
Columbus, OH 43229

Court of Claims of Ohio  
Ohio Victims of Crime Program  
800-824-8263  
65 East State Street #1100  
Columbus, OH 43215

Ohio Victim Witness Association  
614-387-4401  
333 West Center Street  
Marion, OH 43302





## Definition of Terms

**Affidavit:** a sworn written statement which can be used as evidence in court.

**Agent:** a person authorized by another to act for him or her.

**Arraignment:** the formal act of calling a defendant into open court, informing him or her of the charge, and asking for a plea of guilty, not guilty, or no contest to the charge.

**Arrest:** taking a person into custody for the purpose of holding him or her to answer a criminal charge. An arrest can be made when a warrant has been issued or when a law enforcement officer has reason to believe that the individual has committed a crime.

**Bail:** an amount of money set by the judge and posted with the court clerk as security to ensure that the defendant will appear in court at a specific time.

**Bond:** the person accused of a crime binds himself or herself to comply with certain conditions set by the court. The bond is secured by bail or by the signature of the accused.

**Bond forfeiture warrant:** If the accused does not appear in court at the proper time, a warrant is issued directing that he or she be arrested and that the bond be forfeited.

**Charge:** a formal written statement presented to the court which accuses a person of committing a crime.

**Civil action:** a lawsuit to enforce private rights, to obtain compensation for a violation of those rights, or to recover damages. A civil action is brought directly by the complainant, usually with the help of an attorney.

**Complaint:** a written statement presented in court charging that a crime has been committed. A Complaint can be filed by anyone, including police.

**Contempt of court:** any act that embarrasses, hinders or obstructs the court in administering justice or that lessens its authority or its dignity.

**Criminal proceeding:** a criminal action brought by a city, state or the federal government. The prosecutor represents the governmental body which is bringing the action against the defendant.

**Defendant:** the person being prosecuted.

**Domestic Relations Court:** a common pleas court with jurisdiction over cases involving relations within the family or household.

**Ex parte:** A court proceeding for the benefit of one side only with no notice to the other side.

**Felony:** a crime more serious than a misdemeanor for which punishment

ranges from six months in prison to death.

**Grand Jury:** a jury whose duty is to receive complaints and accusations in criminal cases, hear the prosecutor's evidence, and decide whether enough evidence exists to issue an indictment.

**Hearing:** a court proceeding in which a judge listens to evidence and makes a decision, such as in a protection order hearing.

**Indictment:** a written accusation issued by the grand jury that the offender has committed the crime.

**Judgment:** the court's official decision resolving legal questions, including the guilt or innocence of the accused and the severity of the sentence.

**Minor:** a person under 18 years old.

**Misdemeanor:** an offense less serious than a felony for which the maximum punishment is six months in jail and a \$1,000 fine.

**Offense:** a criminal act including felonies, misdemeanors, and violation of city and village ordinances.

**Parole:** a supervised release from jail or prison which restores the offender's civil rights, after the offender has served part of the sentence.

**Perjury:** deliberately lying under oath.

**Petition:** a request asking the court to issue a protection order.

**Plea:** the way in which the accused answers a complaint in court. If the defendant pleads guilty or no contest, there will be no trial.

**Preliminary Hearing:** after an arrest for a felony, the prosecution presents evidence to the judge who determines whether there is probable cause to believe a crime was committed and the accused may have committed it. If the judge finds probable cause, the defendant is scheduled for an arraignment.

**Pretrial:** a meeting before trial between the prosecutor and the defense attorney during which they discuss the case, exchange information about witnesses, and attempt to negotiate a resolution of the case.

**Probation:** a period during which the defendant's jail time or fine is suspended. During this time, the defendant is under court supervision and must obey certain rules. If the defendant breaks any of these rules while on probation, the court can then order him or her to serve the jail time and/or pay the fine.

**Pro bono:** free of charge.

**Pro se:** acting as one's own lawyer.

**Prosecutor:** the prosecuting attorney or assistant prosecuting attorney, village solicitor or city law director who is designated to prosecute a given case.

**Release on recognizance:** bond that is secured by the signature of the person accused. No bail is set.

**Revocation hearing:** a hearing in which it is determined whether or not a person sentenced to probation has violated the terms of that probation.

**Restitution:** a sentence imposed by a court that requires the offender to pay for damaged property or the cost of medical treatment.

**Sentencing:** the judgment of a court concerning the offender's punishment.

**Subpoena:** a written command to appear at a certain time to give testimony about a crime. If you don't obey a subpoena, you can be held in contempt of court.

**Victim Advocate:** a person who provides support and assistance for a victim of an offense during court proceedings.

## THE OHIO VICTIMS OF CRIME PROGRAM

The Ohio Crime Victims Compensation Program can help reimburse you for some out-of-pocket expenses, including medical bills, counseling, and lost wages.

You must be an Ohio resident or a person whose home state has reciprocity with Ohio programs. You must file the application within two years of the crime and have cooperated in the investigation and prosecution of the crime. Finally, you must have reported the crime within 72 hours (3 days) or show good reason why you did not. Anyone who paid expenses resulting from the crime or who is authorized to act on your behalf may also apply.

Should you incur additional expense as a result of the crime after you file the claim, you can file for additional compensation. Emergency money is also available if you will suffer financially without the award AND if it appears that a final award will be granted.

Filing an application costs \$7.50. The forms are self-explanatory. You do not need an attorney. Claim forms are available through the Court of Common Pleas, the Attorney General's Office, or from the Court of Claims of Ohio. Claims can be filed with any Common Pleas Court in your county or filed at the Court of Claims office in Columbus.

For more information, contact the following toll-free numbers: Attorney General's Crime Victims Services at 800-582-2877, or The Court of Claims of Ohio at 800-824-8263.

## OHIO VICTIMS RIGHTS

### Notification Rights:

After initial contact, law enforcement must provide the victim with a copy of the Attorney's General's victims bill of rights pamphlet or information about victim's compensation, protection orders, and victim assistance (medical, counseling, housing, emergency or other services).

Law enforcement must provide contact information of the investigator and prosecutor; notice of arrest; the defendant's eligibility for pre-trial release; and information as to whether the defendant has been arrested or released.

If practical, prosecutors must confer with the victim before a plea bargain, diversion, amendment, dismissal or trial. The court must note in the record a prosecutor's failure to confer with the victim.

Prosecutors must inform victims of the case number; the procedural process; a summary of rights, including the right to attend hearings; the procedure to follow in case of intimidation; the phone number to call for information on case status; the need to request notices; and the right to choose another person to receive notices.

In addition, the prosecutor must notify the victim of:

- All court proceedings and schedule changes, including date, time and location
- Acquittal or conviction
- Phone number and address of probation officer
- The date, time and place of sentencing and the right to speak before sentencing
- The sentence and any change to the sentence
- An appeal being filed and the subsequent procedural process
- The release of the defendant
- Time, place and results of the appeal

Victims who have requested any other notification must also be notified of:

- Likely release date of defendant and contact information of the custodial agency
- Hearings for release and the victim's right to make a statement

The court must notify the victim of the result of any release hearings.

#### Victim Impact Statements:

Victims may make a statement to the judge about physical and emotional harm and give opinions at sentencing and early release hearing.

#### Confidentiality:

If there is a threat of violence, victims may request the prosecutor to ask the court to keep victim identifying information confidential.

Except for the trial transcript, court documents cannot list the victim's address or phone number.

#### Employee Protections:

Employers cannot penalize victims for missing work because of time spent preparing for or attending hearings at the prosecutor's request or by subpoena.

#### Be Present:

Victims may attend any hearing at which the defendant is present, unless the judge rules exclusion of the victim is necessary to ensure a fair trial.

If practical, the court must provide a separate waiting area for the victim.

#### Bond Re-hearing:

If a defendant is released on bond, then the victim may request the prosecutor to ask the court to reconsider bond conditions.

#### Property Return:

Law enforcement must promptly return the victim's property unless it is illegal, ownership is disputed, the prosecutor certified it must be kept instead of photographed, or the judge promptly rules the property must be held as evidence.

#### Support Person:

At the victim's request, the judge must permit a support person to accompany the victim, unless the judge rules this will cause an unfair trial for the defendant.

#### Speedy Prosecution:

If practical, the prosecutor must inform the victim of possible delays. If the victim objects, the prosecutor must inform the judge and the judge must consider the victim's concern before approving delays.

#### Early Release in Custodial Circumstances:

If a victim requests, the agency having custody of the defendant must notify the victim three weeks prior to:

- Adult Parole Authority's recommending or holding an early release hearing; in some cases, the victim may testify at a full parole board hearing.
- Furlough, work training, education or to arrange employment (if practical, to visit a dying relative or to attend a funeral).
- Release on, and pendency of, electronic monitoring.

Along with the above notifications, the victim must be informed of the right to submit an impact statement.

The victim must also be promptly notified of the defendant's escape, recapture, or death.



# **ACTION OHIO Coalition For Battered Women**

P.O. Box 15673  
Columbus, Ohio 43215-0673

614.221.1255  
FAX 614.221.6357