

Essential Information Booklet



**SUPPORTING THOSE IMPACTED BY
DOMESTIC VIOLENCE AND CHILD ABUSE**

For your safety, keep this book in a safe place

Domestic Violence is a Crime

The law defines domestic violence as one of the following:

- Physical abuse
- Threats that put you in fear of immediate (at the time of the threat) and serious harm

You do not need to be married to the abuser to be protected by the domestic violence law. The law applies to any household or family member. Household or family member means:

- Spouse
- Ex-spouse
- Parent or child
- Step-parent or step-child
- Other persons related to the abuser who reside in the home or have resided in a home with the abuser in the last 5 years including:
 - Dating partners or their children who have lived together in the last 5 years
 - Those who have a child together but have never lived together even if paternity has not been established

Domestic violence involving physical abuse is a misdemeanor of the first degree.

If convicted the maximum penalty is 6 months in jail and/or a \$1,000 fine.

Domestic violence involving a threat is a misdemeanor of the fourth degree.

If convicted the maximum penalty is 30 days in jail and/or a \$250 fine.

Often the abuser is put on probation instead of being sent to jail- as a condition of probation, the court may order the abuser to attend a batterers' intervention program or counseling. If substance abuse is a problem, the court may order the abuser to attend a drug and/or alcohol treatment program. The victim or the police officer making a domestic violence arrest has the right to request a temporary protection order when an arrest has been made.

Types of Abuse

Verbal & Emotional Abuse	<ul style="list-style-type: none">• Yelling• Name calling, belittling, using put downs• Criticizing appearance• Swearing at you• Threatening to kill you, a friend, or a family member• Giving you the silent treatment• Not permitting you to use the telephone• Embarrassing you in front of others• Forcing you to stay in the house or locking you out of the house• Calling you dumb, stupid, ugly, disgusting• Threatening or attempting suicide• Monitoring your behavior
Financial Abuse	<ul style="list-style-type: none">• Taking your money• Putting all bills in your name• Selling your possessions without your ok• Destroying property• Not providing money for food or clothing• Making you account for every dime you spend• Quitting or losing jobs• Not allowing you to go to school or to work• Withholding child support• Taking or disabling car Running up debts
Sexual Abuse	<ul style="list-style-type: none">• Rape• Making constant sexual demands• Forbidding birth control• Forcing distasteful sex acts on you• Assaulting if sex is refused• Cheating or threatening to cheat• Forcing or persuading partner to send explicit photos
Physical Abuse	<ul style="list-style-type: none">• Slapping, hitting, punching, choking• Threatening with a weapon• Restraining, tripping, pushing• Burning with cigarette, curling iron• Throwing down stairs or against wall• Reckless driving – or other behaviors• Choking
Digital Abuse	<ul style="list-style-type: none">• Stalking social media or tracking your location• Logging into social media or email without permission• Forcing their partner to share passwords• Monitors who their partner is friend with or follows on social media• Sending unwanted explicit pictures and demands their partner do the same• Constantly calls and/or texts their partner to check in

Cycle of Violence

PHASE 2:

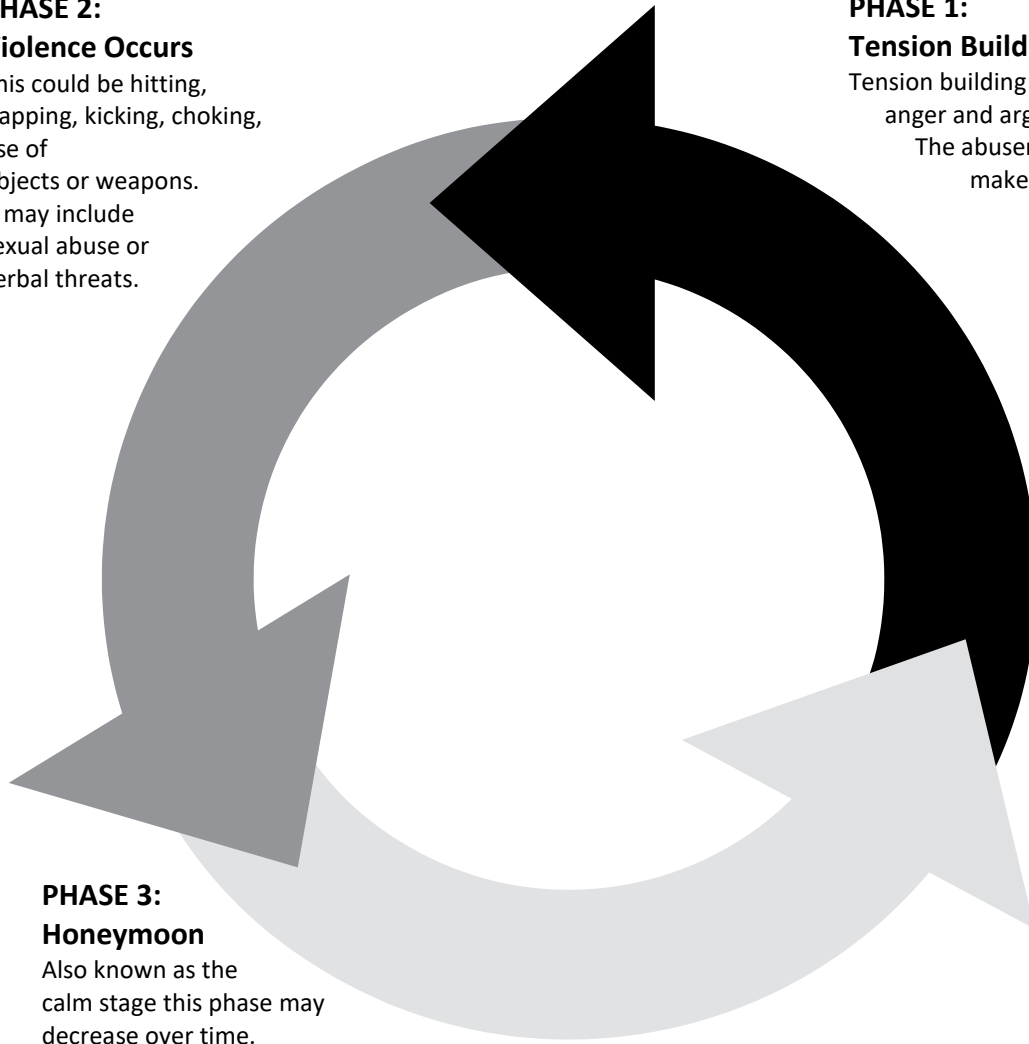
Violence Occurs

This could be hitting, slapping, kicking, choking, use of objects or weapons. It may include sexual abuse or verbal threats.

PHASE 1:

Tension Building

Tension building stage has anger and arguing. The abuser blames and make accusations.



PHASE 3:

Honeymoon

Also known as the calm stage this phase may decrease over time. Abuser may deny violence say they are sorry and promise it will never happen again.

The Power and Control Wheel best illustrates domestic violence. Dr. Lenore Walker proposed this theory in her 1979 book *The Battered Woman* and state that about 65% of domestic survivors have experienced the cycle. Consequently, the theory has helped many survivors gain some understanding of their own experience with domestic violence or the experience of another.

Phase 3 of the theory is actually a time of intense controlling. Although it may look calm, by demonstrating denial or remorse, fear, and love, the abuser is actually engaging in manipulative, controlling behavior.

Warning Signs

- ✓ **A push for quick involvement.** Comes on very strong. May say, “I’ve never felt loved like this before.” An abuser may pressure you for an exclusive commitment almost immediately.
- ✓ **Jealousy.** Excessively possessive; calls you constantly or visits unexpectedly; prevents you from going out because “you might meet someone”.
- ✓ **Controlling.** Questions you intensely (especially if you are late) about whom you spoke with and where you were; keeps all the money; insists you ask permission to go anywhere or do anything.
- ✓ **Unrealistic expectations.** Expects you to be perfect and meet their every need.
- ✓ **Isolation.** Tries to cut you off from family and friends; accuses your friends or family of “causing trouble.”
- ✓ **Blames others for problems and mistakes.** Everything is someone else’s fault when anything goes wrong.
- ✓ **Makes others responsible for their feelings.** The abuser may say such things as “You make me angry” instead of “I am angry” or “You’re hurting me by not doing what I tell you.” The abuser may also put the burden their happiness on you by saying, “You make me happy.”
- ✓ **Hypersensitivity.** The abuser may be easily insulted and may rant about the injustice of things that are just part of life.
- ✓ **Cruel to animals and/or children.** The abuser may expect children to do things that are far beyond their ability such as expecting potty training too early and punishing a child for wetting a diaper. The abuser may also tease children until they cry. Some abusers kill or punish animals brutally.
- ✓ **“Playful” use of force during sex.** May enjoy throwing you down or holding you down against your will during sex.
- ✓ **Verbal abuse.** Constantly criticizes you or says blatantly cruel, hurtful things; degrades curses, and/or calls you ugly names. Interrupts your sleep by waking you with verbal abuse.
- ✓ **Rigid sex roles.** Expects you to serve, obey, and stay at home.
- ✓ **Sudden mood swings.** Switches from loving to explosively verbally or physically violent in a matter of minutes.
- ✓ **Past abusive behaviors.** Admits hitting a partner in the past, but said the partner made them do it because of the partner’s behavior.
- ✓ **Threats of violence.** Makes statements like, “I’ll break your neck” or “I’ll kill you” then dismisses the statements, “Everyone talks that way” or “I didn’t mean it.”

Healthy Relationships

Negotiation & Fairness
<ul style="list-style-type: none">✓ Willing to compromise✓ Seeks mutually satisfying resolution to conflict✓ Accepts change
Non-threatening Behavior
<ul style="list-style-type: none">✓ Talks and acts in a way that you feel safe and comfortable expressing yourself and doing things
Respect
<ul style="list-style-type: none">✓ Listens to you non-judgmentally✓ Is emotionally affirming and understanding✓ Values your opinion(s)
Trust & Support
<ul style="list-style-type: none">✓ Supports your goals in life✓ Respects your right to your own feelings, friends, activities, and opinions
Honesty & Accountability
<ul style="list-style-type: none">✓ Accepts responsibility for self✓ Acknowledges past use of violence✓ When wrong, admits to being wrong✓ Communicates openly and freely
Shared Responsibility
<ul style="list-style-type: none">✓ Mutually agrees on a fair distribution of work✓ Makes family decisions together
Responsible Parenting
<ul style="list-style-type: none">✓ Shares parental responsibility✓ Is a positive, non-violent role model for the children

Adapted from the "Equality Wheel," Domestic Abuse Intervention

Impact of Violence on Children

Parents and family members often believe that they can hide violence in the home from children. However, **80% of children** will hear the arguing and/or screams, see the bruises and other injuries, and/or see broken furniture and destruction after the incident.

Although a child may not be the direct victim, the effects of observing abuse can be damaging.

Emotional Impact

- Inability to bond with adults or caregivers
- Inability to trust
- Increased anger or fear
- Over compliance, clinginess, withdrawal
- More accepting of or willing to excuse the use of violence

Behavior Impact

- Hyperactivity
- Aggressive/impulsive behaviors
- Academic difficulties
- Oppositional defiance
- Detachment & avoidance
- Fingernail biting, restlessness, shaking, stuttering
- Involvement in violent relationships with peers

Psychological Impact

- Anxiety
- Depression
- Attachment disorders
- Disassociation
- Eating disorders
- Sleeping disorders
- Suicidal ideations
- Increased risk of becoming perpetrators or victims themselves

QUIZ: How is your relationship?

Answering the following questions will help you determine whether your relationship is abusive or becoming abusive.

Does your partner...

- Embarrass you in front of others?
- Belittle your accomplishments?
- Make you feel unworthy?
- Constantly contradict themselves to confuse you?
- Do things for which you are constantly making excuses to others, or yourself?
- Isolate you from many of the people you care most about?
- Make you feel ashamed most of the time?
- Make you believe they are smarter than you and therefore more able to make decisions?
- Make you perform acts that are demeaning to you?
- Use intimidation to make you do what they want?
- Prevent you from going or doing common activities such as shopping, visiting friends and family, and talking to the opposite gender?
- Control the financial aspects of your life?
- Use money as a way of controlling you?
- Make you believe that you cannot exist without them?
- Make you feel there is no way out and that “you made your bed” and must lie in it?
- Make you find ways of compromising your feelings for the sake of peace?
- Treat you roughly- grab, pinch, push, and/or shove you?
- Threaten you verbally or with a weapon?
- Hold you to keep you from leaving during or after an argument?
- Lose control when they are using alcohol or substances?

Do you...

- Believe you can help your partner to change their abusive behavior if you were only to change yourself?
- Find that not making them angry has become a major part of your life?
- Do what they want you to do rather than what you want to do out of fear?
- Stay with them only because you fear they will hurt you if you leave or tell someone?
- Get angry frequently without an apparent cause?
- Have anger that escalates into violence?
- Deny that they hurt you or not feel sorry for what happened?
- Physically force you to do what you do not want to do?

If you answered “yes” to any of the above questions, you may be in an abusive relationship. Help and information is available to you through Journey Center for Safety and Healing.

Call or Text: 216.391.4357 (HELP)

Chat: [Journeyneo.org](https://www.journeyneo.org)

Safety Suggestions for Domestic Violence Survivors

General Safety

- ✓ Identify many different ways to get out of your home safely and practice exiting.
- ✓ Pack a bag with medications, important documents, money, keys, etc. Hide the bag (the bag may also be given to a trusted friend or family member).
- ✓ Arrange a signal with a neighbor, such as turning on the porch light in the daytime or pulling down a shade to signal that you need the police.
- ✓ Devise a code word to use with your children, relatives, friends, or others to signal that you need help from the police.
- ✓ Keep this list of suggestions and any written plans to leave hidden or give to a trusted person to keep for you.
- ✓ Decide and plan where you will go if you have to leave (even if you do not think you will need to leave).

Safety in Explosive Incidents

- ✓ Try to get to a room or area with an exit.
- ✓ Avoid rooms with no outside doors and those containing potential weapons such as the kitchen, bathroom, bedroom, and garage.
- ✓ When you are in danger of being attacked in any room, move toward the door and avoid corners.
- ✓ Try to stay in a room with a phone so you can call the police or a friend.
- ✓ Inform police if there are weapons in the home when they arrive.
- ✓ Set up a code word to warn your children when you expect violence.

If Your Abuser Does Not Live With You

- ✓ Change the locks on your doors as soon as you are able.
- ✓ Buy additional locks for your windows.
- ✓ Light driveways and walkways to increase outdoor lighting.
- ✓ If you have children, or other dependents living with you, develop a safety plan for when you are not with them.
- ✓ Inform and provide documents to daycare, school, etc. about who has permission to pick up your children.
- ✓ Inform your neighbors and landlord that your abuser no longer lives with you and tell them what actions you would like them to take if they see your abuser.
- ✓ Alert your local police department about any court action or protection order.
- ✓ Call the police if the abuser comes to your home.

Safety Suggestions (continued)

Safety Outside of Your Home

(Public places, work, school, social activities, etc.)

- ✓ Decide who needs to know about your situation (school, office, building security, etc.) and provide a picture of your abuser.
- ✓ Consider screening your telephone calls.
- ✓ Have someone escort you to your car, bus, etc.
- ✓ Use a variety of routes to get home.
- ✓ Stay in public places when you go walking, biking, etc.
- ✓ Know the location of the nearest police station when away from your home.
- ✓ Always tell someone where you are going and when you expect to return home.
- ✓ Be sure your cell phone is accessible in case you need to call or text someone to ask for help.

What to Take if You Leave

- ✓ Birth Certificate and Social Security Card for yourself, children, and other dependents.
- ✓ Cash, checkbooks, credit/debit cards, mortgage papers or lease.
- ✓ Divorce and/or custody papers.
- ✓ Keys to your house, car, office.
- ✓ Medications, prescriptions, hearing aids and other medical devices needed for you, your children, or other dependents.
- ✓ Personal and sentimental keepsakes such as photographs.
- ✓ Keep the following documents with you and make an extra copy for a trusted friend or family member to keep: Driver's License, Social Security Card, Insurance Card(s)/Papers, Medical Records, Passport, Green Card, Work Permits, and other important documents.
- ✓ Write down and keep in a safe place: important telephone numbers including Helpline numbers and friends/family and important addresses, or upcoming appointment information.

Safety and Protection Orders

- ✓ Keep your protection order with you at all times. If it is lost or destroyed you can get a copy from the Clerk of Courts.
- ✓ Make and give copies to people and places you frequent: work, schools, day care, family members' homes, etc.
- ✓ If your protection order was issued out of state register it with your local police department and/or Clerk of Courts.
- ✓ If you feel comfortable, call the police if/when an abuser violates your protection order.

Safety Suggestions (continued)

Safety When You Are Leaving

- ✓ Open a checking and/or savings account in your own name in a bank that is not used by your abuser.
- ✓ Consider direct deposit of paychecks or benefit checks.
- ✓ Leave money, an extra set of keys, copies of important documents, and extra clothes with a person you trust.
- ✓ Know your abuser's birthday, address, social security number, and license plate number – you may need to give them to the police or work.
- ✓ Determine who may lend you money or let you stay with them.
- ✓ If you are 60 years or older, consider contacting Adult Protective Services 24-Hour Helpline in Cuyahoga County: 216.420.6700, to learn about your eligibility for public and private benefits.
- ✓ Keep Journey Center's 24-Hour Helpline number with you: **216.391.4357 (HELP)**

Emotional Health and Safety

- ✓ Decide who you can trust – a friend, teacher, victim advocate, family member, counselor, etc. – and talk with them about your experience.
- ✓ Take time to process your feelings and to find time for things you enjoy: go for a walk, create art, read, etc.
- ✓ Don't talk with your abusive partner alone – have someone with you to talk by phone.
- ✓ If you are considering returning to your partner, talk to someone you trust about your decision and explore all your options.

An advocate can offer more suggestions and help you develop a safety plan to meet your specific situation.

What is Stalking?

Stalking is defined as a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear. In Ohio, a pattern is considered two or more incidents closely related in time.

Stalkers use a variety of tactics against the person that they are stalking.

Stalking may include:

- Unwanted contact by phone, texting, or social media
- Unwanted gifts, letters, deliveries, or services
- Seeking personal information from family, friends, co-workers, neighbors, mutual acquaintances, or online
- Showing up or approaching the individual or their family and friends
- Monitoring or surveillance
- Driving by places you may be found or that you frequent
- Watching or following the victim from a distance
- Property damage
- Threats to harm you, family, members, co-workers, animals
- Threats to take or destroy property
- Threats to commit suicide
- Engages others to assist in gathering information or to monitor or harass
- Breaking into your home, car, office, etc. to gain information and/or to make contact
- Interfering with mail, bank accounts, utilities, or other services
- Interfering with personal and/or professional relationships

The definition of stalking includes activities that would cause a reasonable person to feel fear. It is important to note that fear is often masked by other emotions: anger, frustration, hopelessness or despair.

Fear is contextual. What's scary to one person may not be scary to another. In stalking cases, many of the behaviors are only scary to a victim because of their relationship with the stalker. Many stalkers' behaviors seem innocuous or even desirable to outsiders.

Stalking Safety Suggestions

General Safety

- ✓ **Make a clear definitive statement that you no longer want contact-** you are not required to repeat, explain, or have a conversation about your decision. Document the date, time, and stalker's response.
- ✓ **Avoid all contact and document subsequent attempts to contact you-** do not respond to threats, gifts, letters, phone calls, emails, text messages, social media posts, etc.
- ✓ **Keep a detailed log of all stalking incidents.** Document the dates and times of contact or attempts to contact you, family, friends, etc.
- ✓ **Tell mutual acquaintances not to discuss your activities with stalker -** avoid contact and limit the information you share with people you don't trust.
- ✓ **Use your intuition if confronted-** use your knowledge of their behavior in any attempt to de-escalate potentially dangerous confrontations.
- ✓ **Inform trusted family, friends, neighbors, coworkers and service providers that you are being stalked-** establish a code word or phrase and plan to contact them if you are unable to call the police directly.
- ✓ Ask friends, neighbors, co-workers, and family to put in writing any stalking behavior that they have witnessed.
- ✓ Keep your keys and phone near you at all time.
- ✓ **Develop a safety plan that includes all household members, including animals in your care-** develop separate plans for work, school, daycares, etc.
- ✓ **Ask neighbors and coworkers to notify the police if they see your stalker or suspicious vehicles near your residence or workplace-** provide a picture or description if needed.
- ✓ **Save all gifts, notes, cards, phone and social media messages or posts from stalker and third parties.**
- ✓ Keep important personal and financial documents at a confidential location.
- ✓ Develop a [technology safety plan](#).

Safety Outside of Your Home

- ✓ Vary your schedule, routines, and travel routes as much as possible.
- ✓ Have a colleague or security guard walk you to/from your car or transportation.
- ✓ Be sure your school/work knows not to provide your contact information.
- ✓ **If possible, park in secure areas that are well lit.** Keep your keys and phone in your hands when walking to and from your car.
- ✓ **If using public transportation, plan your route carefully and avoid isolated stops-** if possible, sit near the driver or other familiar travelers. Program transit emergency numbers into your phone.

Stalking Safety Suggestions (continued)

Safety At Home

- ✓ **Be aware of your surroundings and places you can seek assistance-** develop an escape route for locations you may be confronted including home.
- ✓ **Conduct a home security audit-** make sure doors and windows are secure. If possible, consider changing your locks and upgrading your home security system including motion detector lights.
- ✓ Pack a bag with important items in case you need to leave quickly.

Safety and the Legal System

- ✓ **Relate your concerns to the police department(s) where you reside and work-** provide any evidence you have collected, including copies of previous police reports and court cases.
- ✓ Document the name and badge # of any police officer you speak with. Ask to be informed if they plan to contact stalker.
- ✓ **Report specific acts of stalking to the police where the incident took place-** in statements to the police include patterns of stalker behavior you have identified (i.e. repeated calls and drives by every weekend) and describe the impact it has on your life.
- ✓ **If a report is taken, ask for the report number and request a copy-** reports may be forwarded to detectives or prosecutors. Ask how the department will process your report and how you should follow up.
- ✓ **Keep all evidence including copies of evidence you turn over to the police-** store the evidence in a secure location, maybe with a close friend or relative that you trust.
- ✓ Consider trying to obtain a civil stalking protection order.
- ✓ Make a police report for each stalking incident or protection order violation.
- ✓ Make certain each police report makes reference to prior police reports.
- ✓ Make certain each police department where a stalking incident occurred has copies of the others' reports.
- ✓ Maintain regular contact with any detective(s) assigned to your case.
- ✓ Contact a Justice System Advocate: **216.391.4357 (HELP)**

An advocate can offer more suggestions and help you develop a safety plan to meet your specific situation.

Crime Victim Rights

After your first contact with law enforcement, the officer must give you:

- An explanation of your rights, information regarding medical, counseling shelter, emergency, and other services
- Information about crime victim's compensation
- Information about protection orders

As soon as possible, law enforcement must give you:

- The name, address, and telephone number of the prosecutor assigned to your case
- The telephone number of the officer assigned to your case

After the arrest, law enforcement must tell you that the arrest was made.

You have the right:

- To call the jail to check on whether the arrested person was released from jail
- To have an advocate present with you in court at any stage of the proceedings
- To confer with the prosecutor prior to any court proceedings, to the extent practical
- To ask for a temporary protection order
- To be present at every stage of the court process
- To be notified of any court proceedings
- To not speak to the attorney of the arrested person
- To make a statement about the impact of the crime on you
- To request information about the incarceration and release from jail or prison of the person arrested

Victims of Crime Compensation

Victims of crime, including domestic violence and stalking, are entitled to compensation for certain losses or costs that resulted from the crime

An award may be made for:

- All medically necessary expenses for treatment and care of the victim that are not covered by insurance
- Clothing damaged to facilitate treatment
- Counseling costs for the victim and others directly affected by the crime
- Counseling for children of domestic violence victims
- Health or mobility devices, such as glasses, hearing aids, dental work, etc.
- Reasonable travel time to attend hearings
- Specified lost wages
- Attorney fees to obtain a civil protection order up to \$1,000
- Other costs specified under the law

Generally no awards are made for property damage or loss unless safety and security are involved. No awards are made for pain and suffering. A Victims of Crime Compensation Program application is available through the Ohio Attorney General 800-582-2877 or ohioattorneygeneral.gov

An advocate or attorney can assist you with the application. Attorneys cannot charge for completing the application or for representation during the application process. The Victims Compensation Fund will pay the attorney. The Attorney General's Office will make a decision within 120 days.

In order to qualify for compensation you must:

- Report the crime to law enforcement and cooperate with their investigation
- Have not engaged in violent felonious behavior or drug-trafficking within 10 years of the crime or while the claim is pending, or engaged in felony drug possession at the time of the crime
- Have no felony conviction or a conviction of child endangering or domestic violence within 10 years or while the claim is pending
- Committed a criminal or tortious act that contributed to your injuries
- *Award categories may be capped, the maximum total award is \$50,000*

The Criminal Process

If the police are called due to a violent incident, either the victim or the police officer can sign the complaint charging the crime of domestic violence.

When local law enforcement responds to a domestic violence call, it is the preferred course of action for the police officer to make an arrest of the primary physical abuser when there is reason to believe that the crime of domestic violence has occurred.

The police officer must collect evidence at the scene of the incident and make a report of what happened. The officer should also take photographs of injuries. You may need to go to the police station two days later for more photographs.

The victim has the right to request a temporary protection order. The police officer may sign a motion for a temporary protection order when it has not been requested by the victim.

If a domestic violence offense is charged as a misdemeanor, it will be processed in the municipal court jurisdiction in which the crime took place. If a felony is charged, the process may begin in municipal court but will be processed in the Court of Common Pleas in downtown Cleveland.

If the prosecutor decides that a charge will not be filed with the court because of a lack of evidence or a lack of probable cause, charges can still be filed if another incident occurs.

After a formal charge is filed you may need to appear in court. You may receive a subpoena to appear in court. If you receive a subpoena you are required to show up in court.

The victim does not need an attorney. The prosecutor is not an attorney for the victim. The prosecutor is the attorney for the State of Ohio. The victim is a witness for the prosecutor.

The types of hearings that can occur in the criminal case are:

- Temporary protection order hearing
- Arraignment hearing
- Preliminary hearing
- Pre-trial hearing
- Trial
- Sentencing hearing
- *In a felony charge there is also a grand jury hearing*

The victim has a right to be present at all hearings and to have an advocate accompany them.

Protection Orders

A victim of domestic violence has the right to request a protection order.

There are 2 types of domestic violence protection orders:

- 1) Temporary Protection Order (TPO)
- 2) Civil Protection Order (CPO)

A Temporary Protection Order is obtained in Criminal Court after an arrest has been made.

A Civil Protection Order is requested in the Domestic Relations Court.

Any person, parent, or household member may request the order on behalf of any other household member.

It is useful to keep a log of domestic violence incidents for use when requesting a Civil Protection Order. The log should contain date, time, what happened, any witnesses or evidence, and whether police report was filed. (A sample form can be found in the center of this booklet - for safety, the log can be kept outside of the home with a trusted friend or family member).

Law enforcement agencies must maintain a record of protection orders issued and all law enforcement officers have access to the protection order information.

- A protection order is valid in all other counties in Ohio as well as the county in which the protection order is granted.
- Federal law requires that all states recognize the protection orders issued by all other states.
- Violation of a protection order by the abuser is a crime. The victim cannot violate the protection order.
- The person requesting a protection order has the right to be accompanied by an advocate at every stage of the process.

Giving Testimony in Court

- ✓ Dress neatly and be courteous. Stand when the judge enters or leaves the courtroom. Address the judge as “Your Honor” to show respect for the court. While in the courtroom be attentive and considerate of the proceedings.
- ✓ When you are called to testify, you will be required to swear or affirm that you will tell the truth. Testifying is a serious matter. Speak clearly and distinctly. Do not have anything in your mouth, such as candy or gum. Speak loudly enough that the judge and court reporter can hear you. Some courts use video and audio recordings to officially document proceedings.
- ✓ You will be asked to identify the abuser, but during testimony look at the jury, if there is one, the judge and/or the attorney or prosecutor asking the questions.
- ✓ Take your time when answering questions. Answer all questions directly, many require only “yes or “no” in response. Do not volunteer additional information!
- ✓ Some questions may not be clearly stated and you may be asked multiple questions before you are able to respond. Politely ask for clarification when you don’t understand the question being asked.
- ✓ Be sincere and do not exaggerate. If you feel emotionally overwhelmed let the judge know. The judge may pause the proceedings to give you a chance to regain emotional control.
- ✓ If the judge interrupts your testimony, stop speaking instantly. If someone raises an objection, stop speaking instantly. The judge will tell you what to do next.
- ✓ If you are stating dates, times, places, etc., be exact. If you cannot be exact, make it clear to the court that you are estimating.
- ✓ If you do not know the answer to a question asked of you, say so. The court usually frowns upon evasive answers. Do not make any assumptions or guess. Speak only to the best of your recollection.
- ✓ NEVER lose your temper! The abuser’s attorney may try to argue with you or make it appear as if you are at fault for the abuse. Remember that you were not arrested and are not on trial or at fault for anything the abuser has done.
- ✓ Above all, always tell the TRUTH!

Hiring an Attorney

When hiring an attorney for a protection order, divorce, visitation or custody:

- ✓ Ask the attorney about their experience with domestic violence cases, and experience with controlling, aggressive, and abusive partners of clients
- ✓ Consider how you feel about your conversation with the attorney on a personal or gut level. It will be important for you to feel comfortable talking to the attorney about private, intimate, and sometimes painful issues
- ✓ Consider interviewing more than one attorney to compare your options. If you are uncertain about an attorney’s sensitivity, skills, or understanding of your concerns move on.
- ✓ If you are considering a law firm, find out what attorney will be representing you and interview that person. Ask how other law firm personnel will be involved with the case and how it will affect costs
- ✓ Ask if there is a charge for the initial consultation or first meeting
- ✓ Ask in advance about fees, payment plans and how you will be billed. Ask how fees related to phone calls and electronic communication are handled- for example, will you be billed for one hour after a fifteen minute call?
- ✓ You may be required to pay a retainer. A retainer is money that is paid before the work begins. Ask what work will be covered by your retainer
- ✓ Ask for a written fee agreement that specifies billing arrangements
- ✓ If you are a person of low income you may be able to get an attorney through the Legal Aid Society which charges no fees. If you are indigent, divorce filing fees can be significantly reduced.
- ✓ Be prepared before seeing the attorney. Ask what documents you need to bring when you meet.
- ✓ For a divorce, you will likely need to supply the attorney with copies of financial statements, pay-stubs, deeds, debt, asset and other information
- ✓ Remember: the attorney is working for you!

Temporary Protection Orders

If a person meets the criminal definition of a domestic violence victim they have the right to request a temporary protection order if an arrest has been made for any of the following crimes:

- Domestic violence
- Felonious assault
- Aggravated assault
- Assault
- Menacing
- Aggravated menacing
- Menacing by stalking
- Burglary
- Aggravated trespass
- Criminal trespass
- Criminal damaging
- Sexual assault
- Any crime of violence

A temporary protection order is obtained in the criminal court (municipal or common pleas courts).

The arresting officer may request a temporary protection order if the victim is not available.

The judge in the criminal case may order a protection order even if the victim does not request an order.

The hearing for a temporary protection order is heard the next business day after the arrest.

A temporary protection order lasts until the criminal charge is dismissed, the abuser is sentenced, or until a civil protection order is granted, if the civil order is granted before the sentencing.

Civil Protection Orders

The victim files an application in Domestic Relations Court.

The application must allege that the respondent (abuser) engaged in domestic violence. If the victim requests that the abuser be ordered to vacate a residence shared with the victim, there must be an “immediate and present danger.”

A hearing is held regarding an ex parte civil protection order.

An ex parte hearing is a one sided hearing where you present the reason a protection order is needed. The hearing is on the same day that the application is filed. The victim tells a judge why s/he needs a protection order. The court has broad power to grant or deny the relief necessary to stop the domestic violence.

The abuser is served.

The abuser is served with a copy of the application, all other documents that may be filed with the application, the ex parte order, and a notice of the date when a full hearing will be held. A deputy sheriff serves the papers to the abuser.

A full hearing is held.

A full hearing is held within 7 to 10 days after the application is filed. Both the victim and the abuser must attend the hearing to present or defend their case. If the abuser fails to appear for the hearing and proper service has been completed, the court may conduct the hearing without the abuser.

The court may grant a civil protection order.

The civil protection order can be valid for up to five years and may be renewed. The court may instead approve a protection order agreement consented to by the victim and abuser.

Service on the abuser.

The abuser is served with copies of all relevant paper work if the civil protection order is granted.

The fact that a civil protection order has been granted and placed in a computer that can be accessed by the police means that law enforcement officers must enforce all civil protection orders.

It is best if the victim has an attorney to represent them in the civil protection order process.

The victim has the right to have an advocate present during every step of the process.

Stalking Protection Orders

TEMPORARY STALKING PROTECTION ORDER

- Available ONLY when an arrest has occurred and victim is not a household or family member as defined in the domestic violence law.
- The victim or a police officer may request a criminal protection order. The court will hold a hearing and can require the victim to testify before issuing the order.
- A temporary protection order may stay in place until the criminal charge is dismissed or the offender is sentenced. Filing a civil protection order while the criminal case is pending may also cause the temporary order to be dismissed.

CIVIL STALKING PROTECTION ORDER

- Filed when menacing by stalking or a sexually oriented offense has occurred. The stalker may or may not be a family or household member.
- Orders can be requested by any person, parent or adult household member on behalf of any other household member or by the victim.
- Civil orders are issued in a two hearing process by the Court of Common Pleas. The order does not require criminal charges and can stay in place for up to 5 years.
- A violation of a stalking protection order by the defendant is a new offense. Report any violation to the police jurisdiction where the violation occurred.
- Violation of a stalking protection order is a 1st degree misdemeanor. If convicted, the maximum penalty is 6 months in jail and/or \$1,000 fine. The violation is a 5th degree felony if the offender has been convicted of a prior menacing by stalking charge or was convicted of one or more prior charges of violating a protection order. If convicted the penalty is between 6 and 12 months in prison and/or up to \$2,500 in fines.

Civil Protection Order Process

Ohio law states that if a person is engaging in a pattern of conduct and knowingly causes another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person, the offender is guilty of menacing by stalking: *Ohio Rev. Code § 2903.211*

- In order to be considered a “pattern of conduct” there must be two or more actions or incidents closely related in time.
- Mental distress is defined as any mental illness or condition that involves some temporary substantial incapacity.

Menacing by stalking is a misdemeanor of the first degree. If convicted the maximum penalty is 6 months in jail and/or a \$1,000 fine.

Menacing by stalking may be a felony of the fourth degree if any of the following apply:

- 1) The offender has previously been found guilty or pleaded guilty to menacing by stalking;
- 2) In committing the offense:
 - a. The offender made a threat of physical harm;
 - b. Trespasses on the land or premises where the victim lives, works, or attends school;
 - c. The offender had a deadly weapon on or around their person;
 - d. The offender caused serious physical harm to the premises where the victim resides, the land where the premises are located, or personal property located on the premises;
- 3) At the time of the offense:
 - a. The victim is a minor; or
 - b. The offender was subject to a domestic violence or stalking protection order;
- 4) Prior to committing the offense, it had been determined that the offender represents a substantial risk of physical harm to others because of recent threats or acts of violence; or
- 5) In certain instances when the offender works with children.

If convicted of a fourth degree felony, the penalty for stalking is between 6 and 18 months in prison and/or up to \$5,000 in fines.

The victim has the right to request a protection order.

The victim has the right to be present at all hearings and to have an advocate accompany them.

How Journey Center Can Help

- ✓ Be with you in court throughout a criminal case of domestic violence, stalking, violation of a protection order, or other relationship crime
- ✓ Be with you during the court process of obtaining a civil protection order
- ✓ Provide information to you about the court process
- ✓ Provide information about your rights as a victim of a crime
- ✓ Provide information about the Victims of Crime Compensation program
- ✓ Help you explore all of your options and needs to empower you to arrive at your desired outcome
- ✓ Provide information about agencies that provide counseling for you or your children, drug and/or alcohol treating, support groups, and/or other services you or your children may need
- ✓ Help you explore all options around how you can increase the likelihood that you and your children will be safe
- ✓ Accompany you to the police station to make a police report regarding domestic violence, stalking, or other relationship crime
- ✓ Accompany you to any meeting or court hearing regarding domestic violence such as: Juvenile Court and the Department of Children and Family Services (DCFS) hearings
- ✓ Speak with the prosecutor, a social worker, or other person if you would like the advocate to do so

An advocate is not an attorney and cannot give legal advice.

An advocate will never tell you what to do. An advocate will help you explore all of your options and possible outcomes of each.

It is your life- how you decide to deal with your situation is completely your choice.

An advocate will always support your choice.

Additional Learning & Resources

Books

- ✓ [Battered Wives](#), by *Del Martin*
- ✓ [Getting Free: You Can End Abuse and Take Back Your Life](#), by *Ginny NiCarthy*
- ✓ [Keeping the Faith: Guidance for Christian Women Facing Abuse](#), by *Marie M. Fortune*
- ✓ [Mejor Sola Que Mal Acompañada: For the Latina in an Abusive Relationship](#), by *Myrna M Zombrano*
- ✓ [Not to People Like Us: Hidden Abuse in Upscale Marriages](#), by *Susan Weitzman*
- ✓ [The Battered Woman](#), by *Lenore E Walker*
- ✓ [Trauma and Recovery: The Aftermath of Violence](#), by *Judith Lewis Herman*
- ✓ [The Batterer as a Parent](#), by *Lundy Bancroft, Jay G Silverman, and Daniel Ritchie*
- ✓ [The Verbally Abusive Relationship](#), by *Patricia Evans*
- ✓ [When Dad Hurts Mom](#), by *Lundy Bancroft*
- ✓ [Why Does He Do That?](#), by *Lundy Bancroft*
- ✓ [Written on the Body: Letters from Trans and Non-Binary Survivors](#), *Lexie Bean (editor)*

Podcasts

- ✓ [Podcast on Crimes Against Women](#), *Conference on Crimes Against Women*
- ✓ [NRCDV Radio](#), *National Resource Center on Domestic Violence (NRCDV)*
- ✓ [Resource on the Go](#), *National Sexual Violence Resource Center (NSVRC)*

Call or Text:
216.391.4357 (HELP)

Chat:
[Journeyneo.org](https://www.journeyneo.org)

Journey Center for Safety and Healing provides services that foster safety and healing to those affected by child abuse and domestic violence; and prevents abuse through education, advocacy, and systemic change.

We envision a community where safety and well-being are achieved by empowering people to find a path toward healthy, thriving relationships.

You Are Not Alone