

NETWORK NEWS



The comprehensive resource on domestic violence

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OHIO SUPREME COURT RULES DOMESTIC VIOLENCE STATUTES ARE CONSTITUTIONAL

The Ohio State Supreme Court ruled on July 25, 2007, in *Ohio v. Carswell*, 114 Ohio St.3d 210,2007-Ohio-3723, that Ohio's domestic violence statutes do not violate the Defense of Marriage Amendment. The decision by the Court reinforces that all domestic violence victims are entitled to life-saving resources and protections promised by the domestic violence laws.

The ruling insures that specific benefits afforded to married couples, including access to the Domestic Relations Court and protection orders, are available to married and unmarried persons.

Ohio v. Carswell has been closely watched by domestic violence advocates and legal experts across the country. The question before the court was whether the definition of "person living as a spouse" under domestic violence law conflicts with Ohio's Defense of Marriage Amendment. Passed by voters in 2004 as a means to ban same-sex marriage in

Ohio, the Constitutional Amendment language included that the state "shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage." Many defendants in domestic violence cases, including, Michael Carswell, filed appeals claiming the domestic violence statutes were unconstitutional because they created a legal relationship between unmarried individuals; and therefore, they could not be prosecuted for their crimes.

In its 6-1 ruling, the Ohio Supreme Court said that "the term 'person living as a spouse' as defined in R.C. 2919.25 merely identifies a particular class of persons for the purposes of the domestic-violence statutes. It does not create or recognize a legal relationship that approximates the design, qualities or significance of marriage as prohibited by Section 11, Article XV of the Ohio Constitution."

"This is a huge victory for domestic violence victims across the country," said Sue Else, President of the National Network to End Domestic Violence (NNEDV). "There is universal agreement that victims of domestic violence must be protected from future abuse regardless of whether or not they are married to their abuser. The Ohio Supreme Court's decision ensures that batterers can not abuse the constitution to get away with their crimes."

Providing Services for Male Victims of Domestic Violence, Sexual Assault, and Stalking

By Leslie N. Malkin, Training and Technical Assistance Program Director

According to the National Coalition Against Domestic Violence, in April 2005, the National Domestic Violence Hotline received 176 calls from male victims, or about 1.16% of the calls from that month. Forty percent of gay and bisexual men will experience abuse at the hands of an intimate partner. Two-thirds of men who have been stalked were stalked by other men. As direct service providers to victim/survivors of domestic violence, sexual assault, and stalking, must you provide the same or comparable services to male victims as you do to female victims? The short answer is yes! The long answer is a bit more complicated.

If you receive federal or state funding, you must provide services to male victims of domestic violence, sexual assault, or stalking.

Organizations that receive Federal financial assistance from the Office of Justice Programs, including the Office on Violence Against Women, are subject to federal laws which prohibit discrimination based on gender. The most recent reauthorization of the Violence Against Women Act includes language which makes it clear that male victims can receive services under the Act. Even under VAWA 2000, STOP subgrantees were required to continue to provide services for both male and female victims. “To reflect Congress’s focus on violence against women and the demonstrated need in communities across the country to improve responses to women victims, states must fund only programs that focus on violence against women; however, such programs must provide services to a similarly situated male victim in need.” (emphasis added) The U.S. Attorney General previously issued guidelines for providing services to victims of domestic violence, sexual assault, or stalking, which explicitly

state that “[a]lthough these crimes are commonly referred to as ‘violence against women’ because the majority of victims are women, these guidelines apply to all victims, regardless of gender.” Thus, it is clear that under any mixture of alphabet letters, services must also be provided to male victims.

How, what, and when must you provide services to male victims of domestic violence, sexual assault, and stalking?

Men who seek help from domestic violence programs CANNOT be summarily denied services based upon their gender. All callers or potential clients should be subject to your program’s normal intake process. Presumably, part of that process is a determination of primary physical aggressor. We know that batterers can be excellent manipulators and may try to cloak themselves with a veneer of victimization. Programs should be alert to any red flags which indicate an alleged victim is in fact a batterer. Studies indicate that when women do use violence against an intimate partner, they are most often acting in self-defense. In light of this, programs may properly be cognizant of alleged male victims who assert they had to use violence in self-defense. If a potential caller uses language such as, ‘I had to restrain her to protect myself’ or “she was out of control,” red flags should be raised. If faced with a situation in which the program does not feel the caller is actually the victim, they should document the circumstances which led to the determination that the potential client is not eligible for services. Where possible, referrals for other types of counseling may be suggested.

At the same time, 40% of gay men may experience violence at the hands of their intimate partner. Although battered gay men

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overwhelmingly seek the services of gay-specific organizations, social service agencies, and individual counselors, there are only a few resources which exist for LGBT victims. Therefore, it is not uncommon for domestic violence programs to receive calls from battered gay men seeking services. Programs should conduct an intake in a culturally-sensitive manner. When a male caller states he is the victim of intimate partner violence (IPV), the program should determine if the alleged abuser is male or female. Male-on-male intimate violence may not raise as many red flags as will an actual batterer who is portraying himself as a victim.

Comparable services must be provided

Residential

Once a determination has been made that a male caller is eligible for services, the

program must provide comparable services. This does NOT mean that all of the services provided to female victim/survivors must automatically be provided to male victim/survivors. Some programs have a physical building structure that will permit housing a man in circumstances that will not be threatening to female residents. For example, a program may have a basement level which is fairly isolated from the rest of the living space. Other programs may have individual housing units which would safely and comfortably allow for male residents.

Programs which are physically structured in such a way that would create an emotionally unsafe environment for female residents are NOT obligated to house male victims within the shelter. They must, however, arrange for comparable and safe housing for the male victim. This most often involves a motel room, although the cost can clearly become a problem. The other potential solution may be



SAVE THE DATE:

November 15, 2007
1:00 – 4:30 pm
Columbus, Ohio



Due to an overwhelming request for information on the best practices for domestic violence programs in providing services to male (and LGBTQ) victims of intimate partner violence, Ohio Domestic Violence Network, in conjunction with BRAVO and Turning Point, will offer a workshop on this critical issue. ***“Providing Culturally Appropriate Services to Non-Traditional Clients: A Victim is a Victim”***, will cover:

- Working with male victims in general
- Working with the LGBTQ community
- Recognizing and dealing with internal biases
- Screening process
- Providing services
- Making appropriate referrals

More information, including registration forms, location, costs, etc., will be available at a later date. Please feel free to contact Leslie Malkin at lesliem@odvn.org if you have any additional questions.

Providing Services for Male Victims (continued from page 3)

to pre-arrange housing with a shelter in a neighboring county which can physically accommodate a male resident. This should be done before the need arises.

Non-Residential Services

Male victims of intimate partner violence are also eligible for comparable non-residential services, such as counseling and legal advocacy. This does NOT mean that male victims of IPV must be permitted to participate in female support groups or other forms of gender-specific group activities. However, if a program provides individual counseling, that opportunity should also be extended to male victims. The logistics of such counseling may be considered. For example, for the emotional well being of its female residents, a program may not wish to reveal its confidential location, even to a male victim. That program may make arrangements to provide advocacy or counseling off-site. Similarly, programs should be prepared to assist male victims with other types of services, such as safety planning and case management. However, a program need not offer male victims services which it does not offer to any other victim. If a program does not have support groups, it need not begin such an activity simply because a male victim requests it. Nor must a program admit a male victim into a female support group.

What may happen if you fail to provide comparable services?

Intentional discrimination based upon gender is prohibited by law. Programs may be subject to civil actions and/or fines and penalties if they fail to provide non-discriminatory services.

Discrimination/Disparate Treatment

Intentional discrimination may take many forms. One of the most common forms of intentional discrimination is disparate treatment. Simply put, disparate treatment means that similarly situated persons are treated differently (*i.e.*, less favorably) than others because of their race, color, national origin, sex, etc. Disparate treatment cases can involve either "individual" or "class" discrimination (or both). For example, if two individuals apply to participate in a federally funded program and one is rejected because the interviewer dislikes members of the rejected applicant's race, this constitutes disparate treatment. If the interviewer repeatedly rejects members of a particular race, this may indicate class discrimination or a "pattern and practice" of discriminatory conduct by the interviewer.

Another type of intentional discrimination involves the use of policies or practices that explicitly classify individuals on the basis of their membership in a particular group. Such "classifications" may constitute unlawful discrimination if they are based on characteristics such as race, color, sex, etc. For example, the Supreme Court has held that a policy which required female employees to make larger contributions to the pension fund than male employees created an unlawful classification based on sex.

To prove intentional discrimination, you must show that "a challenged action was motivated by an intent to discriminate." This requires a showing that the recipient was not only aware of the complainant's race, color, or national origin, but that the recipient acted, at least in part, because of the complainant's race, color, or national origin.

Providing Services for Male Victims (continued from page 4)

However, it is important to remember that the record need not contain evidence of "bad faith, ill will or any evil motive on the part of the [recipient]." For example:

A recipient official denies a woman's application to participate in a training program for construction workers. He does not select her because he thinks that it's not safe for women to do this type of work and he's concerned for her safety. Although this official did not act with any ill will toward this woman or women in general, he has considered this female applicant differently than male applicants and denied her admission to the training program because of her sex.

Evidence of discriminatory intent may take many forms and may be found in various sources, including statements by decision makers, the historical background of the events at issue, the sequence of events leading to the decision at issue, a departure from standard procedure (*e.g.*, failure to consider factors normally considered), legislative or administrative history (*e.g.*, minutes of meetings), a past history of discriminatory or segregated conduct, and evidence of a substantial disparate impact on a protected group. In some cases, you will find that there is direct evidence of discrimination. For example, the facts may show that a member of the recipient's management staff was overheard commenting that the complainant was not selected for a particular program because of his or her race. In context of this paper, a hotline worker advising a male caller that the

program does not provide services to men would be direct evidence of discrimination and is clearly prohibited.

Summary

In summary, programs may NOT automatically refuse to provide services to alleged male victims of IPV simply because of their gender. Accommodations must be made to provide such potential clients with comparable services, while at the same time, not compromising or jeopardizing the physical and emotional well-being of the majority of victims of domestic violence – women. Programs are advised to consider these issues before a problem develops and have an appropriate policy in place.

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Domestic Violence Counts 2006 Census Report

On November 2, 2006, 1,243 local domestic violence programs participated in the first ever National Census of Domestic Violence Services.

On the following two pages, you will find the 2006 Executive Summary and the 2006 Ohio Summary.

ODVN Welcomes New Staff

Rachel Ramirez-Hammond Training Coordinator

Rachel Ramirez-Hammond is the new Training Coordinator at ODVN. She began her work in the domestic violence field five years ago after finishing her MA in Latin American Studies at the University of South Florida in Tampa, Florida. Rachel worked for one of the largest domestic violence organizations in Florida, in the 103 bed shelter as a bilingual shelter advocate. She then became a bilingual children's case manager, and worked with the "kids team" that focused on the needs of the 50+ children in the shelter. In addition, Rachel became involved in the development of a Family Justice Center in Tampa, Florida, after her agency received a presidential grant to develop a Family Justice Center.

After moving to Ohio, Rachel began her MSW at the Ohio State University, while coordinating a domestic violence program for Spanish speakers with the Ohio Hispanic Coalition. She also did a one year internship with the Ohio Department of Health's Sexual Assault and Domestic Violence Prevention Program, focusing on issues of mental health, domestic violence, and sexual assault. While in her MSW program, Rachel concentrated her research on family violence in Latino communities. She hopes to be able to use her fluent Spanish and bicultural experience to assist domestic violence organizations across the state in providing culturally sensitive, linguistically appropriate services to immigrant and refugee populations.

Rachel and her husband are expecting their first child in November. Welcome Rachel!

If you have any questions about the ODVN Training Institute, please call Rachel at Extension 222.



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ODVN Staff:

Nancy Neylon, Executive Director
Becky Mason, Executive Assistant
Rita Doyle Smith, Financial Manager
Reiko Ozaki, Training and Technical Assistance Specialist
Rebecca Cline, Prevention Programs Director
Tana Carpenter, Resource & Technology Coordinator
Jo Ellen Simonsen, Prevention Trainer and Technical Assistant
Tonia Moultry, Outreach Coordinator
Leslie Malkin, Training and Technical Assistance Program Director
Jasmine Finnie, Prevention Programs Assistant
Jill Endres, Sexual Assault Prevention Trainer and Technical Assistant
Rachel Ramirez-Hammond, Training Coordinator

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Sandy Theis, Theis Research & Consulting
Claudia Wilder, Riverside Methodist Hospital

PUBLIC POLICY UPDATE

By Nancy Neylon, Executive Director

HB 247-Civil Protection Orders in Dating Relationships

Introduced on May 30, 2007 by Rep. Edna Brown (D-48), the proposed legislation would expand the jurisdiction of the juvenile court to issue civil protection orders to a child who has or has had a dating relationship with another juvenile. Under ORC Section 2903.213 a juvenile may file for a protection order on their own behalf or an adult may file on their behalf. A dating relationship under the proposed legislation is defined as frequent, intimate association between two people, primarily characterized by the expectation of affectional involvement. The court shall consider the following factors when determining whether a dating relationship existed; the nature of the relationship, the length of the relationship, the frequency of interaction and the time since the termination of the relationship. A dating relationship does not include a casual relationship or an ordinary fraternization between two individuals in a social context. The bill provides additional grounds to seek a protection order for a juvenile that includes felonious assault, aggravated assault, menacing by stalking, aggravated trespass or substantially similar municipal ordinances, and permits the filing of a motion for a protection order as a pre-trial condition of release of the alleged offender. The proposed legislation also expands the definition of family or household member to include foster parents. The bill has been assigned to the Juvenile and Family Law Committee and has had sponsor testimony and one proponent hearing.



TANF Family Violence Option Adoption and Implementation

The Ohio Department of Job and Family Services (ODJFS) has adopted the TANF Family Violence Option (FVO) for the Ohio Works First (OWF) program as an amendment to the budget bill (Sub HB 119) offered by Sen. Kirk Schuring (R-29). ORC Section 5107.71 requires County Departments of Job and Family Services (CDJFS) to make a determination as to whether a waiver that exempts a victim of domestic violence from a requirement of the Ohio Works First Program is needed if requiring compliance would make it difficult to escape domestic violence or if domestic violence is a barrier to complying with OWF requirements. The legislation requires CDJFS to refer victims to counseling and supportive services and to maintain the confidentiality of information about the victim. When making a determination regarding a waiver, CDJFS may rely, where available, on the records of law enforcement, courts, domestic violence shelters, legal, medical, religious and other professionals from whom the victim sought assistance or on the victim's statement that they are experiencing domestic violence. A victim may decline a waiver, terminate a waiver at any time, and may decline counseling and supportive services. If a county DJFS refuses to grant a waiver to a victim they must inform the victim in writing as to the reasons why, still protecting the victim's confidentiality and the victim may appeal the decision. CDJFS shall provide non-identifying statistical information to the ODJFS and ODJFS shall monitor implementation of the FVO. The ODJFS Office of Family Stability and a committee of key stakeholders are meeting to discuss implementation of the Family Violence Option by January 1, 2008. The FVO does not require individualized assessment by someone trained in domestic violence and thus disallows Ohio from receiving penalty relief when they fail to meet

work participation rates or fail to comply with the five year federal time limit by providing the FVO time waivers.

SB 21 -Uniform Interstate Enforcement of Protection Orders Act

Introduced on February 20, 2007 by Senator Kevin Coughlin (R-27), the legislation was drafted to adopt the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act and standardize implementation of full faith and credit.

2005 Violence Against Women Act (VAWA) Certifications

The 2005 VAWA requires states to provide certification on two issues to preserve VAWA funding. The first issue requires that courts notify domestic violence offenders about federal firearms prohibitions affecting the respondent in protection orders and defendants in criminal domestic violence cases. Ohio is partially in compliance with this as the Supreme Court of Ohio has adopted protection order forms that warn defendants and respondents subject to such an order of their firearm prohibition. There is no mechanism for domestic violence defendants when a protection order is NOT issued. The plan is to have the Ohio General Assembly ask the Supreme Court of Ohio through legislation to adopt an additional form for these circumstances.

The second issue requires the state to certify that the criminal justice system (law enforcement, prosecutors) not ask or require a victim of a sexual offense (regardless of age) to submit to a polygraph examination as a condition for investigating, charging or prosecuting such an offense. This will require a statutory change. ORC Section 2907.30 already provides some instruction regarding

interview of a rape victim and it would not be a significant stretch to address this issue. The Family Violence Center of the Office of Criminal Justice Services (OCJS) is working with the OCJS legislative liaison on both issues. The certification for both issues must be complete by December 31, 2008.



October is Domestic Violence Awareness Month

The Ohio Domestic Violence Network is compiling a calendar of local Domestic Violence Awareness Month activities throughout the state. Please check out the calendar on our website at www.odvn.org. If your event does not appear on the calendar, please contact Becky Mason at ODVN.

Donate to ODVN Through Your Workplace Giving Campaigns

It's that time of year again! Time to decide where you are going to pledge your donation through your workplace giving campaign. Time to decide which issues you care about the most. Please consider ODVN!

If you or someone you know works for the State of Ohio, the City of Columbus, Franklin County, the Ohio State University, Columbus State Community College, Columbus Metropolitan Libraries, (just to name a few), donations can be designated directly to ODVN. We also participate in the Combined Federal Campaign.

For more information, please contact Becky Mason at ODVN, 614-781-9651, Ext. 221 or visit COSMO on the web at:

www.CommunityShares.net



CHECK IT OUT!
From ODVN's Resource Center

Materials from ODVN's Resource Center may be borrowed for free by ODVN members and Ohio residents. For more information or to borrow resources from our clearinghouse, please contact Tana Carpenter, 1-800-934-9840, Ext. 224.

Gum In My Hair (DVD)

This 20-minute video resource looks at what bullying is, its effects on people and how it makes them feel. *Gum In My Hair* is a new way to deal with an old topic, and will be invaluable to anyone wanting to help children learn in a safe and supportive environment. This resource, with study guide, is ideal for Grades 4-8.

Safety Planning with Children (DVD)

This new video explores ways that children who have been traumatized by domestic violence can begin to gain a sense of personal power and control. *Safety Planning with Children* focuses on a child's own personal safety, helping them understand that it is not the role of children to keep their family safe from a violent parent. When children learn to stay out of fights, avoid getting trapped in a room where abuse is occurring, find a phone to call for help and escape to a safe place, they also increase the likelihood of avoiding physical injury.

Safety Planning with Children contains basic information for those children living in families where there is domestic violence. The program can help domestic violence shelter programs train new and current employees so they can develop the knowledge and skills necessary to create effective safety plans with children. The accompanying discussion guide provides additional information, including activities for use in shelter settings and a list of resources children's advocates have found helpful. This video is 32 minutes in length.

Cops, Kids, and Domestic Violence (DVD)

This 20 minute video focuses on the impact of domestic violence on children and was developed for law enforcement. The video is focused around a "typical" domestic violence scene to which law enforcement are called to respond. It also uses children's drawings, voiceovers of children's thoughts and questions, and interviews with law enforcement to make the product real and compelling for the officers. The goal of the product is to provide officers with concrete information about what they can do when responding to the scene of a domestic violence call.

Safety on the Internet (DVD)

Safety on the Internet teaches kids and their parents how to use the Internet safely without placing them in harm's way. Children innocently give away information that can lead a child predator right to their door. This program provides educational materials and tools to help protect and prevent children and teens from becoming the victim of an online predator.

Teen Dating Violence Book Covers

Remember ODVN has book covers for your Back to School needs. These are great for handing out at school events and public awareness events, especially during Domestic Violence Awareness Month. They cost \$15 for 100 book covers.

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by the U.S. Department of
Health & Human Services.



Financial Tip from our Financial Manger
Rita Doyle Smith

How To Manage Credit Card Debt

Most of us have more debt than we would like. It has been estimated that the average household has 10 credit cards with an average interest rate of 18.9% and an average balance of \$8,000 per card. Those are frightening statistics for anyone, but particularly for women in an abusive relationship. By developing a plan to reduce your debt, and sticking to it, you can effectively reduce your debt and the stress related to it. Here are some steps you can take:

- Develop a budget and follow it.
- Identify your cards with the highest interest rate. Make additional payments on those cards, while making just the minimum payment on the others.
- Consolidate your debt on fewer cards, particularly if you can get a lower rate of interest.
- As you pay off each card, cut up the card and/or close the account.
- Don't add to your debt by continuing to purchase items on a credit card. Pay cash or use a credit card that you pay off monthly.

If you need additional help, don't be afraid to ask. You can call your credit card company to ask for a lower rate of interest or to let them know you are having trouble paying. You can also call the Consumer Credit Counseling Service at 1-800-355-2227 for help.

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**OCTOBER IS DOMESTIC VIOLENCE
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