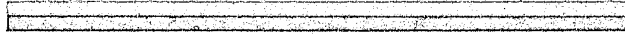


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GOVERNOR'S OFFICE OF CRIMINAL JUSTICE SERVICES



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State of Ohio
Richard F. Celeste/Governor
Michael J. Stringer/Director

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FAMILY VIOLENCE

SUMMARY REPORT
TO THE
GOVERNOR

TASK FORCE ON
FAMILY VIOLENCE

DECEMBER 1986

NCJRS

AUG 12 1987

ACQUISITIONS

STATE OF OHIO

RICHARD F. CELESTE, GOVERNOR

Judge Lesley Brooks Wells, Chair



Richard F. Celeste
Governor

The Governor's
Task Force on
Family Violence

December 19, 1986

Judge Lesley Brooks Wells
Chair

Judge Ronald B. Adrine
Georgia Anetzberger
Rosalyn Bandman
Joan M. Burda
Ann Noel Chase
Sally Cooper
Bernard J. Cullen, M.D.
Linda Evelsizer
Demetris A. Floyd
Judge June Rose Galvin
Alvara Goffney
Miriam Gonzalez-Lugo
Leslye M. Huff
Judge William P. Kannel
Victoria Kepler
Richard Ketcham
Jacquelyn A. Koenig
Linda Swift Martin
Marlene R. Miller
Russell A. Miller
Daryl Novak
Carla Streep O'Day, M.D.
Reverend Judith Shook
Captain William C. Smith
Anne Taylor
Rochelle Dennis Twining
Barbara Waldron
Richard A. Weiland
Bradley Weiss

Honorable Richard F. Celeste
Statehouse
Columbus, Ohio 43215

Dear Governor Celeste,

On behalf of members and staff of your Task Force on Family Violence, it is a privilege to submit to you our final Summary Report.

We include five new recommendations for a total of fifty-four (54) since your 1984 Executive Order creating the Task Force on Family Violence. Several significant recommendations have been implemented and current activity on others is heartening. Instead of generating more recommendations - which, failing implementation, can be hollow - the time has come to shift to full implementation.

To this end, in August, 1986, you began implementation of our recommendation to make permanent as an "action work group", the Interdepartmental Work Group. With the outstanding leadership of Pat Donovan, the Work Group is working to ensure full implementation of Task Force recommendations. Without enhanced staff, resource and financial support, however, our joint accomplishments cannot be assured.

The three volume Ohio Family Violence Services Directory is completed and should continue to be updated by the Governor's Office of Criminal Justice Services.

As a Task Force - a force of citizen expertise constituted by you to accomplish a task - the core of our work is completed. Full measure of our effectiveness in reducing family violence in Ohio cannot be made until the impact of implementation is measured.

Deep societal change can occur when many people slightly shift their perception of what is permissible. As O. W. Holmes observed, the mind, stretched to new dimensions, never returns to its original shape. The abuse and neglect of our children, household members and elders - our families - is now widely perceived by Ohioans as criminal.

As we prepare to enter the 21st Century, Ohioans have demonstrated a commitment to work hard, with cultural and victim sensitivity, to reduce and eradicate family violence in all areas of our state. Your continuing leadership to strengthen our families will tap a ready response.

Governor's Office of
Criminal Justice Services

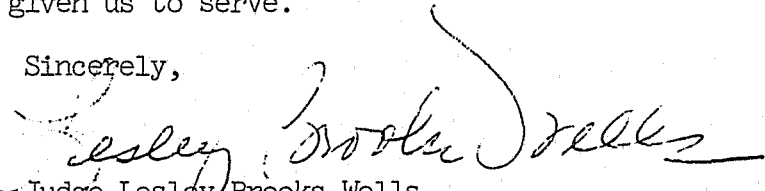
Capital Square
65 E. State Street, Suite 312
Columbus, Ohio 43215
(614) 466-1822

Michael J. Stringer
Director
Jack P. Harmeyer
Georgia H. Allerding
Claudia K. Hoffman
D. Jeanne Roberts

As we traveled the state addressing the reality of family violence, we also found everywhere thriving families. Nothing is so contagious as example and, as we mend, Ohio should celebrate its countless strong, vibrant families, traditional and new.

We move from our formal Task Force status, citizens enriched in experience and expertise by our common task, and seasoned in all areas of family violence. As citizens we will continue to work for full implementation of our recommendations. We will work to maintain the links we have forged between government, the grass roots and the private sector. We trust you will call upon us without hesitation and thank you for the privilege you have given us to serve.

Sincerely,



Judge Lesley Brooks Wells
Chair, Governor's Task Force
on Family Violence

LBW/dp

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* 17 recommendations

** 32 recommendations

MISSION STATEMENT

We, the members of Governor Richard F. Celeste's Task Force on Family Violence, recognize that abuse within the home is a critical problem. Like violence in our streets, violence within the home should be treated as a crime. It is estimated that four percent of the nation's elderly population suffer from abuse each year. Over one million children in the United States are abused or neglected each year. Up to 60 percent of all married women experience physical violence by their husbands at some time during their marriage.

The Task Force recognizes the fact that violence within families is a reality but not an inevitability. We are committed to reducing and eradicating this violence.

Therefore, the Task Force shall methodically review, on a statewide basis, laws, norms and institutional policies which promote or condone violence. We will work actively to change laws, norms and institutional policies which fail to protect each Ohioan.

Furthermore, the Task Force will work to establish needed service systems and to improve existing service systems available to victims of violence within our state.

Finally, we will work to establish a comprehensive network of statewide prevention programs which will focus on all forms of family violence within our communities.

INTRODUCTION

On February 27, 1984, the Governor's Task Force on Family Violence was created by Executive Order.

In the nearly three years of our existence, we have visited communities throughout the state and met with community leaders and service providers on family violence issues. We have listened to and heard the concerns and frustrations of the people of Ohio. These concerns and frustrations have played a major role in the formulation of our recommendations. We have found a consensus throughout the state, that together we can and must solve the enormous human and social cost of violence in our homes. We are encouraged by the innovation and commitment we have found among Ohio's citizens, agencies, community groups and the media.

Since the submission of our initial report, in December, 1984, we have continued to expand our understanding of the issues surrounding family violence. We have been able to communicate the Administration's concern for and commitment to the well-being of Ohio's families.

We, as a Task Force, have had the good fortune of a solid working relationship with the Interdepartmental Workgroup on Family Violence. The Workgroup is composed of ten state departments and organizations involved with formulating state and local responses to family violence. Workgroup members have been invaluable in our assessment of the Ohio experience and in formulating implementation strategies for our recommendations.

The Workgroup will continue our common efforts, focusing on full implementation of the 54 Task Force recommendations. We have served as an action group connecting grassroots efforts with existing institutional resources, and as a vehicle for those experts working in the field of family violence to influence policy and decision-making at the state level.

This is our summary report. The recommendations contained herein comprise the concerns of the Task Force members which have not been addressed in the preceding interim reports. The Task Force urges the adoption and full implementation of the 54 recommendations contained in our three reports to the Governor.

GENERAL FAMILY VIOLENCE ISSUES

Family violence has travelled a spectrum similar to other complex social issues. Recent cross-cultural studies indicate that family violence is near universal. Family violence crosses all cultural, racial, economic and religious boundaries. In the past, the phenomenon has been ignored, or acknowledged but disavowed. In this country, it has only been within the last 25 years that this emotion-laden issue has come to the public's attention. And it has only been within the last 10 years that family violence research is developing the knowledge base needed to understand, intervene and prevent family violence.

The Task Force on Family Violence recognizes that physical, sexual, emotional and psychological abuse, neglect and exploitation occurs in places outside the home. We acknowledge other forms of violence such as sibling violence and parental abuse by adolescents. We have chosen to focus on the three populations of child, elder and spouse abuse and neglect within families and households.

DEFINITIONS

Family refers to people living in the same household, family members not living together, intimates regardless of marital status or living arrangements and others within the family circle. Family violence is abuse, neglect and exploitation which takes place within a family relationship.

The definitions of abuse, neglect and exploitation are generally the same regardless of the perpetrator or victim.

- . Physical abuse includes, but is not limited to: slaps, shoves, beatings, burns, internal injuries and broken bones;
- . Physical neglect is the withholding of or the failure to provide the basic necessities of life;
- . Sexual abuse includes, but is not limited to: fondling, exhibitionism, incest and rape;
- . Emotional abuse includes, but is not limited to: the use of threats, fear or guilt to degrade the victim and control behavior;
- . Emotional neglect includes a failure to provide the psychological nurturing necessary for growth and development;
- . Exploitation ranges from the misuse of an elder person's money to child pronography.

All of these types of violence have in common the denial of the basic right of a person to grow and live in a healthy, non-threatening environment.

CAUSALITY

Researchers in the field of family violence have struggled to produce solid research concerning causal explanations, incidence rates, and clinical definitions. Family violence research has been fraught with methodological difficulties. For example, many studies are based on small, non-representative samples of children and women who have been labelled as victims. Similarly, many studies fail to employ control groups.

However, considerable data have been gathered which highlight certain factors often related to family violence:

- . alcohol and other drugs;
- . stress;
- . economic factors;
- . patriarchy;
- . intergenerational nature of abuse; and
- . social isolation.

RESPONSE

A decade ago, few states had laws intent on reducing or preventing family violence. Today, 50 states have child abuse and neglect reporting laws; 49 states have Adult Protective Services or elder abuse reporting laws; and 45 states have enacted legislation that allows battered women to obtain civil protection orders independent of domestic relations proceedings. To date, 10 states, including Ohio, have made domestic violence a separate criminal offense.

Increased awareness has led to a general acceptance that family violence is pervasive and rooted in societal norms, laws and institutions. Therefore, the recommendations made by the Task Force underscore the fact that family violence requires a response by every segment of society at all levels--public or private, health and social services, educational institutions at all levels, the justice system, the religious community, the media and individual citizens.

SPOUSE ABUSE: THE PROBLEM

Spouse abuse is one of the most frequently committed crimes in our society today. Estimates on the number of victims of domestic violence range from one in two women to one in five women.

In the first seven months of 1985, police officers in Ohio went on 36,784 domestic violence calls. In other words, Ohio police officers responded to 173 domestic violence calls every day.

A relatively small number of domestic violence calls end with a signed complaint. Victims have difficulty leaving abusive situations for many reasons, including:

- . societal attitudes that reflect a lack of understanding of the dynamics of abuse; .
- . inconsistent enforcement of laws from one community to the next resulting in little or no police or legal protection for many victims;
- . lack of financial resources to enable victims to establish independence;
- . lack of a safe place to stay--Ohio's domestic violence shelters are filled to capacity 90% of the time; and
- . lack of support services such as day care and transportation.

CAUSES OF THE PROBLEM

Spouse abuse is said to result from factors which include:

- . transmittance of abuse patterns across generations;
- . alcohol and other drug abuse;
- . inability to cope with stress in positive ways;
- . overconcern with stereotypical male/female roles including the misconception that women like to be dominated and "treated roughly."

No single factor can be cited as causing the violence. The abuse is more often the result of two or more factors. The importance of learned violent behavior needs to be emphasized. Children from abusive homes learn that violence is an accepted part of a relationship and often become either the perpetrator or the victim of violence when they enter into adult relationships.

PROFILE OF THE PROBLEM

Spouse abuse affects persons in all socio-economic and racial groups. However, there are certain characteristics which are more typical for those persons in an abusive relationship.

The typical victim of spouse abuse is a woman. She usually is isolated from her family and friends. The victim feels that somehow she causes the abuse; in fact, she does everything she can to avoid it.

There are some traits that both the victim and perpetrator share. Both often have either been abused or witnessed abuse as children. Because of the random, yet cyclical, nature of the abuse, both parties believe that each abusive incident will be the last.

The abuser, generally, feels unsuccessful financially, occupationally, and/or socially, regardless of his income or position. Often, he abuses alcohol or other drugs, which he uses as an excuse for the violence. The perpetrator feels he has the right to abuse his spouse.

In a smaller number of cases, the man is the victim of abuse. Many of the same characteristics still apply. In these case, the woman is usually younger and physically larger.

Most abuse can be prevented; most abusers can be helped.

ELDER ABUSE/NEGLECT: THE PROBLEM

The incidence of elder abuse is substantial. Existing research and surveys suggest that the annual rate approximates 4% among the general population of older persons and 10% among the dependent elderly population.

In addition, elder abuse as a problem tends to remain invisible. It is estimated that only one in five instances come to the attention of authorities. The invisibility of the problem relates to many factors, including:

- . the unwillingness of some abused elders to make complaints against caregivers, especially those who are family members;
- . the fear of some older persons that the alternatives to the abusive situation may be worse, such as institutional placement; and
- . the social isolation of some elderly persons.

If suggested incidence rates of elder abuse are applied to the State of Ohio, then 50,077 of the 1,251,927 persons, 65 years and older, including 16,025 dependent elders, are abused each year. If the incidence reporting rate is applied, then 10,015 cases of elder abuse should be reported to the authorities annually.

Relatively few instances of elder abuse come to the attention of local authorities. There are several possible reasons for this, including:

- . lack of public recognition of elder abuse as a problem nationally and locally, with the resulting failure on the part of many persons to identify cases and seek intervention; and
- . lack of awareness on the part of some health and social service providers that they are mandated by law to report instances of elder abuse to the County Department of Human Services.

CAUSES OF THE PROBLEM

Elder abuse is said to result from factors which include:

- . transmittance of abuse patterns across generations;
- . unresolved family conflict;
- . inability to accept the dependency needs of older persons;

- . stress overload on the part of caregivers;
- . role incompetence of caregivers;
- . pathology, such as alcohol and other drug abuse;
- . stereotyping of the disabled; and
- . negative societal attitude and behavior toward older persons (ageism).

Models for explaining elder abuse usually combine two or more of these factors. The limited research in this area suggests that certain factors may have particular importance in explaining elder abuse by caregivers. They are stress overload and mental impairment, including substance abuse, on the part of caregivers. Older persons often remain in abusive situations because they perceive a lack of acceptable alternatives.

Abusers are usually neither vicious nor uncaring. Rather they tend to be individuals who provide care to elderly relatives or friends at personal sacrifice. Sometimes, circumstances arise which render this caregiving too much of a burden. Then abuse can result.

Self-neglect occurs when older persons fail to provide themselves with adequate food, shelter, health care or other life essentials. This may happen when older persons:

- . no longer have the ability for self-maintenance due to physical or mental impairment;
- . lack awareness of existing community services that offer assistance;
- . choose variant lifestyles;
- . elect to die alone in their own homes, and
- . become socially isolated.

PROFILE OF THE PROBLEM

Elder abuse affects older persons of all circumstances. However, it is more typical for those having certain characteristics.

The profile of the typical abused elder suggests a very old woman with some physical or mental impairment. She tends to reside alone or with the abuser, upon whom she is dependent. The abuser is usually the son or daughter. Sometimes, it is her spouse. Less frequently, the abuser is her sibling, grandchild or another relative or friend. The abuser is commonly middle-aged.

Neglect tends to be more common than physical abuse or violation of rights. Within the category of neglect, physical neglect more frequently occurs among abused elders who live alone, psychological neglect among those living with others.

Most abuse can be prevented; most abusers can be helped.

CHILD ABUSE/NEGLECT: THE PROBLEM

The personal and social costs of child abuse are devastating. In 1984, the National Committee for Prevention of Child Abuse estimates nearly 1.9 million cases were reported. It is conservatively estimated that actual cases are 3 to 4 times the number of the reports.

In Ohio, 52,159 cases of child abuse were reported in 1984.* In 1985, the number of reported cases rose to 70,923.** This represents an increase of nearly 36% over the previous year. Given the relationship to actual cases, it is reasonable to suggest that from 212,769 - 283,692 children were abused in Ohio in 1985. Or, put another way, in our state, at least 583 - 777 children were abused each day in 1985.

CAUSES OF THE PROBLEM

Why a person abuses a child is a very complex issue, which is not yet fully understood. Whether one stressful circumstance or a number of crises actually trigger abuse, contributing factors may include any combination of the following:

- . parent/child abused as a child--physically, sexually, emotionally;
- . immature parent, teenager;
- . social isolation/lack of family support;
- . lack of child rearing knowledge/unrealistic expectations;
- . family violence;
- . alcohol/drug abuse;
- . unwanted or unloved child;
- . lack of parent/child bonding;
- . low self-esteem;
- . hyperactive child;
- . emotional stress (financial, housing, health); and
- . immediate crisis (loss of job, death of loved one, victim of crime).

* Revised by Ohio Department of Human Services from figures supplied in 1985

** Source: Ohio Department of Human Services

While these factors increase the risk of abuse, the presence of any one or more will not guarantee it. Two parents with similar backgrounds and similar stresses may respond differently to a child--one will abuse, the other will not. Such is the complexity of the problem.

PROFILE OF THE PROBLEM

Child abusers are relatives...friends...neighbors. It is widely accepted that as many as 80% of sexually abused children are victimized by relatives, family friends or authority figures.

Child abuse crosses all economic, ethnic, racial and religious lines. Abusers may be ordinary people who often find themselves in life situations which they perceive as being beyond their control. Very often, they were abused themselves as children.

The National Committee for Prevention of Child Abuse points out: "It is a sad irony that the majority of abusers genuinely love their children. They simply lack the resources to cope effectively with their surroundings."

Most abuse can be prevented; most abusers can be helped.

RECOMMENDATION NO. 1:

Corporal punishment should be abolished in Ohio's schools and funds provided, through the Department of Education, in the 1987-88 biennium budget for training in the use of alternatives to corporal punishment.

RATIONALE:

The Task Force was charged to review laws, norms and institutional policies which promote or condone violence. Moreover, it is the responsibility of the State of Ohio to protect its children. State sanction for the use of corporal punishment clearly conflicts with other state laws, policies and directives aimed at the prevention of child abuse and other forms of family violence.

A large body of psychological data indicates that corporal punishment impairs the development of children toward their optimal potential as socially responsible adults, provides a model for children which leads to further violence and interferes with the process of learning which is the main goal of educational systems.

There is little evidence that corporal punishment is effective or is of benefit to the healthy emotional development and socialization of the child or adolescent, or has favorable influence on long-term academic achievement. The Surgeon General of the United States, in the Report of the Surgeon General's Workshop on Violence and Public Health recommends that corporal punishment be abolished.

OHIO EXPERIENCE:

Ohio law permits the use of corporal punishment. In December, 1984, the General Assembly enacted legislation enabling local school districts to abolish corporal punishment. Since that time, some districts such as Dayton, Columbus and Cleveland, have abolished corporal punishment. However, the vast majority of school districts still continue the practice.

IMPLEMENTATION:

The Ohio General Assembly should pass legislation abolishing corporal punishment in Ohio schools. The 1987-88 biennium budget should include funding for training in the use of alternatives to corporal punishment.

RECOMMENDATION NO. 2:

The Ohio Department of Education, in cooperation with the Governor's Office and the Interdepartmental Workgroup, should develop and implement a comprehensive education program which addresses the issues of family violence (ie, spousal, elder and child abuse and neglect). This education program should be introduced at the elementary, middle school, senior high and university levels.

RATIONALE:

Education is the most viable weapon for helping our children understand life at its various stages of development which, ultimately, could prevent child, spousal and elder abuse. Better understanding results in more appropriate expectations.

OHIO EXPERIENCE:

There has been no standard family life education program in schools in this state. There has been minimal focus on family as a growth process and knowledge about the elderly has been frequently stereotyped.

IMPLEMENTATION:

The Department of Education, in concert with the Interdepartmental Workgroup and a university Department of Education, should develop an education curriculum on child development, family dynamics and the elderly which would be programmed to relate to the student's level of development and comprehension. Included in the curriculum should be normal growth and development, appropriate discipline and training in necessary skills to cope with an individual's own situation, ie, where physical, sexual or emotional abuse exists.

RECOMMENDATION NO. 3:

The Departments of Mental Health and Mental Retardation should provide mandatory training, in family violence, for its medical, clinical and direct care staff of all state facilities under their authority.

RATIONALE:

A common thread among residents or patients in state facilities in Ohio is family violence. Family violence issues permeate the histories of many persons in these facilities and often present additional barriers to optimum treatment. Professional staff need to acquire expertise in working with families experiencing spousal, child and/or elder abuse problems so that when these individuals return home, the work of providing a safe and nurturing environment can continue with community support.

OHIO EXPERIENCE:

There is, currently, no systematic training in family violence identification, intervention and prevention provided to staff of state facilities.

IMPLEMENTATION:

The Departments of Mental Health and Mental Retardation should issue a directive to each facility requiring the development of a mandatory and comprehensive training program through each training department and offer guidelines concerning the components of such training programs.

RECOMMENDATION NO. 4:

Line item 527 (Child Welfare Subsidy) should be substantially increased to meet increased demand for services to abused and neglected children and their families in the 1987-88 biennium budget.

RATIONALE:

In recent years the amount of public attention and awareness of child abuse and neglect has grown. With this increased awareness and knowledge, reported cases of abuse and neglect have skyrocketed. In 1985, there were approximately 65,000 referrals of suspected abuse and neglect in Ohio. This figure is more than twice the number received in 1983. In Ohio, federal dollars account for approximately 30% of the funds spent on child welfare, local funds account for 60% and state funds less than 10%. It is impossible to ensure the consistent handling of child abuse and neglect cases across the state when services rely so heavily on local funding, which varies from county to county. Only one-third of Ohio's 88 counties have local child welfare levies. The state needs to increase its funding commitment to meet increased demand and ensure consistent treatment.

OHIO EXPERIENCE:

In Ohio, the demands placed upon child protective services agencies have mushroomed. With increased reports, investigations and subsequent services, the state's support is woefully inadequate.

The state contributes \$.09 of every state dollar to children's services while MRDD services receive \$.35 and Education receives \$.48. Ohio must increase its share of support to ensure its promise that all Ohio children will be guaranteed their right to live free of abuse.

IMPLEMENTATION:

Inclusion on an increase to \$.22, per dollar, for the Children's Welfare Subsidy in the Governor's 1987-88 biennium budget.

RECOMMENDATION NO. 5:

The Governor should create the staff position of Executive Assistant for Family Issues.

RATIONALE:

A clear focus on and commitment to the health and welfare of Ohio families, at the top executive level, is critical to program and service coordination, now buried in fragments throughout state government. Powerful leadership is required to forge, for all Ohioans, a strengthened image of our families as we prepare to enter the 21st Century.

OHIO EXPERIENCE:

No such position presently exists.

IMPLEMENTATION:

The Governor's Chief of Staff should identify and assign the duties and responsibilities of the full-time staff position on family issues.

CONCLUSION

Family violence is a problem that affects a majority of people and resources in Ohio. The increase in reports of family violence, while not necessarily indicative of an increased number of cases of abuse, demonstrates that abuse and neglect will no longer be tolerated and treated as merely personal problems beyond the reach of outside help and criminal prosecution where appropriate.

Attitudes are slowly changing. However, work still needs to be done to better protect victims and provide much needed services for both victims and perpetrators in all of Ohio's 88 counties. All Ohioans need to be protected regardless of where they live.

For too many years, we have relied on public funds, local, state or federal, to finance family violence services and shelter. These funds are limited and not extensive enough to resolve the multi-faceted problem of family violence. Corporations, foundations and private donors, together with the government, can deliver the programs Ohioans need and deserve.

Family violence is a financial drain which present and future generations in our state will have to bear unless action is taken now. Enormous resources are lost annually as a result of family violence. Time, money and effort must be devoted to preventing family violence from occurring. Prevention programs are a cost-effective way to treat family violence. Prevention programs are just as necessary and urgent as treatment programs and services.

Family violence is everyone's responsibility. The Governor's Task Force on Family Violence has worked to stop the tide of family violence. The Interdepartmental Workgroup will continue to ensure full implementation of the 54 Task Force recommendations under Governor Celeste's leadership. Together we can ensure Ohio's citizens the peace and safety to which they are entitled.

Appendix A

EXECUTIVE ORDER 84 - 11

CREATING THE GOVERNOR'S TASK FORCE ON FAMILY VIOLENCE

WHEREAS, the family remains a basic unit of Ohio's communities; and

WHEREAS, the reported incidents of family violence, in the form of spouse abuse, child abuse, and elderly abuse, have dramatically increased in recent years; and

WHEREAS, it is estimated that one in five murders are perpetrated by family members on family members; and

WHEREAS, the number of family violence cases being referred to mental health facilities, police prosecutors, attorneys, and legal services agencies has increased more than 100 percent since March, 1980; and

WHEREAS, a means is necessary for experts working in the field of family violence to influence policy and decision-making at the State level.

NOW, THEREFORE, I, Richard F. Celeste, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby order and direct that:

1. There is hereby created the Governor's Task Force on Family Violence whose members shall be appointed by the Governor to serve at his pleasure. Members of the Governor's Task Force on Family Violence shall, unless otherwise compensated by their employer for service on the Task Force, be entitled to reasonable and necessary expenses incurred for meals, mileage, and lodging while on Task Force business.
2. The Governor's Task Force on Family Violence shall have the following powers and duties:
 - a. Exercise leadership in developing initiatives to reduce and eradicate violence in Ohio;
 - b. Advise the Governor's Office of Criminal Justice Services on the overall needs in the area of family violence;
 - c. Establish as required, subcommittees, ad hoc committees, and other committees;
 - d. Establish the rules, regulations, and procedures which may be necessary or desirable for discharging the duties of the Governor's Task Force on Family Violence;
 - e. Oversee and review the development of a comprehensive plan to provide a coordinated approach for the State in addressing the family violence problem; and

- f. Provide testimony to the legislature on matters concerning family violence;
 - g. Report to the Governor on an annual basis on the activities, findings, and recommendations of the Task Force.
3. The Family Violence Task Force will be comprised of thirty (30) persons who are residents of the State of Ohio, representative of the general population of Ohio, possessing special skills, and/or education, and/or experience regarding family violence.
 4. The Governor's Office of Criminal Justice Services is hereby designated to cooperate and coordinate activities of family violence agencies within the State of Ohio and to provide financial and staff support to the Governor's Task Force on Family Violence.

Appendix B

THE GOVERNOR'S TASK FORCE ON FAMILY VIOLENCE

Chair: Lesley Brooks Wells, Judge
Cuyahoga County Common Pleas Court, Division of Domestic
Relations, Cleveland

Ronald B. Adrine, Judge
Cleveland Municipal Court, Cleveland

Georgia Anetzberger, Senior Planning Associate
Federation for Community Planning, Cleveland

Rosalyn Bandman, Director, Department of Clinical Social Work
Children's Hospital, Columbus

Joan M. Burda, Attorney
United Auto Workers, Cleveland

Ann Noel Chase, Classroom teacher and farmer, Geneva High School
Geneva

Sally Cooper, Executive Director
National Assault Prevention Center, Columbus

Bernard Cullen, M.D., Department of Pediatrics,
Medical College of Toledo, Toledo

Linda Evelsizer, Director
Hancock County Council on Domestic Violence, Inc., Findlay

Demetris A. Floyd, Enrollment Coordinator
Well Care Health Plan, Warren

*Kathy French, State Project Director
ACTION for Battered Women, Columbus

June Rose Galvin, Judge
Lucas County Common Pleas Court, Division of Domestic
Relations, Toledo

Alvara Goffney, Chief, Adult Services
Cuyahoga County Human Services Department, Cleveland

Miriam M. Gonzalez-Lugo, Administrator,
Ohio Department of Taxation, Cleveland District, Cleveland

Leslye M. Huff, Unit Director
Sagamore Hills Children's Psychiatric Hospital, Northfield

William P. Kannel, Judge
Summit County Juvenile Court, Akron

Victoria Kepler, Director,
Child Sexual Abuse Institute of Ohio, Wooster

Richard Ketcham, Attorney and former Prosecutor
Columbus

Jacquelyn A. Koenig, Director
Nursing Home Ombudsman Program, Cincinnati

Linda Swift Martin, Former Director
My Sister's Place, Athens

Marlene Miller, Director of Communications
Franklin County Mental Health Board, Columbus

Russell A. Miller, President
League Against Child Abuse, Columbus

Daryl Novak, Director
Witness/Victim Service Center, Cleveland

*Reverend Judith Shook, Methodist Minister, Amanda

Carla Streep O'Day, M.D., Director of Emergency Services
St. Vincent's Charity Hospital, Cleveland

Captain William C. Smith, Delaware Police Department, Delaware

Anne Taylor, Attorney and one of the founders of the Columbus Rape
Crisis Center, Columbus

Rochelle Dennis Twining, Director
Crossroads Crisis Center, the Allen County Domestic Violence
Shelter, Lima

Barbara Waldron, Counselor and Teacher in private practice
Dayton

Richard Weiland, Richard Consulting Corporation, President
of Talbert House and Parents Anonymous, Cincinnati

Bradley Weiss, Director
Cleveland City Prosecutor's Office Mediation Program,
Cleveland

* Resigned

GOVERNOR'S OFFICE OF CRIMINAL JUSTICE SERVICES
PERSONNEL WHO STAFF THE TASK FORCE

Michael J. Stringer, Director
Jack Harmeyer, Chief, Bureau of Victim Services
Georgia H. Allerding, Victim Services
Program Coordinator
Claudia K. Hoffman, Assistant Bureau Chief,
Victim Services
Karen Izzi Gallagher, Office of the Governor,
Children's Issues Policy Analyst
Jeanne Roberts, Victim Services Program Coordinator
Janet Bush, Secretary, Bureau of Victim Services
Kathleen M. Shanahan, Intern and Consultant

INTERDEPARTMENTAL WORKGROUP ON FAMILY VIOLENCE
Chair, Pat Donovan

ACTION for Battered Women in Ohio, Nancy Evans
Attorney General of Ohio, Pat Donovan
Governor's Council on Disabled Persons, Karla Lortz
Governor's Office of Criminal Justice Services,
Jack Harmeyer
Ohio Bureau of Employment Services, Marsha Miller
Ohio Department of Aging, Louanna Henderson
Ohio Department of Education, John Chatman
Ohio Department of Health, Deborah J. Stokes
Ohio Department of Health, Wayne Lindstrom
Ohio Department of Human Services, Kristen Gilbert
Ohio Department of Mental Health, Jan Heffner
Ohio Department of Youth Services, Ann Swillinger
Women's Information Center, Diane Poulton

PREVIOUS MEMBERS OF THE
INTERDEPARTMENTAL WORKGROUP ON FAMILY VIOLENCE

ACTION for Battered Women in Ohio, Nina Lewis
Ohio Department of Aging, Bernard Stern
Ohio Department of Health, Claire Farnsworth
Ohio Department of Mental Retardation & Developmental
Disabilities, Mary Smithson

APPENDIX C

FAMILY VIOLENCE

INTERIM REPORT
TO THE
GOVERNOR

TASK FORCE ON
FAMILY VIOLENCE

STATE OF OHIO

RICHARD F. CELESTE, GOVERNOR

DECEMBER 1984



Richard F. Celeste
Governor

The Governor's
Task Force on
Family Violence

Judge Lesley Brooks Wells
Chair

Judge Ronald B. Adrine
Georgia Anetzberger
Rosalyn Bandman
Joan M. Burda
Ann Noel Chase
Sally Cooper
Bernard J. Cullen, M.D.
Linda Eveltizer
Demeiris A. Floyd
Judge June Rose Galvin
Alvara Goffney
Miriam Gonzalez-Lugo
Leslye M. Huff
Judge William P. Kannel
Victoria Kepler
Richard Ketcham
Jacquelyn A. Koenig
Linda Swift Martin
Marlene R. Miller
Russell A. Miller
Daryl Novak
Carla Streep O'Day, M.D.
Reverend Judith Shook
Captain William C. Smith
Anne Taylor
Rochelle Dennis Twining
Barbara Waldron
Richard A. Weiland
Bradley Weiss

Governor's Office of
Criminal Justice Services

Capital Square
65 E. State Street, Suite 312
Columbus, Ohio 43215
(614) 466-1822

Michael J. Stringer
Director
Jack P. Harmeyer
Georgia H. Allerding
Claudia K. Hoffman
D. Jeanne Roberts

The Honorable Richard F. Celeste
Governor
State House
Columbus, Ohio 43215

Dear Governor Celeste:

This interim report of the Task Force on Family Violence summarizes the recommendations and activities of our first eight months of work.

We are indebted to you for the support we have received from your office. We have received support from all branches of government and the private sector as we work to identify impediments and coordinate resources to ensure the reduction and eradication of family violence in Ohio.

You have gathered a remarkable group of Ohioans to this difficult task and provided able staff support. Their deep commitment to the charge of your executive order is evidenced by tireless evening and weekend work, forthright challenging of one another's assumptions, and remarkable ability to enlarge personal commitments to include all areas of family violence in all parts of Ohio.

As we move across Ohio in 1985, we carry a commitment that the tragic torment, maiming, mutilation and death of children, men, women and our older citizens in their homes will be arrested in Ohio. We agree with the U.S. Attorney General's 1984 Task Force on Family Violence Report: "Child abuse, spouse abuse and the abuse of elderly, incest and child molestation are not matters of personal belief or how to deal with children or keep order in the house. They are crimes...The problem of family violence is a very human one, and is amenable to human solutions. We as a society must undertake that solution. The time for standing idly by is past. Let us work together to understand and to move forward toward the building of secure homes and a peaceful future."

We are working with you so all Ohioans can be safe, not just on the streets, but in their homes where each of us should be able to be safe, secure and strong. This work conserves Ohio's strongest resource, its people. Thank you for this unique opportunity you have provided citizens to work with their government to overcome the difficult tragedy of family violence.

Sincerely,

A handwritten signature in cursive script that reads "Lesley Brooks Wells".

Judge Lesley Brooks Wells
Chair

Cleveland, Ohio
December 17, 1984

Mission Statement

We, the members of Governor Richard F. Celeste's Task Force on Family Violence, recognize that abuse within the home is a critical problem. Like violence in our streets, violence within the home should be treated as a crime. It is estimated that four percent of the nation's elderly population suffer from abuse each year. Over one million children in the United States are abused or neglected each year. Up to 60 percent of all married women experience physical violence by their husbands at some time during the marriage.

The Task Force recognizes the fact that violence within families is a reality but not an inevitability. We are committed to reducing and eradicating this violence.

Therefore, the Task Force shall methodically review, on a statewide basis, laws, norms, and institutional policies which promote or condone violence. We will work actively to change laws, norms, and institutional policies which fail to protect each Ohioan.

Furthermore, the Task Force will work to establish needed service systems and to improve existing service systems available to victims of violence within our state.

Finally, we will work to establish a comprehensive network of statewide prevention programs which will focus on all forms of family violence within our communities.

Introduction

The Governor's Task Force on Family Violence is a diverse group of 30 Ohioans from different areas of the state who have come together to work toward a common goal: the reduction and ultimate elimination of violence in our homes. The Task Force was constituted so as to draw upon the broad perspective and experience of doctors, former victims, attorneys, judges, battered women's shelter directors, law enforcement representatives, prosecutors, social service providers, child abuse specialists, advocates for the elderly, rape crisis counselors, mental health personnel, and members of the clergy, etc.

While it is not possible to identify the exact extent of family violence in Ohio, numerous national and regional studies have confirmed the following facts:

- * Battery is the single major cause of injury to women, more significant than auto accidents, rapes, or muggings.
- * The number of cases of abused, neglected, or exploited elderly in the U.S. range from 600,000 up to one million, or four percent of our elderly population.
- * One out of every four female children and one out of every seven male children is sexually assaulted before age 18. In more than 75 percent of these cases, the child is assaulted by an adult she or he knows and trusts.
- * Reports of child abuse and neglect in Ohio rose 58 percent between 1978 and 1981. In 1981, 13,500 children were reported abused in Ohio. The average age of the abused children was seven and one-half.
- * "More than one-half of the nation's married women are abused physically sometime during their marriage by their husbands." (Ohio Attorney General's Report on Domestic Violence, 1977.)
- * "Most studies report that alcoholism or excessive drinking is involved in about half the cases of spouse abuse." (The Fifth Special Report on Alcohol to the U.S. Congress.)
- * There has been a 20 percent increase in the number of Ohioans served by domestic violence shelters over a three-year period, 1981-1983.
- * 40 percent of female homicide victims are killed by their household partners.

- * Family violence occurs in all social, economic, racial, and ethnic groups.
- * Family violence, unless interrupted, is cyclical. Victims often become abusers and abusers often victimize others outside the family. Violence unaddressed in one house spreads into other houses, breeding violence generally transmitted, and spills into violence on the streets, victimizing unrelated citizens.
- * The nation's police spend one-third of their time responding to family violence calls.
- * The FBI estimates that nationally only one in 10 family violence incidents is reported.

In 1977, a 15-member task force was appointed to conduct an eight-month study of the extent of family violence in Ohio. Under the authority of the Attorney General's office, the group's purpose was to ". . . examine alternatives and recommendations, and to identify avenues with which to improve the existing system."

The immediate problem faced by the 1977 Ohio Attorney General's task force was the lack of statistical information concerning violence within Ohio families. On March 27, 1979, Am. Sub. H.B. 835 was enacted to require law enforcement agencies to report incidences of family dispute and violence to the Bureau of Criminal Identification and Investigation (BCI&I). However, in 1979, only 76 of the 88 sheriff's offices and 531 police departments out of approximately 1,000 filed domestic violence reports. In 1982, only 78 sheriff's offices and 591 police departments filed domestic violence reports. This reporting law "sunsetted" in March 1983. At the recommendation of the Senate Judiciary Subcommittee on Family Violence, it was reinstated in October 1984.

The 1977 task force recommended a statewide funding mechanism for battered women shelters, and in 1980 S.B. 46 was passed. This bill established a \$10 filing fee on marriage licenses with the money funding shelters for battered women. Since the passage of S.B. 46, the number of shelters in Ohio has increased from eight to 48. However, funding remains inadequate; over 40 percent of their funding is subject to annual grant contingencies.

In February 1981, a Victim/Witness Advisory Board was established within the Ohio Department of Economic and Community Development (now the Department of Development). Domestic violence was one of several areas identified as a major problem, and a subcommittee was established to address this area. Nineteen recommendations in the areas of child abuse, elder abuse, and spouse abuse were made by the Victim/Witness Advisory Board Subcommittee. Ten of the 19 recommendations have not been formally acted upon at the state level.

On December 15, 1983, Dagmar Celeste testified before the U.S. Attorney General's Task Force on Family Violence and related the specifics of Ohio's Task Force on Family Violence. During her testimony, Mrs. Celeste said: "Governor Celeste and I have a personal commitment to helping victims of family violence . . . the Task Force will be an action group, not a study group, which will connect the grass roots effort with existing institutional resources . . . the Task Force will provide a vehicle for those experts working in the field of domestic violence to influence policy and decision-making at the state level . . . this effort will compliment the work of the Subcommittee on Family Violence which has been established in the Ohio legislature."

The executive order creating the Governor's Task Force on Family Violence was signed and promulgated on February 27, 1984.*

When the members of the Task Force were named, the Governor's Office of Criminal Justice Services formed an Interdepartmental Workgroup on Family Violence composed of representatives of state agencies which deal with family violence. Departments represented are: Office of the Attorney General, Health, Mental Health, Mental Retardation and Developmental Disabilities, Aging, Education, Human Services, Employment Services, Department of Youth Services, and the Ohio Recovery Council. The representatives of these departments, collectively and individually, provide assistance to the Task Force.

There is growing public awareness of and concern with the absence of clear, coordinated, and evenly enforceable remedies for victims of family violence. The high cost to the public, as well as to the victimized child, adult, or senior Ohioan, of waiting until tragedy occurs and then trying to address the long-term personal and social consequences, mandates a firm, integrated state prevention policy.

*See Appendix

Ohio law, increasingly responsive to our citizens who are victims, does not yet fully address family violence, is often contradictory, poorly understood, difficult for a victim to implement, and unevenly enforced. Our interim recommendations begin to address these concerns. One police department, for example, instructs its officers to make an arrest on the scene of domestic violence only if a notary is present. Another department has a coordinated response developed cooperatively with the emergency rooms, prosecutors, court, witness victims services, and shelter systems. While communities admit of distinctions, Ohioans who are victims of family violence should be able, regardless of where they live, to count on a clear, quick and coordinated response including victim protection, even enforcement, and access to public resources.

Family violence resources, information, and assistance should be available to any Ohioan regardless of where he/she lives. Each community need not "reinvent the wheel"; successful programs should be shared to conserve resources. A statewide family violence information and resource network - involving all responsible and interested persons, covering child, spousal, and elder abuse - will cut costs and can ensure resources are made available to all Ohioans consistent with legal rights and the welfare of victims.

To open lines of communication and identify response services, impediments, and enforcement practices in different areas of the state, the Task Force will travel throughout Ohio in 1985 and conduct local activities as outlined in this report. Work will continue in the areas of prevention, diversion, training, education, legislation, funding, and public information.

INTERIM RECOMMENDATIONS

RECOMMENDATION #1

The Governor's Task Force on Family Violence recommends that a comprehensive curriculum be implemented at a statewide level which would provide for primary assault prevention programs for children preschool through high school.

Discussion

Governor Celeste's strategic plan, entitled "Investing in Ohio's People," gives emphasis "to preventive measures designed to halt the disintegration of the family...to prevent the abuse of children by statewide replication of successful demonstration programs on the prevention of child abuse and sexual assault."

Child abuse is pervasive, unsparing, and costly. Effective prevention is far less expensive in human and economic resources than the additional intervention and treatment costs the public must bear, absent prevention. A statewide primary assault prevention curriculum aimed at school children can prevent the abuse of many of our children and build an educated public awareness of alternatives to family violence.

Prevention programs empower children with the knowledge that they have the ability and right to protect themselves and teach them they have the right to talk about secrets that hurt and confuse them. Parents, teachers, and school staff react favorably to prevention programs. Often, prevention education is avoided at home and parents are relieved to know that their children are learning skills necessary to recognize and report abuse. Teachers and school staff are grateful to have someone else take the lead and provide expertise and assistance in this often ignored, highly sensitive area of child abuse.

Prevention programs must provide for preschool, elementary, middle or junior, and high school classes, and must include, but not be limited to:

- children's workshops specifically designed to teach children to defend their rights, to recognize actions which threaten or violate their rights, and to build skills which will help prevent or deal with the violation of their rights.

- teacher/staff in-service training and parent programs which must include accurate information on the incidence of abuse and neglect and negate myths and stereotypes regarding abuse and neglect. Reporting laws and rights and responsibilities under Ohio reporting laws must be incorporated in this training.

RECOMMENDATION #2

The Governor's Task Force on Family Violence recommends that a curriculum be developed at a statewide level that would have an impact on families before abuse occurs. A comprehensive prevention program would include a positive parenting program, a family life component, peaceful conflict resolution training for teachers, parents, and students, and would be implemented in a culturally sensitive way. Such a program would not ignore spousal and acquaintance abuse and rape, child abuse and neglect, and elder abuse and neglect. Myths and stereotypes regarding abuse and neglect would also be addressed. A strong referral component would help people become aware of services and opportunities available within a community.

Discussion

This recommendation is consistent with a Strategic Plan initiative which states: "create a greater awareness of the problem of family violence by using programs of proven effectiveness to fight abuse against children, spouses, and the elderly within the family structure."

Primary prevention aimed at children must be part of a comprehensive prevention effort that addresses all components of family violence. Research has shown that any particular type of violence within a family is part of a larger pattern of intrafamilial violence. Consider the findings by Murray Straus, Director of the Family Research Laboratory at the University of New Hampshire (Straus, 1981):

- over 97 percent of American children experience physical punishment; widespread use of ordinary physical punishment is one of the factors accounting for the high rate of child abuse and wife-beating.
- the more parents are violent toward their children, the more violent these children are to their siblings.

- the more violent a husband is toward (his) wife, the more violent the wife is toward her children.

Children learn parenting patterns from those who raise them, and abused children perpetuate the violence if they are not helped. In 1981, the U.S. House Select Committee on Aging cited studies that not only are abused children likely to be abusers, but they have a one in two chance of abusing dependent parents.

These recommended prevention programs are neither capable of nor intended to address all the causes of family violence. They acknowledge the use of violence is not a legitimate solution to any problem. Similarly, abusive use of physical discipline in the home and schools works against the teaching of peaceful ways to settle disputes. Parents and teachers should be taught more effective disciplinary practices which do not encourage resorting to violence or result in abuse.

RECOMMENDATION #3

The Governor's Task Force on Family Violence recommends a statewide public information campaign be undertaken which would create the awareness among professionals and the community at large of the complex realities of family violence and the right of all Ohioans not to be the victim of family violence.

Discussion

Although family violence is certainly not a new phenomenon, a newfound awareness has produced tangible results.

A public information campaign is necessary to educate Ohioans as to the true nature of family violence and to make them aware that help is available. If emergency room personnel refuse to acknowledge the true cause of a battered woman's injuries, they perpetuate the violence. Emergency room personnel must be made aware of services available for a victim and relay that information to the victim. When a teacher doesn't report a suspected case of child abuse, or a neighbor doesn't bother to call the police when someone next door is being abused, or a child doesn't know that he/she has the right to say no to an abusive adult, professionals and nonprofessionals must be educated as to their legal responsibilities and available resources.

A public information campaign must include accurate information on the incidence of abuse and neglect and must negate myths and stereotypes regarding abuse and neglect. Elder abuse and neglect, the least acknowledged realm of family violence, must be particularly emphasized.

RECOMMENDATION #4

The Governor's Task Force on Family Violence recommends the establishment of a statewide, toll-free line for information on and referral to local family violence services.

Discussion

Some counties do not have a crisis line; few Ohioans are aware of those which exist. The establishment of a toll-free, statewide number would be part of a comprehensive strategy directing Ohioans in need of family violence services to such services. Adequate referral resources must be developed as part of a statewide toll-free line.

RECOMMENDATION #5

The Governor's Task Force on Family Violence supports the following recommendation of the U.S. Attorney General's Task Force on Family Violence, Final Report, September 1984:

1. Family violence should be recognized and responded to as a criminal activity.
2. Law enforcement officials, prosecutors, and judges should develop a coordinated response to family violence.
3. Communities should develop a multidisciplinary team to investigate, process, and treat all incidents of family violence.

Discussion

The criminal justice system must respond to acts of family violence as a crime, but no one segment alone can adequately address the problem. All parts of the system must work effectively together to intervene and assist the victims of family violence and to hold assailants accountable.

Family violence victims have very diverse and complex needs and the violence damages all family members, not just the direct victim. Effective community intervention that meets the needs of all family members requires the delivery of comprehensive and coordinated services.

RECOMMENDATION #6

The Governor's Task Force on Family Violence recommends that the State of Ohio:

1. Identify prevention services and programs as the number one funding priority in family violence.¹
2. Support intervention and treatment services for abused elders, spouses, and children funded as secondary² and tertiary³ prevention.
3. Prioritize funding, first, to community-based organizations which have demonstrated a high level of community experience and involvement, and, second, to the initiation of new community efforts.
4. Establish a Prevention Board to oversee the prevention funding activities of the State of Ohio, and to assure compliance with the recommendations of the Governor's Task Force on Family Violence.
5. Attract and direct Federal monies to primary¹, secondary², and tertiary³ prevention efforts, except where otherwise restricted.

¹ "Prevention services and programs" are those kinds of programs and services available to all families which prevent violence from occurring in the first place, i.e., primary prevention.

² "Secondary prevention" is when the problem has been identified and a resolution is being sought.

³ "Tertiary prevention" is when abuse has occurred and the case is in the system. Work is done to try to prevent the recycling of abuse, passing it on to the next generation.

RECOMMENDATION #7

The Governor's Task Force on Family Violence recommends that the Prevention and Early Intervention Subcluster of the Human Services Cluster give priority to the prevention of family violence and work with the Task Force and Interdepartmental Workgroup.

Discussion

The objectives of this recommendation are to:

- * Develop a statewide interdepartmental strategy for the prevention of family violence;
- * Identify in each department the staff and line item budget resources available for such prevention;
- * Coordinate services and activities of the cooperating departments relative to family violence and abuse prevention;
- * Develop special emphasis cooperative projects between the departments to address public awareness, training of key professionals (teachers, nurses, service providers), prevention training, local network development and programming for high risk groups; and
- * Recognize that women's protective services are not presently represented by any state agency. Until there is a state agency to deal with women's protective services, such services must be represented on the Prevention and Early Intervention Subcluster.

RECOMMENDATION #8

The Governor's Task Force on Family Violence recommends that each of the human services departments of the state establish specific line items in their budgets dedicated to the prevention of family violence.

Discussion

State departments should identify specific annual expenditures for primary prevention services concerning family violence. This specification of financial support would produce a clearer focus on primary prevention services throughout the state.

RECOMMENDATION #9

The Governor's Task Force on Family Violence recommends the Governor direct the relevant state human services agencies to cooperate in a coordinated approach to the Ohio Judicial Conference, the Ohio Prosecutors Association, the Ohio Bar Association, and appropriate law enforcement organizations for the purpose of developing professional training to foster more effective justice system intervention in cases of family violence and abuse.

Discussion

Such training should focus on:

- * Educating professionals in the area of family violence laws;
- * Support for the victim in the justice process;
- * Sensitivity to the unique dynamics of family violence cases;
- * Awareness of effective case management and procedural and prosecutorial practices successfully utilized in jurisdictions both in Ohio and other states; and
- * Awareness and understanding of availability and utility of social services for providing the courts with appropriate and effective adjudication, sentencing, and treatment options.

LEGISLATIVE RECOMMENDATIONS

The Governor's Task Force on Family Violence has reviewed existing laws in Ohio as they pertain to family violence: children, domestic violence, and elderly abuse. The Task Force recommends the following:

RECOMMENDATION #10

Ohio Revised Code Section 3109.04 should be amended to provide that a court consider the prior or current existence of abuse and neglect, directed at either a child, parent, or other family or household member, be a factor when determining custody or visitation.

Discussion

At present this statute gives the court discretion to order an investigation.

The existence of abuse and neglect in domestic relations and juvenile courts should create a presumption excluding an abusive parent from being awarded custody and visitation rights of an abuser. This presumption would arise when the court considers an original order of custody or modification of a prior custody or visitation order.

The statute should be amended to provide a mandatory investigation where there are allegations of or a suspicion of abuse and/or neglect. Emotional, sexual and/or physical abuse, and neglect of either a child or parent by the other parent should be among the factors to be investigated.

RECOMMENDATION #11

Chapter 2907 should be amended to include, as an aggravating factor in sexual offenses, sexual abuse and neglect directed toward a child by one in a fiduciary position to the child (i.e., parent, guardian, custodian, one in loco parentis, family or household member).

RECOMMENDATION #12

Ohio Revised Code Section 2151.412 should be amended to provide mandatory counseling for parents, as part of any reunification plan, when a child has been subjected to abuse and neglect either directly or indirectly (i.e., where a child has been the victim of abuse and neglect or witnessed violence or abuse and neglect between the parents or other family or household member).

Discussion

Reunification plans, when a child has been removed from the home due to abuse and neglect or family violence, should include family counseling to prevent further incidents of abuse and neglect or violence.

RECOMMENDATION #13

A spousal rape law should be enacted or, alternatively, Ohio Revised Code Section 2907.02 should be amended to include spouses or cohabitants.

Discussion

"The spouse of the offender" is excluded as victim in 2907.02. Rape is rape, regardless of the legal or social relationship between rapist and victim.

RECOMMENDATION #14

- A. Extend the time period under ORC Sec. 3113.31 during which a Civil Protection Order (CPO) remains in effect from one (1) year to two (2) years.
- B. Maintain criminal sanctions for violation of a Sec. 3113.31 CPO but reinstate the domestic court's authority to hold a respondent in contempt for violating a CPO.

Discussion

This recommendation will alleviate court congestion and provide the petitioner greater protection for a more reasonable period of time.

H.B. 587 specifically deleted the contempt provision for ORC Sec. 3113.31 and provides that violation is a misdemeanor. Therefore, enforcement rests in the municipal court. Some provisions of a CPO, however, such as custody, visitation, the turnover of an automobile, and support are

not necessarily criminal matters. There is now confusion over which courts will and should properly enforce such CPOs.

The Governor's Task Force on Family Violence acknowledges the efforts of the Protective Services Consortium Legislative Initiatives Task Force on the issue of elderly abuse and adopts the following recommendations contained in their report to the Task Force:

RECOMMENDATION #15

Amend the Adult Protective Services Law to include nurses and senior service providers among those professionals who are required to report adult abuse, neglect, and/or exploitation under ORC Section 5101.61.

Discussion

Mandatory reporting provisions compel those most in contact with a problem to report its known or suspected occurrence. Such provisions are minimally only as effective as the identity and inclusion of those categories of persons most likely to be in contact with the problem and, therefore, most in a position to report its occurrence. Ohio's Adult Protective Services (APS) Law is deficient in not including two professional and paraprofessional groups having much association with elderly and disabled adults i.e., nurses and senior service providers. These individuals relate to the target population of the APS Law in such settings as human service agencies, homes, senior centers, and nutrition sites.

RECOMMENDATION #16

Expand the definition of adult as designated in the Ohio Revised Code Section 5101.60 to read as follows:

"Adult" means any person 18 years of age or older, or a crippled or otherwise physically or mentally handicapped person over the age of 21 years as identified in Section 2151.421 of the Revised Code within this state, who is handicapped by infirmities or who has a physical or mental impairment which prevents him/her from providing for his/her own care or protection, and who resides in an independent living arrangement. Adult does not mean a mentally retarded person as defined in Section 5123.01 of the Revised Code.

Discussion

"Adult" presently means any person 60 years of age or older within this state who is handicapped by the infirmities of aging, or who has a physical and mental impairment which prevents him/her from providing for his/her own care or protection and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. It does not include institutions or facilities licensed by the State, or facilities in which a person resides as a result of voluntary, civil, or criminal commitment.

Expansion of the definition of "Adult" to include younger disabled adults ensures that abuse, neglect, or exploitation affecting this population is reported, investigated, and corrected. The intent of the Ohio Adult Protective Service Law is to protect from abuse, neglect, or exploitation those who are incapable of self-protection by virtue of impairment. Although impairment is more likely to characterize elderly adults than younger adults, not all elderly persons are infirm or impaired and therefore in need of protection. Rather, impairment or infirmity represent circumstances that befall an individual at any age and at no particular age; moreover, they occur without regard for the aging process. It is significant to note the original version of Ohio's Adult Protective Service Law was inclusive of all disabled adults. During the legislative process "Adult" was more narrowly defined, given the greater public recognition of elderly abuse and neglect at the time.

RECOMMENDATION #17

The Ohio Revised Code should be amended to include an Institutional Protection Services Law which would include:

- clear definitions of abuse and neglect;
- mandated abuse and neglect reporting by certain classes of people;
- effective, uniform abuse and neglect reporting procedures;
- timely and effective abuse and neglect report investigation;
- services for abused and neglected residents;
- penalties for mandated abuse/neglect reporters who fail to report;

- penalties for persons who abuse and neglect;
and
- immunity for good faith reporting.

Activities

- * The Governor's Task Force on Family Violence has created a bibliography of available materials on family violence, a State Resource Center for libraries, schools, and service providers on how to recognize, treat, and prevent family violence.
- * At the Ohio State Fair, a county map of the state indicated where family violence services (shelters, rape crisis centers, human service departments, children's service boards, and crisis phone lines) are available, and the Task Force distributed fact sheets about abuse and warning signs of abuse.
- * A statewide directory of family violence services is being developed which is easily updated and consistent with a statewide crisis/information response system.
- * In 1985 the Task Force will actively seek input from local government, criminal justice, and social services personnel. Task Force members will be "circuit riding" throughout the state during 1985, meeting with local officials to inform them of the objectives and activities of the Task Force, to determine what services are available for victims and perpetrators of family violence, what impediments exist, and to hear recommendations local decision-makers and service providers have for the Task Force and for the Governor.
- * The Task Force will cooperate with a pilot halfway house program (for misdemeanor or felony batterers of spouses or children) designed to aid victims by enabling them and their families to remain in their homes, and ensuring that incomes are not threatened. Mandatory counseling and funding by sources other than those that fund battered women's shelters are features of the program.
- * The Task Force will cooperate with a pilot program in the Cleveland Municipal Court. All family violence cases will be channeled through Judge Ronald Adrine's court. Victims will have the options of counseling, voluntary mediation, or diversion, and will be assigned an advocate. New, consistent plea bargaining and dismissal policies will be enforced. Where appropriate, cases will be diverted for counseling and returned to the courtroom subsequently for final disposition. Cases that are not diverted will be tried. Last year there were 465 domestic violence cases in the Cleveland Municipal Court, ensuring the

pilot program will handle a large caseload. The University of Cincinnati will evaluate the project.

- * The Task Force, in conjunction with GOCJS and ACTION for Battered Women, will sponsor a poster contest for students grades K-6, on Alternatives to Family Violence. Staff has discussed coordination of the contest with the Ohio Art Education Association and with the Child Assault Prevention (CAP) Project office. An essay contest may be run along with the poster contest for elementary, junior and senior high school students. Finalists' posters will be displayed.
- * A public information subcommittee is developing public services announcements for radio and television pamphlets and posters targeted for professionals and the public.
- * Task Force members will continue to speak publicly on family violence throughout Ohio.
- * All Task Force activities consciously integrate child domestic and elder abuse, stress cultural and victim sensitivity, and are designed to remove impeditives, coordinate resources, and conserve public funds.

APPENDIX D

FAMILY VIOLENCE

SECOND INTERIM REPORT
TO THE
GOVERNOR

GOVERNOR'S TASK FORCE ON FAMILY VIOLENCE

STATE OF OHIO

RICHARD F. CELESTE, GOVERNOR

DECEMBER, 1985

DEDICATION

The Governor's Task Force on Family Violence dedicates this report to our member Alvara M. Goffney, whose death brought a great loss to each of us. Alvara's contribution to our work on elderly abuse and neglect was invaluable. She dedicated her life to helping others, young and old, and spent the last seventeen years providing services for the elderly. Both her knowledge of, and her compassion for, victims of family violence is sorely missed.



Richard F. Celeste
Governor

The Governor's
Task Force on
Family Violence

December 16, 1985

Judge Lesley Brooks Wells
Chair

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Richard Ketcham
Jacquelyn A. Koenig
Linda Swift Martin
Marlene R. Miller
Russell A. Miller
Daryl Novak
Carla Streep O'Day, M.D.
Reverend Judith Shook
Captain William C. Smith
Anne Taylor
Rochelle Dennis Twining
Barbara Waldron
Richard A. Weiland
Bradley Weiss

Honorable Richard F. Celeste
Statehouse
Columbus, Ohio 43215

Dear Governor Celeste:

The Task Force submits this second interim report, summarizing our 1985 activities and recommendations, with a deepened understanding gained from circuit riding to diverse areas of Ohio. We have met with the people directly involved in reducing the incidence of family violence and in restoring its victims to health and safety. We have experienced their successes and frustrations first-hand. Several things are clear:

- . There has been a fundamental change in public attitude - the silence has been broken - and it is broadly acknowledged that severe abuse of our children, elderly, spouses and other household members is criminal. A person's entitlement to be safe at home, as well as on the streets, is broadly acknowledged.
- . Family violence, especially severe child and spousal abuse, appears to be declining. While most would agree one case is one too many, there is every reason to believe that Ohioans rolling up their sleeves and working hard to eradicate family violence reduces its occurrence.
- . Ohio citizens have developed strong, lean, innovative and proven programs, public and private, for family violence prevention, intervention and treatment. Local successes should be shared state-wide. There is not a single right approach to family violence issues - many paths legitimately lead to the same goal.

Governor's Office of
Criminal Justice Services

Capital Square
65 E State Street, Suite 312
Columbus, Ohio 43215
(614) 466-1822

Michael J. Stringer
Director
Jack P. Harmeyer
Georgia H. Allerding
Claudia K. Hoffman
D. Jeanne Roberts

- . State and local public and private agencies, organizations and individuals who work on family violence demonstrate enhanced effectiveness at lower cost when they coordinate their activities closely.
- . Providing all Ohio citizens clear information on resources available to them remains a critical need.
- . Ohio citizens understand the cost of family violence in terms of human suffering and tragedy. The high dollar cost of family violence to taxpayers is not widely understood. Public information must include accurate cost analysis set forth clearly and simply.
- . Our commitment to family values, parental and individual rights and citizen responsibilities requires continuous restraint, reason and balanced judgment regarding any governmental intervention into family life.

Family violence does not admit easy solutions. We continue our consideration of difficult issues not yet ripe for the enclosed recommendations. As Ohio citizens, we remain indebted to you for the tireless support and leadership you provide to address not just the popular, but the toughest of problems.

Sincerely,



Lesley Brooks Wells, Chair
Governor's Task Force on
Family Violence

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Mission Statement

We, the members of Governor Richard F. Celeste's Task Force on Family Violence, recognize that abuse within the home is a critical problem. Like violence in our streets, violence within the home should be treated as a crime. It is estimated that four percent of the nation's elderly population suffer from abuse each year. Over one million children in the United States are abused or neglected each year. Up to 60 percent of all married women experience physical violence by their husbands at some time during their marriage.

The Task Force recognizes the fact that violence within families is a reality but not an inevitability. We are committed to reducing and eradicating this violence.

Therefore, the Task Force shall methodically review, on a statewide basis, laws, norms, and institutional policies which promote or condone violence. We will work actively to change laws, norms, and institutional policies which fail to protect each Ohioan.

Furthermore, the Task Force will work to establish needed service systems and to improve existing service systems available to victims of violence within our state.

Finally, we will work to establish a comprehensive network of statewide prevention programs which will focus on all forms of family violence within our communities.

INTRODUCTION

On December 15, 1983, Dagmar Celeste testified before the U.S. Attorney General's Task Force on Family Violence. During her testimony, she reiterated both Governor Celeste's and her own personal commitments to helping victims of family violence. On February 27, 1984, the Governor's Task Force on Family Violence was created by Executive Order.

We have visited local communities throughout the state and met with local community leaders and service providers on family violence issues. We have listened to and heard Ohioans' concerns and frustrations. These concerns and frustrations have played a major role in the formulation of our present set of recommendations. We have found consensus throughout the state that together we can and must solve the enormous human and social cost of violence in our homes. We are encouraged by the innovation and commitment we have found among Ohio's citizens, agencies, community groups, and the media.

Since the submission of our initial report in December 1984, we have continued to deepen our understanding of the issues surrounding family violence. We have been able to communicate the Administration's concern for and commitment to the well-being of Ohio's families.

We, as a Task Force, have had the good fortune of a solid working relationship with the Interdepartmental Workgroup on Family Violence. The workgroup is composed of ten state departments and organizations involved with formulating state and local responses to family violence. Workgroup members have been invaluable in our assessment of the Ohio experience and in formulating implementation strategies for our recommendations.

We were mandated to be an action group connecting grassroots efforts with existing institutional resources. We have served, and will continue to serve, in this capacity. We were asked to serve as a vehicle for those experts working in the field of family violence to influence policy and decision making at the state level. We have acted accordingly.

This is our second interim report. It contains recommendations on which we have reached consensus. The report does not, therefore, reflect all areas of inquiry and concern, many of which require further consideration during 1986.

1985 TASK FORCE ACTIVITIES

Five "circuit rides" into multi-county areas of Ohio gave Task Force and Interdepartmental Workgroup members firsthand experience with local successes, frustrations, and recommendations on family violence. Through public forums, community leader roundtables, site visits, prepared testimony, and local media, we gained invaluable insight, highlighted local programs, shared successful programs from other parts of Ohio and the U.S., and helped connect state and local resources.

Task Force members were processed and jailed as if we were domestic violence perpetrators. We were processed as if we were child incest victims. We rode with police in response to family violence calls in both rural and urban areas. We went through emergency room intakes. We stayed overnight in shelters, halfway houses, and an innovative residence for abused elders. Members visited both sophisticated 24 hour crisis intervention centers and barebones medical facilities with no specific family violence resources. We explored programs for offenders which were still in the developmental stages, as well as alcohol and other drug abuse and mental health programs which were already established.

We lectured at universities, a seminary, high schools, grade schools, and at seminars. We discussed family violence on local TV and radio and in newspapers. We spoke with juveniles running self-help groups on family violence in detention facilities. We talked late into the night with family victims and with Ohioans working tirelessly with limited resources to prevent family violence and repair its tragic toll on all of us.

Safety directors, police officers, emergency medical personnel, sheriffs, nurses, lawyers, doctors, judges, teachers, union leaders, elected officials, clergy, social workers, the media, groups ranging from Girl Scouts to the American Legion, YM-YWCAs, professors, shelter directors, victim assistance workers, psychiatrists, coroners, psychologists, researchers, librarians, program directors, public and private agency personnel, parents, victims, abusers, and children -- everyone greeted us with eagerness and forthrightness.

Mindful of the need for continued hard work, we were deeply encouraged by the progress Ohio has made and by the commitment demonstrated by the public and private sectors to reducing family violence.

In addition, we printed, and are distributing, a family violence pamphlet and information posters. The National Exchange Club Foundation is distributing our child abuse posters nationwide. Public service announcements have been prepared, and the statewide directory of services now includes approximately 600 resources. We co-sponsored and participated in conferences, consulted with a wide variety of projects, led workshops, keynoted seminars, and assisted in the development of a deferred prosecution program.

With outstanding participation from the Interdepartmental Workgroup, we formulated recommendations to Governor Celeste and endured, with energy and challenge, the process of arriving at consensus on the enclosed recommendations. Members, under the leadership of Georgia Anetzberger, developed an improved format for our recommendations. Threshing sessions will continue concerning important family violence issues on which consensus for recommendations has not been reached. Each of us continues our commitment to work integratively, with cultural and victim sensitivity, across all areas of family violence: child, elder, spouse, and other household member abuse or neglect.

GENERAL FAMILY VIOLENCE ISSUES

Family violence has traveled a spectrum similar to other complex social issues. Recent cross-cultural studies indicate that family violence is near universal. Family violence crosses all cultural, racial, economic, and religious boundaries. In the past, the phenomenon has been ignored, or acknowledged but disavowed. In this country, it has only been within the last 25 years that this emotion-laden issue has come to the public's attention. And it has only been within the last 10 years that family violence research is developing the knowledge base needed to understand, intervene, and prevent family violence.

The Task Force on Family Violence recognizes that physical, sexual, emotional, and psychological abuse, neglect, and exploitation occurs in places outside the home. We acknowledge other forms of violence such as sibling violence and parental abuse by adolescents. We have chosen to focus on the three populations of child, elder, and spouse abuse and neglect within families and households.

DEFINITIONS

Family refers to people living in the same household, family members not living together, intimates regardless of marital status or living arrangements and others within the family circle. Family violence is abuse, neglect, and exploitation which takes place within a family relationship.

The definitions of abuse, neglect, and exploitation are generally the same regardless of the perpetrator or victim.

- . Physical abuse includes, but is not limited to: slaps, shoves, beatings, burns, internal injuries, and broken bones.
- . Physical neglect is the withholding of or the failure to provide the basic necessities of life.
- . Sexual abuse includes, but is not limited to: fondling, exhibitionism, incest, and rape.
- . Emotional abuse includes, but is not limited to: the use of threats, fear, or guilt to degrade the victim and control behavior.
- . Emotional neglect includes a failure to provide the psychological nurturing necessary for growth and development.
- . Exploitation ranges from the misuse of an elder person's money to child pornography.

All of these types of violence have in common the denial of the basic right of a person to grow and live in a healthy, non-threatening environment.

CAUSALITY

Researchers in the field of family violence have struggled to produce solid research concerning causal explanations, incidence rates, and clinical definitions. Family violence research has been fraught with methodological difficulties. For example, many studies are based on small, non-representative samples of children and women who have been labelled as victims. Similarly, many studies fail to employ control groups.

However, considerable data have been gathered which highlight certain factors often related to family violence:

- . alcohol and other drugs;
- . stress;
- . economic factors;
- . patriarchy;
- . intergenerational nature of abuse; and
- . social isolation.

RESPONSE

A decade ago, few states had laws intent on reducing or preventing family violence. Today, 50 states have child abuse and neglect reporting laws; 35 states have elder abuse reporting laws; and 43 states have enacted legislation that allows battered women to obtain civil protection orders independent of domestic relations proceedings. To date, 10 states, including Ohio, have made domestic violence a separate criminal offense.

Increased awareness has led to a general acceptance that family violence is pervasive and rooted in societal norms, laws, and institutions. Therefore, the recommendations made by the Task Force underscore the fact that family violence requires a response by every segment of society at all levels - public or private, health and social services, educational institutions at all levels, the justice system, the religious community, the media, and individual citizens.

FAMILY VIOLENCE: GENERAL

Recommendation No. 1

Workers in the field of family violence should have knowledge concerning the identification and methods of intervention in cases of alcohol and other drug abuse.

Rationale

Alcohol and other drug abuse contribute to as much as 60 percent of elder, spouse, and child abuse. Therefore, the family violence field should work closely with the alcohol and drug abuse field.

Ohio Experience

There has been little programming coordination between the areas of alcohol and drug abuse and family violence.

Implementation Strategy

Develop specific staff standards for family violence programs, concerning alcohol and other drug abuse. Include relevant content on alcohol and other drug abuse in assessment instruments for family violence. Have working agreements among family violence programs and alcohol and other drug agencies; be able to demonstrate that alcohol and other drug abuse self-help programs are being utilized.

Recommendation No. 2

The Ohio Department of Mental Health should issue directives to local 648 boards to support existing family violence programming and develop new programs where necessary.

Rationale

There should be consistent, quality community mental health services accessible to all Ohioans. Family violence issues have not always received necessary services or attention. The directives would ensure that programs and services would be directed toward family violence concerns.

Ohio Experience

Mental health care is inconsistent throughout Ohio. All areas do not provide services for the family; very few provide services for perpetrators of family violence.

Implementation Strategy

Require director of the Ohio Department of Mental Health to issue the directives.

Recommendation No. 3

The Governor should permanently establish the Interdepartmental Workgroup on Family Violence.

(See Appendix B for a list of Workgroup members.)

Rationale

The Interdepartmental Workgroup would monitor the implementation of the Task Force's family violence recommendations and provide continuing assessment of the nature and scope of family violence issues. Improving cooperation among state departments will maximize use of resources that impact on family violence by preventing duplication of services, eliminating gaps in services, and encouraging shared expertise. It also will increase awareness of family violence issues within the various state departments, all of which are not currently including family violence services in their budgets.

Ohio Experience

The Interdepartmental Workgroup gave state departmental perspective on the Task Force's family violence recommendations. The Workgroup also has been involved in the following activities:

1. providing input into a state-wide conference on family violence;
2. sharing Task Force recommendations within state departments;
3. sharing program training and funding information on issues of family violence and victimization;
4. developing an interdepartmental training calendar
5. participating in Task Force meetings and circuit riding;
6. reviewing current legislation in areas of family violence;
7. assisting in the development of Children's Trust Fund directives; and
8. assisting in the development of a state-wide resource directory for victims and perpetrators of family violence.

Implementation Strategy

Permanently establish the Interdepartmental Workgroup through whatever means the Governor deems appropriate. The Workgroup should include, but not be limited to, those state departments already represented.

ELDER ABUSE/NEGLECT: THE PROBLEM

The incidence of elder abuse is substantial. Existing research and surveys suggest that the annual rate approximates 4% among the general population of older persons and 10% among the dependent elderly population.

In addition, elder abuse as a problem tends to remain invisible. It is estimated that only one in five instances come to the attention of authorities. The invisibility of the problem relates to many factors including:

- . the unwillingness of some abused elders to make complaints against caregivers, especially those who are family members;
- . the fear of some older persons that the alternative to the abusive situation may be worse, such as institutional placement; and
- . the social isolation of some elderly persons.

If suggested incidence rates of elder abuse are applied to the State of Ohio, then 50,077 of the 1,251,927 persons 65 years and older, including 16,025 dependent elders, are abused each year. If the incidence reporting rate is applied, then 10,015 cases of elder abuse should be reported to the authorities annually.

Relatively few instances of elder abuse come to the attention of local authorities. There are several possible reasons for this, including:

- . lack of public recognition of elder abuse as a problem nationally and locally, with the resulting failure on the part of many persons to identify cases and seek intervention; and
- . lack of awareness on the part of some health and social service providers that they are mandated by law to report instances of elder abuse to the County Department of Human Services.

CAUSES OF THE PROBLEM

Elder abuse is said to result from factors which include:

- . transmittance of abuse patterns across generations;
- . unresolved family conflict;
- . inability to accept the dependency needs of older persons;

- . stress overload on the part of caregivers;
- . role incompetence of caregivers;
- . alcohol and other drug abuse;
- . stereotyping of the disabled; and
- . negative societal attitude and behavior toward older persons (ageism).

Models for explaining elder abuse usually combine two or more of these factors. The limited research in this area suggests that certain factors may have particular importance in explaining elder abuse by caregivers. They are stress overload and mental impairment, including substance abuse, on the part of caregivers. Older persons often remain in abusive situations, because they perceive a lack of acceptable alternatives.

Abusers are usually neither vicious nor uncaring. Rather they tend to be individuals who provide care to elderly relatives or friends at personal sacrifice. Sometimes circumstances arise which render this caregiving too much of a burden. Then abuse can result.

Self-neglect occurs when older persons fail to provide themselves with adequate food, shelter, health care, or other life essentials. This may happen when older persons:

- . no longer have the ability for self-maintenance due to physical or mental impairment;
- . lack awareness of existing community services that offer assistance ;
- . choose variant lifestyles;
- . elect to die alone in their own homes; and
- . become socially isolated.

PROFILE OF THE PROBLEM

Elder abuse affects older persons of all circumstances. However, it is more typical for those having certain characteristics.

The profile of the typical abused elder suggests a very old woman with some physical or mental impairment. She tends to reside alone or with the abuser, upon whom she is dependent. The abuser is usually her son or daughter. Sometimes it is her spouse. Less frequently the abuser is her sibling, grandchild, or another relative or friend. The abuser is commonly middle-aged.

Neglect tends to be more common than physical abuse or violation of rights. Within the category of neglect, physical neglect more frequently occurs among abused elders who live alone, psychological neglect among those living with others.

Most abuse can be prevented; most abusers can be helped.

ELDER ABUSE/NEGLECT

Recommendation No. 4

The Ohio Department of Human Services and the Ohio Department of Aging should undertake community education on the capabilities and value of elderly persons to the community.

Rationale

A major problem for elderly persons is a perceived image of helplessness, weakness, and an inability to control their own lives. This contributes to elder abuse because some older persons perceive themselves as both unable to prevent abuse and unable to maintain themselves outside their present, sometimes deplorable, circumstances.

Ohio Experience

The Ohio Department of Aging does this to some extent but without aiming it toward the general public. More focus is needed.

Implementation Strategy

Conduct a public relations campaign, complete with radio and television commercials.

Recommendation No. 5

Schools and associations, beginning with primary schools and continuing through professional schools, should include a focus on the dynamics of aging in their curriculums and continuing education programs.

Rationale

Ageism, stereotyping of the disabled, and caregiver incompetence are thought to be among the primary causes of elder abuse/neglect. Public education is needed to eradicate these causes and to promote a better understanding of older persons. The education must begin at an early age, before prejudices and ignorances have been established. It must continue among the adult population, which has primary responsibility for the care of family members who are impaired older persons.

In addition, health and human service professionals and paraprofessionals in service to the aged need to be made aware of both the nature and scope of elder abuse/neglect and their legally mandated responsibilities to report its occurrence.

Ohio Experience

There has been no systematic effort to educate either the general public or service providers on elder abuse/neglect or the protective needs of older persons. Limited attention has occurred locally in such counties as Cuyahoga, Lucas, and Lorain. Where it has, reports of elder abuse/neglect have increased. Many service providers remain ignorant of their mandated reporting responsibilities under the Ohio Protective Service Law.

Implementation Strategy

Develop and distribute curriculums for schools and associations in the Ohio Departments of Aging and Human Services. Included in the curriculums should be the needs and contributions of older persons, their mental health, and elder abuse/neglect issues.

Recommendation No. 6

The Ohio Departments of Development, Aging, and Health should coordinate efforts with the private and public sectors to facilitate and publicize the development of a total continuum of sound, affordable housing options for elders.

Rationale

Elder abuse victims often stay in abusive circumstances because they either do not know any alternatives or they fear what alternatives they do know. This situation can make abuse/neglect seem preferable.

A continuum of housing options is a preventive measure because it provides options for elders before abuse/neglect begins.

Ohio Experience

The only perceived alternatives available to the elder abuse/neglect victim often have been poor quality nursing homes or staying in an abuse situation.

Implementation Strategy

Consider special needs of abused/neglected elderly when planning housing programs for elderly in Ohio. Use the Task Force on Elderly Housing, under both the Ohio Department of Development and the Ohio Department of Aging, as the vehicle for developing housing programs.

Recommendation No. 7

Abused/neglected elders should receive priority status as a targeted population for services funded through the Ohio Department of Aging.

Rationale

This recommendation is consistent with the 1984 reauthorization of the Older Americans Act. The Act required area agencies on aging to take initiative in the local assessment and prevention of elder abuse/neglect. As the state authority on programming for Ohio's 1.8 million older citizens, the Ohio Department of Aging has primary responsibility for addressing a problem from which over 50,000 persons suffer each year.

Ohio Experience

The Ohio Department of Aging has not assumed a leadership role in the prevention and treatment of elder abuse/neglect. Department activities in this area have been limited to a few workshops on the Adult Protective Services Law and other legal interventions, usually in conjunction with the Ohio Department of Human Services. County human services agencies have responsibility for investigation and assessment of elder abuse/neglect cases.

Implementation Strategy

Reflect assessment, prevention, and treatment of the problem of elder abuse/neglect in the annual plans of area agencies on aging. Planned programming in this area minimally should include:

- a) special training for abusing or potentially abusing caregivers of elders focusing on the needs of impaired older persons, ways to access local resources, and how to cope with stress;
- b) use of trained and supervised volunteers to provide respite for potentially abusing caregivers of elders;
- c) coordination among existing network services making services available to abused elders in need of protective services; and
- d) management of cases of abused/neglected elders which are referred by the county departments of human services when the client needs general, though not protective, services.

Issue directives to area agencies, which currently use their own discretion.

Recommendation No. 8

The Ohio Department of Human Services should be allocated adequate funds by the legislature to implement the Adult Protective Services Law.

Rationale

This is a legally mandated, yet unfunded, responsibility.

Ohio Experience

To date, there have been no state funds allocated for the implementation of the Adult Protective Services Law, which was enacted in 1981. To begin meeting their responsibilities under the law, county departments of human services have had to strain already diminished block grants and local funding.

Implementation Strategy

Provide line item in the biennium budget of the Ohio Department of Human Services.

Recommendation No. 9

Before using guardianships and civil commitments in cases involving endangered older persons, probate courts should follow the Adult Protective Services Law.

Rationale

Countless elders are being needlessly denied their rights by the tendency of the court system to use the most restrictive alternatives, such as guardianships or civil commitments, in situations involving endangered older persons.

Ohio Experience

Often the courts are using the guardianship and civil commitment laws when the Adult Protective Services Law would provide the protection required in a less restrictive manner.

Implementation Strategy

Submit recommendation to Probate Judges Association, which should develop protocol for implementation of this recommendation. Educate attorneys through bar associations.

Recommendation No. 10

The Ohio Department of Aging and the Ohio Department of Human Services should encourage the establishment of county coalitions to supplement and improve adult protective services.

Rationale

Elders and caregivers require a diversity of services for the effective prevention and treatment of abuse and neglect. No agency can do this alone. Coordination and cooperation among existing agencies and organizations in both public and private sectors can ensure efficient and effective service delivery.

Ohio Experience

Presently there are two such efforts in the state, the Toledo Elder Abuse Task Force and the Protective Services Consortium for Older Adults of Cuyahoga County.

Implementation Strategy

Establish county coalitions through the linkage of local agencies and organizations around related community education, programming, advocacy, case review, and research. Technical assistance can be provided by the Ohio Department of Aging and the Ohio Department of Human Services.

Recommendation No. 11

Each county department of human services should develop the capacity for 24 hour receipt of elder abuse/neglect reports and immediate intervention in emergency situations.

Rationale

There is a mandated 24 hour receipt capacity for child abuse/neglect reports. Elder abuse/neglect is a similar problem and deserves a similar response. Elder abuse/neglect is widespread, and because of the crisis nature of the situation, it is critical that all counties have the capacity for 24 hour receipt of and response to reports.

Ohio Experience

By law, county human services departments have responsibility to receive reports of elder abuse/neglect, (Section 5101.61 ORC). However, at present, there is no mandatory provision for seven day, 24 hour receipt of reports.

Implementation Strategy

Coordinate receipt capacity for elder abuse/neglect reports with existing child abuse hotlines where possible. Or, model after the Plans of Cooperation for child abuse, which is mandated for use in all counties and is designed to meet each community's needs.

Recommendation No. 12

The Governor's Office of Criminal Justice Services, in conjunction with the Ohio Department of Health and the Ohio Department of Human Services, should provide funding and administrative support for the establishment of demonstration projects for elder abuse/neglect detection and treatment in selected health facilities, such as hospitals and nursing homes.

Rationale

There are few programs that currently address the needs of elder abuse/neglect victims in Ohio health facilities. Ohio has mandatory reporting of elder abuse, and since physicians are among the most likely professionals to encounter victims of abuse, it is appropriate that hospitals serve as demonstration project sites for training and detection of elder abuse.

Ohio Experience

Some hospitals throughout the state have developed protocol for recognizing and treating elder abuse/neglect cases.

Implementation Strategy

Encourage hospitals and nursing homes to develop model projects. These projects should provide detection and emergency medical treatment of elder abuse/neglect cases, develop medical expertise in this area, establish emergency shelters for abused elders in need of medical care, and facilitate respite programs for caregivers.

Recommendation No. 13

A clearinghouse on elder abuse/neglect should be established in the Ohio Department of Aging in coordination with the Ohio Department of Human Services.

Rationale

A centralized location for identifying resources and pooling information throughout the state is needed.

Ohio Experience

Informal networks now exist, but there is no centralized data location.

Implementation Strategy

Lodge responsibility with the Aging, Health, Rights, and Benefits section of the Ohio Department of Aging. Functions of the clearinghouse should include the collection and dissemination of information on elder abuse/neglect and the coordination of statewide prevention and treatment planning.

Recommendation No. 14

A computerized data collection system should be established within the Ohio Department of Human Services to receive reports of elder abuse/neglect from county agencies.

Rationale

Reporting of elder abuse/neglect cases is mandated. The computerized data collection system will be a communication tool between the state and the counties. The system would respond to counties' requests for prior involvement of perpetrators and victims. It also would also provide needed data, so that both state and counties can improve services and better plan prevention programs.

Ohio Experience

No formal data collection system is in place at the state level, although some may exist at the local level. The Ohio Department of Human Services receives a small number of handwritten reports. At the local level, reports are kept on the number of reports received and court activity, but not in enough detail to answer demographic questions about victims and perpetrators.

Implementation Strategy

Develop a functional model for collecting child abuse/neglect data that could be implemented in stages.

SPOUSE ABUSE: THE PROBLEM

Spouse abuse is one of the most frequently committed crimes in our society today. Estimates on the number of victims of domestic violence range from one in two women to one in five women.

In the first seven months of 1985, police officers in Ohio went on 36,784 domestic violence calls. In other words, Ohio police officers responded to 173 domestic violence calls every day.

A relatively small number of domestic violence calls end with a signed complaint. Victims have difficulty leaving abusive situations for many reasons, including:

- . societal attitudes that reflect a lack of understanding of the dynamics of abuse;
- . inconsistent enforcement of laws from one community to the next resulting in little or no police or legal protection for many victims;
- . lack of financial resources to enable victims to establish independence;
- . lack of a safe place to stay -- Ohio's domestic violence shelters are filled to capacity 90% of the time; and
- . lack of support services such as day care and transportation.

CAUSES OF THE PROBLEM

Spouse abuse is said to result from factors which include:

- . transmittance of abuse patterns across generations;
- . alcohol and other drug abuse;
- . inability to cope with stress in positive ways; and
- . overconcern with stereotypical male/female roles, including the misconception that women like to be dominated and "treated roughly."

No single factor can be cited as causing the violence. The abuse is more often the result of two or more factors. The importance of learned violent behavior needs to be emphasized. Children from abusive homes learn that violence is an accepted part of a relationship and often become either the perpetrator or the victim of violence when they enter into adult relationships.

PROFILE OF THE PROBLEM

Spouse abuse affects persons in all socio-economic and racial groups. However, there are certain characteristics which are more typical for those persons in an abusive relationship.

The typical victim of spouse abuse is a woman. She usually is isolated from her family and friends. The victim feels that somehow she causes the abuse; in fact, she does everything she can to avoid it.

There are some traits that both the victim and perpetrator share. Both often have either been abused or witnessed abuse as children. Because of the random, yet cyclical, nature of the abuse, both parties believe that each abusive incident will be the last.

The abuser generally feels unsuccessful financially, occupationally, and/or socially, regardless of his income or position. Often, he abuses alcohol or other drugs, which he uses as an excuse for the violence. The perpetrator feels he has the right to abuse his spouse.

In a smaller number of cases, the man is the victim of abuse. Many of the same characteristics still apply. In these cases, the woman is usually younger and physically larger.

Most abuse can be prevented; most abusers can be helped.

SPOUSE ABUSE

Recommendation No. 15

The length of both criminal and civil protection orders should be extended from one to two years.

Rationale

Lengthening the protection orders would help ease congestion and backlog during which time victims may not have legal protection. Leaving the order in effect longer allows both abusers and victims additional time to seek counseling and receive support services. Lengthening the protective orders can be expected to save public and private funds now spent on initiating and processing repeated filings.

Ohio Experience

In many cases, one year has not been enough time for effective safety and recovery.

Implementation Strategy

Pass legislation extending the length of temporary protection orders.

Recommendation No. 16

Legislation for confidentiality of shelter files and staff/client contacts should be enacted.

Rationale

Privileged communications of shelter staff need to be protected except in cases of suspected child abuse/neglect (mandated ORC 2151.421).

Victims, many of whom have been threatened with serious harm if they make a report, often are trapped by their fear of breach of privacy. If they know that information provided to shelters can be brought into court, they might be reluctant to provide such information or to seek shelter. This could result in their not receiving appropriate or necessary services.

Ohio Experience

There have been no test cases involving shelters.

Implementation Strategy

Introduce and pass legislation.

Recommendation No. 17

Legislation should be passed mandating the adoption of standards for shelters.

(See Appendix D for a complete list of recommended standards.)

Rationale

At this time, there is no minimum standard of service in Ohio's shelters. While the wide variety of services available and the importance of maintaining the autonomy of each community's services is recognized, there are also basic standards of operation which need to be met. In counties where there is more than one facility serving battered women, it would help commissioners make funding decisions. Mandated standards would also encourage local communities to upgrade the caliber of services being offered and grant credibility to community-based shelters.

Many shelters prohibit boys over 14 from coming with their mothers. The recommended standards address the fact that in many cases, women with teenage sons have to choose between leaving a teenage son behind or staying in a violent home.

Ohio Experience

In 1981, ACTION/Ohio worked with then-Attorney General William Brown in creating standards, which were never adopted. Some shelters follow these standards; many do not. There is no agency to regulate shelters.

Implementation Strategy

Pass legislation mandating the adoption of the recommended standards for shelters.

CHILD ABUSE/NEGLECT: THE PROBLEM

The personal and social costs of child abuse are devastating. In 1984, nearly 1.3 million cases were reported. It is conservatively estimated that actual cases are 3 - 4 times the number of the reports. Furthermore, it is estimated that 2,000 - 5,000 children die each year of child abuse.

In Ohio, 31,000 cases of child abuse were reported in 1984. This represents an increase of 40% over the previous year. Given the relationship to actual cases, it is reasonable to suggest that no less than 100,000 children are abused in Ohio every year. Or put another way, in our state, at least 270 children are abused every day!

CAUSES OF THE PROBLEM

Why a person abuses a child is a very complex issue, which is not yet fully understood. Whether one stressful circumstance or a number of crises actually trigger abuse, contributing factors may include any combination of the following:

- . parent/adult abused as a child---physically, sexually, emotionally;
- . immature parent, teen parent;
- . social isolation/lack of family support;
- . lack of child rearing knowledge/unrealistic expectations;
- . family violence;
- . alcohol/drug abuse;
- . unwanted, or unloved child;
- . lack of parent-child bonding;
- . low self-esteem;
- . hyperactive child;
- . emotional stress (financial, housing, health); and
- . immediate crisis (loss of job, death of loved one, victim of crime).

While these factors increase the risk of abuse, the presence of any one or more will not guarantee it. Two parents with similar backgrounds and similar stresses may respond differently to a

child--one will abuse, the other will not. Such is the complexity of the problem.

PROFILE OF THE PROBLEM

Child abusers are relatives...friends...neighbors. It is widely accepted that as many as 80% of sexually abused children are victimized by relatives, family friends, or authority figures.

Child abuse crosses all economic, ethnic, racial, and religious lines. Abusers may be ordinary people who often find themselves in life situations which they perceive as being beyond their control. Very often, they were abused themselves as children.

The National Committee for Prevention of Child Abuse points out: "It is a sad irony that the majority of abusers genuinely love their children. They simply lack the resources to cope effectively with their surroundings."

Most abuse can be prevented, and most abusers can be helped.

CHILD ABUSE/NEGLECT

Recommendation No. 18

Child abuse/neglect prevention programs and services must be implemented in all communities.

Rationale

All communities must have prevention services if Ohio is to reduce the high number of child abuse/neglect cases. Comprehensive prevention services in a community can eliminate abuse/neglect by providing educational and support services, especially to high-risk families.

Ohio Experience

The Ohio Children's Trust Fund, enacted in December 1984, (H.B. 319), is a step toward creating community child abuse/neglect prevention programs. The Trust Fund will allocate approximately \$2 million annually, with each county receiving a minimum of \$10,000. The first grant awards will be given in February 1986.

Implementation Strategy

Utilize the Children's Trust Fund to the extent possible. Include child abuse/neglect prevention programs in state department and private sector budgets. Included in prevention programs could be: parenting courses, advocacy, self-help groups, family life education, assault prevention, mediation, non-violent conflict resolution, and preventive information.

Recommendation No. 19

The legislature should pass H.B. 435, which is a comprehensive day care bill. The major steps this bill takes to improve protection of children in day care are:

1. Prohibit employment for any individual who has been convicted of, or pleaded guilty to, child abuse, endangering children, an offense of violence, or certain sex offenses.
2. Provide more adult supervision for young children.
3. Improve teacher and administrator qualifications.
4. Begin licensing family day care homes not receiving state monies.
5. Begin a comprehensive child abuse prevention program in day care centers.
6. Unlimited access to day care centers during all operating hours for custodial parents and guardians.
7. Initiate unannounced inspections of all centers at least once a year.

Rationale

Placing a child in the care of another person is not a casual decision for parents. A young child is dependent on adults for all his or her needs--food, safety, personal attention, affection, hygiene, and appropriate learning experiences.

Nearly three quarters of a million Ohio children under age nine will need day care this year. This is equal to the combined populations of Canton, Dayton, Toledo, and Youngstown, four of Ohio's largest cities.

Ohio Experience

Ohio's day care licensing law was written in 1969, when there were only one-fourth as many Ohio children in day care. The current law is outdated. Ohio provides the least supervision of children in day care centers of any industrial state. Currently, one teacher can supervise as many as eight infants in a day care center. Despite evidence that frequent parent visits to day care programs are the best protection for children, current law allows some centers to restrict these visits.

Implementation Strategy

Pass H.B. 435.*

*The Ohio Legislature passed H.B. 435; Governor Richard F. Celeste signed the bill into law December 10, 1985.

Recommendation No. 20

A therapeutic victim and child day care program for pre-schoolers, incorporating facilities for a 24 hour, 7 day a week crisis nursery, should be developed by the Ohio Departments of Education, Human Services, and Mental Health.

Rationale

A therapeutic day care program is an opportunity to both evaluate the potential for parental change through intensive, concentrated services and to plan more effectively for the child. It could be cost effective in communities with universities or colleges, because staff supports could be obtained from students in a number of professional programs, such as social work, psychology, early life education, nursing, and child life.

Ohio Experience

Therapeutic day care is in the experimental stage.

Implementation Strategy

Set up a pilot program, providing comprehensive programming for both parents and children, in two urban and two rural areas. Focus on areas that have colleges or universities. The pilot programs could include 100 children per year in each center in the rural areas, for a maximum of 90 days, and 150 children in each of the urban areas.

Recommendation No. 21

Emergency services, including 24 hour hotlines, shelters, medical services, crisis nurseries, and emergency child care, should be reasonably accessible to all Ohioans.

Rationale

Presently many such programs are available to Ohioans in large cities, but not to Ohioans in small counties. Emergency services are essential for interrupting abusive behavior and providing respite.

Ohio Experience

Every county is mandated to have 24 hour response capacity for receipt of reports of abuse, emergency shelter, medical services, and other necessary services. All counties do have access to at least these minimal emergency services, although all do not have comprehensive emergency services.

Implementation Strategy

Identify available emergency services; develop services where necessary. Make the information available throughout Ohio. Development of services should be led by the Ohio Department of Human Services in coordination with other appropriate state and county agencies.

Recommendation No. 22

In making placement for any child, an attempt must be made to determine if there is a history of abuse or neglect, either child, spouse, or elder, within that household or facility. If abuse/neglect can be confirmed, use of that setting must be justified.

Rationale

There is the potential for abuse, reabuse, and perpetuation of the cycle of abuse.

Ohio Experience

This is done informally by some courts and agencies.

Implementation Strategy

Follow a uniform preplacement evaluation for spouse, elder, or child abuse/neglect. Develop and implement a model for a statewide process in the Ohio Department of Human Services in coordination with the courts and court evaluation programs.

Recommendation No. 23

Foster parents and residential placement facility staff must have training in the care and psychodynamics of abused/neglected children.

Rationale

Often children who have been victims of abuse have a multiplicity of problems. Foster parents and residential placement facility staff need training in assisting abused/neglected children to overcome these problems.

Ohio Experience

There are a number of agencies that place children in foster homes and residential placement facilities. These include county departments of human services, the Ohio Department of Youth Services, and the Ohio Department of Mental Retardation and Developmental Disabilities.

Implementation Strategy

Encourage local agencies to develop comprehensive training and evaluation programs.

Recommendation 24

Children who are temporarily staying in domestic violence shelters outside their school districts should be able to attend school for full credit, with tuition waiver, in the shelter's district.

Rationale

Children's lives already are disrupted by violence within their homes. They should not be further victimized by being denied the opportunity to attend school.

Ohio Experience

Cooperation among different school boards and shelters does exist in some areas of the state, which enables children to attend schools for credit in the same district as the shelter. However, in many areas, the cooperation is missing and children in shelters are not allowed to attend school.

Implementation Strategy

Encourage cooperation among local school boards and shelters. Develop protocol or model policies in the Ohio Department of Education.

Recommendation 25

All local school boards throughout Ohio should implement a Child Neglect and Abuse Policy for School Board Members and Administrators.

Rationale

While reporting suspected cases of child abuse/neglect is a mandated responsibility under Ohio Law, school personnel frequently are reluctant, or even negligent, about reporting. A consistent policy and set of standards for reporting would encourage teachers and other school employees to fully comply with Ohio law.

Ohio Experience

The Ohio Department of Human Services has released model policies and procedures for educators. Summit County recently adopted a model child neglect and abuse policy for school board members and administrators. However, many areas of the state do not follow this policy.

Implementation Strategy

Encourage local school boards to adopt and implement specific policies on reporting suspected cases of child abuse/neglect.

Recommendation No. 26

When child abuse/neglect has been reported, protective services agencies should offer services to families who are believed to be at risk, even when abuse cannot be substantiated.

Rationale

High risk families need services to protect the children whose cases lack concrete legal evidence.

Ohio Experience

Due to fiscal and staff restraints, most local county childrens protective services agencies handle only substantiated child abuse/neglect cases. Historically, agencies have focused primarily on intervention rather than prevention.

Implementation Strategy

Develop training for workers in protective services to better enable them to recognize and document cases of abuse and neglect. Create a network of referral systems for voluntary services. Services offered to the families could include: family planning, counseling, parenting skills, stress management, nutrition information, and health programs.

Recommendation No. 27

During the investigative process by protective services, every effort should be made to remove the alleged offender (as opposed to the child victim), while maintaining the economic well-being of the non-offending parent and family.

Rationale

When an investigation into a suspected child abuse case has begun, some children may feel doubly victimized when they are forced to leave their own home and family members to stay in a strange environment. Children who are abused should not be further victimized if the home can be made safe with the removal of the offender.

Ohio Experience

The mechanism to achieve this, the Civil Protection Order, is already in place in Ohio. Although it could be, it is not used effectively for suspected child abuse cases.

Implementation Strategy

Utilize the Civil Protection Order, as designated in ORC 3113.33-39. Enforce its violation, criminally, as provided by Ohio law. Request bar and judges associations to develop protocol and publicize the procedures.

Recommendation No. 28

Interagency Child Abuse Teams, with child abuse/neglect experts from various disciplines, should be available to serve all areas of the state.

Rationale

The teams can provide each county with a mechanism for dealing with its most complex child abuse/neglect cases. Review of cases prior to court termination or placement back into the home can prevent returning a child to a caretaker where little has changed within the family.

Ohio Experience

Presently, less than half of the state is being served by Interagency Child Abuse Teams.

Implementation Strategy

Recognize local responsibility for the Teams. Technical assistance can be gained from the Ohio Department of Human Services.

Recommendation No. 29

There should be regional residential treatment centers, reasonably accessible to all Ohioans, for children who have been severely abused/neglected and are diagnosed as requiring immediate emotional and behavioral supports.

Rationale

Children who have been severely abused/neglected often have difficulty relating in foster homes, but alternatives are rarely available. Residential treatment centers could provide the necessary transition, with additional emotional support to either a foster home or the child's own home.

Ohio Experience

There are some residential treatment programs in the large cities, but they are not available to the majority of smaller and/or rural counties because of distance or lack of space or funds.

Implementation Strategy

Identify areas of the state which need, but currently lack, access to existing residential treatment centers. Model new centers after existing ones. The Ohio Department of Human Services and the Ohio Department of Mental Health should be the lead agencies.

Recommendation No. 30

Management of child abuse and neglect cases should be regionalized.

Rationale

There are good programs with skilled staff in the larger cities. However, frequently there is limited expertise in smaller counties and rural communities, where few child abuse/neglect cases are identified. Regionalization should provide education, training, and consultation to community health facility personnel, social service agencies, and other facilities which deal with abused/neglected children.

Ohio Experience

Regionalization has been effective with the perinatal population. The major cities, Columbus, Cincinnati, Cleveland, Akron, Toledo, and Dayton, have comprehensive child abuse programs which could be made regionally compatible.

Implementation Strategy

Develop a proposal with a multidisciplinary advisory committee composed of representatives from the areas of Health, Human Services, Mental Health, Mental Retardation and Developmental Disabilities, and Education.

Recommendation No. 31

A screening program should be set up for all felony abuse cases in the prosecution stage. Strong consideration should be given to presenting such cases directly to the grand jury and passing a preliminary hearing.

Rationale

A preliminary hearing is an adversary proceeding, but the grand jury is not. Since the burden of proof on the prosecution is the same in both, bypassing the preliminary hearing by direct indictment avoids the doubly traumatizing experience of making the child victim testify in open court in the initial stages of prosecution and again at the trial.

Ohio Experience

Currently, a screening program is in place and being followed in Franklin County. The program was initiated several years ago and is utilized not only in abuse cases, but in all violent felonies such as rape, murder, aggravated robbery, etc., in which there may be a sensitive victim. The program has worked very well with the cooperation of the police.

Implementation Strategy

Model after the program in Franklin County where possible, recognizing that in smaller counties a grand jury is not always in session. Procedurally, in Franklin County, after the police make an arrest for a violent felony, they forward an investigative packet to the prosecutor's office within a couple days for review. This is done through a police liaison officer who has daily contact with both the police and prosecutor. A preliminary hearing must be held within 10 days unless the defendant is directly indicted before the hearing date. This has proven to be enough time to get the case presented to the grand jury and obtain an indictment.

Recommendation No. 32

Ohio Revised Code Section 2151.28.1, which states: "The court shall appoint a guardian ad litem to protect the interest of a child in any proceeding concerning an alleged abused or neglected child," must be consistently enforced.

Rationale

When a child abuse/neglect case enters the court system, it is essential that the child have a legal representative appointed by the court to advance his or her interests independent of the interests of the parent and the state.

Ohio Experience

Although this is mandated under ORC 2151.28.1, it is not consistently applied or enforced..

Implementation Strategy

Use voluntary programs such as CASA (Court Appointed Special Advocates) or court-sponsored guardian ad litem.

CONCLUSION

Family violence is a problem that affects a majority of people and resources in Ohio. The increase in reports of family violence, while not necessarily indicative of an increased number of cases of abuse, demonstrates that abuse and neglect will no longer be tolerated and treated as merely personal problems beyond the reach of outside help and criminal prosecution where appropriate.

Attitudes are slowly changing. However, work still needs to be done to better protect victims and provide much needed services for both victims and perpetrators in all of Ohio's 88 counties. All Ohioans need to be protected regardless of where they live.

For too many years, we have relied on public funds, local, state, or federal, to finance family violence services and shelters. These funds are limited and not extensive enough to resolve the multi-faceted problem of family violence. Corporations, foundations, and private donors, together with the government, can deliver the programs Ohioans need and deserve.

Family violence is a financial drain which present and future generations in our state will have to bear unless action is taken now. Enormous resources are lost annually as a result of family violence. Time, money, and effort must be devoted to preventing family violence from occurring. Prevention programs are a cost effective way to treat family violence. Prevention programs are just as necessary and urgent as treatment programs and services.

Family violence is everyone's responsibility. The Governor's Task Force on Family Violence is working to stop the tide of family violence. Together we can ensure Ohio's citizens the peace and safety to which they are entitled.

APPENDIX E

UPDATE ON 1984 INTERIM REPORT

In our Interim Report to the Governor, December 1984, we submitted 17 recommendations concerning family violence issues. Following is a recap of the recommendations, as well as any ensuing action. As can be seen, many of the recommendations led to some form of action. Much work still needs to be done to implement the recommendations. We reaffirm our 1984 recommendations and urge their full implementation.

<u>Recommendation</u>	<u>Action Taken</u>
1 - assault prevention program for children pre-school through high school	H.B. 28 introduced 116th Ohio General Assembly; Legislature included a line item for child assault prevention in budget of the Ohio Department of Human Services, which contracted with the National Assault Prevention Center in Columbus to provide training, technical assistance, and four statewide conferences on child assault prevention
2 - statewide curriculum that would impact upon families before abuse occurs	none
3 - statewide public information campaign	Task Force "circuit riding"; posters; brochures (for more detail see Activities Section)
4 - statewide toll-free information and referral line for family violence services	H.B. 79 introduced 116th Ohio General Assembly; to a limited extent, this service is being performed by the Women's Information Center
5 - support U.S. Attorney General's recommendations: recognize family violence as a crime; coordinate response to family violence; develop community team to investigate and treat family violence	H.B. 349, S.B. 160 and S.B. 513 introduced 116th Ohio General Assembly
6 - prioritize prevention services; establish prevention board	H.B. 319, Children's Trust Fund established December 26, 1984

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|---|---|
| 7 - Prevention and Early Intervention Subcluster of the Human Services Cluster should prioritize prevention of family violence services | Subcluster has catalogued prevention services and programs in human services departments and will be making recommendations on prioritization |
| 8 - line items for prevention services in state human services departments | limited funds have been directed toward prevention services |
| 9 - family violence training for professionals | Ohio Department of Human Services has initiated statewide training for children's protective services workers, law enforcement, prosecutors, judges, mental health professionals and physicians. |
| 10 - courts consider prior or current existence of abuse/neglect when determining custody or visitation | H.B. 75 introduced 116th Ohio General Assembly |
| 11 - amend Chapter 2907 ORC: include abuser in fiduciary position to child as aggravating factor in sexual offenses | none |
| 12 - amend ORC 2151.412: add mandatory counseling for parents as part of reunification follow - child abuse neglect | H.B. 75 introduced 116th Ohio General Assembly |
| 13 - pass spousal rape law | Amendment to H.B. 475 passed 116th Ohio General Assembly; signed into law by Governor Richard F. Celeste |
| 14 - extend time period of civil protection order from one to two years; criminalize violation of civil protection orders and maintain contempt sanctions | H.B. 475 (increase penalty for violation of order) passed 116th Ohio General Assembly; signed into law by Governor Richard F. Celeste; ORC 3113 amended to provide criminal and contempt sanctions of civil protection orders |

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| 15 - amend Adult Protective Services Law: include nurses and senior service providers among those professionals required to report adult abuse/neglect | H.B. 66, H.B. 528, H.B. 529, H.B. 530, H.B. 531, H.B. 532 introduced 116th Ohio General Assembly |
| 16 - expand definition of adult in ORC Section 5101.60 | none |
| 17 - pass Institutional Protection Services Law | none |

Appendix F

POLICIES AND STANDARDS FOR DOMESTIC VIOLENCE SHELTER PROGRAMS IN OHIO (Pursuant to Sec. 3113. Ohio Revised Code)

Note: All those appearing in bold type are new standards recommended by the Task Force on Family Violence.

I. Definitions: Shelter per ORC 3113.33(c)

Shelters should organize and/or coordinate shelter homes and safe homes and be accessible on a 24 hour, 7 days per week basis to the victims of domestic violence and their children.

A. Safe Home

"Safe home" means a shelter that houses two or less lodging units, and has a written, working agreement with the shelter. This agreement shall contain a rate agreed upon with the shelter for cost reimbursement.

B. Shelter Home

"Shelter home" means a shelter that houses three or more lodging units, and has a written, working agreement with the shelter. This agreement shall contain a rate agreed upon with the shelter for cost reimbursement.

C. All shelters should be mandated to keep a record of all victims of domestic violence turned away in a one year period due to overcrowding.

D. Shelters shall minimally provide for:

1. Food

The shelter shall make provisions for food and beverage as necessary and approximate for the basic sustenance of the residents; and sanitary facilities for the storage and preparation of such food and beverage.

2. Clothing

Shelters shall provide residents with access to adequate and basic clothing. Clothing provided to the residents shall have been washed or cleaned and stored in sanitary manner prior to disbursement.

3. Housing

One or more rooms are utilized for living purposes and for sleeping.

4. Bed and Bedding

Shelters shall provide residents with access to adequate and basic bed and bedding. Bed and bedding provided to the residents shall have been washed or cleaned and stored in a sanitary manner prior to disbursement.

5. Shelter

Shelters shall not deny shelter and shelter services to:

- A. minor children, regardless of sex
- B. any victim, regardless of age

6. Safety and Security

Shelters shall provide:

- A. Locks and/or alarms on windows, doors, and other building access to prevent intruders.
- B. Twenty-four hour staffing of shelters or twenty-four hour on call telephone or beeper service in the case of safe homes.
- C. A written policy for making a referral to the appropriate services and/or shelter agencies when:
 - (i) Shelters are occupied at capacity
 - (ii) Inappropriate referral has been made to a shelter or safe home
 - (iii) The victim has a compound or a multiplicity of problems requiring services of another agency(s) prior to offering shelter services.
- D. Installation of appropriate number of smoke alarms, detectors and fire exits as determined by a local fire inspection.
- E. A basic first aid kit and other emergency medical supplies shall be provided.

7. Advocacy/Counseling

Advocacy and counseling means the provision of information and agency referral(s) while assisting the victim in the task of developing and maintaining self-help skills. Specific referrals to mental health agencies should be made when either victim or children demonstrate need for such services.

8. Hotline

A twenty-four hour, seven days per week telephone line to handle direct crisis intervention for victims of domestic violence.

9. Children's Program

There shall be an area within each shelter that is designated as the Youth Area.

A. This area shall be a safe place for all infants, toddlers, children and youth; and have appropriate materials for children's activities for the age levels served.

B. The shelter shall have access to outside recreational facilities for use by residents and their children.

C. Each shelter shall have written rules that pertain to children. These rules must be given to the residents and reviewed with her and her children at the time of intake. These rules shall also be posted in a public space for all to review.

D. Each shelter shall have a written plan for school age children's educational needs. This plan shall be put into action for any child who is residing in the shelter for 5 or more days. Any written agreements between school systems, tutors, etc. shall always be kept on file at the shelter.

10. Community Education

Community education means services that provide information and education to community members and service provisions about alternatives to violence.

II. SECTION 3113.35 APPLICATION BY SHELTER FOR FUNDS, NOTICES, PAYMENT

For the immediate past program an explanation for any changes in line items from the last year's proposed budget shall be included pursuant to Sec. 3113.35(A)(3).

A summary of services provided in the immediate past program year shall be submitted and an explanation of any changes is required pursuant to Sec. 3113.35(A)(4).

Actual budget expenditure figures for the past program year must also be submitted pursuant to Sec. 3113.35(A)(5).

III. SECTION 3113.36 QUALIFICATIONS FOR FUNDING

Each shelter must submit a grid documenting the breakdown of their board members according to the racial, ethnic, and socioeconomic diversity in their community pursuant to ORC Sec. 3113.36(A)(2).

Shelters which only indirectly provide children's services must show how they provide such services by submitting documentation of these services per Sec. 3113.36(A)(4).

All employees and volunteers of the shelter must sign a statement agreeing to keep confidentiality of individuals, program, service, etc. per Sec. 3113.36(A)(5).

As it reads, "on the basis of ancestry, add "sex or handicap.") SUBSTANTIVE AND MUST BE LEGISLATIVE.

IV. ALSO PER SEC. 3113.38 - ADMINISTRATION

Each shelter is responsible for having the following items on file at the shelter or at the corporate office:

A. Personnel Policies

Personnel policies must minimally address the issue of job descriptions, training requirements, affirmative action policy, grievance procedures and an evaluation system.

B. Health and Fire Standards

Shelter facilities must meet the prevailing state and local health and fire codes/regulations.

C. Affirmative Action Plan

D. Budget

Every shelter must have a budget which is a plan of action expressed in monetary terms, detailing the realistic goals and objectives for the coming year. This budget shall reflect program and administrative costs.

E. Job Descriptions

Written job descriptions shall be provided for all paid and volunteer staff.

F. Personnel Files

Staff files must contain resume, date of hire, title, salary, health records, confidentiality statement and evaluation records.

G. Client Fee Schedule

A schedule or policy that states the amount each client is expected to contribute towards her and her children's stay at the shelter.

H. Clinical Records

Requirements: copies of all forms that constitute a client's record, policy on client access to records, policy on confidentiality of records.

I. Data Collection

All client records shall be kept in a minimum of five years.

Each shelter shall have an organized method for collecting statistical data on clients and service delivery.

J. Agency Table of Organization

Each organization shall have a table of organization that shows the lines of responsibility and authority. It shall include board members, staff and volunteers.

K. Policy on the Development of Procedures

Each organization shall have a written policy that outlines how procedures for the organization are developed and who is involved in the process.

L. House Rules, Procedures, Policies, etc.

Upon intake, the client shall be verbally informed of policies, procedures, house rules, and grievance procedures for clients. These all shall be posted in a conspicuous place.

M. Financial and Budget Procedures

Satisfactory methods of internal control to insure financial checks and balances shall be instituted.

All staff handling or having direct access to organizational monies other than petty cash shall be bonded.

N. Fire, Disaster, First Aid Kit, and Other Emergency Procedures

Each shelter shall have fire, disaster and other emergency procedures posted in a conspicuous place.

O. Working Agreements, Contracts, etc.

Written agreements shall exist for all contractual services.

P. Insurance Policies

The shelter shall carry adequate coverage of fire, damage and liability insurance.

Professional liability for professional staff is encouraged.

Q. Board Documentation

Each shelter must have on file copies of all board minutes, board memberships lists, incorporation documents, constitution and by-laws.

R. Policies and Procedures Manual

A manual that states what are the policies and procedures that set the day to day operations of the organization.

V. STAFF QUALIFICATIONS

A. Volunteer Staff

All Volunteer Staff must have a minimum of 8 hours of informational, educational, and consciousness raising training provided by the shelter staff and/or outside resources before becoming a volunteer.

B. Paid Staff

1. All paid staff must have a minimum of 80 hours of on the job training within 6 months of hire. This training may be provided by shelter and/or outside resources.
2. All paid staff must have a minimum of 15 hours of staff development each year. This training must be in direct relation to their job function. Volunteers are encouraged to participate in these staff development opportunities.

VI. SECTION 3113.39 ANNUAL REPORTS OF SHELTERS

If an extension of the March 31 deadline will be needed by the domestic violence program, the request must be submitted in writing to the Attorney General's Office by the 15th day of February.

An independent audit is an examination of the shelter's corporate records supporting the financial reports of an enterprise as conducted by public accountants. An opinion is expressed by the public accountant regarding the fairness and reliability of such records per Sec. 3113.39(A).