

**COSHOCTON COUNTY, OHIO MUNICIPAL COURT
PRE-TRIAL DOMESTIC VIOLENCE DIVERSION PROGRAM
INFORMATION SHEET**

The City of Coshocton Law Director's office in conjunction with the Coshocton County Municipal Court has implemented a Pre-Trial Domestic Violence Diversion Programs Domestic Violence is prohibited by Ohio Revised Code Section 2919.25 which provides:

- (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.
- (B) No person shall recklessly cause serious physical harm to a family or household member.
- (C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.
- (D) Whoever violates this section is guilty of domestic violence, A violation of division (C) of this section is a misdemeanor of the fourth degree. A violation of division (A) or (B) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of domestic violence or a violation of section 2903.11, 2903.12, 2903.13, 2903.211 (2903.21.1) or 2911.211 (2911.21.1) of the Revised Code involving a person who was a family or household member at the time of the violation, a violation of division (A) or (B) of this section is a felony of the fifth degree and a violation of division (C) of this section is a misdemeanor of the third degree.
- (E) As used in this section and sections 2919.25 1 (2919.25.1) and 2919.26 of the Revised Code:

(1) "Family or household member" means any of the following:

(a) Any of the following who is residing or has resided with the offender:

(i) A spouse, a person living as a spouse, or a former spouse of the offender;

(ii) A parent or a child of the offender, or another person related by consanguinity or affinity to the offender;

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.

(b) The natural parent of any child of whom the offender is the other natural parent.

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within one year prior to the date of the alleged commission of the act in question.

A fourth degree misdemeanor is punishable by up to 30 days incarceration and/or a \$250.00 fine. A third degree misdemeanor is punishable by up to 60 days incarceration and/or a fine not to exceed \$500.00. A first degree misdemeanor is punishable by up to 6 six months incarceration and/or a fine not to exceed \$1,000.00. A fifth degree felony is punishable by incarceration for 6, 7- 8, 9, 10, 11 or 12 months and a fine not to exceed \$2,500.00.

You have been charged with violating the domestic violence statute or have alleged you are the victim of domestic violence. The purpose of this notice is to advise you of the existence of the diversion program and of your right to have a determination made whether you or your case qualifies for this program. Should it be determined that the Diversion Program is applicable to this situation, the following will occur:

1. You the alleged offender will be required to waive, in writing and contingent upon your successful completion of the program, your right to a speedy trial.
2. You, the alleged offender, will agree, in writing, to the tolling while in the program of all periods of limitation established by statutes or rules of court, that are applicable to the offense of Domestic Violence and further agree to the conditions of the diversion program established.

3. You, the alleged offender, will be required to immediately submit to an evaluation by the First Step Family Violence Network and successfully complete all recommended follow-up counseling and/or treatment.

4. You the alleged offender will be required to pay all fees and costs associated with the Diversion Program. -) These fees and costs will include those charged by the First Step Family Violence Network for assessment and/or counseling, any other agency providing counseling and/or treatment pursuant to the recommendation of the First Step Family Violence Network in conjunction with the Diversion Program and the additional sum of \$100.00 to the Coshocton County Municipal Court which will be assessed as court costs for the administration of the Diversion Program.

5. You, the alleged offender, will agree to sign a Release of Information authorizing the First Step Family Violence Network, and all other agencies providing counseling and/or treatment in conjunction with the Diversion Program, to provide to the Coshocton Law Director's Office and the Coshocton Municipal Court all information obtained by the agencies providing treatment and/or counseling, in conjunction with the Diversion Program, including but not limited to all prognosis and diagnoses made, and your progress towards completion of the Diversion Program.

6. You, the victim, while not required to do so, will be strongly encouraged to participate in the counseling and/or treatment recommended for the alleged offender;

7. Upon the Law Director's Office being informed that the alleged offender has successfully completed the Diversion Program, the Law Director's Office will submit a motion to the Municipal Court requesting that the charge of domestic violence be dismissed. Should the charge be dismissed a record of the dismissal will appear. but a second violation of the domestic violence statute will be treated as only a first offense.

8. If you, the alleged offender, choose not to enter the diversion program, or you violate the terms and conditions of the diversion program by either failing to successfully complete all recommended counseling and/or treatment or by engaging in conduct which leads to the filing of additional criminal charges prior to the time you have successfully completed the diversion program, you may be brought to trial upon the charge of Domestic Violence in the manner provided by law.

9. One of the considerations to be used in making the determination whether this matter qualifies for the Pre-Trial Domestic Violence Diversion Program, is whether both the victim and the alleged offender consent to the program being implemented in each specific case, The other criteria to be used accompany this Information Sheet. If you are interested in such a determination being made, then:

a. You, the victim should immediately contact the First Step Family Violence Network to discuss this matter, and provide your consent to such a determination being made.

b. You, the alleged offender, should immediately contact the Coshocton County Law Director's office and/or advise the Court during the arraignment of your desire that a determination be made whether you will qualify for the diversion program.

c. If you are so interested, please sign the attached Consent Form and provide the same to the Coshocton Law Director's office.

COSHOCTON COUNTY, OHIO MUNICIPAL COURT
DOMESTIC VIOLENCE DIVERSION PROGRAM
CRITERIA

1. First offense of either Domestic Violence or offense of violence against others, as defined in ORC §2901.01(A)(9)(a) within ten (10) years prior to the date of the offense now alleged.
2. No conviction of charges which were the result of a reduction from Domestic Violence charges within ten (10) years prior to the date of the offense now alleged.
3. No visible injury or injuries requiring medical treatment.
4. No threats or intent to cause serious physical harm.
5. No deadly weapon used, as that term is defined in ORC 2923.11(A), or possessed in the commission of the incident leading to the Domestic Violence complaint
6. No prior Domestic Violence counseling undergone by the alleged offender within ten (10) years prior to the date of the offense now alleged.
7. Defendant consents to participate in Diversion Program.
8. Victim consents to offender being granted Diversion Program.
9. No previous participation in this Diversion Program.

**VICTIM REQUEST FOR DETERMINATION OF ALLEGED OFFENDER'S
QUALIFICATION FOR PRE-TRIAL DOMESTIC VIOLENCE PROGRAM**

I, the undersigned, victim, acknowledge I have received and reviewed the Coshocton County, Ohio Municipal Court Pre-Trial Domestic Violence Program Information Sheet and Criteria, and hereby request that a determination be made regarding whether the alleged offender will qualify as a candidate for the Pre-Trial Domestic Violence Diversion Program.

Date

Victim

Alleged Offender: _____

Date of Incident: _____

**ALLEGED OFFENDER REQUEST FOR DETERMINATION
OF ALLEGED OFFENDER'S
QUALIFICATION FOR PRE-TRIAL DOMESTIC VIOLENCE PROGRAM**

I, the undersigned alleged offender, acknowledge I have received and reviewed the Coshocton County, Ohio Municipal Court Pre-Trial Domestic Violence Program Information Sheet and Criteria, and hereby request that a determination be made regarding whether I will qualify as a candidate for the Pre-Trial Domestic Violence Diversion Program.

_____ Date

_____ Alleged Offender

Victim: _____

Date of Incident: _____

VICTIM CONSENT TO PRE-TRIAL DIVERSION PROGRAM

I, the undersigned victim, now being advised it has been determined that the alleged offender qualifies for the Coshocton County, Ohio Municipal Court Pre-Trial Domestic Violence Diversion Program, hereby consent to the alleged offender entering such program under the terms and conditions contained in the Information Sheet previously provided.

Date

Victim

Alleged Offender: _____

Date of Incident: _____

ALLEGED OFFENDER CONSENT TO PRE-TRIAL DIVERSION PROGRAM

I, the undersigned alleged offender, now being advised it has been determined that I qualify for the Coshocton County, Ohio Municipal Court Pre-Trial Domestic Violence Diversion Program, hereby consent to entering such program under the terms and *conditions* contained in the Information Sheet previously provided.

Date

Alleged Offender

Victim: _____

Date of Incident: _____

WAIVER OF STATUTORY TIME LIMIT FOR TRIAL

The Municipal Court of Coshocton, Ohio

No. _____

Plaintiff

vs.

Defendant

Having been fully advised of my right to a prompt trial in the above entitled action as provided in Chapter 2945 of the Revised Code of Ohio I, the undersigned while still maintaining my plea of not guilty, do hereby voluntarily waive the statutory time limitations for trial and request a continuance thereof.

Attorney for Defendant

AUTHORIZATION FOR RELEASE OF INFORMATION

In conjunction with my Agreement and Request to enter the Coshocton County, Ohio Municipal Court Pre-Trial Domestic Violence Program, I, _____, the alleged offender, authorize the Coshocton County Law Director's office, or any person affiliated therewith to receive from and discuss with the First Step Family Violence Network and any other person or agency providing counseling, assessment, and/or treatment pursuant to the recommendation of the First Step Family Violence Network in conjunction with the Diversion Program, all matters pertaining to my progress towards completion of this program and receive records, reports or other documents and/or information compiled as a result of my involvement with the Diversion Program

I understand and acknowledge that this authorization extends to all or part of the records designated above and relates to all counseling and treatment received by me in conjunction with the Diversion Program. I expressly consent to the release of the information as designated above.

I also understand that this information extends to the release of information via U.S. mail, overnight mail, telephone or facsimile machine (FAX).

This consent is valid from the date signed until such time as I have been release the Pre-Trial Domestic Violence Diversion Program.

Dated this _____ day of _____, 20_____ .

Signed in the presence of:

