

[article courtesy of the National Network to End Domestic Violence]

Ohio Supreme Court to Hear Local Domestic Violence Case

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The Ohio Supreme Court will hear a Warren County case over whether Ohio's Defense of Marriage Amendment will keep law enforcement from applying domestic violence charges to unmarried couples.

Michael Carswell of Warren County is facing domestic violence charges for assaulting his live-in girlfriend.

Carswell says the Defense of Marriage Amendment, which was passed as Issue 1 on the 2004 ballot, barred the application of Domestic Violence laws to unmarried couples.

In particular, Carswell argues that the language in the Defense of Marriage Amendment prohibits the State from creating or recognizing a "legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effect of marriage" invalidates the application of the domestic violence statute to persons living together as spouses.

Warren County's Prosecutors office says Ohio's domestic violence laws apply not only to family members, but to family and household members, including unmarried couples who are living together as spouses.

The Ohio Supreme Court will hear arguments on Tuesday, December 12th.