

## DEFINITION OF TERMS

(for use with (CC-DC-DV-001) Petition for Protection from Domestic Violence, Child Abuse, and Vulnerable Adult Abuse)

**Petitioner:** The person filing the petition.

**Respondent:** The alleged abuser.

**Person Eligible For Relief:**

- the current or former spouse of the respondent
- a cohabitant of the respondent
- an individual related to the respondent by blood, marriage or adoption
- a parent, stepparent, child, or stepchild of the respondent or person eligible for relief who lives or lived with the respondent or person eligible for relief for a period of at least 90 days within one (1) year before the filing of the petition
- a vulnerable adult
- an individual who had a child with the respondent
- an individual who has had a sexual relationship with the respondent within one (1) year before the filing of the petition

**Vulnerable Adult:** An adult who lacks the physical or mental capacity to provide for the adult's daily needs.

**Spouse:** An individual who is married.

**Cohabitant:** An individual who has had a sexual relationship with the respondent and has resided with the respondent, in the home, for a period of at least 90 days within one (1) year before the filing of the petition.

**Child Care Provider:** The person who provides supervision and care for a minor child.

**Pet:** A domesticated animal that does not include livestock.

**Abuse:**

- an act that causes serious bodily harm or places an individual in fear of imminent serious bodily harm
- an assault in any degree
- rape or sexual offense or attempted rape or sexual offense
- false imprisonment (keeping an individual in a place against his/her will)
- stalking
- child abuse
- vulnerable adult abuse
- revenge porn

**Child Abuse:**

- physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by:
  - 1) a parent;
  - 2) a household member;
  - 3) a family member;
  - 4) a person who has permanent or temporary care or custody of the child;
  - 5) a person who has responsibility for supervision of the child; or
  - 6) a person who, because of the person's position or occupation, exercises authority over the child.
- sexual abuse of a child, whether physical injuries are sustained or not.
- "abuse" does not include the physical injury of a child by accidental means.

**Vulnerable Adult Abuse:** An act of abuse or sustaining physical injury as a result of cruel or inhumane treatment or as a result of a malicious act against a vulnerable adult who is physically or mentally incapable of providing for his/her daily needs.

**Mental Injury of a Child:** An observable, identifiable, and substantial impairment of a child's mental or psychological ability to function caused by an intentional act or series of acts, regardless of whether there was an intent to harm the child.

**Emergency Family Maintenance:** A monetary award that can be ordered when the respondent has a duty to support the person eligible for relief. An individual has a duty to support his/her child or spouse. The amount of the award is based on the petitioner's or person eligible for relief's need, and the resources available to the petitioner or person eligible for relief, and the respondent.

**Use and Possession of a Vehicle:**

- Sole right to use a vehicle.
- This is only available if the petitioner's, as well as the respondent's, name is on the title of the vehicle.
- The vehicle must be necessary for employment of the petitioner or care of a minor child of the respondent or petitioner.

### **Interim Protective Order:**

An Interim Protective Order from abuse, issued by a District Court Commissioner, which may last no longer than the end of the second business day after it is issued. In an Interim Protective Order, a commissioner may order the respondent:

- not to abuse, threaten to abuse, contact, attempt to contact, or harass any person eligible for relief
- to remain away from a residence, school, place of employment, residence of family member, and award temporary use and possession of home
- to vacate the home
- under certain circumstances, a commissioner may also award temporary custody
- award temporary possession of any pet belonging to the person eligible for relief or the respondent

### **Temporary Protective Order:**

A Temporary Protective Order from abuse, issued by a judge, which may last until the Final Protective Order hearing, but not beyond six (6) months. A Temporary Order may be issued on a petitioner's application alone (ex parte) or, if the respondent appears at the Temporary Protective Order hearing, on testimony from both petitioner and respondent. In a Temporary Protective Order, a judge may order the respondent:

- not to abuse, threaten to abuse, contact, attempt to contact, or harass any person eligible for relief
- to remain away from a residence, school, place of employment, or child care provider
- to vacate the home
- award temporary possession of any pet of the person eligible for relief or the respondent

The judge may also award temporary custody of a minor child.

### **Final Protective Order:**

A Final Protective Order from abuse, issued by a judge, may last for as long as one (1) year. The court for good cause may extend the term of the Final Protective Order for an additional six (6) months after a further hearing.

A Final Protective Order may be granted for as long as two (2) years if:

- the same person eligible for relief previously obtained a Final Protective Order against the same respondent AND
- the prior Order lasted for at least six (6) months AND
- within one (1) year of the expiration of the Order,
  - the respondent commits an act of abuse against the person eligible for relief OR
  - the respondent consents to the Order

In a Final Protective Order, a judge must order the respondent to surrender all firearms and refrain from possession of any firearm for the duration of the Order.

In a Final Protective Order, the judge may order the respondent:

- not to abuse, threaten to abuse, contact, attempt to contact, or harass any person eligible for relief
- to remain away from a residence, school, place of employment, or child care provider
- to vacate the home
- to pay Emergency Family Maintenance
- to participate in counseling
- to pay court costs

The judge may also:

- award custody of minor children and establish temporary visitation
- award temporary use and possession of a vehicle
- issue an earnings withholding order for the payment of Emergency Family Maintenance by the respondent
- award temporary possession of any pet of the person eligible for relief or the respondent
- order any other relief that the judge determines is necessary to protect a person, eligible for relief, from abuse

### **Permanent Protective Order:**

A Permanent Protective Order from abuse shall be issued if:

- requested by the person eligible for relief against an individual who was the respondent in a previously issued Interim, Temporary, or Final Protective Order; AND
- the respondent was convicted and sentenced to serve a term of imprisonment of at least five (5) years and served at least 12 months of the sentence for:
  - the act of abuse that led to the issuance of the Interim, Temporary, or Final Protective Order; OR
  - committing an act of abuse against the person eligible for relief during the term of the Interim, Temporary, or Final Protective Order.

In a Permanent Protective Order, a judge may order the respondent:

- not to abuse, threaten to abuse, contact, attempt to contact, or harass any person eligible for relief only if the court ordered this relief in the original protective order.