

0030 SURVEYS 7

50 STATE STATUTORY SURVEYS: Criminal Laws: Crimes

Domestic Violence

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Domestic violence is an area in which most states have expanded laws to protect citizens over the last two decades. Domestic violence law is somewhat of a hybrid in that states address it through several categories of law: criminal law, family law, domestic relations law, and even civil procedure and criminal procedure as they relate to the issuance of protection orders. It is at this confluence of legal areas that statutes regarding domestic violence can be found.

About half of the jurisdictions do not contain criminal statutes specifically outlawing the act of “domestic violence,” but rather rely on other criminal statutory definitions such as assault and menacing. When a certain relationship between the perpetrator and victim exists, these crimes also constitute domestic violence or abuse. These states’ legislatures reason that existing criminal statutes are adequate to provide protection for victims of domestic violence.

Those states without criminal definitions of domestic violence do include definitions of domestic violence or domestic abuse in the domestic relations or family law areas of their codes. In addition, all jurisdictions provide mechanisms by which victims of domestic violence can petition for a protection order.

This table includes criminal and domestic relations laws that encompass all acts considered domestic violence. This table also provides comprehensive treatment of domestic violence protection orders. This table does *not* include statutes regarding grants and funding of domestic violence programs, training of counselors or other professionals, the operation of domestic violence shelters, or the day-to-day administration of domestic violence councils. This table also does not cover child abuse statutes.

Jurisdiction and Relevant Law	Acts constituting domestic violence (criminal code) or domestic abuse (domestic relations code)	Statutorily defined relationships between perpetrator and victim	How victims initially apply for protection orders	Hearings regarding protection orders
ALABAMA	Domestic violence -- First degree	Has a current or former marriage including common law marriage, has child in common, has or had a dating relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement, is a current or former household member or is a relative of current or former household member who lived	A protection order may be requested in any pending civil or domestic relations action, as independent civil action, or in conjunction with preliminary, final, or post-judgment relief in civil action	Hearing is held after filing of petition upon request of defendant or within 10 days of perfection of service
AL ST § 13A-6-130 Domestic violence -- First degree	AL ST § 13A-6-130			
AL ST § 13A-6-131 Domestic violence -- Second degree	Domestic violence -- Second degree AL ST § 13A-6-131			
AL ST § 13A-6-132 Domestic violence -- Third degree	Domestic violence -- Third degree AL ST § 13A-6-132		AL ST § 30-5-3	AL ST § 30-5-6

AL ST § 13A-6-133

Arrest without warrant
– Generally

AL ST § 13A-6-134

Arrest without warrant
-- Determination of
primary aggressor

AL ST § 13A-6-135

Relation to abuse laws

AL ST § 13A-6-136

Relation to domestic or
family abuse laws

AL ST § 13A-6-138

Domestic Violence
by strangulation or
suffocation

AL ST § 13A-6-140

Short title; purpose, Et
seq.

AL ST § 30-5-1

Short
title; construction;
purposes

AL ST § 30-5-2

Definitions

AL ST § 30-5-3

Jurisdiction; request for
protection order; venue;
other actions; residency

AL ST § 30-5-4

Remedies and relief;
duty to inform court of
pending proceedings,
litigation, etc.; previous
court orders; issuance
of orders

AL ST § 30-5-5

Petitions for relief;
disclosure of
information; costs and
fees

AL ST § 30-5-6

Hearing on petition;
temporary orders

AL ST § 30-5-7

Ex
parte protection order

with defendant, a
parent, stepparent,
child or stepchild, any
person with whom the
defendant has a child in
comon

AL ST § 30-5-2

or modification of protection order

AL ST § 30-5-8 Notice of hearing or other of order to be sent to parties; registration of information; automated process; additional fines

AL ST § 30-5-11
Construction of chapter

ALASKA

AK ST § 18.65.520
Notification to victims of domestic violence

AK ST § 18.66.100
Protective orders: eligible petitioners; relief

AK ST § 18.66.110 Ex parte and emergency protective orders

AK ST § 18.66.120
Modification of protective orders

AK ST § 18.66.130
Specific protective orders

AK ST § 18.66.140
Filing and enforcement of protective orders issued in other states

AK ST § 18.66.150
Forms for petitions and orders; fees

AK ST § 18.66.160
Service of process

AK ST § 18.66.170
Notification of law enforcement agencies

AK ST § 18.66.990
Definitions

"Domestic violence" and "crime involving domestic violence" mean one or more of the following offenses: assault, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, or harassment

AK ST § 18.66.990

(A) adults or minors who are current or former spouses; (B) adults or minors who live together or who have lived together; (C) adults or minors who are dating or who have dated; (D) adults or minors who are engaged in or who have engaged in a sexual relationship; (E) adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law; (F) adults or minors who are related or formerly related by marriage; (G) persons who have a child of the relationship; and (H) minor children of a person in a relationship that is described in (A)-(G) of this paragraph

AK ST § 18.66.990

A person who is or has been a victim of a crime involving domestic violence may file a petition in the district or superior court for a protective order against a household member; a parent, guardian, or other representative appointed by the court under this section may file a petition for a protective order on behalf of a minor

AK ST § 18.66.100

The court shall schedule a hearing and provide at least 10 days' notice to the respondent of the hearing and of the respondent's right to appear and be heard, either in person or by an attorney; if the court finds by a preponderance of evidence that the respondent has committed a crime involving domestic violence against the petitioner, regardless of whether the respondent appears at the hearing, the court may order relief

AK ST § 18.66.100

<p>ARIZONA</p> <p><u>AZ ST § 12-1809</u> Injunction against harassment; petition; venue; fees; notices; enforcement; definition</p> <p><u>AZ ST § 13-415</u> Justification; domestic violence</p> <p><u>AZ ST § 13-3601</u> Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure</p> <p><u>AZ ST § 13-3601.01</u> Domestic violence; treatment; definition</p> <p><u>AZ ST § 13-3601.02</u> Aggravated domestic violence; classification; definition</p> <p><u>AZ ST § 13-3602</u> Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction; definition</p> <p><u>AZ ST § 13-3624</u> Emergency orders of protection</p> <p><u>AZ ST § 13-4405</u> Information provided to victim by law enforcement agencies</p>	<p>Domestic violence</p> <p><u>AZ ST § 13-3601</u></p> <p>Aggravated domestic violence</p> <p><u>AZ ST § 13-3601.02</u></p>	<p>1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.</p> <p>2. The victim and the defendant have a child in common.</p> <p>3. The victim or the defendant is pregnant by the other party.</p> <p>4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.</p> <p>5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant;</p> <p>6. The relationship was or is romantic or sexual</p> <p><u>AZ ST § 13-3601</u></p>	<p>A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence; if the person is a minor, the parent, legal guardian or person who has legal custody of the minor shall file the petition unless the court determines otherwise</p> <p><u>AZ ST § 13-3602</u></p>	<p>If the court denies the requested relief, it may schedule a further hearing within ten days, with reasonable notice to the defendant</p> <p><u>AZ ST § 13-3602</u></p>
<p>ARKANSAS</p> <p><u>AR ST § 5-4-106</u> Extended post-conviction no contact order</p> <p><u>AR ST § 5-26-301</u> Legislative intent</p>	<p>Domestic battering in the first degree</p> <p><u>AR ST § 5-26-303</u></p> <p>Domestic battering in the second degree</p> <p><u>AR ST § 5-26-304</u></p>	<p>(A) A spouse; (B) A former spouse; (C) A parent; (D) A child, including any minor residing in the household; (E) (i) Persons related by blood within the fourth degree of consanguinity.</p>	<p>A petition may be filed by: (1) Any adult family or household member on behalf of himself or herself; (2) Any adult family or household member on behalf of another family or household member who is a</p>	<p>When a petition is filed pursuant to this chapter, the circuit court shall order a hearing to be held thereon not later than thirty (30) days from the date on which the petition is filed or at the next court date, whichever is later</p>

AR ST § 5-26-302

Definitions

Domestic battering in the third degree

(ii) The degree of consanguinity is computed pursuant to § 28-9-212; (F) Persons who presently or in the past have resided or cohabited together; (G) Persons who have or have had a child in common; or (H) Persons who are presently or in the past have been in a dating relationship together

minor, including a married minor; (3) Any adult family or household member on behalf of another family or household member who has been adjudicated an incompetent; or (4) An employee or volunteer of a domestic-violence shelter or program on behalf of a minor, including a married minor. (e)(1) A petition for relief shall: (A) Allege the existence of domestic abuse; (B) Disclose the existence of any pending litigation between the parties; and (C) Disclose any prior filings of a petition for an order of protection under this chapter. (2) The petition shall be accompanied by an affidavit made under oath that states the specific facts and circumstances of the domestic abuse and the specific relief sought

AR ST § 9-15-204

AR ST § 5-26-303

Domestic battering in the first degree

AR ST § 5-26-305

Aggravated assault on a family or household member

AR ST § 5-26-304

Domestic battering in the second degree

AR ST § 5-26-306

First degree assault on a family or household member

AR ST § 5-26-305

Domestic battering in the third degree

AR ST § 5-26-306

Aggravated assault on a family or household member

AR ST § 5-26-307

Second degree assault on a family or household member

AR ST § 5-26-307

First degree assault on a family or household member

AR ST § 5-26-308

Third degree assault on a family or household member

AR ST § 5-26-308

Second degree assault on a family or household member

AR ST § 5-26-309

Unlawful distribution of sexual images or recordings

AR ST § 5-26-309

Third degree assault on a family or household member

AR ST § 5-26-314

AR ST § 5-26-310

Costs

AR ST § 9-15-201

AR ST § 5-26-311

Residential confinement in home of victim prohibited

AR ST § 5-26-312

Definition of pregnancy

AR ST § 5-26-313

Notice

AR ST § 5-26-314

Unlawful distribution of sexual images or recordings

AR ST § 5-53-134

Violation of a protection order

AR ST § 9-6-112

Privileged communications made by victim of domestic violence

AR ST § 9-15-101

Congressional declaration of purpose

AR ST § 9-15-102

Citation

AR ST § 9-15-103

Definitions

AR ST § 9-15-201

Petition--Requirements generally

AR ST § 9-15-202

Assessing filing fees

AR ST § 9-15-203

Petition--Form

AR ST § 9-15-204

Hearing--Service

AR ST § 9-15-205

Relief generally--Duration

AR ST § 9-15-206

Temporary order

AR ST § 9-15-207

Order of protection--Enforcement--Penalties--Criminal jurisdiction, Et seq.

AR ST § 12-12-108

Domestic violence investigation

AR ST § 18-16-112

Protection for victims of domestic abuse

CALIFORNIA

CA FAM § 6200 Short title

Domestic abuse means any of the following: (a) To intentionally or recklessly cause or attempt to cause bodily injury. (b) Sexual

(a) A spouse or former spouse. (b) A cohabitant or former cohabitant. (c) A person with whom the respondent is

A judicial officer may issue an ex parte emergency protective order where a law enforcement officer asserts reasonable

Parties may appear in court

CA FAM § 6304

CA FAM § 6201
Construction of code; application of definitions

CA FAM § 6203
"Abuse" defined

CA FAM § 6205
Affinity

CA FAM § 6209
Cohabitant

CA FAM § 6210
Dating relationship

CA FAM § 6211
Domestic violence

CA FAM § 6215
Emergency protective orders

CA FAM § 6218
Protective order

CA FAM § 6219
Demonstration project to identify best practices in domestic violence court cases; participation in project; findings and recommendations, Et seq.

CA FAM § 6300
Issuance of order upon affidavit or testimony, Et seq.

CA PENAL § 136.2
Protective orders available in response to good cause belief of harm to, intimidation of, or dissuasion of victim or witness; hearings; findings and consent of law enforcement required; transmission of orders and modified orders; effect of emergency protective orders; restrictions on firearms

assault. (c) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another; abuse not limited to actual physical injury or assault

CA FAM § 6203

having or has had a dating or engagement relationship. (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected. (f) Any other person related by consanguinity or affinity within the second degree

CA FAM § 6211

grounds to believe any of the following: (a) That a person is in immediate and present danger of domestic violence, based on the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought. (b) That a child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member

CA FAM § 6250

In some circumstances order may be issued without hearing solely on affidavit or testimony of alleged victim

CA FAM § 6300

Court may issue order after notice and hearing

CA FAM § 6340

possession; forms;
electronic monitoring

CA PENAL § 273.75

Criminal history
search; prior restraining
orders

CA PENAL § 273.8

Legislative findings

CA PENAL § 273.81

Spousal abuser
protection program;
appropriation,
allocation, and award
of funds; guidelines for
grant awards; matching
funds

CA PENAL § 273.82

Enhanced prosecution
efforts and resources

CA PENAL § 273.83

Individuals subject
to spousal abuser
prosecution effort;
selection of cases

CA PENAL § 273.84

Policies; pretrial
release, sentence,
and reduction of time
between arrest and
disposition of charge

CA PENAL §

273.85 Adherence
to selection criteria;
quarterly submission of
information

CA PENAL § 273.86

Characterization of
defendant as spousal
abuser

CA PENAL §

633.6 Domestic
violence restraining
order; permission
to record prohibited
communications by
perpetrator

CA PENAL §

1203.097 Terms of

probation for crime of domestic violence

COLORADO
CO ST § 13-14-100.2
 Legislative declaration
CO ST § 13-14-101
 Definitions
CO ST § 13-14-103
 Emergency protection orders
CO ST § 13-14-104.5
 Procedure for temporary civil protection order
CO ST § 13-14-105
 Provisions relating to civil protection orders
CO ST § 13-14-106
 Procedure for permanent civil protection orders
CO ST § 13-14-108
 Modification and termination of civil protection orders
CO ST § 13-14.5-103
 Petition for extreme risk protection orders
CO ST § 13-14.5-104
 Temporary extreme risk protection orders
CO ST § 13-14.5-105
 Hearings on petition—grounds for issuance
CO ST § 13-80-103.6
 General limitation of actions--domestic violence--six years—definition
CO ST § 18-1-1001
 Protection order against defendant-definitions

“Domestic violence” means an act, attempted act or threatened act of violence, stalking, harassment or coercion upon a person with whom the actor is or has been involved in an intimate relationship. “Domestic violence” also includes any other crime against a person, minor child or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship

CO ST § 18-6-800.3

CO ST § 13-14-101

“Intimate relationship” means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time

CO ST § 18-6-800.3

A verbal emergency protection order may be issued pursuant to subsection (1) of this section only if the issuing judge finds that an imminent danger in close proximity exists to the life or health of one or more persons or that a danger exists to the life or health of the minor child in the reasonably foreseeable future; any verbal emergency protection order shall be reduced to writing and signed by the officer or other person asserting the grounds for the order and shall include a statement of the grounds for the order asserted by the officer or person

CO ST § 13-14-103

Petition for extreme risk protection order

CO ST § 13-14.5-104

An emergency protection order issued pursuant to this subsection (1) shall expire not later than the close of judicial business on the next day of judicial business following the day of issue, unless otherwise continued by the court; court may continue an emergency protection order filed to prevent abuse pursuant to this subsection (1) only if the judge is unable to set a hearing on plaintiff's request for a temporary protection order on the day the complaint was filed -- exception to this limitation is continuance of order to protect from unlawful sexual offense or domestic abuse

CO ST § 13-14-103

Hearing for extreme risk protection order

CO ST § 13-14.5-104

CO ST § 18-6-800.3

Definitions

CO ST § 18-6-801

Domestic violence--
sentencing

CO ST § 18-6-801.5

Domestic violence--
evidence of similar
transactions

CO ST § 18-6-802.5

Domestic violence--
treatment programs

CO ST § 18-6-803.5

Crime of violation of
a protection order--
penalty--peace officers'
duties--definitions

CO ST § 18-6-803.6

Duties of peace officers
and prosecuting
agencies--preservation
of evidence

CO ST § 18-6-803.7

Central registry of
protection orders--
creation

CO ST § 18-6-803.9

Assaults and deaths
related to domestic
violence--report

CONNECTICUT

CT ST § 46b-1 Family
relations matters
defined

CT ST § 46b-15 Relief
from physical abuse by
family or household
member or person in
dating relationship.
Application. Court
orders. Duration.
Service of application,
affidavit, any ex parte
order and notice of
hearing. Copies.
Expedited hearing

"Family violence"
means an incident
resulting in physical
harm, bodily injury
or assault, or an act of
threatened violence
that constitutes fear
of imminent physical
harm, bodily injury
or assault between
family or household
members; verbal abuse
or argument does
not constitute family
violence unless there is
present danger and the
likelihood that physical
violence will occur

"Family or household
member" means
(A) spouses, former
spouses; (B) parents
and their children;
(C) persons eighteen
years of age or older
related by blood or
marriage; (D) persons
sixteen years of age
or older other than
those persons in
subparagraph (C)
presently residing
together or who have
resided together; (E)
persons who have
a child in common

Any family or
household member
who is the victim of
domestic violence
as defined in section
46b-1, by another
family or household
member, may make
an application to the
Superior Court for
relief

CT ST § 46b-15

Upon receipt of
the application the
court shall order
that a hearing on the
application be held not
later than fourteen days
from the date of the
order

CT ST § 46b-15

for violation of order.

Other remedies

[CT ST § 46b-38a](#)

regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or who have recently been in, a dating relationship regardless of the age of such persons

[CT ST § 46b-15a](#)

Foreign order of protection. Full faith and credit. Enforcement. Affirmative defense. Child custody provision. Registration

Domestic violence means a continuous threat of present physical pain or physical injury against a family or household member; including

[CT ST § 46b-38a](#)

[CT ST § 46b-15b](#)

Duties of Superior Court re applicants for restraining orders in domestic violence situations

but not limited to stalking; including but not limited to a pattern of threatening or a third party that intimidates such member; coercive control which is a pattern of behavior that

[CT ST § 46b-38a](#)

Family violence prevention and response: Definitions

unreasonably interferes with a person's free will and personal liberty

[CT ST § 53a-40e](#)

Standing criminal protective orders

[CT ST § 46b-1](#)

DELAWARE

[DE ST TL 10 § 1024](#) First offenders domestic violence diversion program

"Abuse" means conduct which constitutes the following: a. Intentionally or recklessly causing or attempting to cause

'Family or household member' means spouses, former spouses, parents, persons sixteen years of age or older related by blood or marriage and persons presently residing together or who have resided together or who have resided together in the recent past, and persons who have a child in common regardless of whether they are or have been married or have lived together at any time

A request for relief from domestic violence is initiated by the filing of a verified petition by the petitioner, or by the Division of Child Protective Services or the Division of Adult Protective Services, asking the court to issue a protective order against the respondent

An emergency hearing held on an ex parte basis shall be held the same day that the petition is filed or the next day that the Court is in session; all other emergency hearings shall be scheduled for an expedited hearing within 15 calendar days after the petition is filed; in any case in which an ex parte protective order has been issued, a full hearing shall be held within 15 days

[DE ST TL 10 § 1041](#) Definitions

physical injury or a sexual offense; b. Intentionally or recklessly placing or attempting

[DE ST TL 10 § 1042](#)

[DE ST TL 10 § 1042](#) Commencement of action; procedure

to place another person in reasonable apprehension of

A petitioner may request an emergency protective order by filing an affidavit or verified pleading alleging that there is an immediate and present danger of domestic violence to the petitioner or to a minor child of the petitioner or to an infirm adult

[DE ST TL 10 § 1043](#)

[DE ST TL 10 § 1043](#) Ex parte orders and emergency hearings

physical injury or sexual offense to such person or another; c. Intentionally or recklessly damaging,

[DE ST TL 10 § 1041](#)

[DE ST TL 10 § 1044](#) Nonemergency hearings

destroying or taking the tangible property of another person; d. Engaging in a

[DE ST TL 10 § 1045](#) Relief available; duration of orders, modification and termination

course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or

DE ST TL 10 § 1046
**Enforcement; sanctions
 for violation of order**

DE ST TL 10 § 1047
**Nonpreclusion of
 remedies**

DE ST TL 10 § 1048
Jurisdiction

DE ST TL 10 § 1049
Title

DE ST TL 10 § 1049A
Definitions, Et seq.

to provoke a violent or
 disorderly response;
 e. Trespassing on or
 in property of another
 person, or on or in
 property from which
 the trespasser has been
 excluded by court
 order, or f. Child abuse

DE ST TL 10 § 1041

DE ST TL 10 § 1043

**DISTRICT OF
 COLUMBIA**

DC CODE § 16-1001
Definitions

DC CODE § 16-1002
**Complaint of criminal
 conduct**

DC CODE § 16-1003
**Petition for civil
 protection order;
 representation**

DC CODE § 16-1004
**Petition; temporary
 protection order**

DC CODE § 16-1005
**Hearing; evidence;
 protection order**

DC CODE § 16-1006
Jurisdiction

DC CODE § 16-1031
Arrests

DC CODE § 16-1032
Records

DC CODE § 16-1033
Civil liability

DC CODE § 16-1034
Training program

DC CODE § 16-1041
Definitions

An offense punishable
 as a criminal offense
 against an intimate
 partner, family member
 or household member

DC CODE § 16-1001

The term "intrafamily
 offense" means an
 offense punishable
 as a criminal offense
 against an intimate
 partner, a family or
 household member,
 an offense punishable
 by cruelty to animals;
 "intimate partner "
 is a person to whom
 offender is or was
 married in a domestic
 partnership with whom
 the offender has a child
 in common, or with
 whom offender is, was
 or is seeking to be in
 a romantic, dating or
 sexual relationship
 "family member" is
 a person related by
 blood, adoption, legal
 custody, marriage, or
 domestic partnership,
 or who is the child of
 an intimate partner;
 "household member"
 is a person with whom,
 in the past year, the
 offender, shares or
 has shared a mutual
 residence and has
 maintained a close
 relationship, beyond
 mere acquaintances,
 rendering application of
 the statute appropriate

DC CODE § 16-1001

If judicial officer
 finds that safety or
 welfare of petitioner
 is immediately
 endangered by
 respondent, judicial
 officer may issue, ex
 parte, a temporary
 protection order,
 generally not to exceed
 14 days

DC CODE § 16-1004

Upon a filing of a
 petition for civil
 protection, the
 Domestic Violence
 Division order hearing
 be held, consolidate
 case where appropriate,
 with other matters
 before court involving
 the same parties

DC CODE § 16-1004

DC CODE § 16-1042
Judicial enforcement of order

DC CODE § 16-1043
Nonjudicial enforcement of order

DC CODE § 16-1044
Registration of order

DC CODE § 16-1045
Immunity

DC CODE § 16-1046
Other remedies, Et seq

FLORIDA

FL ST § 741.28
Domestic violence; definitions

FL ST § 741.283
Minimum term of imprisonment for domestic violence

FL ST § 741.29
Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting

FL ST § 741.2901
Domestic violence cases; prosecutors; legislative intent; investigation; duty of circuits; first appearance

FL ST § 741.2902
Domestic violence; legislative intent with respect to judiciary's role

FL ST § 741.30
Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of

“Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member

FL ST § 741.28

“Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married; with the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit

FL ST § 741.28

Any person who is either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence; injunction may be sought regardless of whether any other cause of action is pending between the parties; petition must allege the existence of domestic violence and include specific facts and circumstances upon the basis of which relief is sought

FL ST § 741.30

Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present; upon the filing of a petition the court shall set a hearing to be held at the earliest possible time; court may upon showing of immediate and present danger grant a temporary injunction ex parte pending a full hearing

FL ST § 741.30

injunction; statewide
verification system;
enforcement; public
records exemption

FL ST § 741.31

Violation of an
injunction for
protection against
domestic violence

FL ST § 741.313

Unlawful action against
employees seeking
protection

FL ST § 741.315

Recognition of foreign
protection orders

FL ST § 741.316

Domestic violence
fatality review
teams; definition;
membership; duties

FL ST § 784.046

Action by victim of
repeat violence, sexual
violence, or dating
violence for protective
injunction; dating
violence investigations,
notice to victims, and
reporting; pretrial
release violations;
public records
exemption

FL ST § 921.0022

Criminal Punishment
Code; offense severity
ranking chart

GEORGIA

GA ST § 16-5-23

Simple battery

GA ST § 16-5-23.1

Battery

GA ST § 16-5-95

Violation of family
violence order

"Family violence"

means the commission
of the offenses of
battery, simple battery,
simple assault, assault,
stalking, criminal
damage to property,
or criminal trespass
between family or
household members

GA ST § 19-13-10

"Family or household
members" means past
or present spouses,
persons who are
parents of the same
child, or other persons
living or formerly
living in the same
household

GA ST § 19-13-10

GA ST § 16-5-23.1

A person who is not a
minor may seek relief
under this article by
filing a petition with
the superior court
alleging one or more
acts of family violence;
person who is not a
minor may also seek
relief on behalf of a
minor by filing such a
petition; upon the filing
of a verified petition

Within ten days of the
filing of the petition
under this article or
as soon as practical
thereafter, but not
later than 30 days
after the filing of the
petition, a hearing
shall be held at which
the petitioner must
prove the allegations
of the petition by a
preponderance of the

GA ST § 19-13-1
 "Family violence"
 defined

GA ST § 19-13-2
 Jurisdiction

GA ST § 19-13-3
 Petition; hearing

GA ST § 19-13-4
 Protective orders and
 consent agreements

GA ST § 19-13-4.1
 Periodic security
 checks

GA ST § 19-13-5
 Supplemental nature of
 law

GA ST § 19-13-6
 Violations relating
 to procedures for
 prevention of family
 violence

GA ST § 19-13-10
 Definitions

GA ST § 19-13-11 Fee

GA ST § 19-13-13
 Administration of
 program; rules and
 regulations

GA ST § 19-13-14
 Certification of
 programs, Et seq.

in which the petitioner
 alleges with specific
 facts that probable
 cause exists to establish
 that family violence has
 occurred in the past and
 may occur in the future,
 the court may order
 such temporary relief
 ex parte as it deems
 necessary to protect the
 petitioner or a minor
 of the household from
 violence

evidence as in other
 civil cases

GA ST § 19-13-3

GA ST § 19-13-3

HAWAII

HI ST § 586-1
 Definitions

HI ST § 586-2 Court
 jurisdiction

HI ST § 586-3 Order
 for protection

HI ST § 586-4
 Temporary restraining
 order

"Domestic abuse"
 means: 1) Physical
 harm, bodily injury,
 assault, or the threat
 of imminent physical
 harm, bodily injury,
 or assault, extreme
 psychological abuse,
 coercive control, or
 malicious property
 damage between family
 or household members;
 or 2) Any act which
 would constitute an

"Family or household
 member" means
 spouses or reciprocal
 beneficiaries, former
 spouses or reciprocal
 beneficiaries, persons
 in a dating relationship
 as defined under
 section 586-1,
 persons who have
 a child in common,
 parents, children,
 persons related by
 consanguinity, and
 persons jointly residing

Petition for order of
 protection in cases
 of domestic violence
 shall be in writing
 upon forms provided
 by the court and shall
 allege, under penalty
 of perjury, that: a past
 act or acts of abuse
 may have occurred;
 threats of abuse make
 it probable that acts
 of abuse may be
 imminent, or extreme
 psychological abuse

Upon petition to a
 family court judge,
 an ex parte temporary
 restraining order may
 be granted without
 notice, the family court
 judge may issue the
 ex parte temporary
 restraining order orally,
 if the person being
 restrained is present
 in court. The order
 shall state that there
 is probable cause to
 believe that a past

<u>HI ST § 586-5</u> Period of order, hearing	offense under section <u>HI ST § 709-906</u>	or formerly residing in the same dwelling unit, and does not include those who are or were adult roommates or cohabitants only by virtue of an economic or contractual affiliation	or malicious property damage is imminent; and be accompanied by an affidavit made under oath or a statement made under penalty of perjury stating the specific facts and circumstances from which relief is sought	act or acts of abuse have occurred, or that threats of abuse make it probable that acts of abuse may be imminent
<u>HI ST § 586-5.5</u> Protective order, additional orders	<u>HI ST § 586-1</u>			
<u>HI ST § 586-5.6</u> Effective date				<u>HI ST § 586-4</u>
<u>HI ST § 586-6</u> Notice of order		<u>HI ST § 709-906</u>		On the earliest date that the business of the court will permit, but no later than fifteen days from the date the temporary restraining order is granted, the court, after giving due notice to all parties, shall hold a hearing on the application requiring cause to be shown why the order should not continue
<u>HI ST § 586-7</u> Assistance of police in service or execution		<u>HI ST § 586-1</u>	<u>HI ST § 586-3</u>	
<u>HI ST § 586-8</u> Right to apply for relief, Et seq.				
<u>HI ST § 706-606.4</u> Sentencing in enumerated offenses committed in the presence of a minor				
<u>HI ST § 709-906</u> Abuse of family or household members; penalty				
<u>HI ST § 709- Domestic violence intervention</u>				
IDAHO	Any household member who in committing a battery inflicts a traumatic injury upon any other household member is guilty of a felony; household member who commits an assault against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic assault; household member who commits a battery against another household member which does not result in traumatic injury is guilty of a	"Household member" means a person who is a spouse, former spouse, or a person who has a child in common regardless of whether they have been married or a person with whom a person is cohabiting, whether or not they have married or have held themselves out to be husband or wife	A person may seek relief from domestic violence by filing a petition based on a sworn affidavit with the magistrates division of the district court, alleging that the person or a family or household member, whether an adult or a child, is the victim of domestic violence; any petition properly filed under this chapter may seek protection for any additional persons covered by this chapter; custodial or noncustodial parent or guardian may file a petition on behalf of a minor child who is	Upon filing of a petition based upon a sworn affidavit for a protection order, the court shall hold a hearing to determine whether the relief sought shall be granted within 14 days
<u>ID ST § 18-918</u> Domestic violence				
<u>ID ST § 18-7907</u> Action for protection				
<u>ID ST § 39-6301</u> Short title				
<u>ID ST § 39-6302</u> Statement of purpose				<u>ID ST § 39-6306</u>
<u>ID ST § 39-6303</u> Definitions		<u>ID ST § 18-918</u>		
<u>ID ST § 39-6304</u> Action for protection				
<u>ID ST § 39-6305</u> Fees waived				

ID ST § 39-6306
 Hearing on petition
 for protection order--
 Relief provided
 and realignment of
 designation of parties

misdemeanor domestic
 battery

ID ST § 18-918

the victim of domestic
 violence

ID ST § 39-6304

ID ST § 39-6306A
 Uniform interstate
 enforcement of
 domestic violence
 protection orders act

ID ST § 39-6307
 Security

ID ST § 39-6308
 Ex parte temporary
 protection order

ID ST § 39-6309
 Issuance of order--
 Assistance of peace
 officer--Designation
 of appropriate law
 enforcement agency, Et
 seq.

ILLINOIS

IL ST CH 720 §
5.12-3.2 Domestic
 battery

Domestic battery

IL ST CH 720 §
5.12-3.2

“Family or household
 members” include
 spouses, former
 spouses, parents,
 children, stepchildren
 and other persons
 related by blood or
 by present or prior
 marriage, persons
 who share or formerly
 shared a common
 dwelling, persons who
 have or allegedly have
 a child in common,
 persons who share or
 allegedly share a blood
 relationship through
 a child, persons who
 have or have had a
 dating or engagement
 relationship, persons
 with disabilities
 and their personal
 assistants, and
 caregivers

Actions for orders
 of protection are
 commenced: (1)
 Independently: By
 filing a petition for
 an order of protection
 in any civil court,
 unless specific courts
 are designated by
 local rule or order;
 (2) In conjunction
 with another civil
 proceeding: By filing
 a petition for an
 order of protection
 under the same case
 number as another civil
 proceeding involving
 the parties

A petition for an order
 of protection shall be
 treated as an expedited
 proceeding, and no
 court shall transfer or
 otherwise decline to
 decide all or part of
 such petition except
 as otherwise provided
 herein; nothing in
 this Section shall
 prevent the court from
 reserving issues when
 jurisdiction or notice
 requirements are not
 met

IL ST CH 720 §
5.12-3.3 Aggravated
 domestic battery

Aggravated domestic
 battery

IL ST CH 720 §
5.12-3.3

IL ST CH 725 §
5.111-8 Orders of
 protection to prohibit
 domestic violence

“Abuse” means
 physical abuse,
 harassment,
 intimidation of a
 dependent, interference
 with personal liberty
 or willful deprivation
 but does not include
 reasonable direction
 of a minor child by a
 parent or person in loco
 parentis

IL ST CH 750 § 60.202

IL ST CH 750 § 60.212

IL ST CH 725 §
5.112A-2.5 Types of
 protective orders

IL ST CH 725 §
5.112A-3 Definitions

IL ST CH 725 §
5.112A-4 persons
 protected by this
 Article

IL ST CH 750 § 60.103

IL ST CH 725 §
5.112A-5

IL ST CH 725 §
5.112A-12

IL ST CH 725 §
5.112A-3

IL ST CH 750 § 60.103

When enumerated
 statutes are alleged
 in an information,
 complaint or indictment

A petition for a stalking
 no contact order may
 be filed when relief
 is not available to
 the petitioner under
 the Illinois Domestic
 Violence Act of 1986

IL ST CH 725 § 5.112A-4.5 Who may file petition

IL ST CH 725 § 5.112A-5 Pleading; non-disclosure of address

IL ST CH 725 § 5.112A-5.5 Time for filing petition; service on respondent, hearing on petition, and default orders

IL ST CH 725 § 5.112A-11.5 Issuance of protective order

IL ST CH 725 § 5.112A-12 Hearings

IL ST CH 725 § 5.112A-14 Domestic violence order of protection; remedies

IL ST CH 725 § 5.112A-17.5 Ex parte protective orders

IL ST CH 725 § 5.112A-22.3 Withdraw or dismissal of charges or petition; et seq.

IL ST CH 740 § 21.15 Persons protected by this Act

IL ST CH 740 § 21.20 Commencement of action; filing fees

IL ST CH 740 § 21.25 Pleading; non-disclosure of address

IL ST CH 750 § 60.101 Short Title

IL ST CH 750 § 60.102 Purposes; rules of construction

IL ST CH 750 § 60.103 Definitions

IL ST CH 725 § 5.112A-3

the People through the respective State's Attorneys may by separate petition and upon notice to the defendant, request the court to issue an order of protection

IL ST CH 725 § 5.111-8

The court, when determining whether or not to issue an order of protection shall consider enumerated relevant factors

IL ST CH 725 § 5.112A-14

Ex parte protective orders

IL ST CH 725 § 5.112A-17.5

Court shall grant order if prima facie evidence that a crime involving domestic violence, stalking or sexual offense has been committed

IL ST CH 725 § 5.112A-11.5

A petition for protective order may be filed at any time before charge is dismissed, defendant is acquitted or completes sentence; petition can be considered at any proceeding in the delinquency or criminal case when defendant is present, or separate proceeding

IL ST CH 725 § 5.112A-5.5

IL ST CH 740 § 21.15

If court issues final protective order court shall afford petitioner and respondent an opportunity to be heard

IL ST CH 725 § 5.112A-11.5

IL ST CH 725 § 5.112A-5.5

IL ST CH 750 § 60-201

Persons protected by this Act

IL ST CH 750 §

60-201.1 Access of high-risk adults

IL ST CH 750 § 60-202

Commencement of action; filing fees; dismissal

IL ST CH 750 §

60-203 Pleading; non-disclosure of address; non-disclosure of schools

IL ST CH 750 § 60-205

Application of rules of civil procedure; Domestic abuse advocates

IL ST CH 750 § 60-206

Trial by jury

IL ST CH 750 §

60-207 Subject matter jurisdiction, Et seq.

INDIANA

IN ST 5-26-5-1-3

Domestic violence

IN ST 31-9-2-42

"Domestic or family violence"

IN ST 34-6-2-34.5

"Domestic or family violence"

IN ST 34-26-5-2

Persons authorized to file petition; relief sought against unemancipated minor

IN ST 34-26-5-3

Duties of division of state court administration and clerk of circuit court; statements on

"Domestic or family violence" means, except for an act of self-defense, the occurrence of at least one (1) of the following acts committed by a family or household member:

- (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member.
- (2) Placing a family or household member in fear of physical harm.
- (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.
- (4)

A person who knowingly or intentionally touches an individual who touches or places any bodily fluid or waste on a family or household member in a rude, insolent, or angry manner commits domestic battery

IN ST 35-42-2-1.3

IN ST 35-31.5-2-78

A person who is or has been a victim of domestic or family violence may file a petition for an order for protection against a:

- (1) family or household member who commits an act of domestic or family violence; or
- (2) person who has committed stalking or a sex offense under against the petitioner;
- (b) A person who is or has been subjected to harassment may file a petition for an order for protection against a person who has committed repeated acts of harassment against petitioner
- (c) A parent, a guardian, or

If a court issues an order for protection ex parte or a modification of an order for protection ex parte, upon a request by either party not more than 30 days after service of the order or modification, the court shall set a date for a hearing on the petition; hearing must be held not more than 30 days after the request for a hearing is filed unless continued by the court for good cause shown

IN ST 34-26-5-10

petition and order;
verification and
issuance of order

IN ST 34-26-5-4

Jurisdiction to issue
order; filing of petition;
residency requirement

IN ST 34-26-5-5

Continuing duty
to provide certain
information

IN ST 34-26-5-6 Rules

applicable to order

IN ST 34-26-5-7

Address information

IN ST 34-26-5-8

Responsibility for
completing and
transmitting forms

IN ST 34-26-5-9 Ex

parte orders; authority
and jurisdiction of
courts; relief available;
notification and
effectiveness of order;
subsequent case or
hearings

IN ST 34-26-5-10

Hearing on petition
after ex parte order;
availability of relief;
continuation

IN ST 34-26-5-11

Waiver or nullification
of order, Et seq.

IN ST 35-31 5-2-76

Crimes involving
domestic or family
violence

IN ST 35-31 5-2-78

Crime of domestic
violence

IN ST 35-33-1-1.5

Crime involving
domestic or family
violence; duties of law
enforcement officers;

Abusing, torturing,
mutilating, or killing
a vertebrate animal
without justification
with the intent to
threaten, intimidate,
coerce, harass, or
terrorize a family or
household member;
included stalking or sex
offenses under 35-42-4

IN ST 34-6-2-34.5

IN ST 35-31 5-2-78

another representative
may file a petition for
an order for protection
on behalf of a child
against a: (1) family
or household member
who commits an act
of domestic or family
violence; or (2) person
who has committed
stalking against the
child; (3) a person who
has committed acts
of harassment against
the child; (4) person
who engaged in course
of conduct involving
repeated or continuing
contact with child
intended to condition
for sexual activity

IN ST 34-26-5-2

confiscation of firearm,
ammunition, or deadly
weapon

IN ST 35-38-1-7.7

Crime of domestic
violence

IN ST 35-42-2-1.3

Domestic battery

IN ST 35-46-1-15.1

Invasion of privacy

IOWA

IA ST § 236.2

Definitions

IA ST § 236.4

Hearings--temporary
orders

IA ST § 236.5

Disposition

IA ST § 236.6

Emergency orders

IA ST § 664A.1

Definitions

IA ST § 664A.2

Applicability

IA ST § 664A.3 Entry

of temporary no-
contact order

IA ST § 664A.4 Notice

of no-contact order

IA ST § 664A.4A

Short-form notification
—no-contact order or
protective order

IA ST § 664A.5

Modification--entry of
permanent no-contact
order

IA ST § 664A.6

Mandatory arrest for
violation of no-contact
order--immunity for
actions

For the purposes of
this chapter, "domestic
abuse assault" means
an assault, as defined in
IA ST § 708.1, which
is domestic abuse as
defined in IA ST §
236.2; domestic assault
is: a. a misdemeanor
for a domestic abuse
assault, except as
otherwise provided. b.
a serious misdemeanor,
if the domestic abuse
assault causes bodily
injury or mental illness.
c. an aggravated
misdemeanor, if the
domestic abuse assault
is committed with
the intent to inflict a
serious injury upon
another, or if the person
uses or displays a
dangerous weapon

IA ST § 708.1

IA ST § 708.2A

"Domestic abuse"
means committing
assault under any
of the following
circumstances: a. The
assault is between
family or household
members who resided
together at the time
of the assault. b. The
assault is between
separated spouses
or persons divorced
from each other and
not residing together
at the time of the
assault. c. The assault
is between persons who
are parents of the same
minor child, regardless
of whether they have
been married or have
lived together at any
time. d. The assault is
between persons who
have been family or
household members
residing together within
the past year and are
not residing together
at the time of the
assault. e. The assault
is between persons
who are in an intimate
relationship or have
been in an intimate
relationship and have
had contact within the
past year of the assault

IA ST § 236.2

IA ST § 708.1

A victim of domestic
abuse has the right to
receive a no-contact
order upon a finding
of probable cause
and threat to safety of
alleged victim

IA ST § 664A.3

IA ST § 915.50

Not less than five and
not more than fifteen
days after commencing
a proceeding and
upon notice to the
other party, a hearing
shall be held at which
the plaintiff must
prove the allegation
of domestic abuse
by a preponderance
of the evidence, the
court may enter any
temporary order it
deems necessary to
protect the plaintiff
from domestic abuse
prior to the hearing

IA ST § 236.4

IA ST § 664A.7

Violation of no-contact order or protective order—contempt or simple misdemeanor penalties

IA ST § 664A.8

Extension of no-contact order

IA ST § 708.1 Assault defined

IA ST § 708.2 Penalties for assault

IA ST § 708.2A

Domestic abuse assault—mandatory minimums, penalties enhanced—extension of no-contact order

IA ST § 708.2B

Treatment of domestic abuse offenders

IA ST § 911.2B

Domestic and sexual abuse related crimes surcharge

IA ST § 915.50

General rights of domestic abuse victims

IA ST § 915.52

Protective order victim notification system

KANSAS

KS ST 21-5414

Domestic battery

KS ST 60-3102

Definitions

KS ST 60-3103

Jurisdiction

KS ST 60-3104

Commencement of proceedings; persons seeking relief on

"Abuse" means the occurrence of one or more of the following acts between intimate partners or household members:
 (1) Intentionally attempting to cause bodily injury, or intentionally or recklessly causing bodily injury. (2) Intentionally placing, by physical threat, another in fear of

"Intimate partners or household members" means persons who are or have been in a dating relationship, persons who reside together or who have formerly resided together or persons who have had a child in common; Dating relationship means a social relationship of a romantic nature

An intimate partner or household member may seek relief under the protection from abuse act by filing a verified petition with any judge of the district court or with the clerk of the court alleging abuse by another intimate partner or household member; the following persons may seek relief under the protection from

Within 21 days of the filing of a petition under this act a hearing shall be held at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence and the defendant shall have an opportunity to cross-examine the petitioner's witnesses and present evidence on the defendant's behalf

behalf of minor child;
forms; no docket
fee; confidentiality
of certain matters,
exceptions

KS ST 60-3105

Emergency relief

KS ST 60-3106

Hearings; temporary
orders pending hearing,
modification

KS ST 60-3107

Orders for relief of
abuse, procedure;
modifications;
inconsistent orders;
violation of orders,
criminal violations and
penalties

KS ST 60-3108 Notice
of protection orders

KS ST 60-3109

Procedure

KS ST 60-3110

Contempt

KS ST 60-3112

Entering protection
orders into the national
criminal information
center protection order
file

KS ST 60-31b01 Short
title

KS ST 60-31b02

Definitions

KS ST 60-31b03

Judicial enforcement of
order

KS ST 60-31b04

Nonjudicial
enforcement of order

KS ST 60-31b05

Registration of order

KS ST 60-31b07 Other
remedies

imminent bodily
injury. (3) Engaging
in sexual any contact
or attempted sexual
contact with another
person without consent
or when such person
is incapable of giving
consent. (4) Engaging
in any of the following
acts with a minor
under 16 who is not the
spouse of the offender:
(A) The act of sexual
intercourse; or (B)
any lewd fondling or
touching of the person
of either the minor
or the offender, done
or submitted to with
the intent to arouse or
to satisfy the sexual
desires of the minor or
the offender, or both

KS ST 60-3102

Knowingly or
recklessly causing
bodily harm to a
person with whom
the offender is
involved or has been
involved in a dating
relationship or a family
or household member;
or knowingly causing
physical contact
with a person with
whom the offender is
involved or has been
involved in a dating
relationship or a family
or household member
family or household
member, when done
in a rude, insulting
or angry manner; or
knowingly impeding
the normal breathing
or circulation of the
blood by applying
pressure on the throat,
neck, or chest of a
person or blocking
the nose or mouth of a
person with whom the
offender is involved or

KS ST 60-3102

KS ST 21-5414

abuse act on behalf
of a minor child by
filing a verified petition
with any judge of the
district court or with
the clerk of the court
alleging abuse by
another intimate partner
or household member,
a aren't, an adult
residing with minor
child or appointed legal
guardian

KS ST 60-3106

KS ST 60-3104

KS ST 60-31b08
 Uniformity of application and construction

KS ST 60-31b09
 Severability clause

KS ST 60-31b10
 Application of orders

has been involved in a dating relationship or a family or a family or household member,

when done in a rude, insulting or angry manner

KS ST 21-5414

KENTUCKY

KY ST § 403.715
 Interpretation of KRS 403.715 to 403.785 by court

KY ST § 403.720
 Definitions for KRS 403.715 to 403.785

KY ST § 403.725
 Petition for order of protection; venue; verified contents; concurrent jurisdiction; protocols for access and supplemental jurisdiction; referral

KY ST § 403.730
 Immediate review of petition; summons to evidentiary hearing; ex parte emergency protective order

KY ST § 403.735
 Hearing on petition for order of protection; criteria to assess appropriate relief and sanctions; continuance of hearing and emergency protective order

KY ST § 403.740
 Domestic violence order; restrictions; temporary child support; expiration and reissuance

“Domestic violence and abuse” means physical injury, serious physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried couple; or any conduct prohibited by 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal

KY ST § 403.720

“Family member” means a spouse, including a former spouse, a grandparent, a grandchild, a parent, a child, a stepchild, or any other person related by consanguinity or affinity within the second degree; “member of an unmarried couple” means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together

KY ST § 403.720

A victim of domestic violence and abuse, or an adult on behalf of a minor victim who qualifies may file a verified petition in the District Court of the county in which he resides, or has fled to escape

KY ST § 403.725

Court shall review petition immediately upon filing, if review indicates domestic violence exists, court shall summon parties for hearing not more than 14 days in the future; ex parte emergency protective order may be issued if immediate and present danger of domestic violence or abuse is found

KY ST § 403.730

KY ST § 403.735

KY ST § 403.745

KY ST § 403.745

Duration of emergency protective order and domestic violence order; prohibited costs and conditions; mutual orders of protection; amendment; expungement

KY ST § 403.750

Order of protection for family member or member of unmarried couple upon filing of petition or action under KRS Chapter 403

KY ST § 403.7505

Certification standards for mental health professionals providing court-mandated treatment; list of certified providers to Administrative Office of the Courts; submission of data to cabinet; distribution of compiled data, Et seq.

KY ST § 508.032

Assault of family member or member of an unmarried couple; enhancement of penalty

LOUISIANA

L.A.R.S. § 14:34.9

Battery of a dating partner

L.A.R.S. § 14:34.9.1

Aggravated assault upon a dating partner

L.A.R.S. § 14:35.3

Domestic abuse battery

L.A.R.S. § 14:37.7

Domestic abuse aggravated assault

L.A.R.S. § 46:2131

Purposes

Domestic abuse battery

is the intentional use of force or violence committed by one household member or family member upon the person of another household member or family member

L.A.R.S. § 14:35.3

Domestic abuse includes but is not limited to physical or sexual abuse and any offense against person, physical or non-physical, except negligent injury and

"Family members"

means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, foster children, other ascendants, and other descendants. "Family member" also means the other parent or foster parent of any child or foster child of the offender; "household members" means any person presently or formerly living in the same residence with the offender and who is involved or has been

Temporary restraining order with showing of immediate and present danger of abuse

L.A.R.S. § 46:2135

The hearing for motion shall be conducted concurrently with the hearing for the rule to show cause why the protective order should not be issued; Any motion to modify the indefinite effective period of the protective order may be granted only after a good faith effort has been made to provide reasonable notice of the hearing to the victim, the victim's designated agent, or the victim's counsel, and either of the following occur: The victim, the

L.A.R.S. § 46:2132

Definitions

defamation, committed by one family member, household member,

involved in a sexual or intimate relationship with the offender; or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides;

victim's designated agent, or the victim's counsel is present at the hearing or provides written waiver of such appearance. After a good faith effort has been made to provide reasonable notice of the hearing, the victim could not be located

L.A.R.S. § 46:2133

Jurisdiction; venue; standing

or dating partner against another; includes abuse of adults when committed by adult child or adult grandchild

Dating partner means any person protected from violence under 46:2151 who is seeking protection under this part. If a parent or grandparent is being abused by an adult child, adult foster child, or adult grandchild, the provisions of this Part shall apply to any proceeding brought in district court

L.A.R.S. § 46:2136

L.A.R.S. § 46:2134

Petition

L.A.R.S. § 46:2132

L.A.R.S. § 46:2135

Temporary restraining order

L.A.R.S. § 14:34.9

L.A.R.S. § 46:2136

Protective orders; content; modification; service

L.A.R.S. § 46:2136.1

Costs paid by abuser

L.A.R.S. § 46:2136.2

Louisiana Protective Order Registry

L.A.R.S. § 46:2138

Assistance; Clerk of Court; Domestic Abuse Advocate, Et seq.

L.A.R.S. § 46:2132

L.A.R.S. § 14:37.7

MAINE

Domestic violence assault

Family or household members: "family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and includes individuals presently or formerly living together and individuals who are or were sexual partners; holding oneself out

An adult who has been abused by a family or household member or a dating partner may seek relief by filing a complaint alleging that abuse; when a minor child in the care or custody of a family or household member or a dating partner has been abused by a family or household member or a dating partner, a person responsible for the child or a representative of the department may seek relief by filing a petition alleging that abuse

Within 21 days of the filing of a complaint, a hearing must be held at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence; if a request for temporary, emergency or interim relief is denied, the hearing must be held as soon as practicable within the 21-day period

ME ST T. 17-A § 15

Warrantless arrests by a law enforcement officer

ME ST T. 17-A § 207-

Δ

ME ST T. 17-A § 207-

Δ Domestic violence assault

Domestic violence aggravated assault

ME ST T. 17-A § 208-

D

ME ST T. 17-A § 208-

D Domestic violence aggravated assault

Domestic violence elevated aggravated assault

ME ST T. 17-A § 208-

E Domestic violence elevated aggravated assault

ME ST T. 17-A § 208-

E

ME ST T. 17-A § 208-

E Domestic violence elevated aggravated assault on a pregnant person

Domestic violence elevated aggravated assault on a pregnant person

ME ST T. 17-A § 208-

F

ME ST T. 19-A § 4005

ME ST T. 19-A § 4006

ME ST T. 17-A § 209-

Δ Domestic violence
criminal threatening

Domestic violence
criminal threatening

to be a spouse is not
necessary to constitute
"living as spouses"

ME ST T. 17-A § 210-

Δ Stalking

ME ST T. 17-A § 209-

Δ

ME ST T. 19-A § 4002

ME ST T. 17-A § 210-

Β Domestic violence
terrorizing

Domestic violence
terrorizing

ME ST T. 17-A § 210-

Γ Domestic violence
stalking

ME ST T. 17-A § 210-

Β

Domestic violence
stalking

ME ST T. 17-A § 211-

Δ Domestic violence
reckless conduct

ME ST T. 17-A § 210-

Γ

ME ST T. 19-A § 4001

Purposes

Domestic violence
reckless conduct

ME ST T. 19-A § 4002

Definitions

ME ST T. 17-A § 211-

Δ

ME ST T. 19-A § 4003

Filing of complaint;
jurisdiction

ME ST T. 19-A § 4004

Application of other
acts

ME ST T. 19-A § 4005

Commencement of
proceeding

ME ST T. 19-A § 4006

Hearings

ME ST T. 19-A § 4007

Relief

ME ST T. 19-A § 4008

Identifying information
sealed

ME ST T. 19-A § 4009

Notification

ME ST T. 19-A § 4010

Procedure

ME ST T. 19-A § 4011

Violation

ME ST T 19-A § 4012

Law enforcement
agency responsibilities

MARYLAND

MD FAMILY § 4-501
Definitions

MD FAMILY § 4-502 Duties of law enforcement officers

MD FAMILY § 4-503
Notice of victim's rights to victim

MD FAMILY § 4-503.1 Report of abuse to Department of State Police and victim

MD FAMILY § 4-504
Petition for relief from abuse

MD FAMILY § 4-504.1 Interim protective orders

MD FAMILY § 4-505
Temporary protective orders

MD FAMILY § 4-505.1 Electronic filing of petitions for temporary protective orders

MD FAMILY § 4-506
Final protective orders

MD FAMILY § 4-507
Modification or rescission of protective orders; appeal

MD FAMILY § 4-508
Penalties for violations of orders, Et seq.

MASSACHUSETTS

MA ST 209A § 1
Definitions

"Abuse" means any of the following acts:

- (i) an act that causes serious bodily harm;
- (ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;
- (iii) assault in any degree;
- (iv) rape or sexual offense or attempted rape or sexual offense in any degree;
- (v) false imprisonment;
- (vi) stalking; or
- (vii) revenge porn

MD FAMILY § 4-501

MD FAMILY § 4-513

"Person eligible for relief" includes:

- (1) the current or former spouse of the respondent;
- (2) a cohabitant of the respondent;
- (3) a person related to the respondent by blood, marriage, or adoption;
- (4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
- (5) a vulnerable adult;
- (6) an individual who has a child in common with the respondent and
- (7) an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition and an individual who alleges respondent committed within 6 months prior to petition rape or sexual offense or attempted offense

MD FAMILY § 4-501

A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4-504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent

MD FAMILY § 4-504

If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse

MD FAMILY § 4-505

Electronic filing for temporary protective order; hearing thru videoconferencing on same business day if petition is filed during business hours, or next business day

MD FAMILY § 4-505.1

Final protective order hearing

MD FAMILY § 4-506

MA ST 209A § 2

Venue

MA ST 209A § 3

Remedies; period of relief

MA ST 209A § 3A

Nature of proceedings and availability of other criminal proceedings; information required to be given to complainant upon filing

MA ST 209A § 3B

Order for suspension and surrender of firearms license; surrender of firearms; petition for review; hearing

MA ST 209A §

3C Continuation or modification of order for surrender or suspension

MA ST 209A § 4

Temporary orders; notice; hearing

MA ST 209A § 5

Granting of relief when court closed; certification

MA ST 209A § 5A

Protection order issued by another jurisdiction; enforcement; filing; presumption of validity

MA ST 209A § 6

Powers of police

MA ST 209A § 7

Abuse prevention orders; domestic violence record search; service of order; enforcement; violations

household members:

(a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; (c) causing another to engage involuntarily in sexual relations by force, threat or duress

MA ST 209A § 1

(b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) having a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship

MA ST 209A § 1

may file a complaint in the court requesting protection from such abuse

MA ST 209A § 3

If the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, the court may enter such temporary relief orders without notice as it deems necessary to protect the plaintiff from abuse and shall immediately thereafter notify the defendant that the temporary orders have been issued

MA ST 209A § 4

of continuing the temporary order and of granting other relief as requested by the plaintiff no later than ten court business days after such orders are entered

MA ST 209A § 4

MA ST 209A § 8

Confidentiality of records

MA ST 209A § 9

Form of complaint; promulgation

MA ST 209A § 10

Assessments against persons referred to certified batterers' treatment program as condition of probation

MICHIGAN

MI ST 600.1035

Domestic relations mediation

MI ST 600.2950

Personal protection orders; conduct subject to restraint; determination of reasonable cause for issuance of order; denial of order; mutuality; application of order; entry of order into law enforcement information network

MI ST 600.2950b

Personal protection orders; individuals proceeding without attorneys, forms

MI ST 600.2950c

Personal protection orders; domestic violence victim advocates

MI ST 600.2950h

Definitions; sections 600.2950i, 600.2950j, 600.2950k, 600.2950l, and 600.2950m

MI ST 600.2950i

Foreign protection orders; validity; affirmative defenses

An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both

MI ST 750.81

Infliction of serious or aggravated injuries is guilty of a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$1,000.00, or both; assault with one or more previous convictions is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both

MI ST 750.81a

Spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household

MI ST 750.81

MI ST 750.81a

By commencing an independent action to obtain relief, by joining a claim, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has had a child in common, has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner

MI ST 600.2950

For ex parte orders, a statement that the individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing within 14 days after the individual restrained or enjoined has been served or has received actual notice of the order and that motion forms and filing instructions are available from the clerk of the court; id order prohibits purchase or possession of firearm court must schedule hearing within 5 days

MI ST 600.2950

MI ST 600.2950k

Foreign protection order sought against spouse or intimate partner; full faith and credit

MI ST 600.2950l

Foreign protection orders; enforcement; service or notice; liability of law enforcement officer, prosecutor, or court personnel

MI ST 750.81 Assault and assault and battery; domestic assault

MI ST 750.81a

Assault; infliction of serious or aggravated injury; penalties; aggravated domestic assault with prior convictions

MI ST 764.15a Arrest without warrant; assault and battery or infliction of serious injury within household

MINNESOTA

MN ST § 518B.01

Domestic Abuse Act

MI ST 609.749

Harassment; stalking; penalties

MN ST § 609.2242

Domestic assault

MN ST § 609.2244

Presence domestic abuse investigations

MN ST § 609.2247

Domestic assault by strangulation

“Domestic abuse”

means the following, if committed against a family or household member by a family or household member: (1) physical harm, bodily injury, or assault; the infliction of fear of imminent physical harm, bodily injury, or assault; terroristic threats; criminal sexual conduct; or interference with an emergency call

MN ST § 518B.01

MN ST § 609.2242

MN ST § 609.2247

“Family or household members” means: (1) spouses and former spouses; (2) parents and children; (3) persons related by blood; (4) persons who are presently residing together or who have resided together in the past; (5) persons who have a child in common regardless of whether they have been married or have lived together at any time; (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together

A petition for relief under this section may be made by any family or household member personally or by a family or household member, a guardian, or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members

MN ST § 518B.01

Hearing within 14 days; If ex parte order has been issued under subdivision 7 and petitioner only seeks relief under subdivision 7 a hearing may not be required; If an ex parte order has been issued and petition seeks relief beyond subsection 7, or if court declines petition, hearing is required within 7 days; if ex parte order has been granted and respondent requests a hearing, the hearing shall be held within 10 days of the court's receipt of the respondent's request

at any time; and (7) persons involved in a significant romantic or sexual relationship

MN ST § 518B.01

MN ST § 518B.01

MISSISSIPPI

MS ST § 93-21-1 Short title

MS ST § 93-21-3 Definitions

MS ST § 93-21-5 Jurisdiction; right to relief; record

MS ST § 93-21-7 Petitions alleging abuse; expedited proceedings; filing; costs; emergency relief

MS ST § 93-21-9 Petition contents

MS ST § 93-21-11 Hearing; notice; hearing in absentia

MS ST § 93-21-13 Emergency domestic abuse protection orders

MS ST § 93-21-15 Domestic abuse protection temporary and final orders

MS ST § 93-21-15.1 Appeals

MS ST § 93-21-16 Protective orders from other jurisdictions; validity and enforcement

MS ST § 93-21-17 Other relief; duration; amendment; title

MS ST § 93-21-19 No spousal disqualification, Et seq.

A person is guilty of simple domestic violence who: Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or Attempts by physical menace to put another in fear of imminent serious bodily harm. A person is guilty of the felony of simple domestic violence third who commits simple domestic violence as defined in this subsection (3) and who, at the time of the commission of the offense in question, has two (2) prior convictions, whether against the same or another victim, within seven (7) years, for any combination of simple domestic violence under this subsection (3) or aggravated domestic violence as defined in subsection (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe. When the offense is committed against a current or former spouse or a child of that person, a person

Current or former spouse or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child

MS ST § 97-3-7

Any person may seek relief under this chapter for himself by filing a petition with the court alleging abuse by the respondent; any parent, adult household member, or next friend of the abused person may seek relief under this chapter on behalf of any minor children or any person alleged to be incompetent by filing a petition with the court alleging abuse by the respondent. Cases seeking relief under this chapter shall be priority cases on the court's docket and the judge shall be immediately notified when a case is filed in order to provide for expedited proceedings

MS ST § 93-21-7

Within 10 days of filing of a petition under the provisions of this chapter, the court shall hold a hearing, at which time the petitioner must prove the allegation of abuse by a preponderance of the evidence; respondent shall be given notice by personal service of process

MS ST § 93-21-11

<u>MS ST § 93-22-1</u> Short title	living as a spouse or who formerly lived as a spouse with the defendant or a child of
<u>MS ST § 93-22-3</u> Definitions	that person, a parent, grandparent, child, grandchild or someone similarly situated
<u>MS ST § 93-22-5</u> Judicial enforcement of order	to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child
<u>MS ST § 93-22-7</u> Nonjudicial enforcement of order	is guilty of aggravated domestic violence who (i) attempts to cause or purposely, knowingly or recklessly causes serious bodily injury to another
<u>MS ST § 93-22-9</u> Registration of order	
<u>MS ST § 93-22-15</u> Other remedies	
<u>MS ST § 93-22-17</u> Severability clause	
<u>MS ST § 97-3-7</u> Simple and aggravated assault; simple and aggravated domestic violence	(ii) negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or
<u>MS ST § 99-3-7</u> Warrantless arrests; domestic violence and protection order violations; intensive supervision program violations	(iii) attempts by physical menace to put another in fear of imminent serious bodily harm; Simple domestic violence
<u>MS ST § 99-5-37</u> Appearance in domestic violence and knowing violation of domestic abuse protective orders cases; bail; imposition of special conditions	third: a person is guilty of felony who commits simple domestic violence and who has 2 prior convictions within 7 years; aggravated domestic violence: , attempts to cause or causes serious bodily injury purposefully knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life, or with a deadly weapon or other means likely to produce death or serious bodily harm or

strangles or attempts to strangle; aggravated domestic violence third with 2 prior convictions

MS ST § 97-3-7

MISSOURI

MO ST 455.005 Social security number of respondent included in full orders of protection

MO ST 455.010 Definitions

MO ST 455.015 Venue

MO ST 455.020 Relief may be sought--order of protection effective, where

MO ST 455.025 Duties of circuit clerks--rules, forms, instructions

MO ST 455.027 No filing fees, costs or bond assessments in certain circumstances

MO ST 455.030 Filings--information required from petitioner

MO ST 455.032 Protection order, restraining respondent from abuse if petitioner is permanently or temporarily in state--evidence admissible of prior abuse in or out of state

MO ST 455.035 Protection orders

MO ST 455.038 Petitioner for order of protection, notification of service

MO ST 455.040 Hearings, when--

Domestic assault in the first degree

MO ST 565.072

Domestic assault in the second degree

MO ST 565.073

Domestic assault in the third degree

MO ST 565.074

Domestic assault in the fourth degree

MO ST 565.076

"Family" or "household member" means spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and adults who have a child in common regardless of whether they have been married or have resided together at any time

MO ST 455.010

Any person who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking or sexual assault, may seek relief by filing a verified petition alleging such domestic violence, stalking or sexual assault by the respondent

MO ST 455.020

Not later than fifteen days after the filing of a petition a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted; at the hearing, if the petitioner has proved the allegation of abuse, stalking or sexual assault by a preponderance of the evidence, the court shall issue a full order of protection for a period of time the court deems appropriate, and unless after an evidentiary hearing the court makes specific written finding that the respondent is a serious danger to the physical or mental health of the petitioner or household member the protective order shall be valid for at least 180 days and not more than one year, if court has made written findings as described above, the protective order shall be valid for at least two years and not more than ten years.

MO ST 455.040

MO ST 455.050

duration of orders,
renewal, requirements--
copies of order to be
given, validity--duties
of law enforcement
agency--information
entered in MULES--
objection, personally
served Et seq.

MO ST 487.090

Transfer of certain
actions

MO ST 565.072

Domestic assault in the
first degree, penalty

MO ST 565.073

Domestic assault in the
second degree, penalty

MO ST 565.074

Domestic assault in the
third degree, penalty

MO ST 565.076

Domestic assault in the
fourth degree, penalty

MO ST 565.079

Definitions--assault
offenses--persistent
assault offenders--
prior assault offender
--minimum prison
sentence--procedure
for finding defendant
to be prior or persistent
assault offender--
sentencing

MONTANA

MT ST 40-15-102

Eligibility for order of
protection

MT ST 40-15-201

Temporary order of
protection

MT ST 40-15-202

Order of protection --
hearing -- evidence

A person commits
the offense of partner
or family member
assault if the person: (a)
purposely or knowingly
causes bodily injury
to a partner or
family member; (b)
negligently causes
bodily injury to a
partner or family
member with a
weapon; or (c)
purposely or knowingly
causes reasonable

"Family member"
means mothers,
fathers, children,
brothers, sisters, and
other past or present
family members
of a household;
these relationships
include relationships
created by adoption
and remarriage,
including stepchildren,
stepparents, in-laws,
and adoptive children
and parents

A petitioner shall file
a sworn petition that
states that the petitioner
is in reasonable
apprehension of
bodily injury or is a
victim of one of the
offenses listed in MT
ST 40-15-102, has
a relationship to the
respondent if required
by MT ST 40-15-102,
and is in danger of
harm if the court does
not issue a temporary

A hearing must be
conducted within 20
days from the date
that the court issues
a temporary order of
protection; hearing date
may be continued at the
request of either party
for good cause or by
the court. If the hearing
date is continued, the
temporary order of
protection must remain
in effect until the court
conducts a hearing; at

MT ST 40-15-203

Attorney general to provide forms

apprehension of bodily injury in a partner or family member

MT ST 45-5-206

order of protection immediately

the hearing, the court shall determine whether good cause exists for the temporary order of protection to be continued, amended, or made permanent

MT ST 40-15-204

Written orders of protection

MT ST 45-5-206

MT ST 40-15-202

MT ST 40-15-301

Jurisdiction and venue

MT ST 40-15-202

MT ST 40-15-302

Appeal to district court--order to remain in effect

MT ST 40-15-303

Registration of orders

MT ST 40-15-401

Short title

MT ST 40-15-402

Definitions

MT ST 40-15-403

Judicial enforcement of order

MT ST 40-15-404

Nonjudicial enforcement of order

MT ST 40-15-405

Registration of order

MT ST 40-15-407

Other remedies

MT ST 40-15-408

Uniformity of application and construction

MT ST 45-5-206

Partner or family member assault--penalty

MT ST 45-5-626

Violation of order of protection

NEBRASKA

NE ST § 28-115

One commits domestic assault in the third degree if he or she: (a) intentionally and

Intimate partner means a spouse; a former spouse; persons who have a child in common

Any victim of domestic abuse may file a petition and affidavit for a protection order;

If an order is issued ex parte, the court shall immediately schedule an evidentiary hearing

Criminal offense against a pregnant woman; enhanced penalty

NE ST § 28-323

Domestic assault; penalties

NE ST § 29-4301

Legislative findings

NE ST § 29-4302

Terms, defined

NE ST § 29-4303

Confidential communications; disclosure; when

NE ST § 29-4304

Confidential communications; waiver; sections, how construed

NE ST § 29-4306

Collection of evidence; requirements

NE ST § 42-924

Protection order; when authorized; term; renewal; violation; penalty; construction of sections

NE ST § 42-924.01

Protection order; filed, issued, and served without payment of costs; when

NE ST § 42-924.02

Protection order; forms provided; State Court Administrator; duties

NE ST § 42-924.03

Protection order granted to respondent; when

NE ST § 42-925

Ex parte protection order; duration; notice requirements; hearing; notice; referral

knowingly causes bodily injury to his or her intimate partner; (b) threatens an intimate partner with imminent bodily injury; or (c) threatens an intimate partner in a menacing manner; second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument; one commits domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner

NE ST § 28-323

whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship; for purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement

NE ST § 28-323

upon the filing of such a petition and affidavit in support thereof, the court may issue a protection order without bond granting the enumerated relief; the petition shall state events and dates constituting the alleged domestic abuse including the most recent and most severe events and specify to whom relief was granted

NE ST § 42-924

to be held within 30 days of service of such order, and the court shall cause notice of the hearing to be given to the petitioner and the respondent; if the respondent appears at the hearing and shows cause why such order should not remain in effect, the court shall rescind the order; if the respondent does not so appear and show cause, the order shall be affirmed

NE ST § 42-935

to referee; notice
regarding firearm or
ammunition

NE ST § 42-926

Protection order;
copies; distribution;
sheriff; duties;
dismissal or
modification; clerk of
court; duties; notice
requirement

NE ST § 42-928

Protection order;
restraining order;
violation; arrest, when

NE ST § 42-929

Arrest; peace officer;
duties; conditions of
release

NE ST § 42-930 Law

enforcement agency;
Nebraska Commission
on Law Enforcement
and Criminal Justice;
duties

NE ST § 42-931

Foreign protection
order; enforcement

NE ST § 42-932 Act,

how cited

NE ST § 42-933 Terms,

defined

NE ST § 42-934

Judicial enforcement of
order

NE ST § 42-935

Nonjudicial
enforcement of order

NE ST § 42-936

Registration of order

NE ST § 42-938 Other

remedies

NE ST § 42-939

Uniformity of
application and
construction

NV ST § 42-940

Applicability of act

NEVADA

NV ST 33.017

Definitions

NV ST 33.018 Acts which constitute domestic violence

NV ST 33.019

Masters: Appointment; qualifications; powers and duties

NV ST 33.020

Requirements for issuance of temporary and extended orders; availability of court; court clerk to inform protected party upon transfer of information to Central Repository

NV ST 33.030

Contents of order; interlocutory appeal

NV ST 33.031

Extended order may prohibit possession of firearm by adverse party; factors for court to consider in determining whether to prohibit possession of firearm; exception; penalty

NV ST 33.033

Requirements for surrender, sale or transfer of firearm in possession of adverse party; law enforcement agency may charge fee for collection and storage of firearm

NV ST 33.035

Extended order to include assignment of income for support

Acts that can constitute domestic violence: (a) battery; (b) assault; (c) coercion pursuant to 207.190; (d) sexual assault; (e) knowing, purposeful or reckless course of conduct intended to harass: (1) stalking; (2) arson; (3) trespassing; (4) larceny; (5) destruction of private property; (6) carrying a concealed weapon without a permit; (7) injuring or killing an animal; (8) burglary; (9) invasion of a home; (f) false imprisonment; (g) pandering

NV ST 33.018

Spouse, former spouse, any other person to whom he is related by blood or marriage, any other person with whom he has had or is having a dating relationship, any other person with whom he has a child in common, the minor child of any of those persons, his minor child or any person who has been appointed the custodian or legal guardian for his minor child

NV ST 33.018

If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. Court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of 33.018 without considering any other factor in its determination to grant the order; temporary or extended order must not be granted to the applicant or the adverse party unless he has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence

NV ST 33.020

A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed or second hearing 90 days after the first hearing date if no service can be made, if no service is made within that timeframe, date set for third hearing within 90 days after the date of the second hearing upon showing of inability to serve

NV ST 33.020

of child in certain circumstances

NV ST 33 040 No requirement of action for dissolution of marriage; order does not preclude other action; consolidation with other action

NV ST 33 050 Assessment of court costs and fees; duty of court clerk to assist parties; no charge for certified copy of order for applicant, Et seq.

NV ST 171 1375 Arrest of person believed to have committed battery upon family member within preceding 24 hours with or without warrant

NV ST 200 485 Battery which constitutes domestic violence: penalties; referring child for counseling; restriction against dismissal; probation and suspension; notice of prohibition against owning or possessing firearm; order to surrender, sell or transfer firearm; penalty for violation concerning firearm; definitions

NEW HAMPSHIRE

NH ST § 173-B 1

Definitions

NH ST § 173-B 2

Jurisdiction and Venue

NH ST § 173-B 3

Commencement of Proceedings; Hearing

“Abuse” means the commission or attempted commission of one or more of the following acts by a family or household member or current or former sexual or intimate partner and where such conduct constitutes a credible threat to the plaintiff’s safety: (a) assault or

“Family or household member” means: (a) spouses, ex-spouses, persons cohabiting with each other, and persons who cohabited with each other but who no longer share the same residence; (b) parents and other persons related by consanguinity or affinity, other than

Any person, including a minor, may seek relief by filing a petition in the county or district where the plaintiff or defendant resides, alleging abuse by the defendant

NH ST § 173-B 3

The court shall hold a hearing within 30 days of the filing of a petition under this section or within 10 days of service of process upon the defendant, whichever occurs later

NH ST § 173-B 3

<p><u>NH ST § 173-B:4</u> Temporary Relief</p>	<p>reckless conduct; (b) criminal threatening; (c) sexual assault; (d) interference with freedom; (e) destruction of property; (f) unauthorized entry; (g) harassment; (h) cruelty to animals</p>	<p>minor children who reside with the defendant</p>
<p><u>NH ST § 173-B:5</u> Relief</p>	<p></p>	<p><u>NH ST § 173-B:1</u></p>
<p><u>NH ST § 173-B:7</u> Minority not a Preclusion for Services</p>	<p></p>	<p><u>NH ST § 631:2-b</u></p>
<p><u>NH ST § 173-B:8</u> Notification</p>	<p><u>NH ST § 173-B:1</u></p>	
<p><u>NH ST § 173-B:9</u> Violation of Protective Order; Penalty</p>	<p>A person is guilty of domestic violence if the person commits any of the following acts against a family or household member or intimate partner:</p>	
<p><u>NH ST § 173-B:10</u> Protection by Peace Officers</p>	<p>(a) purposefully or knowingly causes bodily injury or unprivileged physical contact against another by use of physical force; (b) recklessly causing bodily injury by physical force; (c) negligently causing bodily injury by deadly weapon; (d) using or attempting to use physical force or by physical conduct threatens to use a deadly weapon for the purpose of placing another in fear of imminent bodily injury;</p>	
<p><u>NH ST § 173-B:11</u> Notice to the Victim</p>	<p></p>	
<p><u>NH ST § 173-B:12</u> Emergency Care; Limitation and Liability</p>	<p></p>	
<p><u>NH ST § 173-B:13</u> Orders Enforceable</p>	<p></p>	
<p><u>NH ST § 173-B:14</u> Orders of Support</p>	<p></p>	
<p><u>NH ST § 631:2-b</u> Domestic violence</p>	<p>(e) threatens to use a deadly weapon against another for the purpose of terrorizing that person; (f) coerces or forces another to submit to sexual contact by using physical force or violence; (g) threatens to use physical force or violence to cause another to submit to sexual contact and the victim believes there is the present ability to carry out the threat; (h) threatens to use a deadly weapon to</p>	

cause another to submit to sexual contact and the victim believes there is the present ability to carry out the threat; (i) confines another by physical force or threatened use of a deadly weapon to interfere substantially with physical movement; (j) knowingly violates a term of a protective order by use or attempted use of physical force or deadly weapon; (k) uses physical force or deadly weapon to block access to cell phone, telephone or electronic communication device with the purpose of preventing, obstructing, or interfering with report of criminal offense, bodily injury or property damage to law enforcement, or requesting ambulance or emergency medical assistance

NJSE § 63L 2-b

NEW JERSEY

NJST 2C 25-17
Prevention of Domestic Violence Act of 1991; short title

NJST 2C 25-18
Legislative findings and declaration

NJST 2C 25-19
Definitions

NJST 2C 25-21 Arrest; criminal complaint; seizure of weapons

NJST 2C 25-21.1
Rules and regulations

"Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor: (1) Homicide; (2) Assault; (3) Terroristic threats; (4) Kidnapping; (5) Criminal restraint; (6) False imprisonment; (7) Sexual assault; (8) Criminal sexual contact; (9) Lewdness; (10) Criminal mischief; (11) Burglary; (12) Criminal trespass; (13) Harassment; (14) Stalking (15) criminal

Spouse, former spouse, or any other person who is a present household member or was at any time a household member; "victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant; "victim of domestic violence" also includes

A plaintiff may seek emergency, ex parte relief in the nature of a temporary restraining order; municipal court judge or a judge of the Family Part of the Chancery Division of the Superior Court may enter an ex parte order when necessary to protect the life, health or well-being of a victim on whose behalf the relief is sought; if it appears that the plaintiff is in danger of domestic violence, the judge shall, upon consideration of the plaintiff's domestic

A hearing shall be held in the Family Part of the Chancery Division of the Superior Court within 10 days of the filing of a complaint in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere

NJST 2C 25-29

NJ ST 2C:25-23 Notice provided to victims; contents

NJ ST 2C:25-24 Domestic violence offense report; contents; annual report by superintendent of state police

NJ ST 2C:25-25 Criminal complaint; effect of dissolution of marriage, civil proceedings, or leaving residence; waiver of disclosure of victim's location

NJ ST 2C:25-26 Release from custody before trial; restraining orders; confidentiality of victim's location; bail

NJ ST 2C:25-26.1 Notification of victim of release of defendant charged with crime involving domestic violence

NJ ST 2C:25-28 Complaint by victim; emergency relief; temporary restraining orders; service of process

NJ ST 2C:25-28.1 In-house restraining orders prohibited

NJ ST 2C:25-29 Hearing; factors considered; orders for relief

NJ ST 2C:25-29.1 Civil penalty

NJ ST 2C:25-29.3 Rules of Court

coercion; (16) robbery (17) contempt of domestic violence order that constitutes a crime or disorderly persons offense (18) any other crime involving risk of death or serious bodily injury (19) cyber-harassment

NJ ST 2C:25-19

any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship

NJ ST 2C:25-19

violence complaint, order emergency ex parte relief, in the nature of a temporary restraining order; decision shall be made by the judge regarding the emergency relief forthwith

NJ ST 2C:25-28

NM ST § 30-3-16
Aggravated battery against a household member

NM ST § 30-3-17
Multiple convictions of battery or aggravated battery

NM ST § 40-13-1
Short title

NM ST § 40-13-1.1
Legislative findings; state policy; dual arrests

NM ST § 40-13-2
Definitions

NM ST § 40-13-3
Petition for order of protection; contents; standard forms

NM ST § 40-13-3.1
Forbearance of costs associated with domestic abuse offenses

NM ST § 40-13-3.2 **Ex parte emergency orders of protection**

NM ST § 40-13-4
Temporary order of protection; hearing; dismissal

NM ST § 40-13-5
Order of protection; contents; remedies; title to property not affected; mutual order of protection

NM ST § 40-13-6
Service of order; duration; penalty; remedies not exclusive

NM ST § 40-13-7 **Law enforcement officers; emergency assistance; limited liability;**

Aggravated battery against a household member

NM ST § 30-3-16

Domestic abuse means:
(1) incident of stalking or sexual assault whether committed by a household member or not; (2) an incident by a household member against another household member consisting of or resulting in:
(a) physical harm;
(b) severe emotional distress; (c) bodily injury or assault;
(d) a threat causing imminent fear of bodily injury by any household member;
(e) criminal trespass;
(f) criminal damage to property; (g) repeatedly driving by a residence of work place; (h) telephone harassment;
(i) harassment; (j) strangulation; (k) suffocation; (l) harm or threatened harm to children

NM ST § 30-3-11

NM ST § 40-13-2

providing notification to victims when an alleged perpetrator is released from detention; statement in judgment and sentence document

NM ST § 40-13-12
Limits on internet publication

NM ST § 40-13A-1
Short title, Et seq.

NEW YORK

NY FAM CT § 153-c
Temporary order of protection

NY FAM CT § 812
Procedures for family offense proceedings

NY FAM CT § 813
Transfer to criminal court

NY FAM CT § 814
Rules of court regarding concurrent jurisdiction

NY FAM CT § 814-a
Uniform forms

NY FAM CT § 818
Venue

NY FAM CT § 821
Originating proceedings

NY FAM CT § 821-a
Preliminary procedure

NY FAM CT § 822
Person who may originate proceedings

NY FAM CT § 823
Rules of court for preliminary procedure

NY FAM CT § 824
Admissibility of

The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts which would constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree or second degree, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, criminal obstruction of breathing or blood circulation, strangulation in the second degree, strangulation in the first degree, assault in the second degree, assault in the third degree or an attempted assault, criminal obstruction of breathing or blood circulation or strangulation assault

"Members of the same family or household" shall mean the following: (a) persons related by consanguinity or affinity; (b) persons legally married to one another; (c) persons formerly married to one another regardless of whether they still reside in the same household; (d) persons who have a child in common regardless of whether such persons have been married or have lived together at any time; and (e) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time

NY FAM CT § 812

Upon the filing of a petition or counterclaim under this article, the court for good cause shown may issue a temporary order of protection, which may contain any of the provisions authorized on the making of an order of protection, provided that the court shall make a determination, and the court shall state such determination in a written decision or on the record

NY FAM CT § 828

Court holds a "fact-finding hearing" means a hearing to determine whether the allegations of a petition are supported by a fair preponderance of the evidence

NY FAM CT § 832

statements made during
preliminary conference

NY FAM CT § 825

Issuance of summons

NY FAM CT § 826

Service of summons

NY FAM CT § 827

Issuance of warrant;
certificate of warrant

NY FAM CT § 828

Temporary order of
protection; temporary
orders for child
support and spousal
maintenance

NY FAM CT § 832

Definition of "fact-
finding hearing"

NY FAM CT §

833 Definition of
"dispositional hearing"

NY FAM CT § 834

Evidence

NY FAM CT § 835

Sequence of hearings

NY FAM CT § 836

Adjournments

NY FAM CT §

838 Petitioner and
respondent may have
friend or relative
present

NY FAM CT § 841

Orders of disposition

NY FAM CT § 842

Order of protection

NY FAM CT § 842-

g Suspension and
revocation of a license
to carry, possess, repair
or dispose of a firearm
or firearms pursuant
to section 400.00 of
the penal law and
ineligibility for such

in the second degree,
identity theft, grand
larceny in the third and
fourth degree, coercion
in the second or third
degree between spouses
or former spouses,
or between parent
and child or between
members of the same
family or household

NY FAM CT § 812

a license; order to
surrender firearms;
order to seize firearms

NY FAM CT § 843
Rules of court

NY FAM CT § 844
Reconsideration and
modification

NY FAM CT § 846
Petition; violation of
court order

NY FAM CT § 846-
a Powers on failure to
obey order

NY FAM CT §
847 Procedures for
violation of orders
of protection; certain
cases

NY CRIM PROS
530.12 Protection
for victims of family
offenses

NY SOC SERV § 459-
a Definitions

NORTH CAROLINA

NC ST § 50B-1
Domestic violence;
definition

NC ST § 50B-2
Institution of civil
action; motion for
emergency relief;
temporary orders;
temporary custody

NC ST § 50B-3 Relief

NC ST § 50B-3.1
Surrender and disposal
of firearms; violations;
exemptions

NC ST § 50B-4
Enforcement of orders

Domestic violence
includes commission
of one or more of the
following acts upon an
aggrieved party or upon
a minor child residing
with or in the custody
of the aggrieved party
by a person with whom
the aggrieved party has
or has had a personal
relationship, but does
not include acts of self-
defense: 1) attempting
to cause bodily injury,
or intentionally causing
bodily injury; or 2)
placing the aggrieved
party or a member of
the aggrieved party's
family or household
in fear of imminent
serious bodily injury or
continued harassment

Personal relationship"
means a relationship
wherein the parties
involved: 1) Are
current or former
spouses; 2) Are
persons of opposite sex
who live together or
have lived together;
3) Are related as
parents and children,
including others acting
in loco parentis to
a minor child, or as
grandparents and
grandchildren; 4) Have
a child in common; 5)
Are current or former
household members;
6) Are persons of the
opposite sex who are in
a dating relationship or
have been in a dating
relationship

If the court finds that
an act of domestic
violence has occurred,
the court shall grant
a protective order
restraining the
defendant from further
acts of domestic
violence

NC ST § 50B-3

A hearing on a motion
for emergency relief,
where no ex parte order
is entered, shall be held
after five days' notice
of the hearing to the
other party or after
five days from the date
of service of process
on the other party,
whichever occurs first,
provided, however,
that no hearing shall
be required if the
service of process is not
completed on the other
party

NC ST § 50B-2

NC ST § 50B-4.2 False statement regarding protective order a misdemeanor

that rises to such a level as to inflict substantial emotional distress

NC ST § 50B-1

NC ST § 50B-5
Emergency assistance

NC ST § 50B-1

NC ST § 50B-5.5
Employment discrimination unlawful

NC ST § 50B-6
Construction of Chapter

NC ST § 50B-7
Remedies not exclusive

NC ST § 50B-8 Effect upon prosecution for violation of § 14-184 or other offense against public morals

NORTH DAKOTA

ND ST 12.1-17-01.2
Domestic violence

ND ST 12.1-17-13
Mandated treatment of domestic violence offenders

ND ST 12.1-31.2-02
Order prohibiting contact

ND ST 14-07.1-01
Definitions

ND ST 14-07.1-02
Domestic violence protection order

ND ST 14-07.1-02.1
Allegation of domestic violence--Effect

ND ST 14-07.1-03
Temporary protection order--Copy to law enforcement agency

"Domestic violence" includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members

ND ST 14-07.1-01

ND ST 12.1-17-01.2

Family or household member" means a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and any other person with sufficient relationship to the abusing person as determined by the court

ND ST 14-07.1-01

An action for a protection order commenced by a verified application alleging the existence of domestic violence may be brought in district court by any family or household member or by any other person if the court determines that the relationship between that person and the alleged abusing person is sufficient to warrant the issuance of a domestic violence protection order

ND ST 14-07.1-02

Upon receipt of the application, the court shall order a hearing to be held not later than fourteen days from the date of the hearing order, or at a later date if good cause is shown

ND ST 14-07.1-02

ND ST 14-07 1-03.1
 Notification of stalking law

ND ST 14-07 1-04
 Assistance of law enforcement officer in service or execution

ND ST 14-07 1-05
 Right to apply for relief

ND ST 14-07 1-06
 Penalty for violation of a protection order

ND ST 14-07 1-07
 Nonexclusive remedy

ND ST 14-07 1-08
 Emergency relief

ND ST 14-07 1-10
 Arrest procedures

ND ST 14-07 1-11
 Arrest without warrant

ND ST 14-07 1-12
 Reports

OHIO
OH ST § 2919.25
 Domestic violence

OH ST § 2919.251
 Factors to be considered when setting bail; bail schedule; appearance by video conferencing equipment

OH ST § 2919.26
 Temporary protection orders

OH ST § 2919.27
 Violating a protection order, consent agreement, or anti-stalking protection order; protection order issued by court of another state

(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) (1) Whoever violates this section is guilty of domestic violence

OH ST § 2919.25

“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, a foster 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;

Upon the filing of a domestic violence complaint, the complainant, the alleged victim, or a family or household member of an alleged victim may file on behalf of the alleged victim a motion that requests the issuance of a temporary protection order as a pretrial condition of release of the alleged offender, in addition to any bail; motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint

OH ST § 2919.26

If the court issues a temporary protection order under this section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order, a hearing in the presence of the alleged offender not later than the next day on which the court is scheduled to conduct business after the day on which the alleged offender was arrested or at the time of the appearance of the alleged offender pursuant to summons to determine whether the order should remain in effect, be modified, or be revoked

OH ST § 2919.26

OH ST § 2919.271

Mental condition evaluations

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

OH ST § 2919.272

Protection order issued by court of another state; procedure for registration in Ohio; registry of orders by law enforcement agencies

OH ST § 2919.25

OH ST § 2935.03

Arrest and detention until warrant can be obtained

OH ST § 2935.032

Domestic violence arrest policies

OKLAHOMA

OK ST T 21 § 142A-4

Petition for relief

OK ST T 21 § 644

Assault--Assault and battery--Domestic abuse

OK ST T 21 § 644.1

Domestic abuse with a prior pattern of physical abuse

OK ST T 22 § 40.3

Emergency temporary order of protection

OK ST T 22 § 40.5

Short title

OK ST T 22 § 40.6

Record of reported incidents of domestic abuse--Reports

OK ST T 22 § 40.7

Expert testimony--Admissibility

OK ST T 22 § 60 Short title

Any person who commits any assault and battery against a current or former intimate partner or a family or household member, shall be guilty of domestic abuse; additional penalties for domestic assault/ domestic assault and battery with a dangerous weapon, deadly weapon, and pregnant woman or abuse committed in the presence of a child

OK ST T 21 § 644

Current or former intimate partner or a family or household member as defined by section 60.1 of title 22

OK ST T 21 § 644

Family or household member means parent, including grandparents, stepparents, adoptive parents and foster parents, children, including grandchildren, stepchildren, adopted children and foster children, and persons otherwise related by blood or marriage living on the same household and persons otherwise not related by blood or marriage living in the same household; Intimate partner means current or former spouses, persons who are or were in a dating relationship, persons who are the biological parents of a child regardless of their

A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of the Protection from Domestic Abuse Act

OK ST T 22 § 60.2

Within 14 days of the filing of the petition for a protective order, the court shall schedule a full hearing on the petition, if the court finds sufficient grounds within the scope of the Protection from Domestic Abuse Act stated in the petition to hold such a hearing; 72 hours for emergency or order involving a child

OK ST T 22 § 60.4

Emergency temporary protection order is available by petition thru peace officer; judge will notify immediately by telephone or otherwise of approval or disapproval of petition; notice to respondent given by law enforcement

OK ST T 22 § 40.3

OK ST T 22 § 60.1

Definitions

marital status of whether they have lived together at any time and persons who have lived together in an intimate way, primarily characterized by affectionate or sexual involvement; sexual relationship is an indicator but not a requirement

OK ST T 22 § 60.2

Protective order--Petition--Complaint requirement for certain stalking victims--Fees

OK ST T 22 § 60.3

Emergency ex parte order and hearing--Emergency temporary ex parte order of protection

OK ST T 22 § 60.4

OK ST T 22 § 60.4

Service of emergency ex parte order, petition for protective order and notice of hearing--Full hearing--Final protective order

OK ST T 22 § 60.5

Access to protective orders by law enforcement agencies

OK ST T 22 § 60.6

Violation of ex parte or final protective order or foreign protective order--Penalties

OK ST T 22 §

60.7 Statewide and nationwide validity of orders

OK ST T 22 § 60.8

Seizure and forfeiture of weapons used to commit act of domestic abuse

OK ST T 22 § 60.9

Warrantless arrest, Et seq.

OREGON

OR ST § 107.700 Short title

OR ST § 107.705

Definitions

Family abuse means the occurrence of one or more of the following acts between family or household members: (a) attempting to

"Family or household members" means any of the following: (a) Spouses; (b) Former spouses; (c) Adult persons related by blood, marriage or

Any person who has been the victim of abuse within the preceding 180 days may petition the circuit court for relief if the person is in imminent

If the respondent requests a hearing the court shall hold the hearing within 21 days after the request

OR ST § 107.716

OR ST § 107.707
Application of the Uniform Child Custody Jurisdiction and Enforcement Act

OR ST § 107.710
Petition; contents; request for custody of child

OR ST § 107.716
Hearing; certificate of compliance; consent agreement to bring about cessation of abuse

OR ST § 107.718 Court order when petitioner in imminent danger of abuse; contents of petition, order and related forms

OR ST § 107.719
Removal of personal effects accompanied by peace officer

OR ST § 107.720
Restraining order; issuance; delivery to county sheriff; duties of sheriff; duration and termination of order; contempt proceedings; security

OR ST § 107.721
Petitioner's change of residence without notice to other parent

OR ST § 107.722
Effect of dissolution, separation or annulment decree or modification order on abuse prevention order

OR ST § 107.723
Serving of restraining order

OR ST § 107.725
Renewal of order

cause or intentionally, knowingly or recklessly causing bodily injury; (b) intentionally, knowingly or recklessly placing another in fear of imminent bodily injury; (c) causing another to engage in involuntary sexual relations by force or threat of force

OR ST § 107.705

adoption; (d) Persons cohabiting or who have cohabited with each other; (e) Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition; (f) Unmarried parents of a child

OR ST § 107.705

danger of further abuse from the abuser; the person may seek relief by filing a petition with the circuit court alleging that the person is in imminent danger of abuse from the respondent, that the person has been the victim of abuse committed by the respondent within the 180 days preceding the filing of the petition and particularly describing the nature of the abuse and the dates thereof

OR ST § 107.710

Ex parte hearing, in person or by phone, on the day filing or day after, for petition filed under OR ST § 107.710; hearing is to determine if there is imminent danger to petitioner

OR ST § 107.718

under ORS 107.716 or
107.718

OR ST § 107.726
Standing to petition for
relief

OR ST § 107.728
Venue

OR ST § 107.730
Modification of terms
relating to custody and
parenting time in order
entered under ORS
107.700 to 107.735

OR ST § 107.755
Mediation required
in certain cases;
guidelines for
mediation involving
domestic violence
issues

PENNSYLVANIA

PA ST 18 Pa.C.S.A. §
2711 Probable cause
arrests in domestic
violence cases

PA ST 23 Pa.C.S.A.
§ 6101 Short title of
chapter

PA ST 23 Pa.C.S.A. §
6102 Definitions

PA ST 23 Pa.C.S.A. §
6103 Jurisdiction

PA ST 23 Pa.C.S.A.
§ 6104 Full faith and
credit and foreign
protection orders

PA ST 23 Pa.C.S.A. §
6105 Responsibilities
of law enforcement
agencies

PA ST 23 Pa.C.S.A. §
6106 Commencement
of proceedings

Domestic violence
includes involuntary
manslaughter, simple
assault, aggravated
assault, recklessly
endangering another
person, terroristic
threats, stalking or
strangulation, against
a family or household
member

PA ST 18 Pa.C.S.A. §
2711

Spouses or persons
who have been
spouses, persons
living as spouses or
who lived as spouses,
parents and children,
other persons related
by consanguinity
or affinity, current
or former sexual or
intimate partners or
persons who share
biological parenthood

PA ST 23 Pa.C.S.A. §
6102

An adult or an
emancipated minor
may seek relief under
this chapter for that
person or any parent,
adult household
member or guardian
ad litem may seek
relief under this
chapter on behalf
of minor children,
or a guardian of the
person of an adult
who has been declared
incompetent may seek
relief on behalf of the
incompetent adult, by
filing a petition with
the court alleging abuse
by the defendant

PA ST 23 Pa.C.S.A. §
6106

Within 10 business
days of the filing of
a petition under this
chapter, a hearing
shall be held before
the court, at which the
plaintiff must prove the
allegation of abuse by
a preponderance of the
evidence

PA ST 23 Pa.C.S.A. §
6107

PA ST 23 PA C S A §

6107 Hearings

PA ST 23 PA C S A §

6108 Relief

PA ST 23 PA C S A

§ 6108.1 Return of
relinquished firearms,
other weapons and
ammunition and
additional relief

PA ST 23 PA C S A §

6108.2 Relinquishment
for consignment sale,
lawful transfer or

safekeeping, Et seq.

PA ST 42 PA C S A

§ 1726.2 Criminal
prosecutions involving
domestic violence

246 Pa ADC § 1206

Commencement of
proceedings

246 Pa ADC § 1207

Hearing

RHODE ISLAND

RI ST § 8-8.1-1

Definitions

RI ST § 8-8.1-3

Protective orders—
Penalty--Jurisdiction

RI ST § 12-29.2

Definitions

RI ST § 15-15-1

Definitions

RI ST § 15-15-2 Filing
of complaint

RI ST § 15-15-3

Protective orders--
Penalty--Jurisdiction

RI ST § 15-15-4

Temporary orders--Ex
parte proceedings

“Domestic abuse”
means the occurrence
of one or more of the
following acts between
present or former
family members,
parents, stepparents,
a plaintiff’s parent’s
minor children to
which the defendant is
not a blood relative or
relative by marriage,
adult plaintiffs who
are or have been
in a substantive
dating or engagement
relationship within
the past one year and
who are individually
or together parents
of minor children,
or persons who are
or have been in a
substantive dating
or engagement

“Present or former
family member”
means the spouse,
former spouse, minor
children, stepchildren,
a plaintiff’s parent’s
minor children to
which the defendant
is not a blood relative
or relative by marriage
minor children of
substantive dating
partners, or persons
who are related by
blood or marriage;
“substantive dating”
or “engagement
relationship” means
a significant and
personal/intimate
relationship which shall
be adjudged by the
court’s consideration by
the following factors:
(i) length of time of the

A person or a parent,
custodian or legal
guardian on behalf
of a minor child or
the director of DCYF
or its designee for a
child in the custody
of DCYF, suffering
from domestic abuse
or sexual exploitation,
may file a complaint
in the family court
requesting any order
which will protect her
or him from abuse or
sexual exploitation

RI ST § 15-15-3

In case a temporary
order is granted without
notice, the matter
shall be set down
for a hearing within
a reasonable time
and may be given
precedence of all
matters of the same
character, and when the
matter comes on for a
hearing, the party who
obtained the temporary
order shall proceed
with the complaint for
an order

RI ST § 15-15-4

<p><u>RI ST § 15-15-4-1</u> Return of service/ alternate service</p>	<p>relationship in the past one year in which at least one of the persons is a minor: (i) attempting to cause or causing physical harm; (ii) placing another in fear of imminent serious physical harm; or (iii) causing another to engage involuntarily in sexual relations by force, threat of force, or duress; or (iv) stalking or cyberstalking</p>	<p>relationship; (ii) type of relationship; and (iii) frequency of interaction between the parties</p>	<p><u>RI ST § 15-15-1</u> <u>RI ST § 12-29-2</u></p>	
<p><u>RI ST § 15-15-5</u> Duties of police officers</p>	<p><u>RI ST § 15-15-1</u></p>	<p><u>RI ST § 12-29-2</u></p>		
<p><u>RI ST § 15-15-6</u> Form of complaint</p>	<p><u>RI ST § 8-8-1-1</u></p>	<p><u>RI ST § 12-29-2</u></p>		
<p><u>RI ST § 15-15-7</u> Notice of penalty</p>	<p><u>RI ST § 15-15-1</u></p>	<p><u>RI ST § 12-29-2</u></p>		
<p><u>RI ST § 15-15-1-1</u> Short title</p>	<p><u>RI ST § 15-15-1</u></p>	<p><u>RI ST § 12-29-2</u></p>		
<p><u>RI ST § 15-15-1-2</u> Definitions, Et seq.</p>	<p><u>RI ST § 8-8-1-1</u></p>	<p><u>RI ST § 12-29-2</u></p>		
<p>SOUTH CAROLINA</p>	<p>Criminal domestic violence: causing physical harm or injury to a person's own household member; or offering or attempting to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril; additional conditions for high and aggravated nature domestic violence charge</p>	<p>As used in this article, "household member" means: (1) a spouse; (2) a former spouse; (3) persons who have a child in common; or (4) a male and female who are cohabiting or formerly have cohabited</p>	<p>A petition for relief under this section may be made by any household members in need of protection or by any household members on behalf of minor household members; petition must allege the existence of abuse to a household member; must state the specific time, place, details of the abuse, and other facts and circumstances upon which relief is sought and must be verified; petition must inform the respondent of the right to retain counsel</p>	<p>Within twenty-four hours after service of a petition under this chapter upon the respondent, the court may, for good cause shown, hold an emergency hearing and issue an order of protection if the petitioner proves the allegation of abuse by a preponderance of the evidence; prima facie showing of immediate and present danger of bodily injury, which may be verified by supporting affidavits, constitutes good cause for purposes of this section</p>
<p><u>SC ST § 16-25-10</u> "Household member" defined (Held Unconstitutional by Doe v. State, 2017 WL 3165132, (S.C. 2017)).</p>	<p><u>SC ST § 16-25-20</u></p>	<p><u>SC ST § 16-25-10</u> (Held Unconstitutional by Doe v. State, 2017 WL 3165132, (S.C. 2017)).</p>	<p><u>SC ST § 20-4-40</u></p>	<p><u>SC ST § 20-4-50</u></p>
<p><u>SC ST § 16-25-20</u> Acts prohibited</p>	<p><u>SC ST § 16-25-65</u></p>	<p><u>SC ST § 16-25-10</u> (Held Unconstitutional by Doe v. State, 2017 WL 3165132, (S.C. 2017)).</p>	<p><u>SC ST § 20-4-40</u></p>	<p><u>SC ST § 20-4-50</u></p>
<p><u>SC ST § 16-25-65</u> Criminal domestic violence of a high and aggravated nature; elements; penalty; conditional probation; statutory offense</p>	<p><u>SC ST § 16-25-20</u></p>	<p><u>SC ST § 16-25-10</u> (Held Unconstitutional by Doe v. State, 2017 WL 3165132, (S.C. 2017)).</p>	<p><u>SC ST § 20-4-40</u></p>	<p><u>SC ST § 20-4-50</u></p>
<p><u>SC ST § 16-25-70</u> Warrantless arrest or search; admissibility of evidence</p>	<p><u>SC ST § 16-25-65</u></p>	<p><u>SC ST § 16-25-10</u> (Held Unconstitutional by Doe v. State, 2017 WL 3165132, (S.C. 2017)).</p>	<p><u>SC ST § 20-4-40</u></p>	<p><u>SC ST § 20-4-50</u></p>
<p><u>SC ST § 16-25-80</u> Effect on enforcement of contempt orders and police arrest powers; construction with assault and battery and other criminal offenses</p>	<p><u>SC ST § 16-25-20</u></p>	<p><u>SC ST § 16-25-10</u> (Held Unconstitutional by Doe v. State, 2017 WL 3165132, (S.C. 2017)).</p>	<p><u>SC ST § 20-4-40</u></p>	<p><u>SC ST § 20-4-50</u></p>
<p><u>SC ST § 16-25-90</u> Parole eligibility as affected by evidence of domestic violence</p>	<p><u>SC ST § 16-25-20</u></p>	<p><u>SC ST § 16-25-10</u> (Held Unconstitutional by Doe v. State, 2017 WL 3165132, (S.C. 2017)).</p>	<p><u>SC ST § 20-4-40</u></p>	<p><u>SC ST § 20-4-50</u></p>

suffered at hands of
household member

SC ST § 16-25-120

Release on bond;
factors; issuance of
restraining order; notice
of right to counsel

SC ST § 20-4-10 Short
title

SC ST § 20-4-20

Definitions (Held
Unconstitutional by
Doe v. State, 2017 WL
3165132, (S.C. 2017)).

SC ST § 20-4-30

Jurisdiction

SC ST § 20-4-40

Petition for order of
protection

SC ST § 20-4-50

Hearing on petition

SC ST § 20-4-60 Order

of protection; contents

SC ST § 20-4-65 Order

of protection from
domestic abuse; filing
fee

SC ST § 20-4-70

Duration of order
of protection;
modification of terms

SC ST § 20-4-80

Mailing or service of
order

SC ST § 20-4-90

Sheriff's department to
assist in execution of
order

SC ST § 20-4-100

Responsibilities of law
enforcement officer

SC ST § 20-4-120

Actions not affecting
right to relief

SC ST § 20-4-130
Applicability of other remedies

SC ST § 20-4-320
Definitions

SC ST § 20-4-330
Judicial enforcement of foreign protection order; determining validity of order

SC ST § 20-4-340
Enforcement by law enforcement officer; service of order on respondent

SC ST § 20-4-350
Registration; presentation to family court; affidavit of currency; entry in state or federal registry; fee

SC ST § 20-4-370
Remedies available to protected individual

SC ST § 20-4-375
Filing false protection order; criminal penalty; civil liability

SC ST § 20-4-380
Construction of act

SC ST § 20-4-390
Severability

SC ST § 20-4-395
Applicability

SOUTH DAKOTA

SD ST § 25-10-1
Definitions

SD ST § 25-10-2
Application for relief-- Filing--Venue

SD ST § 25-10-3
Petition for protection order--Parties-- Allegations--Affidavit--

"Domestic abuse" is physical harm, bodily injury, or attempts to cause physical harm or bodily injury, or the infliction of fear of imminent physical harm or bodily injury when occurring between persons in a relationship described in § 25-10-3.1; any violation of SD

Any person involved in one or more of the following relationships with another party: (1) spouse or former spouse; (2) Is in a significant romantic relationship or has been in one during the past 12 months with the abusing party; (3) Has a child or is expecting a child with the abusing

There exists an action known as a petition for a protection order in cases of domestic abuse; procedures for the action are as follows: 1) petition may be made by person described in § 25-10-3.1 against any other person in such a relationship; 2) petition shall allege the

Upon receipt of the petition, if sufficient grounds are alleged for relief, the court shall order a hearing which shall be held not later than thirty days from the date of the order unless court grants continuance; personal service of the petition, affidavit, and notice for hearing

Pending action--
Standard petition form

SD ST § 25-10-3.1
Persons entitled to
apply for protection
order

SD ST § 25-10-3.2
Factors for determining
significant romantic
relationship

SD ST § 25-10-4
Hearing--Time--
Service on respondent

SD ST § 25-10-5 Relief
authorized on finding
abuse--Time limitation

SD ST § 25-10-5.1
Counseling required
for domestic abuse
defendant placed on
probation

SD ST § 25-10-5.2
Restrictions on
issuance of mutual
orders for protection
against abuse

SD ST § 25-10-5.3
Court to require
instruction in parenting
as part of sentence in
certain convictions--
Exception

SD ST § 25-10-6
Ex parte temporary
protection order

SD ST § 25-10-7
Limited duration of
temporary order--
Service on respondent--
Notification of service
to petitioner--Liability,
Et seq.

TENNESSEE
TN ST § 36-3-601
Definitions

ST § 25-10-13 or
Chapter 22-19A
[stalking] or any crime
of violence under
22-1-2(9) constitutes
domestic abuse if the
underlying criminal act
is committed between
persons in such a
relationship

SD ST § 25-10-1

party; (4) Parent
and child, including
a relationship by
adoption, guardianship,
or marriage; or (5)
Siblings, whether of the
whole or half blood,
including a relationship
through adoption or
marriage; is entitled to
apply for a protection
order or a temporary
protection order

SD ST § 25-10-3.1

existence of domestic
abuse and shall be
accompanied by an
affidavit made under
oath stating the specific
facts and circumstances
of the domestic abuse

SD ST § 25-10-3

shall be made on the
respondent not less
than five days prior to
the hearing; temporary
orders may be issued
pending hearing in
certain circumstances

SD ST § 25-10-4

SD ST § 25-10-6

"Abuse" means
inflicting, or attempting
to inflict, physical
injury on an adult or
minor by other than

"Domestic abuse
victim" means any
person who falls
within the following
categories: (A) Adults

Upon the filing of a
petition for protection
order, the courts may
immediately, for good
cause shown, issue

Within 15 days of
service of protection
order on the respondent
under this part, a
hearing shall be held,

TN ST § 36-3-602
Petitions; persons who may seek relief

TN ST § 36-3-603
Orders of protection in effect when a divorce is filed; subsequent proceedings

TN ST § 36-3-604
Forms; order of protection

TN ST § 36-3-605
Protection orders; hearing; extension; modification

TN ST § 36-3-606
Protection orders; contents

TN ST § 36-3-607
Bonds

TN ST § 36-3-608
Protection orders; duration and modification

TN ST § 36-3-609
Protection orders; copies to be issued

TN ST § 36-3-610
Contempt, Et seq.

TN ST § 39-13-111
Domestic assault

TN ST § 39-13-113
Violation of order of protection, restraining order, or no contact order

TN ST § 40-11-150
Determination of risk to victim prior to release; conditional release; discharge of conditions; notification to law enforcement

TN ST § 40-14-109
Domestic violence offense; notice to

accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor

TN ST § 36-3-601

or minors who are current or former spouses; (B) Adults or minors who live together or who have lived together; (C) Adults or minors who are dating or who have dated or who have or had a sexual relationship; (D) Adults or minors related by blood or adoption; (E) Adults or minors who are related or were formerly related by marriage; or (F) Adult or minor children of a person in a relationship described in subdivisions (5)(A)-(E)

TN ST § 36-3-601

TN ST § 39-13-111

an ex parte order of protection; an immediate and present danger of abuse to the petitioner shall constitute good cause for purposes of this section

TN ST § 36-3-605

at which time the court shall either dissolve any ex parte or temporary order that has been issued, or shall, if the petitioner has proved the allegation of domestic abuse, stalking or sexual assault or a human trafficking offense by a preponderance of the evidence, extend the order of protection for a definite period of time, not to exceed 1 year

TN ST § 36-3-605

defendant of firearm
consequences

TEXAS

TX FAMILY § 71.0021
Dating violence

TX FAMILY § 71.003
Family

TX FAMILY § 71.004
Family Violence

TX FAMILY § 71.005
Household

TX FAMILY §
71.006 Member of a
Household

TX FAMILY §
81.001 Entitlement to
Protective Order

TX FAMILY § 81.002
No Fee for Applicant

TX FAMILY § 81.003
Fees and Costs Paid by
Party Found to Have
Committed Family
Violence

TX FAMILY §
81.004 Contempt for
Nonpayment of Fee

TX FAMILY § 81.005
Attorney's Fees

TX FAMILY § 81.006
Payment of Attorney's
Fees

TX FAMILY § 81.007
Prosecuting Attorney

TX FAMILY § 81.0075
Representation by
Prosecuting Attorney
in Certain Subsequent
Actions

TX FAMILY § 81.008
Relief Cumulative

Family violence”
means: (1) an act by
a member of a family
or household against
another member of the
family or household
that is intended to
result in physical harm,
bodily injury, assault,
or sexual assault or
that is a threat that
reasonably places the
member in fear of
imminent physical
harm, bodily injury,
assault, or sexual
assault, but does not
include defensive
measures to protect
oneself; (2) abuse by
a member of a family
or household toward
a child of the family
or household; or (3)
dating violence

TX FAMILY § 71.004

“Member of a
household” includes a
person who previously
lived in a household,
and individuals related
by consanguinity or
affinity, who re former
spouses, parents of the
same child without
regard to marriage,
foster child and foster
parent regardless of
whether they live
together

TX FAMILY § 71.003

TX FAMILY § 71.005

TX FAMILY § 71.006

Temporary ex parte
protective order

TX FAMILY § 83.001

Court sets hearing no
later than 14th day after
date application is filed

TX FAMILY § 84.001

TX FAMILY § 81.009

Appeal

TX FAMILY § 81.010

Court enforcement

TX FAMILY § 82.001

Application, Et seq.

TX PENAL § 25.07

Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case

UTAH

UT ST § 76-5-108

Protective orders restraining abuse of another--Violation

UT ST § 77-36-1

Definitions

UT ST § 77-36-1.1 enhancement of offense and penalty for subsequent domestic violence offenses

UT ST § 77-36-2.7

Dismissal—Diversion prohibited—Plea in abeyance—Pretrial protective order pending trial

UT ST § 77-36-5

Sentencing—Restricting contact with victim—Electronic monitoring—Counseling—Cost assessed against perpetrator—Sentencing protective order—Continuous protective order

UT ST § 78B-7-101

Title

"Abuse" means except as provided in 78B-7-201, intentionally or knowingly causing or attempting to cause another individual physical harm or intentionally or knowingly placing another individual in reasonable fear of imminent physical harm

UT ST § 78B-7-102

Domestic violence means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant or attempt to commit, one of the listed offenses by one cohabitant against another

UT ST § 77-36-1

"Cohabitant" means an emancipated individual under 15-2-1 or an individual who is 16 years of age or older who: (i) is or was a spouse of the other party; (ii) is or was living as if a spouse of the other party; (iii) is related by blood or marriage to the other party as the individual's parent, grandparent, sibling, or any other individual related to the individual by consanguinity or affinity to the second degree; (iv) has or had one or more children in common with the other party; (v) is the biological parent of the other party's unborn child; or (vi) resides or has resided in the same residence as the other party; or (vii) is or was in a consensual sexual relationship with the other party

UT ST § 78B-7-102

Any cohabitant who has been subjected to abuse or domestic violence, or to whom there is a substantial likelihood of abuse or domestic violence, may seek a protective order or a protective order in accordance with this part, whether or not the cohabitant has left the residence or the premises in an effort to avoid further abuse

UT ST § 78B-7-602

When a court issues an ex parte cohabitant abuse protective order the court shall set a date for a hearing on the petition to be held within 20 days after the ex parte cohabitant protective order is issued

UT ST § 78B-7-604

UT ST § 78B-7-102

Definitions

UT ST § 78B-7-602

Abuse or danger of
abuse—Cohabitant
abuse protective orders

UT ST § 78B-7-104

Venue of action for ex
parte civil protective
orders and civil
protective orders

UT ST § 78B-7-105

Forms for petitions,
civil protective
orders, and civil
stalking injunctions—
Assistance—Fees

UT ST § 78B-7-105.5

Forms for motions,
criminal protective
orders, and criminal
stalking injunctions

UT ST § 78B-7-603

Cohabitant abuse
protective orders--
Ex parte cohabitant
abuse protective orders
--Modification of
orders--Service of
process--Duties of the
court

UT ST § 78B-7-604

Hearings

UT ST § 78B-7-108

Mutual protective
orders

UT ST § 78B-7-409

Mutual dating violence
protective orders

UT ST § 78B-7-109

Continuing duty to
inform court of other
proceedings--Effect of
other proceedings

UT ST § 78B-7-608 No
denial of relief solely

because of lapse of time, Et seq.

VERMONT

VT ST T 13 § 1041

Definition

VT ST T 13 § 1042

Domestic assault

VT ST T 13 § 1043

First degree aggravated domestic assault

VT ST T 13 § 1044

Second degree aggravated domestic assault

VT ST T 15 § 1101

Definitions

VT ST T 15 § 1102

Jurisdiction and venue

VT ST T 15 § 1103

Requests for relief

VT ST T 15 § 1104

Emergency relief

VT ST T 15 § 1105

Service

VT ST T 15 § 1106

Procedure

VT ST T 15 § 1107

Filing orders with law enforcement personnel; department of public safety protection order database

VT ST T 15 § 1108

Enforcement

VT ST T 15 § 1109

Appeals

VT ST T 15 § 1110

Requests for child support; transfer to office of magistrate, Et seq.

"Abuse" means the occurrence of one or more of the following acts between family or household members: (A) attempting to cause or causing physical harm; (B) placing another in fear of imminent serious physical harm; (C) abuse to children; (D) stalking; or (E) sexual assault

VT ST T 15 § 1101

Household members" means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated

VT ST T 15 § 1101

Any family or household member may seek relief from abuse by another family or household member on behalf of him or herself or his or her children by filing a complaint under this chapter; a minor 16 years of age or older, or a minor of any age who is in a dating relationship; plaintiff shall submit an affidavit in support of the order

VT ST T 15 § 1103

In accordance with the rules of civil procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that defendant has abused plaintiff or the plaintiffs children, or both; plaintiff shall submit an affidavit in support of the order

VT ST T 15 § 1104

Hearing on ex parte order shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days from the date of issuance of the order

VT ST T 15 § 1104

VIRGINIA

VA ST § 16.1-228

Definitions

VA ST § 16.1-253.4

Emergency protective orders authorized in certain cases; penalty

VA ST § 18.2-57.2

Assault and battery against a family or household member; penalty

VA ST § 18.2-57.3

Persons charged with first offense of assault and battery against a family or household member may be placed on local community-based probation; conditions; education and treatment programs; costs and fees; violations; discharge

VA ST § 19.2-152.8

Emergency protective orders authorized in cases of stalking, sexual battery, and acts of violence

VA ST § 19.2-152.9

Preliminary protective orders

VA ST § 19.2-152.10

Protective order

VA ST § 63.2-1611

Policy of Commonwealth; Department designated agency to coordinate state efforts

VA ST § 63.2-1612

Responsibilities of Department; domestic violence prevention and services

Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor

VA ST § 18.2-57.2

Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits, or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person

VA ST § 16.1-228

When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that such person is being or has been subjected to an act of violence force or threat. and on that assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further act being committed by the respondent against the alleged victim or (ii) a warrant for the arrest of the respondent has been issued, for any criminal offense resulting from the commission of an act of violence, force, or threat the judge or magistrate shall issue an ex parte emergency protective order

VA ST § 19.2-152.8

VA ST § 19.2-152.10

Ex parte protective order

VA ST § 16.1-253.4

Hearing shall be held within 15 days of the issuance of the preliminary order; if the respondent fails to appear at this hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed 6 months

VA ST § 19.2-152.9

WA ST 10.99.010

Purpose--Intent

reporting domestic violence

WA ST 26.50.010

Dating relationship means a social relationship of a romantic nature, factors that the court may consider is the length of time the relationship has existed, the nature of the relationship, frequency of the interaction between the parties; Family or household members" means persons related by blood or marriage, domestic partnership, or adoption; persons who currently or formerly resided together; persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren or a parents intimate partner and children; a person who is acting or has acted as a legal guardian

WA ST 10.99.020

Definitions

WA ST 10.99.020

Domestic violence means (a) Physical harm, bodily injury or assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking of one intimate partner by another intimate partner or (b) physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking of one family or household member by another family or household member

WA ST 10.99.030 Law enforcement officers-- Training, powers, duties--Domestic violence reports (as amended by 2019 c110)

WA ST 10.99.033

Law enforcement officers--training--criminal justice training commission

WA ST 10.99.035 Law enforcement agencies --domestic violence records

WA ST 10.99.040

Duties of court--No-contact order

WA ST 26.50.010

WA ST 10.99.045

Appearances by defendant--No-contact order

WA ST 7.105.010

WA ST 10.99.050

Victim contact--Restriction, prohibition--Violation, penalties--Written order--Procedures--Notice of change

WA ST 7.105.010

WA ST 10.99.055

Enforcement of orders

WA ST 10.99.060

Prosecutor's notice to victim--Description of available procedures

WA ST 10.99.080

Penalty assessment

WA ST 26.50.010

Definitions (repealed effective July 1, 2022)

WA ST 26.50.020

Commencement of

action--Jurisdiction
—Venue (repealed
effective July 1, 2022)

WA ST 26.50.021
Actions on behalf
of vulnerable
adults--Authority of
department of social
and health services--
Immunity from liability
(effective until July 1,
2022)

WA ST 26.50.025
Orders under this
chapter and chapter
26.09, 26.10, or 26.26
RCW--Enforcement
—Consolidation
(effective until July 1,
2022)

WA ST 26.50.030
Petition for an order
for protection--
Availability of forms
and informational
brochures--Bond not
required (effective until
July 1, 2022)

WA ST 26.50.040
Fees not permitted--
Filing, service of
process, certified
copies (effective until
July 1, 2022)

WA ST 26.50.050
Hearing--Service--
Time (effective until
July 1, 2022)

WA ST 26.50.055
Appointment of
interpreter (effective
until July 1, 2022)

WA ST 26.50.060
Relief--Duration--
Realignment of
designation of parties--
Award of costs, service
fees, and attorneys'
fees, and limited
license legal technician

fees (effective until July 1, 2022)

WA ST 26.50.070 Ex parte temporary order for protection (effective until July 1, 2022), Et seq.

WEST VIRGINIA

WV ST § 48-26-101
Title

WV ST § 48-26-210
Intimate partner defined

WV ST § 48-26-502
Notice of victims' rights, remedies and available services; required information

WV ST § 48-26-503
Standards, procedures and curricula

WV ST § 48-27-204
Family or household members defined

WV ST § 48-27-403
emergency protective orders of court; hearings; persons present

WV ST § 48-27-501
Issuance of protective order; modification of order

WV ST § 48-28-1 Title

WV ST § 48-28-2
Definitions

WV ST § 48-28-3
Judicial enforcement of order

WV ST § 48-28-4
Nonjudicial enforcement of order

Domestic Battery: any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature with his or her family or household member, or unlawfully and intentionally causes physical harm to his or her family or household member, is guilty of a misdemeanor; Domestic assault: any person who unlawfully attempts to commit a violent injury against his or her family or household member in reasonable apprehension of immediately receiving a violent injury, is guilty of a misdemeanor

WV ST § 61-2-28

"Family or household members" are persons who: (1) Are or were married to each other; (2) Are or were living together as spouses; (3) Are or were sexual or intimate partners; (4) Are or were dating; (5) Are or were residing together in the same household; (6) Have a child in common regardless of whether they have ever married or lived together; (7) Have the following relationships to another person: (A) Parent; (B) Stepparent; (C) Brother or sister; (D) Half-brother or half-sister; (E) Stepbrother or stepsister; (F) Father-in-law or mother-in-law; (G) Stepfather-in-law or stepmother-in-law; (H) Child or stepchild; (I) Daughter-in-law or son-in-law; (J) Stepdaughter-in-law or stepson-in-law; (K) Grandparent; (L) Step grandparent; (M) Aunt, aunt-in-law or step aunt; (N) Uncle, uncle-in-law or step uncle; (O) Niece or nephew; (P) First or second cousin

WV ST § 48-27-204

Upon final hearing, the court shall enter a protective order if it finds, after hearing the evidence, that the petitioner has proved the allegations of domestic violence by a preponderance of the evidence

WV ST § 48-27-501

Upon final hearing, the court shall enter a protective order if it finds, after hearing the evidence, that the petitioner has proved the allegations of domestic violence by a preponderance of the evidence

WV ST § 48-27-501

WV ST § 48-28-5
Registration of order

WV ST § 48-28-6
Immunity

WV ST § 48-28-7
Criminal offenses and penalties

WV ST § 48-28-8
Other remedies

WV ST § 48-28-9
Uniformity of application and construction

WV ST § 48-28-10
Transitional provision

WV ST § 48-28A-101
Purpose

WV ST § 48-28A-102
Definitions, Et seq.

WV ST § 61-2-28
Domestic violence -- Criminal acts

WISCONSIN
WI ST 813.128 Full faith and credit for foreign protection orders

WI ST 813.12
 Domestic abuse restraining orders and injunctions

WI ST 813.127
 Combined actions; domestic abuse, child abuse and harassment

WI ST 968.075
 Domestic abuse incidents; arrest and prosecution

"Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common: Intentional infliction of physical pain, physical injury or illness; intentional impairment of physical condition; a physical act that may cause the other person reasonably to fear imminent engagement in the above conduct

WI ST 968.075

Spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common

WI ST 968.075

During the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim, and avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim

WI ST 968.075

Temporary restraining order is in effect until hearing is held on issuance of injunction; held within 14 days after temporary restraining order is issued, with exceptions for extensions

WI ST 813.12

WV ST 81.12

WYOMING

WY ST § 6-2-510

Domestic assault

WY ST § 6-2-511

Domestic battery

WY ST § 6-4-404

Violation of order of protection; penalty

WY ST § 35-21-101

Short title

WY ST § 35-21-102

Definitions

WY ST § 35-21-103

Petition for order of protection; contents; prerequisites; counsel to be provided petitioners; award of costs and fees

WY ST § 35-21-104

Temporary order of protection; setting hearing

WY ST § 35-21-105

Order of protection; contents; remedies; order not to affect title to property; conditions

WY ST § 35-21-106

Service of order; duration and extension of order; violation; remedies not exclusive

WY ST § 35-21-107

Emergency assistance by law enforcement officers; limited liability

WY ST § 35-21-108

Protection orders; priority

WY ST § 35-21-109

Full faith and credit for

"Domestic abuse" means the occurrence of one (1) or more of the following acts by a household member but does not include acts of self defense: (A) physically abusing, threatening to physically abuse, attempting to cause or causing physical harm or acts which unreasonably restrain the personal liberty of any household member; (B) placing a household member in reasonable fear of imminent physical harm; or (C) causing a household member to engage involuntarily in sexual activity by force, threat of force or duress

WY ST § 35-21-102

Having the present ability to do so, unlawfully attempting to cause bodily injury to another household member, or knowingly or recklessly causing bodily injury to another household member using physical force

WY ST § 6-2-510

WY ST § 6-2-511

"Household member" includes: (A) Persons married to each other; (B) Persons living with each other as if married; (C) Persons formerly married to each other; (D) Persons formerly living with each other as if married; (E) Parents and their adult children; (F) Other adults sharing common living quarters; (G) Persons who are the parents of a child but who are not living with each other; and (H) Persons who are in, or have been in, a dating relationship

WY ST § 35-21-102

Upon the filing of a petition for order of protection, the court shall: (i) immediately grant an ex parte temporary order of protection if it appears from the specific facts shown by the affidavit or by the petition that there exists a danger of further domestic abuse; (ii) cause the temporary order of protection, together with notice of hearing, to be served on the alleged perpetrator of the domestic abuse immediately either within or outside of this state

WY ST § 35-21-104

The court shall hold a hearing on the petition within 72 hours after the granting of the temporary order of protection or as soon thereafter as the petition may be heard by the court on the question of continuing the order

WY ST § 35-21-104

valid foreign protection orders; affirmative defense; exclusion

WY ST § 35-21-110
Statewide protection order registry

WY ST § 35-21-111
Filing and registration of foreign protection orders

UNITED STATES

10 USC § 928b
Domestic violence

18 USC § 117
Domestic assault by a habitual offender

18 USC § 2266
Definitions

25 USC § 1304 Tribal jurisdiction over crimes of domestic violence

34 U.S.C.A. § 12321
Confidentiality of abused person's address

34 U.S.C.A. § 12341
Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance

34 U.S.C.A. § 12402
Recommendations on intrastate communication

34 U.S.C.A. § 12408
Inclusion in National Incident-Based Reporting System

34 U.S.C.A. § 12409
Report to Congress

Domestic violence means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic- or family-violence laws of an Indian tribe that has jurisdiction over the Indian country where the violence occurs; Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship

Assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim

18 USCA § 117

None

None

25 USC § 1304
Spouse or intimate partner includes a spouse or former

spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship; and any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides; Dating partner refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser. The existence of such a relationship is based on a consideration of the length of the relationship, and the type of relationship and the frequency of interaction between the persons involved in the relationship

18 USC A § 2266

Guam

9 G C A § 30 10

Definitions

9 G C A § 30 20

Family violence

Family violence means the occurrence of one of the following acts by a family or household member, but does not include acts of self-defense or defense of others: 1. attempting to cause or causing bodily

Family or household members include: 1. Adults or minors who are current or former spouses; 2. Adults or minors who live together or have lived together; 3. Adults or minors who are

None

None

9 G.C.A. § 30.21
Conditions of Release

9 G.C.A. § 30.30
Powers and duties of peace officers to arrest for crimes involving family violence; determination of primary aggressor; required report

9 G.C.A. § 30.31
Mandatory confinement

9 G.C.A. § 30.32
Duties of Peace Officers to Victim of Family Violence; Required Notice to Victim

9 G.C.A. § 30.40
Violation of a court order

9 G.C.A. § 30.50
Authority of peace officer to seize weapons

9 G.C.A. § 30.60
Disclosure of family violence shelter

9 G.C.A. § 30.70
Spousal privileges inapplicable in criminal proceedings involving family violence

9 G.C.A. § 30.80
Diversion eligibility

9 G.C.A. § 30.80.1
Diversion hearing

9 G.C.A. § 30.80.2
Reinstitution of criminal proceedings; dismissal

9 G.C.A. § 30.80.3
Use of arrest record following successful completion of diversion program

injury to another family or household member;
2. placing a family or household member in fear of bodily injury;
3. Knowingly or intentionally, against the will of another, impeding the normal breathing or circulation of the blood of a family or household member by applying pressure to the throat or neck or by blocking the nose or mouth of a family or household member

9 G.C.A. § 30.10

dating or have dated;
4. Adults or minors who are engaged in or who have engaged in a sexual relationship;
5. Adults or minors who are related by blood or adoption to the fourth degree of affinity;
6. Adults or minors who are related or formerly related by marriage;
7. Persons who have a child in common; and
8. Minor children of a person in a relationship described in paragraphs (1) through (7) above

9 G.C.A. § 30.10

9 G.C.A. § 30.80.4

Admissibility
of statement or
information procured
therefrom made during
determination of
defendant's eligibility
for diversion

9 G.C.A. § 30.80.5

Counseling and
Education Programs

9 G.C.A. § 30.90

Establishment and
Requirement of the
Domestic Abuse
Response Team
("DART")

9 G.C.A. § 30.100

Maintenance of
systematic records

9 G.C.A. § 30.200

Family Violence
Registry: Central
Database of Offenders
Who Have Committed
Offenses Involving
Family Violence, to be
Known and Cited as
the "Family Violence
Registry Act."

19 G.C.A. § 14101

Definitions

19 G.C.A. § 14102

Effect of Action
by Petitioner or
Respondent on Order

19 G.C.A. § 14103

Denial of Relief
Prohibited

19 G.C.A. § 14104

Court Costs and Fees

19 G.C.A. § 14105

Registration and
Enforcement of
Foreign Orders for
Protection; Duties of
Court Clerk

19 G.C.A. § 14106

State Registry for Protection

19 G.C.A. § 15101

Public Health Plan for Reducing Family Violence

19 G.C.A. § 15103

Notice of Rights of Victims and Remedies and Services Available; Required Information

19 G.C.A. § 15105

Regulation of Programs of Intervention for Perpetrators; Required Provisions; Duties of Providers

Puerto Rico

8 L.P.R.A. § 601 Public policy

8 L.P.R.A. § 602

Definitions

8 L.P.R.A. § 621

Protective orders

8 L.P.R.A. § 621a

Prohibition against the issue mutual restraining orders

8 L.P.R.A. § 622

Jurisdiction

8 L.P.R.A. § 623

Procedure

8 L.P.R.A. § 624

Service

8 L.P.R.A. § 625 Ex parte orders

8 L.P.R.A. § 626

Contents of the protective order

8 L.P.R.A. § 627

Notification to the parties and agencies of

Any person who employs physical force or psychological abuse, intimidation or persecution against the person of his/her spouse, former spouse or the person with whom he/she cohabitates or has cohabitated or the person with whom, he/she has, or has had a consensual relationship, or the person with whom he/she has procreated a son or daughter, to cause physical harm to the person, the property held in esteem by him/her, except that which is privately owned by the offender or to another's person, or to cause grave emotional harm, shall incur a felony in the fourth degree

8 L.P.R.A. § 631

Spouse, former spouse or the person with whom he/she cohabitates or has cohabitated or the person with whom, he/she has, or has had a consensual relationship, or the person with whom he/she has procreated a son or daughter

8 L.P.R.A. § 631

Any person who has been a victim of stalking, or conduct that constitutes the crime, as typified in §§ 4013--4026 of this title, part of the Penal Code of the Commonwealth of Puerto Rico, or in any other special act, may file a petition per se, through his/her legal counsel or by a police agent to the court requesting a restraining order, without the need of a prior filing of an accusation or charge

33 L.P.R.A. § 4015

Once the petition for a restraining order has been filed, the court shall issue a summons to the parties, to appear for a hearing within 5 days, under admonition of contempt

33 L.P.R.A. § 4016

the public order and of
the wellbeing of minors

§ 1.P.R.A. § 628

Noncompliance of
orders for protection

§ 1.P.R.A. § 631 Abuse

§ 1.P.R.A. § 632
Aggravated abuse

§ 1.P.R.A. § 633 Abuse
by threat

§ 1.P.R.A. § 634
Abuse by restriction of
freedom

§ 1.P.R.A. § 635
Conjugal sexual assault

§ 1.P.R.A. § 636
Diversion from
procedure

§ 1.P.R.A. § 637
Special provisions

§ 1.P.R.A. § 638 Arrest

§ 1.P.R.A. § 639
Signing and swearing
of charges

§ 1.P.R.A. § 640
Assistance to the victim
of abuse

§ 1.P.R.A. § 652
Confidentiality of
communications

§ 1.P.R.A. § 661
Independence of civil
actions

§ 1.P.R.A. § 662
Constitutional
safeguard

§ 1.P.R.A. § 663 Rules
for civil and penal
actions

§ 1.P.R.A. § 664 Forms

8 L.P.R.A. § 671

Definitions

8 L.P.R.A. § 672 Intent

8 L.P.R.A. § 674

Inclusion of orders from other states, territories, tribes

8 L.P.R.A. § 675

Transfer procedure

8 L.P.R.A. § 676

Availability of the electronic file

33 L.P.R.A. § 4015

Issuance of restraining orders

33 L.P.R.A. § 4016

Procedure for the issuance of restraining orders

33 L.P.R.A. § 4017 Ex

parte orders

Virgin Islands

5 V.I.C. § 581 Short title

5 V.I.C. § 582

Definitions

5 V.I.C. § 583

Enforcement

5 V.I.C. § 584

Enforcement by law enforcement officer

5 V.I.C. § 585

Registration

5 V.I.C. § 586 Civil and criminal liability

5 V.I.C. § 587 Other remedies

5 V.I.C. § 588

Application of chapter

'Domestic violence' means the occurrence of any of the following acts, attempts or threats against a person who may be protected under this chapter pursuant to subsection (c) of this section: (1) Assault; (2) Battery; (3) Burglary; (4) Kidnapping; (5) Unlawful sexual contact; (6) Rape; (7) Forcible or unlawful entry; (8) Coercion; (9) Destruction of property; (10) Harassment; (11) Threats; (12) False imprisonment; (13) Stalking; or (14) Violation of a domestic violence restraining order

16 V.I.C. § 91

'Victim' includes any person who has been subjected to domestic violence by a spouse, former spouse, parent, child, or any other person related by blood or marriage, a present or former household member, a person with whom the victim has a child in common, or a person who is, or has been, in a sexual or otherwise intimate relationship with the victim

16 V.I.C. § 91

Victim (plaintiff) may seek emergency ex parte relief in the nature of a Temporary Restraining Order. Whenever emergency relief is sought by the plaintiff, the Clerk of the Court, or other person designated by the Court, shall immediately transmit the complaint to the Family Division Judge of the Superior Court by the close of business on the day relief is sought; when the Family Division is closed, the Superior Court may arrange for any available judge to grant ex parte relief, upon a showing that dire emergency conditions exist

16 V.I.C. § 98

A hearing shall be scheduled in Court within 10 days of filing a complaint, provided that the defendant has received notice of the Court proceedings. At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence; at the hearing the Court may issue an Order granting relief

16 V.I.C. § 97

5 V.I.C. § 589

Construction

5 V.I.C. § 590

Separability

16 V.I.C. § 90

Declaration of purpose

16 V.I.C. § 91

Definitions

16 V.I.C. § 91a Duties
of police officers

16 V.I.C. § 92

Statement of rights

16 V.I.C. § 93

Domestic Violence
Report

16 V.I.C. § 94 Arrest
powers

16 V.I.C. § 96

Complaints

16 V.I.C. § 97 Hearing;
relief

16 V.I.C. § 98

Emergency relief

16 V.I.C. § 99 Criminal
proceedings

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25 Am. Jur. 2d Domestic Abuse and Violence § 11

American Jurisprudence, Second Edition May 2023 Update

Domestic Abuse and Violence
Mitchell Waldman, J.D.

III. Authority and Jurisdiction of Courts to Grant Relief: Process; Venue

§ 11. Authority and jurisdiction of courts, generally

[Topic Summary](#) [References](#)

West's Key Number Digest

West's Key Number Digest, [Protection of Endangered Persons](#) ~~33~~, [33](#), [55](#), [56](#)

In some jurisdictions, a court is permitted to grant a protective order to prevent the possibility of family violence provided a petition is filed requesting the order, and the defendant is afforded reasonable notice consistent with due process.¹ Generally, the grant or denial of a motion for a protective order lies within the sound discretion of the trial court;² however, a court may not be able to grant protective orders against the petitioner and the respondent in the same action under a domestic violence act.³

In some jurisdictions, a domestic violence protective order may be issued upon the consent or upon the stipulation of or agreement between the parties.⁴ However, while it has been said that if the consent of a respondent to a civil protection order under a domestic abuse act is voluntary, a trial judge ordinarily should issue the order when requested,⁵ the court's authority to enter a protective order or approve a consent agreement is dependent upon a finding that an act of domestic violence occurred and that the order furthers the purpose of ceasing acts of domestic violence.⁶

Although the Prevention of Domestic Violence Act and the applicable rule allow entry of a final domestic violence restraining order on a stipulation by a defendant to the commission of an act or acts of domestic violence, it is good practice to have the defendant provide a factual basis for the admission that an act of domestic violence has occurred,⁷ and a domestic abuse protective order by consent agreement may not be issued over the victim's objections.⁸

In some states, family courts are vested by statute with jurisdiction to decide matters involving domestic violence.⁹ Thus, a family court had jurisdiction to decide applications for an emergency protection order and a domestic violence order, pursuant to its statutory jurisdiction to decide matters involving domestic violence, and any error in its decisions did not deprive it of such jurisdiction.¹⁰ And in some states, the decision to grant an order for protection under the state's domestic abuse act is within the district court's discretion,¹¹ or the subject-matter jurisdiction over a domestic violence matter rests in the circuit court.¹² Furthermore, in some jurisdictions, one who is the subject of domestic violence may petition a domestic relations court or a

common pleas court for a protection order.¹³ And some states' protection from abuse acts specifically provide that any district court has jurisdiction over all proceedings under such act.¹⁴

Where a family court had jurisdiction to decide applications for an emergency protection order and a domestic violence order, pursuant to its statutory jurisdiction to decide matters involving domestic violence, any error in its decisions does not deprive it of such jurisdiction.¹⁵ Similarly, under an emergency protective order statute, the circuit court's failure to issue a domestic violence order within 14 days of the issuance of the emergency protective order did not deprive the circuit court of subject-matter jurisdiction over the domestic violence matter where domestic violence proceedings were within the circuit court's subject-matter jurisdiction, and any failure of the circuit court to follow the statute was an erroneous exercise of subject-matter jurisdiction that did not deprive the circuit court of subject-matter jurisdiction.¹⁶

The subject-matter jurisdiction of the applicable court with regard to the domestic abuse or prevention matter in issue is dependent on the case meeting the statutory prerequisites for such jurisdiction.¹⁷ Thus, for example, it has been said that there are at least six factors to consider in determining whether jurisdiction lies under a state's prevention of domestic violence act in a former relationship case: (1) the nature and duration of the prior relationship; (2) whether the past domestic relationship provides a special opportunity for abuse and controlling behavior; (3) the passage of time since the end of the relationship; (4) the extent and nature of any intervening contacts; (5) the nature of the precipitating incident; and (6) the likelihood of ongoing contact or relationship.¹⁸ Furthermore, a short hiatus between the end of the relationship between the parties and the present incident favors the jurisdictional claim as former household members within the meaning of a domestic violence act, and more numerous contacts between the parties strengthen the jurisdictional claim that the parties are former household members within the meaning of such act. In addition, intervening contacts by the parties marked by violence or threats strengthen the jurisdictional claim as former household members protected under such an act while the absence of violence weakens it.¹⁹

A trial court had jurisdiction to enter a temporary restraining order to the extent it prohibited certain actions by a husband in the state, in a proceeding in which the wife, a citizen of India but a resident of the State of New Jersey, sought a protective order under the State Prevention of Domestic Violence Act, against the husband who was an Illinois resident, where the issuance of a prohibitory order did not implicate any of the husband's substantive rights.²⁰

Caution:

Applications for retaliatory abuse-prevention orders should only be allowed if the predicate conditions are shown and not as a prophylactic agent to prevent putative violations.²¹

Practice Tip:

Because of the difference in the burden of proof in a criminal and a civil order of protection under a domestic abuse or violence act,²² a judgment of acquittal of the predicate criminal act will not undercut the court's authority to impose restraints or other relief permitted by the applicable statutes.²³

CUMULATIVE SUPPLEMENT

Cases:

Hearing was required to determine whether sister of petitioner's stepfather and petitioner had an intimate relationship and thus were members of the same family or household, as required for the family court to have jurisdiction over petitioner's action seeking an order of protection against the sister of petitioner's stepfather, under statute establishing family court's limited jurisdiction in family offense proceedings; the parties were not spouses, former spouses, or parent and child, but conflicting allegations as to the extent of the parties' relationship existed. N.Y. Const. art. 6, § 13; N.Y. Family Court Act § 812(1). Rizzo v. Pravato, 170 A.D.3d 860, 96 N.Y.S.3d 121 (2d Dep't 2019).

[END OF SUPPLEMENT]

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Footnotes

- 1 Lee v. Smith, 4 So. 3d 100 (La. Ct. App. 5th Cir. 2008).

As to petitions or applications for such orders, generally, see § 22.

As to notice and due process requirements, generally, see § 20.
- 2 Lewis v. Lewis, 316 Ga. App. 67, 728 S.E.2d 741 (2012).
- 3 Wee v. Eggener, 225 P.3d 1120 (Alaska 2010).
- 4 § 31.
- 5 Maldonado v. Maldonado, 631 A.2d 40 (D.C. 1993).
- 6 Bryant v. Williams, 161 N.C. App. 444, 588 S.E.2d 506 (2003).

Because of the serious consequences of a domestic violence restraining order, such order may be issued only after a finding or an admission is made that an act of domestic violence was committed by that person. Thus, a defendant may not consent to the entry of a final restraining order issued pursuant to the Prevention of Domestic Violence Act, and a court may not enter one unless there is a finding of domestic violence by the court. Franklin v. Sloskey, 385 N.J. Super. 534, 897 A.2d 1113 (App. Div. 2006).
- 7 Chernesky v. Fedorezyk, 346 N.J. Super. 34, 786 A.2d 881 (App. Div. 2001).
- 8 Stewart v. Stewart, 687 N.W.2d 116 (Iowa Ct. App. 2004).
- 9 Sitar v. Com., 407 S.W.3d 538 (Ky. 2013).

The family court had subject-matter jurisdiction over actions brought under the Domestic Abuse Assistance Act and/or the Protection from Dating Violence Act when the victim of violence was a "dating partner"

or unrelated "household member" of the person against whom the acts of abuse were alleged; unrelated "household members" and "dating partners" were, for certain domestic violence actions, defined as falling within the jurisdiction of any court in state empowered to hear family or juvenile matters, and the family court was empowered to hear family matters, and thus, jurisdiction over actions was specifically added to the family court's jurisdiction. Lee v. Smith, 4 So. 3d 100 (La. Ct. App. 5th Cir. 2008).

Family offense proceedings commenced in the family court are civil proceedings, and jurisdiction over such proceedings is specifically granted to the family court by both the New York Constitution and by statute. Mabel R. v. Rayshawn D., 33 Misc. 3d 1023, 933 N.Y.S.2d 529 (Fam. Ct. 2011).

The Family Division had subject-matter jurisdiction to issue an order of protection against a husband where the applicable statute stated that the family division had jurisdiction over domestic violence cases, and another statute granted exclusive jurisdiction to the Family Division over actions relating to the protection of persons from domestic violence. Hemenway v. Hemenway, 159 N.J. 680, 992 A.2d 575 (2010).

10 Sitar v. Com., 407 S.W.3d 538 (Ky. 2013).

11 Pechovnik v. Pechovnik, 765 N.W.2d 94 (Minn. Ct. App. 2009).

As to determinations by the court, generally, see § 28.

12 Daugherty v. Telek, 366 S.W.3d 463 (Ky. 2012).

13 Jackson v. Jackson, 2011-Ohio-5529, 2011 WL 5135251 (Ohio Ct. App. 6th Dist. Lucas County 2011).

14 Crim v. Crim, 40 Kan. App. 2d 367, 196 P.3d 375 (2008).

15 Sitar v. Com., 407 S.W.3d 538 (Ky. 2013).

16 Daugherty v. Telek, 366 S.W.3d 463 (Ky. 2012).

17 Rita E. v. Neil E., 12 Misc. 3d 894, 819 N.Y.S.2d 439 (Fam. Ct. 2006), where a father's death terminated the family relationship between the stepmother and stepson, and thus, the family court did not have subject-matter jurisdiction over the stepmother's family offense petition against her stepson.

A long-term dating relationship between a former boyfriend and a former girlfriend allowed the former girlfriend to be considered a "victim of domestic violence," thereby conferring jurisdiction on the trial court to enter relief pursuant to New Jersey Prevention of Domestic Violence Act. Bodnar v. Sperendi, 2006 WL 349748 (N.J. Super. Ct. App. Div. 2006).

18 Coleman v. Romano, 388 N.J. Super. 342, 908 A.2d 254 (Ch. Div. 2006).

As to persons within the scope of domestic abuse and protection statutes, including present and former household members, or persons in dating and similar relationships, see §§ 8 to 10.

19 Coleman v. Romano, 388 N.J. Super. 342, 908 A.2d 254 (Ch. Div. 2006).

20 Shah v. Shah, 184 N.J. 125, 875 A.2d 931 (2005).

21 Uttaro v. Uttaro, 54 Mass. App. Ct. 871, 768 N.E.2d 600 (2002).

22 As to the standard of proof to obtain an order of protection for domestic abuse or violence, generally, see § 25.

23 J.D. v. M.D.E., 207 N.J. 458, 25 A.3d 1045 (2011).

The standard of persuasion in a domestic violence order proceeding is not the heightened criminal standard of beyond a reasonable doubt, and as a result, acquittal on a criminal charge arising from domestic violence

does not preclude the effectiveness of a domestic violence order. Rankin v. Criswell, 277 S.W.3d 621 (Ky. Ct. App. 2008).

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