

STATE STATUTES

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Definitions of Domestic Violence

The presence of domestic violence in the home is an important factor to be considered when assessing the safety of a child or determining the suitability of a placement for the child. Since domestic violence and child maltreatment frequently co-occur, it is important for child welfare practitioners to have an understanding of how domestic violence is defined.¹

¹ Child Welfare Information Gateway. (2014). *Domestic violence and the child welfare system*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau. Available at <https://www.childwelfare.gov/pubs/factsheets/domestic-violence/>

The definition of domestic violence varies depending on the context in which the term is used. A clinical or behavioral definition is “a pattern of assaultive and/or coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their intimate partners.”² The U.S. Department of Justice defines domestic violence as “A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.”³

State laws determine the legal protections that are available to victims of domestic violence. For this publication, legal definitions have been collected across the states that describe specific conduct or acts that are subject to civil and criminal actions. The specific language used may vary depending on whether the definition is found in the civil or criminal sections of the state’s code.

Definitions in Civil Laws

Approximately 48 states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands define domestic violence in their civil statutes.⁴ These statutes typically are found in domestic relations laws but also may be found in family or social services laws, and they provide a means for victims of domestic violence to obtain civil orders of protection and other protective services.

² Schechter, S., & Edelson, J. (1999). *Effective intervention in domestic violence and child maltreatment cases: Guidelines for policy and practice*. Reno, NV: National Council of Juvenile and Family Court Judges, 122–123.

³ Office of Violence Against Women, U.S. Department of Justice. (2017). Domestic violence [webpage]. Retrieved from <https://www.justice.gov/ovw/domestic-violence>.

⁴ The word “approximately” is used to stress the fact that states frequently amend their laws. This information is current only through August 2017. States that do not define domestic violence in their civil laws include Massachusetts and New Jersey.

In civil laws, domestic violence can be defined as “attempting to cause or causing bodily injury to a family or household member or placing a family or household member by threat of force in fear of imminent physical harm.” Other terms used across states include “abuse,” “domestic abuse,” “interpersonal violence,” and “family violence.”

Approximately 43 states, Puerto Rico, and the Virgin Islands list in their civil statutes specific acts that constitute domestic violence.⁵ Most common among these are sexual assault, assault or battery, causing physical harm or serious injury, threatening or placing a victim in fear of harm, harassment, stalking, trespassing, damage to property, kidnapping, and unlawful restraint. Approximately 11 states and Puerto Rico include child abuse in their civil definitions of domestic violence.⁶ In six states, animal cruelty, including violence or threatened violence against an animal that is owned by a victim of domestic violence or injuring or killing an animal as a means of harassing a person, is included in the definition of domestic violence.⁷

Definitions in Criminal Laws

Approximately 42 states, American Samoa, Guam, and Puerto Rico define domestic violence in their criminal or penal codes.⁸ These definitions generally describe acts that can lead to arrest and prosecution for misdemeanor or felony offenses.

⁵ Alabama, Alaska, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

⁶ Alabama, Colorado, Delaware, Hawaii, Maryland, New Mexico, Ohio, Pennsylvania, Texas, Utah, and Vermont.

⁷ Alaska, Colorado, Indiana, Nevada, New Hampshire, and Tennessee.

⁸ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wisconsin.

In criminal laws, domestic violence may be defined as “any criminal offense involving violence or physical harm or threat of violence or physical harm” committed by one family or household member against another. Other terms used across the states include “domestic assault,” “domestic battery,” “domestic abuse,” or “assault against a family or household member.” The specific language and terminology used by states in criminally defining domestic violence varies considerably.

Twenty-nine states, American Samoa, and Puerto Rico list in their criminal statutes specific acts that constitute domestic violence.⁹ Most common among these are assault or battery, sexual assault, harassment, stalking, trespassing, kidnapping, and burglary or robbery. Alabama, Arizona, Delaware, Utah, and American Samoa include child abuse in their criminal definitions of domestic violence. Animal cruelty is included in the criminal definitions in Colorado and Texas.

Child Abuse Reporting and Child Protection Laws

Children living in the home are at risk of becoming victims of domestic violence, yet only West Virginia specifically includes the term “domestic violence” in its statutory definition of physical child abuse and neglect. Montana includes “commission of acts of violence against another person residing in the child’s home” in its definition of psychological abuse or neglect. On the other hand, 11 states, American Samoa, and Puerto Rico include child abuse in their definitions of domestic violence.¹⁰ In addition, a comparison of the provisions of domestic violence and child protection laws shows that many of the acts that are considered domestic violence (including physical assault, sexual assault, causing physical harm or serious injury, kidnapping, and unlawful restraint) would be reportable as child abuse if a child was the victim of the act.

⁹ Alabama, Arizona, Arkansas, Colorado, Delaware, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, West Virginia, and Wisconsin.

¹⁰ Alabama, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Maine, Ohio, Texas, Utah, and Vermont.

Children do not need to sustain physical injury to be victims of domestic violence; they also may suffer emotional trauma from domestic violence injury that is sustained by family or other household members. Recognizing that children are often collateral victims of domestic violence, approximately 24 states and Puerto Rico address the issue of children exposed to domestic violence in their homes in civil or criminal codes other than child protection laws.¹¹

Persons Who Are Protected by Domestic Violence Laws

In all states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, the statutes specify that only persons who have some sort of personal relationship are protected by either civil or criminal domestic violence laws. The most common relationships listed include spouses and former spouses, persons who are currently living together, persons who have previously lived together, persons who are involved or were previously involved in a dating or intimate relationship, or persons who have a child in common, whether or not they have ever lived together.

Domestic violence definitions in the civil laws of 22 states, American Samoa, the Northern Mariana Islands, and the Virgin Islands include children as a class of protected persons.¹² Mississippi, Montana, and Puerto Rico provide protection to children within their criminal definitions, while 11 states and Guam include children in both their civil and criminal definitions.¹³ Most commonly, a child who is a member of the household or a child of either adult in the relationship is protected. Nine states and Puerto Rico specifically include grandchildren as

¹¹ As of April 2016, the states included Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Louisiana, Mississippi, Montana, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Utah, Vermont, and Washington. For more information, including citations and summaries of laws, see the Information Gateway publication, *Child Witnesses to Domestic Violence* available at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/witnessdv/>.

¹² Alaska, California, Connecticut, Georgia, Indiana, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, Texas, Virginia, and Washington.

¹³ Alabama, Arizona, Arkansas, Delaware, Hawaii, Illinois, Louisiana, Ohio, Oklahoma, Tennessee, and West Virginia.

protected persons.¹⁴ Four states include foster children.¹⁵ Foster parents are included as protected persons in six states.¹⁶

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a state's code as well as agency regulations, case law, and informal practices and procedures.

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¹⁴ Delaware, Kentucky, New Mexico, North Carolina, and Virginia in civil law; Arizona and Mississippi in criminal law; Washington and West Virginia in both civil and criminal law.

¹⁵ Georgia, Indiana, and Texas in civil law; Louisiana in criminal law.

¹⁶ Georgia, Indiana, Ohio, and Texas in civil law; Louisiana and Oklahoma in criminal law.

Alabama

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ala. Code § 30-5-2

In this chapter (concerning the issuance of civil protection orders), the term 'abuse' means an act of domestic violence committed against a victim, including the following:

- Arson, as defined under §§ 13A-7-40 to 13A-7-43
- Assault, as defined under §§ 13A-6-20 to 13A-6-22
- Attempt, which means the intent to commit any crime under this section or any other criminal act under the laws of this state or performing any overt act toward the commission of the offense
- Child abuse, which means the torture or willful abuse of a child, aggravated child abuse, or chemical endangerment of a child as provided in title 26, chapter 15
- Criminal coercion, as defined under § 13A-6-25
- Criminal trespass, which means entering or remaining in the dwelling or on the premises of another after having been warned not to do so either orally or in writing by the owner of the premises or other authorized person
- Harassment, as defined under § 13A-11-8
- Kidnapping, as defined under §§ 13A-6-43 and 13A-6-44
- Menacing, as defined under § 13A-6-23
- Any other conduct directed toward a plaintiff covered by this chapter that could be punished as a criminal act under the laws of this state
- Reckless endangerment, as defined under § 13A-6-24
- Any sexual offenses, as defined under title 13A, chapter 6, article 4
- Stalking, as defined under §§ 13A-6-90 to 13A-6-94
- Theft, which means knowingly obtaining or exerting unauthorized control or obtaining control by deception over property owned by or jointly owned by the plaintiff and another
- Unlawful imprisonment, as defined under §§ 13A-6-41 and 13A-6-42

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ala. Code § 13A-6-139.1

The term 'domestic violence' means any of the following acts committed against a victim:

- Arson
- Assault
- Attempt with the intent to commit any crime under this section
- Child abuse, which includes torture or willful abuse of a child, aggravated child abuse, or chemical endangerment of a child as provided in the Alabama Child Abuse Act
- Criminal coercion
- Criminal trespass
- Harassment
- Kidnapping
- Menacing
- Any other conduct directed toward a plaintiff covered by this chapter that could be punished as a criminal act under the laws of this state
- Reckless endangerment
- Sexual abuse
- Stalking
- Theft of property owned by or jointly owned by the plaintiff and another
- Unlawful imprisonment

Persons Included in the Definitions**Citation: Ala. Code §§ 13A-6-139.1; 30-5-2**

In civil and criminal law: A 'victim' is an individual who is related to the person who commits an act of abuse in any of the following ways:

- Is related by marriage to the defendant, including a common law marriage
- Had a former marriage or common law marriage with the defendant
- Has a child in common with the defendant regardless of whether the victim and defendant have ever been married and regardless of whether they are currently residing or have in the past resided together in the same household
- Has or had a dating relationship with the defendant
- Is a current or former household member
- Is a relative of a current or former household member who also lived with the defendant
- Is an individual who is a parent, stepparent, child, or stepchild and who is in or has maintained a living arrangement with the defendant

A 'dating relationship' is a significant relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement over a period of time and on a continuing basis during the course of the relationship. A dating relationship includes the period of engagement to be married. A dating relationship does not include a casual or business relationship or a relationship that ended more than 12 months prior to the filing of the petition for a protection order.

A household member is a person maintaining or having maintained a living arrangement with the defendant where he or she is in, or was engaged in, a romantic or sexual relationship.

Alaska

Current Through August 2017

Defined in Domestic Violence Civil Laws**Citation: Alaska Stat. § 18.66.990**

'Domestic violence' and 'crime involving domestic violence' mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- A crime against the person, under chapter 11.41
- Burglary, under §§ 11.46.300 to 11.46.310
- Criminal trespass, under §§ 11.46.320 to 11.46.330
- Arson or criminally negligent burning, under §§ 11.46.400 to 11.46.430
- Criminal mischief, under §§ 11.46.475 to 11.46.486
- Terrorist threatening, under §§ 11.56.807 or 11.56.810
- Violating a protective order, under § 11.56.740(a)(1)
- Harassment, under § 11.61.120(a)(2)-(4)
- Cruelty to animals, under § 11.61.140(a)(5), if the animal is a pet

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Alaska Stat. § 11.81.900**

The term 'crime involving domestic violence' has the meaning given in § 18.66.990.

Persons Included in the Definitions**Citation: Alaska Stat. § 18.66.990**

'Household member' includes the following:

- Adults or minors who are current or former spouses
- Adults or minors who live together or who have lived together
- Adults or minors who are dating or who have dated

- Adults or minors who are engaged in or who have engaged in a sexual relationship
- Adults or minors who are related to each other up to the fourth degree of consanguinity, whether whole-blood or half-blood relatives or by adoption, computed under the rules of civil law
- Adults or minors who are related or formerly related by marriage
- Persons who have a child of the relationship
- Minor children of a person in a relationship that is described above

American Samoa

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: A.S. Code § 47.0102

'Domestic or family violence' means the occurrence of one or more of the following acts by a family or household member but does not include acts of self-defense:

- Attempting to cause or causing physical harm to another family or household member
- Placing a family or household member in fear of physical harm
- Causing a family or household member to engage involuntarily in sexual activity by force, threat of force, or duress

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: A.S. Code § 47.0401

A 'crime involving domestic or family violence' occurs when a family or household member, as defined in § 47.0102, commits one or more of the following crimes against another family or household member:

- Arson
- Assault and harassment
- Burglary, robbery, or tampering
- Homicide offenses (murder, manslaughter, or negligent homicide)
- Kidnapping, felonious restraint, or false imprisonment
- Sex offenses (rape, sexual assault, deviate sexual assault, sexual abuse, or child molesting)
- Stealing and related offenses
- Weapon law violations (unlawful use of weapons, possessing a defaced firearm, unlawfully transferring a weapon, or unlawful possession of firearms and firearm ammunition)
- Offenses against public order (disturbing public peace or disbursing private peace)
- Family offenses (bigamy, incest, abandonment of a child, criminal nonsupport, endangering the welfare of a child, or abuse of a child)
- Property damage and trespass
- Any other crimes that the attorney general deems relevant and necessary

Persons Included in the Definitions

Citation: A.S. Code § 47.0102

'Family or household members' include the following:

- Adults or minors who are current or former spouses
- Adults or minors who live together or who have lived together
- Adults or minors who are dating or who have dated
- Adults or minors who are engaged in or who have engaged in a sexual relationship
- Adults or minors who are related by blood or adoption
- Adults or minors who are related or formerly related by marriage
- Persons who have a child in common
- Minor children of a person in a relationship that is described above

Arizona*Current Through August 2017***Defined in Domestic Violence Civil Laws****Citation: Rev. Stat. § 36-3001**

'Domestic violence' means attempting to cause or causing bodily injury to a family or household member or placing a family or household member by threat of force in fear of imminent physical harm.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Rev. Stat. § 13-3601**

'Domestic violence' means any act that constitutes one of the following offenses:

- A dangerous crime against children
- Homicide, murder, or manslaughter
- Endangerment
- A threatening or intimidating act
- Assault
- Custodial interference
- Unlawful imprisonment or kidnapping
- Sexual assault
- Criminal trespass
- Criminal damage
- Interfering with judicial proceedings
- Disorderly conduct
- Cruelty to animals
- Intentionally preventing the use of a telephone by another person during an emergency
- Use of an electronic communication to terrify, intimidate, threaten, harass, annoy, or offend
- Harassment
- Aggravated harassment
- Stalking
- Aggravated domestic violence
- Surreptitious photographing, videotaping, or filming
- Child or vulnerable adult abuse
- Emotional abuse

Persons Included in the Definitions**Citation: Rev. Stat. §§ 13-3601; 36-3001**

In criminal law: An act listed above is considered domestic violence if any of the following applies:

- 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.
- The victim and the defendant have a child in common.
- The victim or the defendant is pregnant by the other party.
- 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, stepgrandparent, stepchild, stepgrandchild, brother-in-law, or sister-in-law.
- 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.
- The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:

- » The type of relationship
- » The length of the relationship
- » The frequency of the interaction between the victim and the defendant
- » If the relationship has terminated, the length of time since the termination

In civil law: 'Family or household member' means a spouse, a former spouse, a parent, a child, or another adult person related by consanguinity or affinity who is residing or has resided in the household, or has a child or children in common with the person committing the domestic violence, and dependents of such persons.

Arkansas

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Code § 9-15-103

'Domestic abuse' means the following:

- Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members
- Any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Code §§ 5-26-303; 5-26-304; 5-26-305

'First-degree domestic battering' means the following:

- Causing serious physical injury to a family member with a deadly weapon
- Seriously and permanently disfiguring a family member or destroying, amputating, or permanently disabling a part of his or her body
- Causing serious physical injury under circumstances manifesting extreme indifference to the value of human life
- Causing serious physical injury to a family member who is age 60 or older or age 12 or younger
- Committing two or more acts of domestic battering within the past 10 years
- Causing physical injury to a family or household member by means of a firearm

'Second-degree domestic battering' means the following:

- Causing serious physical injury to a family member
- Causing or recklessly causing physical injury with a deadly weapon
- Causing physical injury to a family member who is age 60 or older or age 12 or younger

'Third-degree domestic battering' means the following:

- Causing or recklessly causing physical injury to a family member
- Negligently causing physical injury to a family member with a deadly weapon
- Causing stupor, unconsciousness, or physical or mental impairment to a family member by administering any drug or other substance

Persons Included in the Definitions

Citation: Ann. Code §§ 9-15-103; 5-26-302

In civil law: 'Family or household members' means spouses, former spouses, parents, persons related by blood within the fourth degree of consanguinity, in-laws, any children residing in the household, persons who presently or in the past have resided together or cohabited, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together.

In criminal law: 'Family or household member' means the following:

- A spouse or former spouse
- A parent
- A child, including any minor residing in the household

- Persons related by blood within the fourth degree of consanguinity
- Persons who presently or in the past have resided or cohabited together
- Persons who have or have had a child in common
- Persons who are presently or in the past have been in a dating relationship together

The degree of consanguinity is computed pursuant to § 28-9-212.

California

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Fam. Code §§ 6203; 6320

For purposes of this act, 'abuse' means any of the following:

- Intentionally or recklessly causing or attempting to cause bodily injury
- Sexual assault
- Placing a person in reasonable apprehension of imminent serious bodily injury to that person or to another
- Engaging in any behavior that has been or could be enjoined pursuant to § 6320

Abuse is not limited to the actual infliction of physical injury or assault.

The court may issue an ex parte order enjoining a party from molesting; attacking; striking; stalking; threatening; sexually assaulting; battering; harassing; telephoning, including, but not limited to, making annoying telephone calls as described in § 653m of the Penal Code; destroying personal property; contacting, either directly or indirectly, by mail or otherwise; coming within a specified distance of; or disturbing the peace of the other party; and, in the discretion of the court, on a showing of good cause, of other named family or household members.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Penal Code § 273.5

Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in the section below is guilty of a felony.

As used in this section, the term 'traumatic condition' means a condition of the body, such as a wound or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, 'strangulation' and 'suffocation' include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

Persons Included in the Definitions

Citation: Fam. Code § 6211; Penal Code § 273.5

In civil law: 'Domestic violence' is abuse perpetrated against any of the following persons:

- A spouse or former spouse
- A cohabitant or former cohabitant, as defined in § 6209
- A person with whom the respondent is having or has had a dating or engagement relationship
- 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
- 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
- Any other person related by consanguinity or affinity within the second degree

In criminal law: Section 273.5(a) shall apply if the victim is or was one or more of the following:

- The offender's spouse or former spouse
- The offender's cohabitant or former cohabitant
- The person to whom the offender is engaged or someone with whom the offender has, or previously had, an engagement or dating relationship
- The mother or father of the offender's child

Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.

Colorado

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Rev. Stat. § 13-14-101

'Contact' means any interaction or communication with another person, directly or indirectly through a third party, and electronic and digital forms of communication, including, but not limited to, communication through social media.

'Domestic abuse' means any act, attempted act, or threatened act of violence, stalking, harassment, or coercion that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship. A sexual relationship may be an indicator of an intimate relationship but is never a necessary condition for finding an intimate relationship.

The term 'coercion' includes compelling a person by force, threat of force, or intimidation to engage in conduct from which the person has the right or privilege to abstain, or to abstain from conduct in which the person has a right or privilege to engage.

'Domestic abuse' also may include any act, attempted act, or threatened act of violence against any of the following:

- The minor children of either of the parties
- An animal owned, possessed, leased, kept, or held by either of the parties or by a minor child of either of the parties when the threat, act, or attempted act is intended to coerce, control, punish, intimidate, or exact revenge upon either of the parties or a minor child of either of the parties

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Rev. Stat. § 18-6-800.3

'Domestic violence' means an act or threatened act of violence 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, 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.

Persons Included in the Definitions

Citation: Rev. Stat. § 18-6-800.3

'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.

Connecticut

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Gen. Stat. §§ 46b-38a; 46b-38h

'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 shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

'Family violence crime' means a crime as defined in § 53a-24, other than a delinquent act, which, in addition to its other elements, contains as an element an act of family violence to a family or household member. 'Family violence crime' does not include acts by parents or guardians disciplining minor children, unless such acts constitute abuse.

If any person is convicted of a violation of the crimes listed below against a family or household member, as defined in § 46b-38a, or a person in a dating relationship, the court shall include a designation that such conviction involved domestic violence on the court record for the purposes of criminal history record information. The crimes include the following:

- Assault
- Assault on an elderly, blind, disabled, or pregnant person, or a person with an intellectual disability
- Assault on a pregnant woman resulting in a miscarriage
- Assault with a firearm
- Threatening
- Reckless endangerment
- Strangulation
- Sexual assault
- Aggravated sexual assault
- Sexual assault in a spousal or cohabiting relationship
- Aggravated sexual assault of a minor
- Sexual assault with a firearm
- Stalking
- Harassment
- Criminal violation of a protective order, a standing criminal restraining order, or a restraining order

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions

Citation: Gen. Stat. § 46b-38a

'Family or household member' means the following:

- Spouses or former spouses
- Parents and their children
- Persons related by blood or marriage
- Persons, other than those persons listed above, presently residing together or who have resided together
- Persons who have a child in common regardless of whether they are or have been married or have lived together at any time
- Persons in, or who have recently been in, a dating relationship

Delaware

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Code Tit. 10, § 922

The family court shall have exclusive original criminal jurisdiction in all proceedings in this state concerning the following offenses:

- Ill treatment, abuse, abandonment, or contributing to the delinquency of a child, or any misdemeanor committed against a child
- Offenses, except felonies, committed by any of the following:
 - » One member against another member of the family
 - » Between former spouses
 - » Persons cohabitating together who are holding themselves out as a couple, with or without a child in common
 - » Persons living separate and apart with a child in common
- Intrafamily offenses against the person under title 11, §§ 601 (offensive touching), 602 (menacing), and 611 (assault)
- Violation of a protective order under title 11, § 1271A

Defined in Child Abuse Reporting and Child Protection Laws**Citation: Ann. Code Tit. 13, § 703A**

'Domestic violence' includes, but is not limited to, physical or sexual abuse or threats of physical or sexual abuse and any other offense against the person.

'Domestic violence' does not include reasonable acts of self-defense by one parent for self-protection or in order to protect the child from abuse or threats of abuse by the other parent or other adult living in the child's home.

'Perpetrator of domestic violence' means any individual who has been convicted of committing any of the following criminal offenses in the state, or any comparable offense in another jurisdiction, against the child at issue in a custody or visitation proceeding, against the other parent of the child, or against any other adult or minor child living in the home:

- Any felony-level offense
- Assault in the third degree
- Reckless endangering in the second degree
- Reckless burning or exploding
- Unlawful imprisonment in the second degree
- Unlawful sexual contact in the third degree
- Criminal contempt of a family court protective order based on an assault or other physical abuse, threat of assault or other physical abuse, or any other actions placing the petitioner in immediate risk or fear of bodily harm

Defined in Criminal Laws**Citation: Ann. Code Tit. 11, § 3906**

A crime of domestic violence includes the following:

- Any offense set forth in title 11, chapter 5, subchapter II (offenses against the person, including assault or terroristic threatening)
- Any offense set forth in title 11, chapter 5, subchapter III, subparts A (arson) and B (criminal trespass and burglary)
- Any offense set forth in title 11, chapter 5, subchapter V, subpart A (child maltreatment; sexual offenses)
- The offenses of disorderly conduct, harassment, or stalking

Persons Included in the Definitions**Citation: Ann. Code Tit. 10, § 901; Tit. 11, § 3906; Tit. 13, § 703A**

In civil law: The term 'family' means spouses, a couple cohabitating in a home in which there is a child of either or both, custodian and child, or any group of persons related by blood or marriage who are residing in one home under one head or where one is related to the other by any of the following degrees of relationship:

- Mother, father, stepfather, stepmother, mother-in-law, or father-in-law
- Brother, sister, brother-in-law, or sister-in-law
- Son, daughter; stepson, stepdaughter, son-in-law, or daughter-in-law
- Grandfather, grandmother, grandson, or granddaughter

The relationships referred to in this definition include blood relationships without regard to legitimacy and relationships by adoption.

In criminal law: An offense is a crime of domestic violence that is committed by a member of the victim's family, regardless of the state of residence of the parties; by a former spouse of the victim; by a person who cohabited with the victim at the time of the offense; or by a person with a child in common with the victim.

In child protection law: The act of domestic violence may be committed by one parent against the other parent, against any child living in either parent's home, or against any other adult living in the child's home.

District of Columbia

Current Through August 2017

Defined in Domestic Violence Civil Laws**Citation: Ann. Code § 16-1001**

The term 'interpersonal violence' means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person with whom the offender has a relationship.

The term 'intimate partner violence' means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person with whom the offender has a personal relationship.

The term 'intrafamily offense' means interpersonal, intimate partner, or intrafamily violence.

The term 'intrafamily violence' means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions

Citation: Ann. Code § 16-1001

For interpersonal violence, the term applies when the victim is a person:

- With whom the offender shares or has shared a mutual residence
- Who is or was married to; in a domestic partnership with; divorced or separated from; or in a romantic, dating, or sexual relationship with the offender

For intimate partner violence, the term applies when the victim is a person:

- To whom the offender is or was married
- With whom the offender is or was in a domestic partnership
- With whom the offender is or was in a romantic, dating, or sexual relationship

For intrafamily violence, the term applies when the victim is related to the offender by blood, adoption, legal custody, marriage, or domestic partnership, or with whom the offender has a child in common.

Florida

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Stat. § 741.28

'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.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions

Citation: Ann. Stat. § 741.28

'Family or household member' means the following:

- Spouses or 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
- 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.

Georgia*Current Through August 2017***Defined in Domestic Violence Civil Laws****Citation: Ann. Code §§ 19-13-1; 19-13-10**

As used in this article, the term 'family violence' means the occurrence of one or more of the following acts between any of the individuals listed below:

- Any felony
- Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass

The term 'family violence' shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

The term '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.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions**Citation: Ann. Code §§ 19-13-1; 19-13-10**

Individuals subject to the provisions of this section include the following:

- Past or present spouses
- Persons who are parents of the same child
- Parents and children
- Stepparents and stepchildren
- Foster parents and foster children
- Other persons living or formerly living in the same household

The term 'family or household members' includes the following:

- Past or present spouses
- Persons who are parents of the same child
- Other persons living or formerly living in the same household

Guam*Current Through April 2017***Defined in Domestic Violence Civil Laws****Citation: Ann. Code Tit. 19, § 14101**

Terms used in this chapter shall have the same meaning as set forth in title 9, chapter 30.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Ann. Code Tit. 9, § 30.10**

'Family violence' means the occurrence of one or more of the following acts by a family or household member:

- Attempting to cause or causing bodily injury to another family or household member
- Placing a family or household member in fear of bodily injury
- 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

'Family violence' does not include acts of self-defense or acts in defense of others.

Persons Included in the Definitions

Citation: Ann. Code Tit. 9, § 30.10

'Family or household members' include the following:

- Adults or minors who are current or former spouses
- Adults or minors who live together or who have lived together
- Adults or minors who are dating or who have dated
- Adults or minors who are engaged in or who have engaged in a sexual relationship
- Adults or minors who are related by blood or adoption to the fourth degree of affinity
- Adults or minors who are related or formerly related by marriage
- Persons who have a child in common
- Minor children of a person in a relationship described above

Hawaii

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Rev. Stat. § 586-1

'Domestic abuse' means the following:

- Physical harm, bodily injury, or assault; the threat of imminent physical harm, bodily injury, or assault; extreme psychological abuse; or malicious property damage between family or household members
- Any act that would constitute an offense under § 709-906 (abuse of family or household members), or under part V (sexual offenses), or VI (child abuse) of chapter 707 committed against a minor family or household member by an adult family or household member

'Extreme psychological abuse' means an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual and that serves no legitimate purpose, provided that such course of conduct would cause a reasonable person to suffer extreme emotional distress.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Rev. Stat. § 709-906

It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer.

Persons Included in the Definitions

Citation: Rev. Stat. §§ 586-1; 709-906

In civil law: 'Family or household member' means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship. The term 'family or household member' does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

'Dating relationship' means a romantic, courtship, or engagement relationship, which is often, but not necessarily, characterized by actions of an intimate or sexual nature but does not include a casual acquaintance or ordinary fraternization between persons in a business or social context.

In criminal law: 'Family or household member' means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons in a dating relationship as defined under § 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit. The term 'family or household member' does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

Idaho*Current Through August 2017***Defined in Domestic Violence Civil Laws****Citation: Ann. Stat. § 39-6303**

'Domestic violence' means the physical injury, sexual abuse, or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Ann. Stat. § 18-918**

'Traumatic injury' means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force.

Any household member who, in committing a battery as defined in § 18-903, inflicts a traumatic injury upon any other household member is guilty of a felony.

A household member who commits an assault, as defined in § 18-901, against another household member that does not result in traumatic injury is guilty of a misdemeanor domestic assault.

A household member who commits a battery, as defined in § 18-903, against another household member that does not result in traumatic injury is guilty of a misdemeanor domestic battery.

Persons Included in the Definitions**Citation: Ann. Stat. §§ 39-6303; 18-918**

In civil law: 'Family member' means spouses, former spouses, and persons related by blood, adoption, or marriage.

'Household member' means persons who reside or have resided together and persons who have a child in common regardless of whether they have been married or have lived together at any time.

'Dating relationship,' for the purposes of this chapter, is defined as a social relationship of a romantic nature. Factors that the court may consider in making this determination include the following:

- The nature of the relationship
- The length of time the relationship has existed
- The frequency of interaction between the parties
- The time since termination of the relationship, if applicable

In criminal law: '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.

Illinois*Current Through August 2017***Defined in Domestic Violence Civil Laws****Citation: Cons. Stat. Ch. 750, § 60/103**

'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.

'Domestic violence' means abuse, as above.

'Harassment' means knowing conduct that is not necessary to accomplish a purpose that is reasonable under the circumstances, would cause a reasonable person emotional distress, and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

- Creating a disturbance at the petitioner's place of employment or school
- Repeatedly telephoning the petitioner's place of employment, home, or residence
- Repeatedly following the petitioner about in a public place or places

- Repeatedly keeping the petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle, or other place occupied by the petitioner or by peering in the petitioner's windows
- Improperly concealing a minor child from the petitioner, repeatedly threatening to improperly remove a minor child of the petitioner, repeatedly threatening to conceal a minor child from the petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence
- Threatening physical force, confinement, or restraint on one or more occasions

'Interference with personal liberty' means committing or threatening physical abuse, harassment, intimidation, or willful deprivation so as to compel another to engage in conduct from which he or she has a right to abstain or to refrain from conduct in which he or she has a right to engage.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Cons. Stat. Ch. 720, §§ 5/12-3.2 & 3.3; Ch. 725, § 5/112A-3

A person commits 'domestic battery' if he or she intentionally or knowingly without legal justification by any means:

- Causes bodily harm to any family or household member
- Makes physical contact of an insulting or provoking nature with any family or household member

A person who, in committing a domestic battery, intentionally or knowingly causes great bodily harm or permanent disability or disfigurement commits aggravated domestic battery. A person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. For the purposes of this subsection, 'strangle' means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.

'Abuse,' 'domestic violence,' and 'harassment' have the same meaning as defined in chapter 750, § 60/103, above.

Persons Included in the Definitions

Citation: Cons. Stat. Ch. 750, § 60/103; Ch. 725, § 5/112A-3

In civil and criminal law: 'Family or household members' include the following:

- 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
- Caregivers, as defined in chapter 720, § 5/12-21 or § 5/12-4.4a

For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship.

Indiana

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Stat. §§ 31-9-2-29.5; 31-9-2-42

'Crime involving domestic or family violence' means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- A homicide offense
- A battery offense
- Kidnapping or confinement
- A sex offense
- Robbery
- Arson or mischief

- Burglary or trespass
- Disorderly conduct
- Intimidation or harassment
- Voyeurism
- Stalking
- An offense against the family under §§ 35-46-1-2 through 35-46-1-8; or §§ 35-46-1-12, 35-46-1-15.1, IC 35-46-1-15.3
- Human and sexual trafficking crimes
- A crime involving animal cruelty and a family or household member

'Domestic or family violence' means, except for an act of self-defense, the occurrence of one or more of the following acts committed by a family or household member:

- Attempting to cause, threatening to cause, or causing physical harm to another family or household member without legal justification
- Placing a family or household member in fear of physical harm without legal justification
- Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress
- Beating, torturing, mutilating, or killing an animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Stat. § 35-31.5-2-78

'Crime of domestic violence' means an offense or the attempt to commit an offense that:

- Includes the use of physical force or threatened use of a deadly weapon
- Is committed against a:
 - » Current or former spouse, parent, or guardian of the defendant
 - » Person with whom the defendant has a child in common
 - » Person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian
 - » Person who was or had been similarly situated to a spouse, parent, or guardian of the defendant

Persons Included in the Definitions

Citation: Ann. Code § 31-9-2-44.5

In civil law: An individual is a 'family or household member' of another person if the individual:

- Is a current or former spouse of the other person
- Is dating or has dated the other person
- Is engaged or was engaged in a sexual relationship with the other person
- Is related by blood or adoption to the other person
- Is or was related by marriage to the other person
- Has or previously had an established legal relationship:
 - » As a guardian of the other person
 - » As a ward of the other person
 - » As a custodian of the other person
 - » As a foster parent of the other person
 - » In a capacity with respect to the other person similar to those listed above
- Has a child in common with the other person

An individual is a 'family or household member' of both persons listed above if the individual is a minor child of one of the persons.

Iowa

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Stat. § 236.2

'Domestic abuse' means committing assault, as defined in § 708.1, under any of the following circumstances:

- The assault is between family or household members who resided together at the time of the assault.
- The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.
- 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.
- 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.
- 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.

In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors:

- The duration of the relationship
- The frequency of interaction
- Whether the relationship has been terminated
- The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement

A person may be involved in an intimate relationship with more than one person at a time.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Stat. § 708.2A

'Domestic abuse assault' means an assault, as defined in § 708.1, that is domestic abuse, as defined in § 236.2.

On a first offense of domestic abuse assault, the person commits:

- A simple misdemeanor for a domestic abuse assault, except as otherwise provided
- A serious misdemeanor if the domestic abuse assault causes bodily injury or mental illness
- An aggravated misdemeanor if any of the following applies:
 - » The domestic abuse assault is committed with the intent to inflict a serious injury upon another.
 - » The person uses or displays a dangerous weapon in connection with the assault.
 - » The domestic abuse assault is committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.

Persons Included in the Definitions

Citation: Ann. Stat. § 236.2

'Family or household members' means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity.

'Family or household members' does not include children under age 18 of persons listed.

'Intimate relationship' means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationships or associations in a business or professional capacity.

Kansas*Current Through August 2017***Defined in Domestic Violence Civil Laws****Citation: Ann. Stat. § 60-3102**

'Abuse' means the occurrence of one or more of the following acts between intimate partners or household members:

- Intentionally attempting to cause bodily injury, or intentionally or recklessly causing bodily injury
- Intentionally placing, by physical threat, another in fear of imminent bodily injury
- Engaging in any sexual contact or attempted sexual contact with another person without consent or when such person is incapable of giving consent
- Engaging in any of the following acts with a minor under age 16 who is not the spouse of the offender:
 - » The act of sexual intercourse
 - » 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 either the minor or the offender, or both

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Ann. Stat. § 21-5414**

The term 'domestic battery' means:

- 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
- 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, when done in a rude, insulting, or angry manner

The term 'aggravated domestic battery' means:

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

Persons Included in the Definitions**Citation: Ann. Stat. §§ 21-5414; 60-3102**

In criminal law: 'Family or household member' means persons age 18 or older who are any of the following:

- Spouses or former spouses
- Parents or stepparents and children or stepchildren
- 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 have been married or have lived together at any time

'Family or household member' also includes 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 at any time.

In civil law: '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.

In civil and criminal law: 'Dating relationship' means a social relationship of a romantic nature. A dating relationship shall be presumed if a plaintiff verifies that such relationship exists. In addition to any other factors the court deems relevant, the court shall consider the following factors in making a determination of whether a relationship exists or existed:

- The nature of the relationship
- The length of time the relationship existed
- The frequency of interaction between the parties
- The time since termination of the relationship, if applicable

Kentucky

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Stat. § 403.720

'Domestic violence and abuse' means physical injury, serious physical injury, stalking, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Stat. § 508.032

If a person commits a third or subsequent offense of assault in the fourth degree under § 508.030 within 5 years, and the relationship between the perpetrator and the victim in each of the offenses meets the definition of family member or member of an unmarried couple, as defined in § 403.720, then the person may be convicted of a Class D felony.

Persons Included in the Definitions

Citation: Ann. Stat. § 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 living in the same household as a child if the child is the alleged victim.

'Member of an unmarried couple' means each member of an unmarried couple that allegedly has a child in common, any children of that couple, or members of an unmarried couple who are living together or have formerly lived together.

Louisiana

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Rev. Stat. § 9:362; Ch. Code Art. 1565

'Family violence' includes, but is not limited to, physical or sexual abuse and any offense against the person, as defined in the Criminal Code of Louisiana, except negligent injuring and defamation, committed by one parent against the other parent or against any of the children. Family violence does not include reasonable acts of self-defense utilized by one parent to protect himself or herself or a child in the family from the family violence of the other parent.

'Domestic abuse' includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in chapter 1 of title 14 of the Louisiana Revised Statutes, except negligent injury and defamation, committed by one family or household member against another.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Rev. Stat. §§ 14:35.3; 14:2(B)

'Domestic abuse battery' is the intentional use of force or violence committed by one household member upon the person of another household member. Any crime of violence, as defined in Rev. Stat. § 14:2(B), against a person committed by one household member against another household member shall be designated as an act of domestic violence.

The term 'crime of violence' means an offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. 'Crimes of violence' include the following:

- Solicitation for murder
- Murder or manslaughter

- Battery or aggravated assault
- Rape or sexual battery
- Intentional exposure to the AIDS virus
- Kidnapping
- Aggravated arson
- Aggravated criminal damage to property
- Burglary, robbery, or armed robbery
- Assault by driveby shooting
- Aggravated crime against nature
- Terrorism
- Stalking
- Second-degree cruelty to juveniles
- Trafficking of children for sexual purposes
- Human trafficking
- Home invasion
- Domestic abuse aggravated assault
- Aggravated assault upon a dating partner

Persons Included in the Definitions

Citation: Ch. Code Art. 1565; Rev. Stat. § 14:35.3

In civil law: 'Family or household member' means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, foster children, and any person living in the same residence with the defendant as a spouse, whether married or not, if a child or children also live in the residence, who are seeking protection under this chapter.

In criminal law: 'Family member' means spouses, former spouses, parents, children, stepparents, stepchildren, foster parents, and foster children.

The term 'household member' includes the following:

- Any person presently or formerly living in the same residence with the offender
- Any person who is involved or has been involved in a sexual or intimate relationship with the offender
- Any child presently or formerly living in the same residence with the offender
- Any child of the offender regardless of where the child resides

Maine

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Rev. Stat. Tit. 19-A, § 4002

'Abuse' means the occurrence of the following acts between family or household members or dating partners or by a family or household member or dating partner upon a minor child of a family or household member or dating partner:

- Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults
- Attempting to place or placing another in fear of bodily injury through any course of conduct, including, but not limited to, threatening, harassing, or tormenting behavior
- Compelling a person by force, threat of force, or intimidation to engage in conduct from which the person has a right to abstain or to abstain from conduct in which the person has a right to engage
- Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by:
 - » Removing that person from that person's residence, place of business, or school
 - » Moving that person a substantial distance from the vicinity in which that person was found
 - » Confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved
- Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another

- Repeatedly and without reasonable cause:
 - » Following the plaintiff
 - » Being at or in the vicinity of the plaintiff's home, school, business, or place of employment
- Engaging in the unauthorized dissemination of certain private images as prohibited by title 17-A, § 511-A
- Engaging in aggravated sex trafficking or sex trafficking

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Rev. Stat. Tit. 17-A, §§ 207-A; 209-A; 210-B; 210-C; 211-A

A person is guilty of 'domestic violence assault' if the person commits an act of assault and the victim is a family or household member as defined in title 19-A, § 4002.

A person is guilty of 'domestic violence criminal threatening' if the person commits an act of criminal threatening and the victim is a family or household member.

A person is guilty of 'domestic violence terrorizing' if the person commits an act of terrorizing and the victim is a family or household member.

A person is guilty of 'domestic violence stalking' if the person commits an act of stalking and the victim is a family or household member.

A person is guilty of 'domestic violence reckless conduct' if the person commits an act of reckless conduct and the victim is a family or household member.

Persons Included in the Definitions

Citation: Rev. Stat. Tit. 19-A, § 4002

'Family or household members' means the following:

- Spouses or domestic partners and 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
- Minor children of a household member when the defendant is an adult household member

For the purposes of title 15, § 1023(4)(B-1); this chapter; and title 17-A, §§ 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202, and 1253 only, the term includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute 'living as spouses.'

For purposes of this subsection, 'domestic partners' means two unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

'Dating partners' means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.

Maryland

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Fam. Law § 4-501

'Abuse' means any of the following acts:

- An act that causes serious bodily harm
- An act that places a person eligible for relief in fear of imminent serious bodily harm
- Assault in any degree
- Rape or sexual offense under §§ 3-303 through 3-308 of the Criminal Law Article, or attempted rape or sexual offense in any degree
- False imprisonment
- Stalking under § 3-802 of the Criminal Law Article

Defined in Child Abuse Reporting and Child Protection Laws**Citation: Fam. Law § 4-501**

If the person for whom relief (from domestic violence) is sought is a child, 'abuse' also may include abuse of a child, as defined in title 5, subtitle 7 of this article. Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions**Citation: Fam. Law §§ 4-501; 4-513**

'Person eligible for relief' includes the following:

- The current or former spouse of the respondent
- A cohabitant of the respondent
- A person related to the respondent by blood, marriage, or adoption
- 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
- A vulnerable adult
- An individual who has a child in common with the respondent
- An individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition

'Cohabitant' means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition.

'Victim of domestic violence' means an individual who has received deliberate, severe, and demonstrable physical injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury from a current or former spouse or a current or former cohabitant.

Massachusetts

Current Through August 2017

Defined in Domestic Violence Civil Laws

This issue is not addressed in the statutes reviewed.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Ann. Laws Ch. 209A, § 1**

'Abuse' means the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or causing physical harm
- Placing another in fear of imminent serious physical harm
- Causing another to engage involuntarily in sexual relations by force, threat, or duress

Persons Included in the Definitions**Citation: Ann. Laws Ch. 209A, § 1**

'Family or household members' includes persons who:

- Are or were married to one another
- Are or were residing together in the same household
- Are or were related by blood or marriage
- Have a child in common regardless of whether they have ever married or lived together
- Are or have been in a substantive dating or engagement relationship

A substantive dating relationship shall be adjudged by district, probate, or Boston municipal courts in consideration of the following factors:

- The length of time of the relationship
- The type of relationship
- The frequency of interaction between the parties
- If the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship

Michigan

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Comp. Laws § 400.1501

'Domestic violence' means the occurrence of any of the following acts by a person that is not an act of self-defense:

- Causing or attempting to cause physical or mental harm to a family or household member
- Placing a family or household member in fear of physical or mental harm
- Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress
- Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Comp. Laws §§ 750.81; 750.81a

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.

An individual who commits an assault or an assault and battery and who has two or more previous convictions for assaulting or assaulting and battering 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 felony.

An individual who assaults 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 the same household without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor.

An individual who commits an aggravated assault and battery and who has one or more previous convictions for assaulting or assaulting and battering 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 the same household is guilty of a felony.

Persons Included in the Definitions

Citation: Comp. Laws § 400.1501

'Family or household member' includes any of the following:

- A spouse or former spouse
- An individual with whom the person resides or has resided
- An individual with whom the person has or had a dating relationship
- An individual with whom the person is or has engaged in a sexual relationship
- An individual to whom the person is related or was formerly related by marriage
- An individual with whom the person has a child in common
- The minor child of an individual described above

'Dating relationship' means frequent, intimate associations primarily characterized by the expectation of affectional involvement. 'Dating relationship' does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

Minnesota

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Stat. § 518B.01, subd. 2

'Domestic abuse' means the following if committed against a family or household member by a family or household member:

- Physical harm, bodily injury, or assault
- The infliction of fear of imminent physical harm, bodily injury, or assault
- Terroristic threats, as defined by § 609.713, subdivision 1
- Criminal sexual conduct, as defined by §§ 609.342, 609.343, 609.344, 609.345, or 609.3451
- Interference with an emergency call, as defined by § 609.78, subdivision 2

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Stat. § 609.2242

'Domestic assault' occurs when a person commits an assault, defined as any of the acts listed below, against a family or household member, as defined in § 518B.01, subdivision 2. A domestic assault occurs when the person:

- Commits an act with intent to cause fear in another of immediate bodily harm or death
- Intentionally inflicts or attempts to inflict bodily harm upon another

Persons Included in the Definitions

Citation: Ann. Stat. § 518B.01, subd. 2

'Family or household members' includes the following:

- Spouses and former spouses
- Parents and children
- Persons related by blood
- 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 have been married or have lived together at any time
- 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 at any time
- Persons involved in a significant romantic or sexual relationship

In determining whether persons are or have been involved in a significant romantic or sexual relationship, the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination.

Mississippi

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Code § 93-21-3

'Abuse' means the occurrence of one or more of the following acts between any individuals listed below:

- Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon
- Placing, by physical menace or threat, another in fear of imminent serious bodily injury
- Criminal sexual conduct committed against a minor, as defined by § 97-5-23
- Stalking, as defined by § 97-3-107

- Cyberstalking, as defined by § 97-45-15
- Sexual offenses, as defined by §§ 97-3-65 or 97-3-95

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Code § 97-3-7

A person is guilty of simple domestic violence who:

- Attempts to cause or purposely, knowingly, or recklessly causes bodily injury to another person
- Negligently causes bodily injury to another person with a deadly weapon or other means likely to produce death or serious bodily harm
- Attempts by physical menace to put another person in fear of imminent serious bodily harm

A person is guilty of aggravated domestic violence who:

- Attempts to cause serious bodily injury to another person or causes such an injury purposely, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life
- Attempts to cause or purposely or knowingly causes bodily injury to another person with a deadly weapon or other means likely to produce death or serious bodily harm
- Strangles or attempts to strangle another person

Persons Included in the Definitions

Citation: Ann. Code §§ 97-3-7; 93-21-3

In criminal law: An offense is an act of domestic violence when it is committed against any of the following:

- A current or former spouse of the defendant 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
- A person with whom the defendant has had a biological or legally adopted child

In civil law: The following individuals are included:

- Spouses, former spouses, or persons living as spouses or who formerly lived as spouses
- Persons having a child or children in common
- Other individuals related by consanguinity or affinity who reside together or who formerly resided together
- Individuals who have a current or former dating relationship

'Dating relationship' means a social relationship of a romantic or intimate nature between two individuals. It does not include a casual relationship or ordinary fraternization between two individuals in a business or social context. Whether a relationship is a 'dating relationship' shall be determined by examining the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the two individuals involved in the relationship

Missouri

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Stat. § 455.010

'Abuse' includes, but is not limited to, the occurrence of any of the following acts, attempts, or threats against a person who may be protected pursuant to this chapter:

- 'Assault,' which means purposely or knowingly placing or attempting to place another in fear of physical harm
- 'Battery,' which means purposely or knowingly causing physical harm to another with or without a deadly weapon
- 'Coercion,' which means compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage

- 'Harassment,' which means engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child, serves no legitimate purpose, and causes a reasonable adult or child to suffer substantial emotional distress, including, but not limited to:
 - » Following another about in a public place or places
 - » Peering in the window or lingering outside the residence of another, not including any constitutionally protected activity
- 'Sexual assault,' which means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent
- 'Unlawful imprisonment,' which means holding, confining, detaining, or abducting another person against that person's will
- 'Domestic violence,' which means abuse or stalking committed by a family or household member, as such terms are defined in this section

'Stalking' is when any person purposely engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct. 'Domestic violence' is abuse or stalking that is committed by a family or household member.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Stat. §§ 565.072; 565.073; 565.074; 565.076

A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term is defined under § 565.002.

A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, and he or she:

- Knowingly causes physical injury to the victim by any means, including, but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation
- Recklessly causes serious physical injury to the victim
- Recklessly causes physical injury to the victim by means of any deadly weapon

A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim.

A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, and any of the following applies:

- The person attempts to cause or recklessly causes physical injury, physical pain, or illness to the victim.
- With criminal negligence, the person causes physical injury to the victim by means of a deadly weapon or dangerous instrument.
- The person purposely places the victim in apprehension of immediate physical injury by any means.
- The person recklessly engages in conduct that creates a substantial risk of death or serious physical injury to the victim.
- The person knowingly causes physical contact with the victim knowing he or she will regard the contact as offensive.
- The person knowingly attempts to cause or causes the isolation of the victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices, or transportation for the purpose of isolation.

Persons Included in the Definitions

Citation: Ann. Stat. §§ 455.010; 565.002

In civil law: 'Family' or 'household member' means spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.

In criminal law: The term 'domestic victim' means a household or family member as the term 'family' or 'household member' is defined in § 455.010, including any child who is a member of the household or family.

Montana*Current Through August 2017***Defined in Domestic Violence Civil Laws****Citation: Ann. Code § 40-15-102**

A person may file a petition for an order of protection if:

- The petitioner is in reasonable apprehension of bodily injury by the petitioner's partner or family member, as defined in § 45-5-206.
- The petitioner is a victim of one of the offenses listed below committed by a partner or family member:
 - » Assault or aggravated assault
 - » Intimidation
 - » Partner or family member assault
 - » Criminal or negligent endangerment
 - » Assault on a minor
 - » Assault with a weapon
 - » Strangulation of a partner or family member
 - » Unlawful restraint
 - » Kidnapping or aggravated kidnapping
 - » Arson

Defined in Child Abuse Reporting and Child Protection Laws**Citation: Ann. Code § 41-3-102(23)**

'Psychological abuse or neglect' means severe maltreatment through acts or omissions that are injurious to the child's emotional, intellectual, or psychological capacity to function, including the commission of acts of violence against another person residing in the child's home.

The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

Defined in Criminal Laws**Citation: Ann. Code § 45-5-206**

A person commits the offense of 'partner or family member assault' when the person:

- Purposely or knowingly causes bodily injury to a partner or family member
- Negligently causes bodily injury to a partner or family member with a weapon
- Purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member

Persons Included in the Definitions**Citation: Ann. Code § 45-5-206**

'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. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.

'Partners' means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.

Nebraska*Current Through August 2017***Defined in Domestic Violence Civil Laws****Citation: Rev. Stat. § 42-903**

'Abuse' means the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument
- Placing, by means of credible threat, another person in fear of imminent bodily injury
- Engaging in sexual contact or sexual penetration without consent, as defined in § 28-318

For purposes of this subdivision, 'credible threat' means a verbal or written threat, including a threat performed through the use of an electronic communication device or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct that is made by a person with the apparent ability to carry out the threat, so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat shall not prevent the threat from being deemed a credible threat under this section.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Rev. Stat. § 28-323

A person commits the offense of 'domestic assault in the third degree' if he or she:

- Intentionally and knowingly causes bodily injury to his or her intimate partner
- Threatens an intimate partner with imminent bodily injury
- Threatens an intimate partner in a menacing manner

A person commits the offense of 'domestic assault in the second degree' if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.

A person commits the offense of 'domestic assault in the first degree' if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.

Persons Included in the Definitions

Citation: Rev. Stat. §§ 42-903; 28-323

In civil law: 'Family or household members' includes the following:

- Spouses or former spouses
- Children
- Persons who are presently residing together or who have resided together in the past
- Persons who have a child in common whether or not they have been married or have lived together at any time
- Other persons related by consanguinity or affinity
- Persons who are presently or who have been involved in a dating relationship with each other

'Dating relationship' means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context.

In criminal law: 'Intimate partner' means any of the following:

- A spouse or former spouse
- Persons who have a child in common whether or not they have been married or lived together at any time
- Persons who are or were involved in a dating relationship

'Dating relationship' means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context.

Nevada

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Rev. Stat § 33.018

'Domestic violence' occurs when a person commits one of the following acts against or upon any person listed below:

- Assault or battery
- Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act that he or she has the right to perform
- Sexual assault
- A knowing, purposeful, or reckless course of conduct intended to harass the other, including, but not limited to any of the following:

- » Stalking
- » Arson
- » Trespassing
- » Larceny
- » Destruction of private property
- » Carrying a concealed weapon without a permit
- » Injuring or killing an animal
- » False imprisonment
- » Unlawful entry into the other's residence or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the person's entry

Defined in Child Abuse Reporting and Child Protection Laws

Citation: Rev. Stat. § 432B.330(3)

A child may be in need of protection if the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to § 33.018.

Defined in Criminal Laws

Citation: Rev. Stat. § 217.400

The term 'domestic violence' means the following:

- The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force
- Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:
 - » Assault or battery
 - » Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform
 - » Sexual assault
 - » A knowing, purposeful, or reckless course of conduct intended to harass the other, including, without limitation, any of the following:
 - Stalking
 - Arson
 - Trespassing
 - Larceny
 - Destruction of private property
 - Carrying a concealed weapon without a permit
 - False imprisonment
 - Unlawful entry into the other's residence or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other person from the entry

Persons Included in the Definitions

Citation: Rev. Stat. §§ 33.018; 217.400

In civil law: The following persons are eligible for protection:

- A spouse or former spouse
- Any person related by blood or marriage
- Persons who have had or are having a dating relationship
- Persons who have a child in common
- The minor child of any of those persons
- A minor child of the abuser or any person who has been appointed the custodian or legal guardian for his or her minor child

'Dating relationship' means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

In criminal law: 'Family or household member' means any of the following:

- A spouse or former spouse
- A parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence

'Dating relationship' means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

'Victim of domestic violence' includes the dependent children of the victim.

New Hampshire

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Rev. Stat. § 173-B:1

'Abuse' means the commission or attempted commission of one or more of the acts listed below by a family or household member or current or former sexual or intimate partner when such conduct constitutes a credible threat to the petitioner's safety. The court may consider evidence of such acts, regardless of their proximity in time to the filing of the petition, which, in combination with recent conduct, reflects an ongoing pattern of behavior that reasonably causes or has caused the petitioner to fear for his or her safety or well-being:

- Assault or reckless conduct, as defined in §§ 631:1 through 631:3
- Criminal threatening, as defined in § 631:4
- Sexual assault, as defined in §§ 632-A:2 through 632-A:5
- Interference with freedom, as defined in §§ 633:1 through 633:3-a
- Destruction of property, as defined in §§ 634:1 and 634:2
- Unauthorized entry, as defined in §§ 635:1 and 635:2
- Harassment, as defined in § 644:4
- Cruelty to animals, as defined in § 644:8

'Domestic violence' means abuse as defined above.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Rev. Stat. § 631:2-b

A person is guilty of domestic violence if the person commits any of the following against a family or household member or intimate partner:

- Purposely or knowingly causes bodily injury or unprivileged physical contact against another by use of physical force
- Recklessly causes bodily injury to another by use of physical force
- Negligently causes bodily injury to another by means of a deadly weapon
- Uses or attempts 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
- Threatens to use a deadly weapon against another person for the purpose of terrorizing that person
- Coerces or forces another to submit to sexual contact by using physical force or physical violence
- Threatens to use physical force or physical violence, or threatens to use a deadly weapon, to cause another to submit to sexual contact and the victim believes the actor has the present ability to execute the threat
- Confines another unlawfully by means of physical force or the threatened use of a deadly weapon, so as to interfere substantially with his or her physical movement
- Knowingly violates a term of a protective order issued by means of the use or attempted use of physical force or the threatened use of a deadly weapon

- Uses physical force or the threatened use of a deadly weapon against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with either of the following:
 - » The report of any criminal offense, bodily injury, or property damage to a law enforcement agency
 - » A request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider

Persons Included in the Definitions

Citation: Rev. Stat. §§ 173-B:1; 631:2-b

In civil law: 'Family or household member' means any of the following:

- Spouses, ex-spouses, persons cohabiting with each other, and persons who cohabited with each other but no longer share the same residence
- Parents and other persons related by consanguinity or affinity, other than minor children who reside with the defendant

'Intimate partners' means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.

In criminal law: The term 'family or household member' means any of the following:

- The actor's spouse or former spouse
- A person with whom the actor is cohabiting as a spouse, parent, or guardian
- A person with whom the actor cohabited as a spouse, parent, or guardian but no longer shares the same residence
- An adult with whom the actor is related by blood or marriage
- A person with whom the actor shares a child in common

The term 'intimate partner' means a person with whom the actor is currently or was formerly involved in a romantic relationship, regardless of whether or not the relationship was sexually consummated.

New Jersey

Current Through August 2017

Defined in Domestic Violence Civil Laws

This issue is not addressed in the statutes reviewed.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Stat. § 2C:25-19

'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:

- Homicide
- Assault
- Terroristic threats
- Kidnapping
- Criminal restraint
- False imprisonment
- Sexual assault
- Criminal sexual contact
- Lewdness
- Criminal mischief
- Burglary
- Criminal trespass

- Harassment
- Stalking
- Criminal coercion
- Robbery
- Contempt of a domestic violence order that constitutes a crime or disorderly persons offense
- Any other crime involving risk of death or serious bodily injury to a protected person
- Cyber harassment

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute 'domestic violence' but may be the basis for the filing of a petition or complaint pursuant to the provisions of § 2A:4A-30 (Juvenile Justice Code).

Persons Included in the Definitions

Citation: Ann. Stat. § 2C:25-19

'Victim of domestic violence' means a person protected under this act and shall include any person who is age 18 or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former 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 any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

New Mexico

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Stat. § 40-13-2

The term 'domestic abuse' includes the following:

- An incident of stalking or sexual assault whether committed by a household member or not
- An incident by a household member against another household member consisting of or resulting in any of the following:
 - » Physical harm
 - » Severe emotional distress
 - » Bodily injury or assault
 - » A threat causing imminent fear of bodily injury by any household member
 - » Criminal trespass
 - » Criminal damage to property
 - » Repeatedly driving by a residence or work place
 - » Telephone harassment
 - » Harassment
 - » Harm or threatened harm to children

Domestic abuse does not mean the use of force in self-defense or in the defense of another.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Stat. §§ 30-3-12 through 30-3-16

'Assault against a household member' consists of any of the following:

- An attempt to commit a battery against a household member
- Any unlawful act, threat, or menacing conduct that causes a household member to reasonably believe that he or she is in danger of receiving an immediate battery

'Aggravated assault against a household member' consists of any of the following:

- Unlawfully assaulting or striking at a household member with a deadly weapon
- Willfully and intentionally assaulting a household member with intent to commit any felony

'Assault against a household member with intent to commit a violent felony' consists of any person assaulting a household member with intent to kill or commit any murder; mayhem; criminal sexual penetration in the first, second, or third degree; robbery; kidnapping; false imprisonment; or burglary.

'Battery against a household member' consists of the unlawful, intentional touching or application of force to the person of a household member when done in a rude, insolent, or angry manner.

'Aggravated battery against a household member' consists of the unlawful touching or application of force to the person of a household member with intent to injure that person or another.

Persons Included in the Definitions

Citation: Ann. Stat. §§ 40-13-2; 30-3-11

In civil law: 'Household member' means any of the following:

- A spouse or former spouse
- A parent, present or former stepparent, or present or former parent-in-law
- A grandparent or grandparent-in-law
- A child, stepchild, or grandchild
- A coparent of a child
- A person with whom the petitioner has had a continuing personal relationship

Cohabitation is not necessary to be deemed a household member for purposes of this section.

'Coparents' means persons who have a child in common regardless of whether they have been married or have lived together at any time.

In criminal law: 'Household member' means any of the following:

- A spouse or former spouse
- A parent, present or former stepparent, or present or former parent-in-law
- A grandparent or grandparent-in-law
- A coparent of a child
- A person with whom a person has had a continuing personal relationship

Cohabitation is not necessary to be deemed a household member for the purposes of this section.

'Continuing personal relationship' means a dating or intimate relationship.

New York

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Soc. Serv. Law § 459-a

The term 'victim of domestic violence' means any person over age 16, any married person, or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act that would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and:

- Such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child.
- Such act or acts are or are alleged to have been committed by a family or household member.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Crim. Proc. Law § 530.11**

The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts between spouses or former spouses or between parent and child or between members of the same family or household that would constitute any of the following:

- Disorderly conduct
- Harassment or aggravated harassment
- Sexual misconduct, forcible touching, or sexual abuse
- Stalking, criminal mischief, menacing, or reckless endangerment
- Strangulation or criminal obstruction of breathing or blood circulation
- Assault or attempted assault
- Identity theft or grand larceny

Persons Included in the Definitions**Citation: Crim. Proc. Law § 530.11; Soc. Serv. Law § 459-a**

In criminal law: The term 'members of the same family or household' with respect to a proceeding in the criminal courts shall mean the following:

- Persons related by consanguinity or affinity
- Persons legally married to one another
- Persons formerly married to one another regardless of whether they still reside in the same household
- Persons who have a child in common, regardless of whether such persons have been married or have lived together at any time
- 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

In civil law: The term 'family or household members' also includes the following individuals:

- Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household
- Any other category of individuals deemed to be a victim of domestic violence as defined by the Office of Children and Family Services in regulation

'Parent' means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

In civil and criminal law: Factors that may be considered in determining whether a relationship is an 'intimate relationship' include, but are not limited to, the following:

- The nature or type of relationship regardless of whether the relationship is sexual in nature
- The frequency of interaction between the persons
- The duration of the relationship

Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an intimate relationship.

North Carolina

Current Through August 2017

Defined in Domestic Violence Civil Laws**Citation: Gen. Stat. § 50B-1**

'Domestic violence' means the 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:

- Attempting to cause bodily injury or intentionally causing bodily injury
- 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, as defined in § 14-277.3A, that rises to such a level as to inflict substantial emotional distress
- Committing a sex offense, as defined in §§ 14-27.21 through 14-27.33

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions**Citation: Gen. Stat. § 50B-1**

The term 'personal relationship' means a relationship in which the parties involved:

- Are current or former spouses
- Are persons of the opposite sex who live together or have lived together
- Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren
- Have a child in common
- Are current or former household members
- Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship

For purposes of this subdivision, a dating relationship is one in which the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under age 16.

North Dakota

Current Through August 2017

Defined in Domestic Violence Civil Laws**Citation: Cent. Code § 14-07.1-01**

When inflicted on a complaining family or household member, 'domestic violence' includes any of the following:

- Physical harm, bodily injury, sexual activity compelled by physical force, or assault
- The infliction of fear of imminent physical harm, bodily injury, or sexual activity compelled by physical force
- Assault that is not committed in self-defense

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Cent. Code § 12.1-17-13**

The sentence for an offense under § 12.1-17-01 (simple assault), 12.1-17-01.1 (assault), 12.1-17-02 (aggravated assault), 12.1-17-03 (reckless endangerment), 12.1-17-04 (terrorizing), or 12.1-17-05 (menacing) against an actor's family or household member, as defined in § 14-07.1-01(4), must include an order to complete a domestic violence offender evaluation and treatment program as determined by the court. A court may not order the offender to attend anger management classes or individual counseling unless a domestic violence offender treatment program is not reasonably available to the defendant, and the court makes findings for the record explaining why an order to complete a domestic violence offender treatment program would be inappropriate.

Persons Included in the Definitions**Citation: Cent. Code § 14-07.1-01**

'Family or household member' means any of the following:

- A spouse or former spouse
- Family member
- A parent or 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
- For the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person, as determined by the court

Northern Mariana Islands

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Commonwealth Code Tit. 8, § 1902

'Domestic or family violence' means the occurrence of one or more of the following acts by a family or household member but does not include acts of self-defense:

- Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury to another family or household member
- Placing a family or household member in fear of bodily injury
- Attempting to cause or causing a family or household member to engage in coerced sexual activity by force, threat of force, or intimidation
- Engaging in a knowing and willful course of conduct that constitutes harassment

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions

Citation: Commonwealth Code Tit. 8, § 1902

'Family or household members' includes any of the following:

- Adults or minors who are current or former spouses
- Adults or minors who live together or who have recently lived together
- Adults or minors who are dating
- Adults or minors who are engaged in or who have recently engaged in a sexual relationship
- Adults or minors who are related by blood or adoption
- Adults or minors who are related by marriage or formerly related by marriage
- Persons who have a child in common
- Minor children of a person in a relationship described above

Ohio

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Rev. Stat. § 3113.31

'Domestic violence' means the occurrence of one or more of the following acts against a family or household member:

- Attempting to cause or recklessly causing bodily injury
- Placing another person, by the threat of force, in fear of imminent serious physical harm or committing a violation of § 2903.211 (menacing by stalking) or 2911.211 (aggravated trespass)
- Committing any act with respect to a child that would result in the child being an abused child, as defined in § 2151.031
- Committing a sexually oriented offense

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Rev. Stat. § 2919.25**

No person shall:

- Knowingly cause or attempt to cause physical harm to a family or household member
- Recklessly cause serious physical harm to a family or household member
- Knowingly, by threat of force, cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member

Whoever violates this section is guilty of domestic violence.

Persons Included in the Definitions**Citation: Rev. Stat. § 3113.31**

'Family or household member' means any of the following:

- Any of the following who is residing with or has resided with the respondent:
 - » A spouse, a person living as a spouse, or a former spouse of the respondent
 - » A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent
 - » A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent
- The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent

'Person living as a spouse' means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within 5 years prior to the date of the alleged occurrence of the act in question.

Oklahoma*Current Through August 2017***Defined in Domestic Violence Civil Laws****Citation: Ann. Stat. Tit. 43, § 109**

'Domestic violence' means the threat of the infliction of physical injury, any act of physical harm or the creation of a reasonable fear thereof, or the intentional infliction of emotional distress by a parent or a present or former member of the household of the child against the child or another member of the household, including coercive control by a parent involving physical, sexual, psychological, emotional, economic, or financial abuse.

'Stalking' means the willful course of conduct by a person who repeatedly follows or harasses another person, as defined by title 21, § 1173.

'Harassment' means a knowing and willful course or pattern of conduct by a parent directed at another parent that seriously alarms or is a nuisance to the person and that serves no legitimate purpose, including, but not limited to, harassing or obscene telephone calls or conduct that would cause a reasonable person to have a fear of death or bodily injury.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Ann. Stat. Tit. 21, §§ 641; 642; 644; 644.1**

'Assault' is any willful and unlawful attempt or threat of force or violence to inflict corporal hurt upon another person. 'Battery' is any willful and unlawful use of force or violence upon the person of another.

Any person who commits any assault and battery against any person listed below shall be guilty of 'domestic abuse.'

Any person who commits domestic abuse and has a prior pattern of physical abuse shall be guilty of a felony. For purposes of this section, 'prior pattern of physical abuse' means two or more separate incidences, including the current incident, occurring on different days and each incident relates to an act constituting assault and battery or domestic abuse committed by the defendant against a person listed in § 644, when proof of each incident prior to the present incident is established by the sworn testimony of a third party who was a witness to the alleged physical abuse or by other admissible direct evidence that is independent of the testimony of the victim.

Persons Included in the Definitions**Citation: Ann. Stat. Tit. 21, § 644**

'Domestic abuse' occurs when an assault or battery is committed against any of the following:

- A current or former spouse
- The present spouse of a former spouse
- Parents
- A foster parent
- A child
- A person otherwise related by blood or marriage
- A person with whom the defendant is in a dating relationship, as defined by title 22, § 60.1
- An individual with whom the defendant has had a child
- A person who formerly lived in the same household as the defendant
- A person living in the same household as the defendant

Oregon

Current Through August 2017

Defined in Domestic Violence Civil Laws**Citation: Rev. Stat. §§ 107.705; 409.290**

'Abuse' means the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury
- Intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury
- Causing another to engage in involuntary sexual relations by force or threat of force

'Domestic violence' means abuse between family and household members as defined in § 107.705.

'Family violence' means the physical injury, sexual abuse, or forced imprisonment, or threat thereof, of a person by another who is related by blood, marriage, or intimate cohabitation at the present, or has been related at some time in the past, to the extent that the person's health or welfare is harmed or threatened thereby.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Rev. Stat. § 135.230**

'Abuse' means any of the following:

- Attempting to cause or intentionally, knowingly, or recklessly causing physical injury
- Intentionally, knowingly, or recklessly placing another in fear of imminent serious physical injury
- Committing sexual abuse in any degree, as defined in §§ 163.415, 163.425, and 163.427

'Domestic violence' means abuse between family or household members.

Persons Included in the Definitions**Citation: Rev. Stat. §§ 107.705; 135.230**

In civil law: 'Family or household members' means any of the following:

- Spouses or former spouses
- Adult persons related by blood, marriage, or adoption
- Persons who are cohabiting or who have cohabited
- Persons who have been involved in a sexually intimate relationship with each other within 2 years immediately preceding the filing by one of them of a petition under § 107.710
- Unmarried parents of a child

In criminal law: 'Family or household members' means any of the following:

- Spouses or former spouses
- Adult persons related by blood or marriage
- Persons cohabiting with each other

- Persons who have cohabited or who have been involved in a sexually intimate relationship
- Unmarried parents of a minor child

Pennsylvania

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Cons. Stat. Tit. 23, § 6102

'Abuse' means the occurrence of one or more of the following acts between family or household members, sexual or intimate partners, or persons who share biological parenthood:

- Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, or incest with or without a deadly weapon
- Placing another in reasonable fear of imminent serious bodily injury
- The infliction of false imprisonment pursuant to title 18, § 2903
- Physically or sexually abusing minor children, including such terms as defined in chapter 63 (relating to child protective services)
- Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances that place the person in reasonable fear of bodily injury

The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under title 18 (relating to crimes and offenses).

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Cons. Stat. Tit. 18, § 2711

A police officer shall have the same right of arrest without a warrant as in a felony whenever he or she has probable cause to believe the defendant has violated §§ 2504 (relating to involuntary manslaughter); 2701 (relating to simple assault); 2702(a)(3), (4), and (5) (relating to aggravated assault); 2705 (relating to recklessly endangering another person); 2706 (relating to terroristic threats); or 2709.1 (relating to stalking) against a family or household member, although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term 'family or household member' has the meaning given that term in title 23, § 6102.

Persons Included in the Definitions

Citation: Cons. Stat. Tit. 23, § 6102

'Family or household members' means any of the following:

- 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
- Persons who share biological parenthood

Puerto Rico

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Laws Tit. 8, §§ 602; 631; 632; 635

'Domestic abuse' means a constant pattern of conduct involving physical force, psychological violence, intimidation, or persecution against a person by any person listed below to cause physical harm to their self, their property, or another's self, or to cause him or her grave emotional harm.

'Psychological abuse' means a constant pattern of conduct to dishonor, discredit, or scorn personal worth; unreasonably limit access to common property; blackmail; isolate; deprive access to adequate food or rest; threaten deprivation of custody of sons or daughters; or destroy objects held in esteem by the person, except those that privately belong to the offender.

'Abuse' means the employment of physical force, psychological abuse, intimidation, or persecution to cause physical harm to the person or the property held in esteem by him or her, or to cause grave emotional harm.

'Aggravated abuse' means abuse committed under one of the following circumstances:

- Spouses or cohabiters are separated or there is an order for protection excluding one of the parties from the residence.
- Grave bodily harm is inflicted on the person.
- It is committed with a lethal weapon under circumstances that do not indicate the intention of killing or maiming.
- It is committed in the presence of minors.
- It is committed after an order for protection or resolution has been issued against the person charged.
- The person is induced, incited, or forced to be drugged with controlled substances or to become intoxicated with alcoholic beverages.
- Child abuse is committed and simultaneously incurred.
- It is committed against a pregnant woman.
- It is committed against a person under age 16 and the aggressor is age 18 or older.

'Conjugal sexual assault' means to engage in a sexual relation without the consent of the spouse or former spouse.

Defined in Child Abuse Reporting and Child Protection Laws

Citation: Ann. Laws Tit. 8, § 444(s)

Minors also will be considered to be victims of abuse if the father, mother, or person responsible for the minor has engaged in acts that constitute domestic violence in the presence of minors, as defined in §§ 601, et seq., of this title.

Defined in Criminal Laws

Citation: Ann. Laws Tit. 33, § 4013

'Stalking' means a pattern of behavior of vigilance over a person; unwanted verbal or written communications sent repeatedly to a specific person; written, verbal, or implicit threats against a specific person; or repeated acts of vandalism directed to a specific person; or repeated harassment through words, gestures, or actions intended to intimidate, threaten, or pursue the victim or members of his or her family.

'Intimidate' means any repeated action or word that instills terror in the animus of a prudent and reasonable person to the effect that he or she or any member of the family could suffer harm personally, or of his or her property, and/or exert moral pressure on the animus of the person to perform an act against his or her will.

Persons Included in the Definitions

Citation: Ann. Laws Tit. 8, §§ 602; 632; Tit. 33, § 4013

In civil law: The definition applies to the following persons:

- A person's spouse or former spouse
- The individual with whom a person cohabitates or has cohabitated
- The individual with whom a person has or had a consensual relationship
- The individual with whom a person has procreated a son or daughter

In criminal law: The term 'family' includes any of the following:

- A spouse, son, daughter, father, mother, grandfather, grandmother, grandson, granddaughter, brother, sister, uncle, aunt, nephew, niece, or cousin of the victim
- Any other relative by consanguinity or affinity who is part of the family nucleus
- A person who lives or has formerly cohabited with the victim as a couple or has been involved in a relationship as a paramour or lover
- A person who resides or has resided in the same dwelling as the victim for at least 6 months before the acts constituting stalking are evident

Rhode Island

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Gen. Laws § 15-15-1

'Domestic abuse' means the occurrence of one or more of the following acts between present or former family members, parents, stepparents, or persons who are or have been in a substantive dating or engagement relationship within the past 1 year in which at least one of the persons is a minor:

- Attempting to cause or causing physical harm
- Placing another in fear of imminent serious physical harm
- Causing another to engage involuntarily in sexual relations by force, threat of force, or duress
- Stalking or cyberstalking

'Cyberstalking' means transmitting any communication by computer to any person or causing any person to be contacted for the sole purpose of harassing that person or his or her family.

'Harassing' means following a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress or be in fear of bodily injury.

'Stalking' means harassing another person or willfully, maliciously, and repeatedly following another person with the intent to place that person in reasonable fear of bodily injury.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Gen. Laws § 8-8.1-1

'Domestic abuse' means the occurrence of one or more of the following acts between cohabitants or against the minor child of a cohabitant, or the occurrence of one or more of the following acts between persons who are or have been in a substantive dating or engagement relationship within the past 1 year or against a minor child in the custody of the plaintiff. 'Domestic abuse' shall be determined by the court's consideration of the following factors:

- The length of time of the relationship
- The type of the relationship
- The frequency of the interaction between the parties
- Attempting to cause or causing physical harm
- Placing another in fear of imminent serious physical harm
- Causing another to engage involuntarily in sexual relations by force, threat of force, or duress
- Stalking or cyberstalking

'Stalking' means harassing another person or willfully, maliciously, and/or repeatedly following another person with the intent to place that person in reasonable fear of bodily injury.

'Cyberstalking' means transmitting any communication by computer to any person or causing any person to be contacted for the sole purpose of harassing that person or his or her family.

'Harassing' means following a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person and which serves no legitimate purpose. The course of conduct must cause a reasonable person to suffer substantial emotional distress or to be in fear of bodily injury.

Persons Included in the Definitions

Citation: Gen. Laws §§ 15-15-1; 8-8.1-1

In civil law: 'Parents' means persons who together are the legal parents of one or more children regardless of their marital status or whether they have lived together at any time.

'Present or former family member' means the spouse, former spouse, minor children, stepchildren, or persons who are related by blood or marriage.

'Substantive dating' or 'engagement relationship' means a significant and personal/intimate relationship that shall be adjudged by the court's consideration of the following factors:

- The length of time of the relationship
- The type of relationship
- The frequency of interaction between the parties

In criminal law: 'Cohabitants' means emancipated minors or persons age 18 or older, not related by blood or marriage, who together are not the legal parents of one or more children and who have resided together within the preceding 3 years or who are residing in the same living quarters.

South Carolina

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Code § 20-4-20

The term 'abuse' includes any of the following:

- Physical harm, bodily injury, assault, or the threat of physical harm
- Sexual criminal offenses, as otherwise defined by statute, committed against a family or household member by a family or household member

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Code § 16-25-20

A person commits the offense of domestic violence in the third degree if the person:

- Causes physical harm or injury to a household member
- Attempts to cause physical harm or injury to a household member with apparent present ability that reasonably creates the fear of imminent peril

A person commits the offense of domestic violence in the second degree if, in addition to the elements above, the person:

- Causes moderate bodily injury to a household member or the act is accomplished by means likely to result in moderate bodily injury to the person's own household member
- Violates a protection order
- Has one prior conviction for domestic violence in the past 10 years from the current offense
- The offense is committed:
 - » In the presence of or while being perceived by a minor
 - » Against a person known, or who reasonably should have been known, by the offender to be pregnant
 - » During the commission of a robbery, burglary, kidnapping, or theft
 - » By impeding the victim's breathing or air flow
 - » Using physical force or the threatened use of force against another to block that person's access to any cell phone, telephone, or electronic communication device with the purpose of preventing, obstructing, or interfering with either of the following:

- The report of any criminal offense, bodily injury, or property damage to a law enforcement agency
- A request for an ambulance or emergency medical assistance to any law enforcement agency or emergency medical provider

A person commits the offense of domestic violence in the first degree if, in addition to the elements listed above, the person:

- Causes great bodily injury to his or her household member or the act is accomplished by means likely to result in great bodily injury
- Has two or more prior convictions of domestic violence within 10 years of the current offense
- Uses a firearm in any manner while committing the offense

Persons Included in the Definitions

Citation: Ann. Code §§ 16-25-10; 20-4-20

In civil and criminal law: The term 'household member' includes any of the following:

- A spouse or former spouse
- Persons who have a child in common
- A male and female who are cohabiting or formerly have cohabited

South Dakota

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Stat. § 25-10-1

'Domestic abuse' means physical harm, bodily injury, attempts to cause physical harm or bodily injury, or the infliction of fear of imminent physical harm or bodily injury between family or household members.

Any violation of § 25-10-13 (violation of a protection order) or chapter 22-19A (kidnapping), or any crime of violence as defined in § 22-1-2(9) constitutes domestic abuse if the underlying criminal act is committed between family or household members.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions

Citation: Ann. Stat. § 25-10-1

The term 'family or household members' includes any of the following:

- Spouses or former spouses
- Persons related by consanguinity, adoption, or law
- Persons living in the same household
- Persons who have lived together
- Persons who have had a child together

Tennessee

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Code § 36-3-601

'Abuse' means any of the following:

- Inflicting or attempting to inflict physical injury on an adult or minor by other than 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
- Placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor

'Domestic abuse' means committing abuse against a domestic abuse victim, as defined below.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

Citation: Ann. Code § 39-13-111

A person commits 'domestic assault' when he or she commits an assault, as defined in § 39-13-101, against a domestic abuse victim.

Persons Included in the Definitions

Citation: Ann. Code §§ 36-3-601; 39-13-111

In civil and criminal law: 'Domestic abuse victim' means any person who falls within the following categories:

- Adults or minors who are current or former spouses
- Adults or minors who live together or who have lived together
- Adults or minors who are dating or who have dated or who have or had a sexual relationship
- Adults or minors related by blood or adoption
- Adults or minors who are related or were formerly related by marriage
- Adult or minor children of a person in a relationship that is described above

'Dating' and 'dated' do not include fraternization between two individuals in a business or social context.

Texas

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Fam. Code §§ 71.004; 71.0021

'Family violence' means the following:

- 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
- Abuse, as that term is defined by § 261.001(1)(C), (E), (G), (H), (I), (J), (K), and (M), by a member of a family or household toward a child of the family or household
- Dating violence

'Dating violence' means an act, other than a defensive measure to protect oneself, by an actor that:

- Is committed against a victim or applicant for a protective order:
 - » With whom the actor has or has had a dating relationship
 - » Because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage
- Is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault

Defined in Child Abuse Reporting and Child Protection Laws

Citation: Fam. Code § 261.001(1)(C), (E), (G), (H), (I), (J), (K), and (M)

The term 'abuse' includes the following acts:

- Physical injury that results in substantial harm to the child or the genuine threat of substantial harm, including an injury that is at variance with the history or explanation given
- Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children under § 21.02, Penal Code ; indecency with a child under § 21.11, Penal Code; sexual assault under § 22.011, Penal Code; or aggravated sexual assault § 22.021, Penal Code
- Compelling or encouraging the child to engage in sexual conduct, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons or compelling prostitution
- Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene

- The current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child
- Causing, expressly permitting, or encouraging a child to use a controlled substance
- Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child
- Forcing or coercing a child to enter into a marriage

Defined in Criminal Laws

Citation: Penal Code § 25.07

For the purposes of this section, 'family violence,' 'family,' 'household,' and 'member of a household' have the meanings assigned by chapter 71, Family Code.

A person commits an offense if the person knowingly or intentionally:

- Commits an act of family violence
- Communicates:
 - » Directly with a protected individual or a member of the family or household in a threatening or harassing manner
 - » A threat through any person to a protected individual or a member of the family or household
- Goes to or near any of the following places as specifically described in an order of protection:
 - » The residence or place of employment or business of a protected individual or a member of the family or household
 - » Any child care facility, residence, or school where a child protected by the protection order normally resides or attends
- Possesses a firearm
- Harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a protected person
- Removes, attempts to remove, or otherwise tampers with the normal functioning of a global positioning monitoring system

Persons Included in the Definitions

Citation: Fam. Code §§ 71.0021; 71.003; 71.005; 71.006

'Dating relationship' means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the following:

- The length of the relationship
- The nature of the relationship
- The frequency and type of interaction between the persons involved in the relationship

A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a 'dating relationship.'

'Family' includes individuals related by consanguinity or affinity, as determined under §§ 573.022 and 573.024, Government Code; individuals who are former spouses of each other; individuals who are the parents of the same child, without regard to marriage; and a foster child and foster parent, without regard to whether those individuals reside together.

'Household' means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other. 'Member of a household' includes a person who previously lived in a household.

Utah

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Code § 78B-7-102

'Abuse' means intentionally or knowingly causing or attempting to cause a cohabitant physical harm or intentionally or knowingly placing a cohabitant in reasonable fear of imminent physical harm.

'Domestic violence' means the same as that term is defined in § 77-36-1.

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Ann. Code § 77-36-1**

'Domestic violence' or 'domestic violence offense' means any criminal offense involving violence or physical harm; threat of violence or physical harm; or any attempt, conspiracy, or solicitation to commit a criminal offense or domestic violence offense involving violence or physical harm when committed by one cohabitant against another. 'Domestic violence' also means commission or attempt to commit any of the following offenses by one cohabitant against another:

- Assault or aggravated assault
- Criminal homicide
- Harassment
- Electronic communication harassment
- Kidnapping, child kidnapping, or aggravated kidnapping
- Mayhem
- Sexual offenses, as described in title 76, chapter 5, part 4, Sexual Offenses, and § 76-5b-201, Sexual Exploitation of a Minor—Offenses
- Stalking
- Unlawful detention or unlawful detention of a minor
- Violation of a protective order or ex parte protective order
- Any offense against property, including property destruction, burglary, criminal trespass, or robbery
- Possession of a deadly weapon with intent to assault
- Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle
- Disorderly conduct
- Child abuse, as described in § 76-5-109.1

Persons Included in the Definitions**Citation: Ann. Code §§ 77-36-1; 78B-7-102**

In criminal law: 'Cohabitant' has the same meaning as in § 78B-7-102.

In civil law: 'Cohabitant' means an emancipated person, pursuant to § 15-2-1, or a person who is age 16 or older who:

- Is or was a spouse of the other party
- Is or was living as if a spouse of the other party
- Is related by blood or marriage to the other party
- Has or had one or more children in common with the other party
- Is the biological parent of the other party's unborn child
- Resides or has resided in the same residence as the other party

'Cohabitant' does not include the following:

- The relationship of natural parent, adoptive parent, or stepparent to a minor
- The relationship between natural, adoptive, step, or foster siblings who are under age 18

Vermont

Current Through August 2017

Defined in Domestic Violence Civil Laws**Citation: Ann. Stat. Tit. 15, § 1101**

'Abuse' means the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or causing physical harm
- Placing another in fear of imminent serious physical harm
- Abuse to children, as defined in subchapter 2 of chapter 49 of title 33
- Stalking, as defined in title 12, § 5131(6)
- Sexual assault, as defined in title 12, § 5131(5)

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Ann. Stat. Tit. 13, §§ 1042; 1043; 1044**

Any person who attempts to cause or willfully or recklessly causes bodily injury to a family or household member or who willfully causes a family or household member to fear imminent serious bodily injury is guilty of 'domestic assault.'

A person commits the crime of 'first-degree aggravated domestic assault' if the person:

- Attempts to cause or willfully or recklessly causes serious bodily injury to a family or household member
- Uses, attempts to use, or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member
- Commits the crime of domestic assault and has been previously convicted of aggravated domestic assault

A person commits the crime of 'second-degree aggravated domestic assault' if the person:

- Commits the crime of domestic assault and such conduct violates:
 - » Specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person
 - » A final abuse prevention order issued under title 15, § 1103 or a similar order issued in another jurisdiction
 - » A final order against stalking or sexual assault issued under title 12, § 5133 or a similar order issued in another jurisdiction
 - » A final order against abuse of a vulnerable adult issued under title 33, § 6935 or a similar order issued in another jurisdiction
- Commits the crime of domestic assault and:
 - » Has a prior conviction within the last 10 years for violating an abuse protection order issued
 - » Has a prior conviction for domestic assault

For the purpose of this subsection, the term 'issued in another jurisdiction' means issued by a court in any other state; federally recognized Indian tribe, territory, or possession of the United States; the Commonwealth of Puerto Rico; or the District of Columbia.

Persons Included in the Definitions**Citation: Ann. Stat. Tit. 15, § 1101; Tit. 13, § 1041**

In civil law: The term '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
- Are minors or adults who are dating or who have dated

The term 'dating' means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include the following:

- The nature of the relationship
- The length of time the relationship has existed
- The frequency of interaction between the parties
- The length of time since the relationship was terminated, if applicable

In criminal law: As used in this subchapter, 'family or household members' means persons who are eligible for relief from abuse under title 15, chapter 21.

Virgin Islands*Current Through August 2017***Defined in Domestic Violence Civil Laws****Citation: Ann. Code Tit. 16, § 91**

'Domestic violence' means the occurrence of any of the following acts, attempts, or threats against a person who may be protected under this chapter:

- Assault
- Battery
- Burglary
- Kidnapping
- Unlawful sexual contact
- Rape

- Forcible or unlawful entry
- Coercion
- Destruction of property
- Harassment
- Threats
- False imprisonment
- Stalking
- Violation of a restraining order

'Coercion' means compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage.

'Destruction of property' means causing damage to the property of another or to property jointly owned by the perpetrator and another.

'Harassment' means engaging in a purposeful, knowing, or reckless course of conduct involving more than one incident that alarms or causes distress to another person and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer distress and must actually cause distress. Such conduct shall include, but not be limited to the following:

- Following another about in a public place or places with the intent to distress or intimidate the victim
- Peering in the window, trespassing, or coming upon or about the premises of the victim so as to intrude on privacy or create a menacing or threatening situation

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions

Citation: Ann. Code Tit. 16, § 91

The term 'cohabitants' includes any of the following:

- Emancipated minors or persons age 18 or older of the opposite sex who have resided together or who currently are residing in the same living quarters
- Persons who together are the parents of one or more children regardless of their marital status or whether they have lived together at any time

The term 'victim' includes any person who has been subjected to domestic violence by any of the following:

- A spouse or former spouse
- A parent or child
- 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
- A person who is or has been in a sexual or otherwise intimate relationship with the victim

Virginia

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Code §§ 16.1-228; 38.2-508(7)

'Family abuse' means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention; stalking; criminal sexual assault in violation of § 18.2-61, et seq.; or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

The term 'domestic violence' means the occurrence of one or more of the following acts by a current or former family or household member, as defined in § 16.1-228:

- Attempting to cause or causing or threatening another person with physical harm, severe emotional distress, psychological trauma, rape, or sexual assault
- Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm
- Subjecting another person to false imprisonment
- Attempting to cause or causing damage to property to intimidate or attempt to control the behavior of another person

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions

Citation: Ann. Code § 16.1-228

The term 'family or household member' includes any of the following:

- The person's spouse, whether or not he or she resides in the same home with the person
- The person's former spouse, whether or not he or she resides in the same home with the person
- 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
- 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
- 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
- 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

Washington

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Rev. Code § 26.50.010

'Domestic violence' means any of the following:

- Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members
- Sexual assault of one family or household member by another
- Stalking, as defined in § 9A.46.110, of one family or household member by another family or household member

Defined in Child Abuse Reporting and Child Protection Laws

Citation: Rev. Code § 26.44.020(16)

Poverty, homelessness, or exposure to domestic violence, as defined in § 26.50.010, that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

Defined in Criminal Laws

Citation: Rev. Code § 10.99.020

'Domestic violence' includes, but is not limited to, any of the following crimes when committed by one family or household member against another:

- Assault
- Driveby shooting
- Reckless endangerment
- Coercion

- Burglary
- Criminal trespass
- Malicious mischief
- Kidnapping
- Unlawful imprisonment
- Violation of the provisions of a restraining order, no-contact order, or protection order
- Rape
- Residential burglary
- Stalking
- Interference with the reporting of domestic violence

Persons Included in the Definitions

Citation: Rev. Code §§ 10.99.020; 26.50.010

The term 'family or household members' includes any of the following:

- Spouses, domestic partners, former spouses, former domestic partners, or persons who have a child in common regardless of whether they have been married or have lived together at any time
- Adult persons related by blood or marriage
- Adult persons who are presently residing together or who have resided together in the past
- Persons age 16 or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship
- Persons age 16 or older with whom a person age 16 or older has or has had a dating relationship
- Persons who have a biological or legal parent-child relationship, including stepparents and stepchildren, and grandparents and grandchildren

'Dating relationship' means a social relationship of a romantic nature. Factors that the court may consider in making this determination include the following:

- The length of time the relationship has existed
- The nature of the relationship
- The frequency of interaction between the parties

West Virginia

Current Through August 2017

Defined in Domestic Violence Civil Laws

Citation: Ann. Code § 48-27-202

'Domestic violence' or 'abuse' means the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or intentionally, knowingly, or recklessly causing physical harm to another with or without dangerous or deadly weapons
- Placing another in reasonable apprehension of physical harm
- Creating fear of physical harm by harassment, stalking, psychological abuse, or threatening acts
- Committing either sexual assault or sexual abuse
- Holding, confining, detaining, or abducting another person against that person's will

Defined in Child Abuse Reporting and Child Protection Laws

Citation: Ann. Code § 49-1-201

'Abused child' means a child whose health or welfare is harmed or threatened by domestic violence, as defined in § 48-27-202.

'Battered parent' means a parent, guardian, or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence, as defined by § 48-27-202, and the domestic violence was perpetrated by the person or persons determined to have abused or neglected the child or children.

Defined in Criminal Laws**Citation: Ann. Code § 61-2-28**

'Domestic battery' means unlawfully and intentionally making physical contact of an insulting or provoking nature with a person's family or household member or unlawfully and intentionally causing physical harm to a person's family or household member.

'Domestic assault' means unlawfully attempting to commit a violent injury against a person's family or household member or unlawfully committing an act that places a person's family or household member in reasonable apprehension of immediately receiving a violent injury.

Persons Included in the Definitions**Citation: Ann. Code §§ 48-27-204; 61-2-28**

In civil and criminal law: 'Family or household members' means persons who:

- Are or were married to each other
- Are or were living together as spouses
- Are or were sexual or intimate partners
- Are or were dating
- Are or were residing together in the same household
- Have a child in common regardless of whether they have ever married or lived together
- Have the following relationships to another person:
 - » Parent or stepparent
 - » Brother, sister, half-brother, half-sister, stepbrother, or stepsister
 - » Father-in-law or mother-in-law
 - » Stepfather-in-law or stepmother-in-law
 - » Child or stepchild
 - » Daughter-in-law, son-in-law, stepdaughter-in-law, or stepson-in-law
 - » Grandparent or stepgrandparent
 - » Aunt, aunt-in-law, or steppaunt
 - » Uncle, uncle-in-law, or stepuncle
 - » Niece or nephew
 - » First or second cousin
- Have a relationship listed above to a family or household member

Wisconsin

Current Through August 2017

Defined in Domestic Violence Civil Laws**Citation: Ann. Stat. § 813.12**

'Domestic abuse' means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver's care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult 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 violation of § 940.225 (sexual assault)
- A violation of § 940.32 (stalking)
- A violation of § 943.01 (damage to property) involving property that belongs to the individual
- A threat to engage in the conduct described above

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws**Citation: Ann. Stat. § 968.075**

'Domestic abuse' means any of the following engaged in by any person listed below:

- Intentional infliction of physical pain, physical injury, or illness
- Intentional impairment of physical condition
- A violation of § 940.225 (sexual assault)
- A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described above

Persons Included in the Definitions**Citation: Ann. Stat. §§ 813.12; 968.075**

In civil law: Domestic abuse may be engaged in:

- By an adult family or household member against another adult family or household member
- By an adult caregiver against an adult who is under the caregiver's care
- By an adult against his or her adult former spouse
- By an adult against an adult with whom the individual has or had a dating relationship
- By an adult against an adult with whom the person has a child in common

'Caregiver' means an individual who is a provider of in-home or community care to an individual through regular and direct contact.

'Family member' means a spouse, a parent, a child, or a person related by blood or adoption to another person.

'Household member' means a person currently or formerly residing in a place of abode with another person.

'Dating relationship' means a romantic or intimate social relationship between two adult individuals. It does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.

In criminal law: An adult person can engage in domestic abuse 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.

Wyoming

Current Through August 2017

Defined in Domestic Violence Civil Laws**Citation: Ann. Stat. § 35-21-102**

'Domestic abuse' means the occurrence of one or more of the following acts by a household member but does not include acts of self-defense:

- Physically abusing, threatening to physically abuse, attempting to cause or causing physical harm, or acts that unreasonably restrain the personal liberty of any household member
- Placing a household member in reasonable fear of imminent physical harm
- Causing a household member to engage involuntarily in sexual activity by force, threat of force, or duress

Defined in Child Abuse Reporting and Child Protection Laws

This issue is not addressed in the statutes reviewed.

Defined in Criminal Laws

This issue is not addressed in the statutes reviewed.

Persons Included in the Definitions**Citation: Ann. Stat. § 35-21-102**

The term 'household member' includes any of the following:

- Persons married to each other
- Persons living with each other as if married
- Persons formerly married to each other
- Persons formerly living with each other as if married

- Parents and their adult children
- Other adults sharing common living quarters
- Persons who are the parents of a child but who are not living with each other
- Persons who are or have been in a dating relationship



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Children's Bureau

