

## DICTIONARY

(for use with (CC-DC/DV 1) Petition for Protection from Domestic Violence, Child Abuse, and Vulnerable Adult Abuse)

**Petitioner:** The person requesting the court's help.

**Respondent:** The alleged abuser.

**Victim:** The individual who needs protection from abuse.

**Abuse:**

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

**Vulnerable Adult Abuse:**

Physical injury of an adult who is physically or mentally incapable of providing for his/her daily needs, if the injury results from cruel or inhumane treatment or a malicious act.

**Child Abuse:** Physical or mental injury of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child or by a household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or sexual abuse, whether physical injuries are sustained or not.

**Cohabitant:** An individual who has had sexual relations with the respondent at any time and lived with the respondent, in the home, for a total of at least 90 days within the past year.

**Child Care Provider:**

The person who provides supervision and care for a minor child.

**Emergency Family Maintenance:**

A monetary award that can be ordered when the respondent has a duty to support the victim. An individual has a duty to support his/her child or spouse. The amount of the award is based on the petitioner's or victim's need and the resources available to the petitioner or victim and the respondent.

**Final Protective Order:**

An order of protection from abuse issued by a judge which may last as long as (a) one year and be extended for good cause for an additional six months after a further hearing; or (b) a Final Protective Order may be extended for a period not to exceed two (2) years, if a judge finds the respondent has committed a subsequent act of abuse against the petitioner or a protected person; or (c) a Final Protective Order may last for as long as two (2) years, if there is a finding that this is a subsequent act of abuse committed within one (1) year after the date that a prior Final Protective Order issued against the same Respondent on behalf of the same person eligible for relief expires, and the prior Final Protective Order was issued for a period of at least six (6) months.

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

- a) not to abuse, threaten to abuse, contact, attempt to contact, or harass any Person Eligible for Relief
- b) to remain away from a residence, school, place of employment, or child care provider
- c) to vacate the home
- d) to pay Emergency Family Maintenance
- e) to participate in counseling
- f) to surrender firearms
- g) to pay court costs.

The judge may also:

- a) award custody of minor children and establish temporary visitation
- b) award temporary use and possession of a vehicle
- c) pass an earnings withholding order for the payment of Emergency Family Maintenance by the respondent
- d) award temporary possession of any pet of the Person Eligible for Relief or the Respondent.

**Interim Protective Order:**

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

- a) not to abuse, threaten to abuse, contact, attempt to contact, or harass any Person Eligible for Relief
- b) to remain away from a residence, school, place of employment
- c) to vacate the home
- d) under certain circumstances, a commissioner may also award temporary custody
- e) award temporary possession of any pet of the Person Eligible for Relief or the Respondent.

**Person Eligible For Relief:**

- a) the current or former spouse of the respondent
- b) a cohabitant of the respondent (see above)
- c) an individual related to the respondent by blood, marriage or adoption
- d) a parent, stepparent, child, or stepchild of the respondent or victim who lives or lived with the respondent or victim for a total of at least 90 days within the past year
- e) a vulnerable adult
- f) an individual who had a child with the respondent.

**Mental Injury of a Child:**

An observable, identifiable and substantial impairment of a child's mental or psychological ability to function.

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

**Temporary Protective Order:**

An order of protection from abuse issued by a judge which may last as long as 30 days. A Temporary Order may be passed on a petitioner's application alone (ex parte) or, if the respondent appears at the Temporary Protective Order hearing, on testimony from both petitioner and respondent. In a Temporary Protective Order, a judge may order the respondent:

- a) not to abuse, threaten to abuse, contact, attempt to contact, or harass any Person Eligible for Relief
- b) to remain away from a residence, school, place of employment, or child care provider
- c) to vacate the home
- d) award temporary possession of any pet of the Person Eligible for Relief or the Respondent.

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

**Use and Possession of a Vehicle:**

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