

## DEFINITION OF TERMS

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

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

**Respondent:** The alleged abuser.

**Person Eligible For Relief:**

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

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

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

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

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

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

**Abuse:**

- 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

**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.

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

**Mental Injury of a Child:** An observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

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

**Use and Possession of a Vehicle:**

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

**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, residence of family member, and award temporary use and possession of home
- 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

**Temporary Protective Order:**

An order of protection from abuse issued by a judge which may last until the Final Protective Order hearing, but not beyond six (6) months. A Temporary Order may be 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.

**Final Protective Order:**

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

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

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

In a Final Protective Order, a judge 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 all firearms and refrain from possession of any firearm for the duration of the order
- 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
- e) order any other relief that the judge determines is necessary to protect a person eligible for relief from abuse

**Permanent Final Protective Order:**

An order of protection from abuse issued by a judge, if requested by the person eligible for relief in the original protective order against an individual who was a respondent in a previously issued Final Protective Order and that, for the same act of abuse that led to the issuance of the original final protection order, that respondent was convicted and sentenced to serve a term of imprisonment of at least five (5) years for specified violations of the Criminal Law Article or for conspiracy or solicitation to commit murder and the Respondent has served at least 12 months of the sentence.