



Definitions of 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.”¹ Legal definitions across the States generally describe specific conduct or acts that are subject to civil and criminal actions, and the specific language used may vary depending on whether the definition is found in the civil or criminal sections of the State’s code.

¹ Susan Schechter and Jeffrey Edelson, *Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice* (Reno, NV: National Council of Juvenile and Family Court Judges, 1999), 122-123.

Electronic copies of this publication may be downloaded at

www.childwelfare.gov/systemwide/laws_policies/statutes/defdomvio.cfm

To find statute information for a particular State, go to

www.childwelfare.gov/systemwide/laws_policies/state/index.cfm

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download it at

www.childwelfare.gov/systemwide/laws_policies/statutes/defdomvioall.pdf



Civil Laws

Approximately 46 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.² 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.

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.”³ Other terms used across the States include “abuse,” “domestic abuse,” and “family violence.” While the specific language used by States to define domestic violence varies considerably, 24 States, American Samoa, Guam, and the Northern Mariana Islands define domestic violence as the occurrence of any of the following acts:⁴

- 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 molested⁵

² The word approximately is used to stress the fact that States frequently amend their laws. This information is current only through July 2008. The States that do not define domestic violence in their civil laws include Massachusetts, New Jersey, and Oklahoma. Delaware defines domestic violence only within the context of title 13, chapter 7A, “Child Protection from Domestic Violence and Sex Offenders Act.”

³ See Arizona Rev. Stat. § 36-3001.

⁴ Arizona, Arkansas, California, Colorado, Connecticut, Indiana, Kansas, Maine, Michigan, Nebraska, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

⁵ See Michigan Comp. Laws § 400.1501.

Approximately 35 States and the Virgin Islands list in their statutes specific acts that constitute domestic violence.⁶ 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 nine States and Puerto Rico include child abuse in their civil definitions of domestic violence.⁷

Child Abuse Reporting and Child Protection Laws

Most States do not address the issue of domestic violence within their child abuse and neglect reporting laws. Montana includes “commission of acts of violence against another person residing in the child’s home” in its definition of psychological abuse or neglect.⁸ West Virginia defines an abused child, in part, as a child whose health or welfare is harmed or threatened by domestic violence.⁹ Approximately 21 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.¹⁰

Criminal Laws

Approximately 34 States, American Samoa, Guam, and Puerto Rico define domestic violence in their criminal or penal codes.¹¹ These definitions generally describe acts that can lead to arrest and misdemeanor or felony prosecution.

⁶ Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Maryland, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

⁷ Alabama, Colorado, Hawaii, Maryland, Ohio, Pennsylvania, Texas, Utah, and Vermont.

⁸ See Mont. Code Ann. § 41-3-102 and West Va. Code Ann. § 49-1-3(a)(4).

⁹ See West Va. Code Ann. § 49-1-3(a)(4).

¹⁰ As of June 2007, the States included Alaska, Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Louisiana, Mississippi, Montana, Nevada, North Carolina, Ohio, Oklahoma, Oregon, Utah, and Washington. For more information, including citations and summaries of laws, see the Information Gateway publication *Child Witnesses to Domestic Violence*: www.childwelfare.gov/systemwide/laws_policies/statutes/witnessdv.cfm

¹¹ Alabama, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, 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.¹² 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.

Approximately 12 States and American Samoa list in their statutes specific acts that constitute domestic violence.¹³ Most common among these are assault or battery, sexual assault, harassment, stalking, trespassing, kidnapping, and burglary or robbery. Arizona, Utah, and American Samoa include child abuse in their criminal definitions of domestic violence.

Persons Included in the Definitions

In all States, the District of Columbia, Puerto Rico, and the U.S. Territories, the statutes specify that only persons who have some sort of personal relationship are protected by the domestic violence laws. The most common relationships listed include spouses and former spouses, persons who are currently living together, who have previously lived together, are involved or were previously involved in a dating or intimate relationship, or who have a child in common, whether or not they have ever lived together.

Approximately 38 States, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands include children as a class of protected persons within their definitions of domestic violence.¹⁴ Most commonly, a child who is a member of the household or a child of either adult in the relationship is protected. Five States and Puerto Rico specifically include

¹² See, for example, Utah Ann. Code § 77-36-1.

¹³ Alabama, Arizona, Arkansas, Nevada, New Jersey, New Mexico, North Dakota, Oklahoma, Rhode Island, Texas, Utah, and Washington.

¹⁴ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia.

grandchildren as protected persons.¹⁵ Three States include foster children.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 in agency regulations, case law, and informal practices and procedures.

¹⁵ Arizona, North Carolina, Virginia, Washington, and West Virginia.

¹⁶ Georgia, Louisiana, and Texas.