



STATE STATUTES
CURRENT THROUGH DECEMBER 2020

Definitions of Domestic Violence

To find statute information for a particular State, go to [State Statutes Search](#).

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 understand how domestic violence is defined.¹

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 Office of Violence Against Women of the U.S. Department of Justice defines domestic violence as "felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person

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who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."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 49 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.

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, the Northern Mariana Islands, 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 13 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

¹ For more information about the intersection of child maltreatment and domestic violence, see the Child Welfare Information Gateway publication, [Domestic Violence: A Primer for Child Welfare Professionals](#).

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

³ [Domestic Violence](#) [webpage] (U.S. Department of Justice, Office of Violence Against Women)

⁴ The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current only through January 2021. New Jersey does not define domestic violence in civil law.

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, Connecticut, Delaware, Hawaii, Maryland, New Mexico, Ohio, Pennsylvania, Rhode Island, Texas, Utah, and Vermont

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

DEFINITIONS IN CRIMINAL LAWS

Approximately 47 States, American Samoa, Guam, the Northern Mariana Islands, 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.

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.

Forty States, American Samoa, Guam, the Northern Mariana Islands, 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. Six States and American Samoa include child abuse in their criminal definitions of domestic violence.¹⁰ Animal cruelty is included in the criminal definitions in five States.¹¹

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, 15 States, American Samoa, and Puerto Rico include child abuse in their definitions of domestic violence.¹² 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.

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 26 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.¹³

⁸ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, 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 Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming

⁹ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming

¹⁰ Arizona, Arkansas, Delaware, Louisiana, Utah, and Wyoming

¹¹ Alaska, Colorado, Indiana, Texas, and Utah

¹² Alabama, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Louisiana, Maine, Maryland, Ohio, Pennsylvania, Texas, Utah, Vermont, and Wyoming

¹³ As of January 2021, the States include Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Louisiana, Maryland, 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](#).

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 18 States, American Samoa, and the Virgin Islands include children as a class of protected persons.¹⁴ Mississippi, Missouri, Montana, Oklahoma, and Puerto Rico provide protection to children within their criminal definitions, while 15 States, Guam and the Northern Mariana Islands include children in both their civil and criminal definitions.¹⁵ 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 protected persons.¹⁶ Five States include foster children.¹⁷ Foster parents are included as protected persons in six States.¹⁸

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.

SUGGESTED CITATION:

Child Welfare Information Gateway. (2021). *Definitions of domestic violence*. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/defdomvio/>

¹⁴ Alaska, California, Connecticut, Delaware, Indiana, Kentucky, Maryland, Michigan, Minnesota, Nebraska, New Mexico, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, Texas, and Virginia

¹⁵ Alabama, Arizona, Arkansas, Georgia, Hawaii, Illinois, Louisiana, Maine, Nevada, North Dakota, Ohio, Oklahoma, Tennessee, Washington, and West Virginia

¹⁶ Delaware, Kentucky, New Mexico, North Carolina, and Virginia in civil law; Arizona and Mississippi in criminal law; Oklahoma and Washington in both civil and criminal law

¹⁷ Indiana and Texas in civil law, Oklahoma in criminal law, and Georgia and Louisiana in both criminal and criminal law

¹⁸ Indiana and Texas in civil law; Oklahoma in criminal law; and Georgia, Louisiana, and Ohio in both civil and criminal law



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Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau



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