

CIVIL PROTECTION ORDERS DEFINITIONS

BENCH CARD

DEFINITIONS

DEFINITIONS - I.C. § 39-6303

Domestic violence: 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.

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

- (a) The nature of the relationship;
- (b) The length of time the relationship has existed;
- (c) The frequency of interaction between the parties; and
- (d) The time since termination of the relationship, if applicable.

Family member: Spouses, former spouses and persons related by blood, adoption, or marriage.

Family dwelling: Any premises in which the petitioner resides.

Household member: 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.

Immediate and present danger: Includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily harm or engaged in domestic violence against the petitioner or where there is reasonable cause to believe bodily harm may result. As described in I.C. § 39-6306(2).

Irreparable injury: Includes, but is not limited, to situations in which the respondent has recently threatened the petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner. As described in I.C. § 39-6308(3).

DEFINITIONS- I.C. § 18-7907

Contact: Any actual physical contact; contact or attempted contact, directly or indirectly, by telephone, pager, e-mail, facsimile or other oral, written, or electronic means of communication.

Stalking: Repeated acts of nonconsensual contact that seriously alarms, annoys, or harasses a person causing a reasonable person substantial emotional distress; to be in fear of death or physical injury; or fear of death or physical injury of a family or household member. As described in I.C. § 18-7905 and I.C. § 18-7906.

Telephone Threats: Telephones another with the intent to terrify, threaten, or intimidate and threatens to inflict injury or physical harm to the person addressed or any member of their family.

Threats Based on a Person's Race, Color, Religion, Ancestry, or National Origin: Intimidates or harasses another or causes or threatens to cause physical injury to another person or damage to any real or personal property of another person based upon a person's race, color, religion, ancestry, or national origin.

Timing and Basis for Grant: Must be a victim of stalking or threats within 90 days immediately preceding the petition and show conduct is likely to occur in the future.

CIVIL PROTECTION ORDERS RISK INDICATORS

BENCH CARD

RISK INDICATORS

HISTORY OF DOMESTIC VIOLENCE

- Attempted strangulation
- Forced sex
- Recent escalation of violence
- Stalking behaviors
- Threatened abuse or allegations of abuse to animals
- Access to/possession of firearms (prior use to threaten or injure, firearms moved)

THREATS TO KILL VICTIM OR CHILDREN

- Specific threats to kill victim and/or children
- Displaying weapons at time of threat

THREATS OF SUICIDE

- Suicidal/attempted
- Depression or mental illness
- Other stressors

SEPARATION

- Recent separation
- Loss of employment
- Recent or imminent court action

COERCIVE/CONTROLLING BEHAVIOR

- Extreme possessiveness
- Threats and intimidation
- Isolating of victim
- Destruction of property or pets

PRIOR POLICE CONTACT

- Prior civil protection orders or no-contact orders
- Violation of orders
- Prior criminal history

ALCOHOL OR DRUG ABUSE

- Drug and/or alcohol abuse
- Under influence during current altercation