

## DEFINITIONS

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### DOMESTIC VIOLENCE INJUNCTION MAY ONLY BE ISSUED WHEN:

1. A person has committed assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.
2. "Family or household member" means: spouse, former spouse, persons related by blood or marriage, persons who are presently residing together as if a family, or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.
3. If a party against whom an injunction is sought on behalf of a minor is also a parent, stepparent or legal guardian of the child, the parent filing on behalf of the minor must have been an eyewitness to or have direct physical evidence or affidavits from eyewitnesses of the specific facts and circumstances that form the basis upon which the relief is sought.

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### REPEAT VIOLENCE INJUNCTIONS MAY ONLY BE ISSUED WHEN:

1. "Violence" means any assault, battery, sexual battery, or stalking.
2. "Repeat Violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within six months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

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### DATING VIOLENCE INJUNCTIONS MAY ONLY BE ISSUED WHEN:

Violence has occurred between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- a. A dating relationship must have existed within the past 6 months;
- b. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- c. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

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### SEXUAL VIOLENCE INJUNCTIONS MAY ONLY BE USED WHEN:

Any one incident as listed below has occurred between individuals:

1. Sexual Battery as defined in Chapter 794;
2. A lewd or lascivious act, as defined in Chapter 800, committed upon or in the presence of a person younger than 16 years of age;
3. Luring or enticing a child, as described in Chapter 787;
4. Sexual performance by a child, as described in Chapter 827; or

5. Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the State Attorney.

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**STALKING VIOLENCE INJUNCTIONS MAY ONLY BE USED WHEN:**

Any one incident as listed below has occurred between individuals:

1. "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.
2. A pattern of conduct composed of a series of acts over a period of time.
3. A verbal or nonverbal threat, or a combination of the two, including threats received by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his/her safety.
4. "Cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

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**EXPLOITATION OF A VULNERABLE ADULT INJUNCTION  
MAY ONLY BE USED WHEN:**

If you are a vulnerable adult, or know a vulnerable adult who is a victim of exploitation or you have reasonable cause to believe there is imminent danger of becoming a victim of exploitation, you can use this form to ask the court for a protective order to protect yourself, or the known vulnerable adult, and his/her assets.

**"Vulnerable adult"** means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired to due to a mental, emotional, sensory, long term physical or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

**"Exploitation"** means:

- ✓ Depriving the vulnerable adult of their funds, assets or property by a person who stands in a position of trust and confidence with the elderly person or disabled adult or has a business relationship with the elderly person or disabled adult.
- ✓ Depriving the vulnerable adult with diminished capacity of their funds, assets or property by a person who knows or reasonably should know that they lack the capacity to consent.
- ✓ Breach of a fiduciary duty to the vulnerable adult by the person's guardian, trustee, or agent under a power of attorney.

Breaches of fiduciary duties for agents are:

- committing fraud in obtaining their appointments
  - abusing their powers
  - wasting, embezzling or intentionally mismanaging the assets of the ward or beneficiary of the trust
- ✓ Misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult. (personal, joint or convenience accounts)
  - ✓ Intentionally or negligently failing to effectively use an elderly persons or disabled adults income and assets for the necessities required. (not paying bills)