



# Glossary of domestic violence legal terms

- Abuse** ----- to insult, hurt, injure, rape and/or molest another person. Such behaviors may include but are not limited to physical abuse, emotional abuse, financial abuse, spiritual abuse and/or verbal abuse. Each state defines abuse or domestic violence differently. Please consult with a domestic violence and sexual assault state coalition for the definition of stalking in your state.
- Acquit** ----- When a judge or jury decides an accused person is “not guilty” of a crime.
- Alimony** ----- Money or other financial support awarded to a spouse in a divorce action for his or her separate support. It is usually awarded only where one spouse has been dependent on the other or has less earning power than the other and for a temporary period of time. Also called spousal support or maintenance.
- Appeal** ----- The process of going to a higher court to review the decision of a lower court.
- Arraignment** ----- The initial court proceeding, in which the state formally charges the defendant with a crime and in which the defendant usually pleads “guilty” or “not guilty.”
- Arrest** ----- The initial step in the criminal justice process, in which the state deprives a suspect of his/her freedom due to alleged violations of criminal law.
- Asylum** ----- The granting of protection against return to a home country to a refugee; can lead to lawful permanent resident status and eventually to citizenship.
- Attorney general for the state (AG)** – Head of the state agency responsible for prosecuting violations of state laws. The AG’s office is the state’s “law firm” for civil matters. The AG’s office represents the state, either defending the state or bringing lawsuits on behalf of the state.
- Bail** ----- Money or other security provided by the defendant or by others on his/her behalf to assure that s/he will appear in Court at the required stages of the trial process.

- Bench warrant** ----- A warrant that a judge issues for someone's arrest. A judge may issue a bench warrant in a number of circumstances, including when someone does not obey a court order or fails to come to a court hearing that s/he was ordered to come to.
- Child Custody Order** - An order of the Court specifying the custody and visitation arrangements concerning a minor child.
- Continuance** ----- The postponing (rescheduling for later) of a court hearing. If you ask a judge for a continuance, she or he may or may not give it to you.
- Court** ----- Place where civil and criminal trials are held.
- Criminal case** ----- A legal proceeding brought by the state, county, or city against someone, charging the person with a crime.
- Defendant** ----- Person with charges or a lawsuit against him or her. This term is used in both criminal and civil cases. (The defendant is also sometimes called the "respondent.")
- District attorney** ----- The attorney(s) employed by the state to prosecute people for state criminal offenses. Also known as prosecutors, they represent the state. A city government may also have attorneys assigned to prosecute city charges. These people function like district attorneys on a local level.
- Domestic Violence** --- a pattern of coercive behaviors, used by a batterer to gain or maintain power and control over another person with whom the batterer is in an intimate, dating or family relationship. These behaviors may include, but are not limited to: physical and sexual abuse, direct or implied threats, emotional and psychological abuse, intimidation, verbal abuse, isolation, stalking, financial control, spiritual abuse, threatened or actual use of weapons, destruction of property and/or harm to the victim's family, pets or others.
- Ex parte** ----- A Latin phrase meaning "on one side only." A judicial proceeding or order is said to be "ex parte" when it is taken or granted for the benefit of one party only, and without notice to any other person adversely affected. For example, you might have an "ex parte" hearing on your request for a restraining order during which a judge listens only to your side and then can grant you the order without the defendant (the abuser) present. The order will be temporary until the judge can hold a full court hearing with the defendant present to tell his/her side of the story.
- Felony** ----- A serious criminal offense such as murder, for which the sentence can include imprisonment for more than a year.

- Guardian ad litem** ---- The person assigned by the Court to represent the interests of a minor child or incompetent person in legal proceedings - the term “ad litem” is a Latin phrase meaning “for the purpose of legal action.” In some states, a guardian ad litem is appointed by the Court to perform investigations or evaluations in custody cases, and to make reports to the Court, sometimes with recommendations.
- Judge** ----- The person who is appointed to decide cases and to make sure that legal procedures are followed in the courtroom.
- Jurisdiction**----- A court’s authority (power) to listen to and decide cases. Each Court has the authority to hear certain cases. State and federal laws determine which subjects courts may decide and whether the Court’s decision will be binding on someone who lives in another state.
- Jury**----- A group of people who determine the guilt or non-guilt of the defendant or, in a civil case, who decide which party wins the lawsuit. The lawyers screen the jury to make sure the people on it are neutral (impartial).
- Misdemeanor** ----- Considered to be a “lesser offense” than a felony and that can lead to imprisonment for up to one year.
- Offender** ----- a person, carrying out domestic violence behaviors can also be referred to as the perpetrator, abuser, or batterer.
- Paternity** ----- Fatherhood. Paternity can be established through a legal acknowledgment by the parents or through a court hearing, DNA test, etc. The exact method for establishing paternity may vary by state.
- Petitioner** ----- Someone who presents a petition to a court or other official body. In many civil cases (such as protection order proceedings), the party who files the petition is referred to as the petitioner.
- Probation officer** ----- an officer appointed to investigate, report on, and supervise the conduct of convicted offenders on probation
- Protection order** ----- the general term for an order issued by the Court mandating a batterer not to contact, harass or come within a certain distance of the petitioner and/or other persons named in the order; may be called different names in different states, such as restraining order, injunction, etc.
- Respondent** ----- The party against whom a petition or motion is filed. In many civil cases (such as protection order proceedings), the party against whom the case is brought is referred to as the respondent.
- Refugee** ----- A person outside his or her own country who is unable or unwilling to use the protection of that country because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion.

- Stalking** ----- when one person pursues, follows, or harasses another person against their wishes. Examples include, but are not limited to: repeated, unwanted phone calls, following a victim, sending unwanted gifts, destroying or vandalizing a victim's property, repeated threats and/or tracking a victim's online activity. Note: Each state defines stalking differently. Please consult with a domestic violence and sexual assault advocate for the definition of stalking in your state.
- Subpoena** ----- An order of the Court that commands a witness to appear at a certain time and place to give testimony about a specific matter (subpoena ad testificandum) or commands a person/organization to provide specific documents (subpoena duces tecum). Any person who fails to comply with the subpoena may be held in contempt of Court.
- Testify** ----- To give evidence under oath in a legal proceeding.
- Trial** ----- The process through which all parties to a civil or criminal case have the opportunity to prove their sides of the case through evidence, testimony, etc.
- Violation** ----- The term violation can be used to refer to a type of low-level criminal offense (less serious than a misdemeanor). However, generally, a violation can also be when someone disobeys a court order – for example, a person can be charged with a violation of a protection order, which can be a misdemeanor crime or a felony crime.
- Witness** ----- A person who testifies as to their knowledge of the facts related to a particular case.

*Note: these terms are not meant to serve as legal advice or be considered as an all encompassing list.*