

SPECIAL REPORT

Expanding Definitions of Domestic Violence, Vanishing Rule of Law

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Each year, 2–3 million temporary restraining orders are issued in the United States.¹ Of those, 900,000 become final orders. Half of all orders do not include even an *allegation* of violence; rather, vague offenses such as harassment and interference with personal liberty are claimed.

Many restraining orders are issued in the context of a divorce action. Divorce attorneys know that a restraining order is often the cheapest and fastest way to gain child custody—so effective that restraining orders are now referred to in the trade as “silver bullets,” “slam-dunks,” or simply, “divorce planning.” These abuses have triggered complaints of widespread civil rights abuses.²

Often a restraining order is laughable on its face:

On December 15, 2005, Judge Daniel Sanchez issued a restraining order against TV talk show host David Letterman. The order was granted at the request of Colleen Nestler of Santa Fe, New Mexico. She alleged that for the past 11 years Mr. Letterman had been sending her “thoughts of love” in the form of mental telepathic messages and televised facial gestures. As a result of this alleged harassment, she had been driven to the point of physical exhaustion and bankruptcy.

*The order was later dropped for lack of merit.*³

The Violence Against Women Act, first enacted in 1994, funds training programs for family judges and law enforcement personnel. These programs have been found to be ideologically based and factually misleading, stereotyping the man as the abuser and the woman as the victim.⁴

VAWA also set the stage for an overhaul of state domestic violence laws. It has been estimated that from 1997 to 2003, states enacted 1,500 new domestic violence laws, an average of 30 per state over that 7-year period.⁵ These laws establish the civil, family law, and criminal statutes that govern domestic violence.

This Special Report is the first of three reports that analyze the domestic violence statutes in the 50 states and the District of Columbia. The first step in understanding a law is to clarify its scope. Accordingly, this Report reviews how the 51 jurisdictions define “domestic violence” by answering the following two questions:

1. What types of partner relationships are considered to be “domestic”?
2. What types of actions are deemed to represent “violence”?

The information in this Report was extracted from a comprehensive compilation of state-level civil domestic violence laws.⁶

What Makes a Relationship “Domestic”?

The first question involves the “who” of domestic violence. The original Violence Against Women Act of 1994 was restricted in scope to only married and co-habiting couples. The **Florida** statutory definition still reflects that original concept:

“Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married.

But over time, the meaning of “domestic” was expanded to include any couple in an intimate relationship, even if they were not living together. The **Colorado** statute reflects that thinking:

“Domestic abuse” means any act or threatened act of violence that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, *or with whom the actor is involved or has been involved in an intimate relationship*. (Throughout this report, key phrases are italicized for the purpose of emphasis.)

The 2000 Violence Against Women Act further broadened the “who” to encompass dating couples, even their relationship might not be considered to be “intimate.”¹ These broadened definitions are now reflected in many state laws. In **Rhode Island**, for example, persons who “are or have been in a substantive *dating or engagement relationship* within the past one year” are considered to be governed by the state’s domestic abuse statute.

The **North Dakota** statute is the most expansive. The law defines almost any acquaintance of the alleged victim as a potential perpetrator of “domestic” violence:

“Family or household member” means a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, *any other person with a sufficient relationship to the abusing person as determined by the court under section 14-07.1-02*.

¹ The 2005 version of the Violence Against Women Act defines domestic violence as “felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victims shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by persons similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.” (Section 3(A)(6))

So the Violence Against Women Act, originally designed to protect persons in a married or co-habiting relationship, has now become the basis for capturing an ever-widening circle of persons in its definition of “domestic” abuse.

What Actions Represent “Violence”?

When people hear the word “violence,” they typically think of a serious physical assault that causes some type of injury. Accordingly, the original concept of domestic violence centered on a physical attack. That concept is reflected in the laws of several states. For example, the **South Carolina** law defines abuse simply as:

- Physical harm, bodily injury, assault, or the threat of physical harm
- Sexual criminal offenses committed against a family or household member by a family or household member

But South Carolina is one of only five states that has limited its definition to physical criteria. In other states, the concept of domestic violence has become much broader.

The most common strategy has been to define violence in terms of its alleged psychological impact. This is done in the following two ways:

1. Expanding the definition of physical assault to include emotional distress
2. Developing new categories of offenses that are defined largely by their psychological impact, such as harassment and stalking

Assault, harassment, and stalking are discussed in detail below.

1. Assault

The core meaning of domestic violence revolves around physical assault. The table at the end of this Report summarizes the civil domestic violence laws in the 50 states and the District of Columbia in terms of whether the definition of domestic assault includes any reference to fear, emotional distress, or similar psychological conditions.

The table reveals that 32 jurisdictions (63% of the 51) have broadened their definitions of assault to include consideration of psychological distress. These psychological states include “fear” or “being afraid” (27 jurisdictions), “apprehension” (5), “emotional distress” (2), and “extreme psychological abuse” (1). (These four numbers add up to more than 32 because some statutory definitions use two or more psychological descriptors.) It should also be noted that none of the above terms are recognized diagnoses by the American Psychiatric Association.

Here are two examples of such definitions of assault:

- **Pennsylvania:** “Placing another in reasonable *fear* of imminent serious bodily injury”
- **California:** To “place a person in *reasonable apprehension* of imminent serious bodily injury to that person or to another”

In **Hawaii**, the statutory definition requires the psychological abuse to be “extreme.” But what does that mean? The law offers this circular explanation:

“*Extreme psychological abuse*” means an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer *extreme emotional distress*.

These vague definitions impose a difficult burden on any fair-minded judge who is asked to grant a restraining order. Additionally, it has been observed that even in some states with statutes that do not identify fear as an element of assault, judges may still award restraining orders solely on the basis of a woman claiming to be fearful.⁷

2. *Harassment*

The legal concept of harassment can be traced back to the late 1970s, when persons began to allege harassment as a form of sex discrimination. In 1980, the Equal Employment Opportunity Commission issued guidelines stating that harassment could be defined as the “purpose or *effect* of unreasonably interfering with a person’s work performance or creating an intimidating, hostile, or offensive work environment.”

The key word “effect” endorses the importance of the purported victim’s subjective perception, regardless of the actual actions by the alleged harasser.

The table at the end of this Report reveals that 17 jurisdictions (33% of the 51) have added harassment to their definitions of domestic violence. But how is harassment defined?

A claim of emotional distress is central to the definition of harassment. The **Michigan** statute states:

“Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a *reasonable individual* to suffer emotional distress and that *actually causes the victim to suffer emotional distress*.

But what does *reasonable* distress mean? It has been observed that some judges use a far more permissive interpretation of the term for female claimants.⁸ And how does a judge know whether a claimant is “actually” suffering from distress?

In **Oklahoma**, merely causing your partner to become seriously annoyed can become the basis for the issuance of a restraining order:

“Harassment” means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or *annoys* the person, and which serves no legitimate purpose.

3. *Stalking*

The offense of stalking is of more recent vintage. The first anti-stalking statute was enacted in **California** in 1990. There is no standard definition for stalking, but, like harassment, fear plays a prominent role. The U.S. Department of Justice employed the following definition in its Violence Against Women Survey:

“a course of conduct directed at a specific person that involves repeated visual or physical proximity, nonconsensual communication, or verbal, written or *implied* threats, or a combination thereof, that would cause a reasonable person *fear*.”⁹

How should a court of law assess the claim of an “implied” threat? What is the standard for “reasonable”? Again, the legal offense becomes defined in the eye of the beholder.

Despite difficulties in defining the offense, 22 jurisdictions (43% of 51) now have statutes that include stalking as a form of domestic violence.

The **Missouri** statute reveals the broad language that is typically used to define the term:

“Stalking” is when an adult purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person’s situation to have been alarmed by the conduct.

Key words in that definition are “purposely,” “unwanted,” “alarm,” and “reasonable”—terms that defy objective judicial assessment.

In **Michigan**, stalking includes the infliction of emotion distress, which by law means “significant mental suffering or distress that may, but *does not necessarily, require medical or other professional treatment or counseling*.” That definition is troubling because it allows a person to claim “distress,” but precludes the judge from requesting any verification from a mental health professional or requiring the alleged victim to receive treatment.

Other “Violent” Offenses

In addition to the above-mentioned offenses, special interest groups have incorporated other offenses into statutory definitions of domestic violence.

For example, some states now include “interference with personal liberty” (**Illinois**), “infliction of false imprisonment” (**Pennsylvania**), or other similar terminology.

Delaware includes “interference with custody” in its definition of domestic violence. Likewise, in **Michigan**, “interfering with petitioner’s efforts to remove petitioner’s children” is a basis for granting a restraining order. In some cases, such language has provided the grounds for arresting fathers who sought to protect their court-ordered child visitation time.

A few states have borrowed terminology from the international war on terrorism. In **Minnesota**, for example, terroristic actions include exhibiting or brandishing “a replica firearm or a BB gun in a threatening manner.” It is notable that the Minnesota domestic abuse statute also applies to minors, which means a child simply playing cops-and-robbers could be charged with committing terroristic threats.

Some states include open-ended language in their definitions, thus affording a virtual hunting license to a person who wishes to obtain a restraining order. In **Delaware**, for example, the statutory definition includes “*any other conduct* which a reasonable person under the circumstances would find threatening or harmful can cause a person to be charged with domestic abuse.”

Psychological Criteria Now Widely Used

The “How States Define Domestic Violence” table at the end of this Report summarizes the statutes in all 50 states and the District of Columbia. The table indicates whether each jurisdiction’s definition of domestic violence encompasses any or all of the following:

1. Emotional impact as a component of assault
2. Harassment
3. Stalking

The table reveals that the domestic violence laws in the 50 states and the District of Columbia do, in fact, incorporate the above-mentioned terms in their definitions, as follows:

1. A definition of assault that includes psychological distress: 32 jurisdictions (63% of the 51 jurisdictions)
2. Harassment: 17 jurisdictions (33%)
3. Stalking: 22 jurisdictions (43%)

Overall, 46 jurisdictions in the country have broadened their civil definition to include fear, emotional distress, and other psychological states. In five states—Alaska, Michigan, New Hampshire, New Mexico, and North Carolina—the statutes have all three types of problematic definitions.

In only five states—Connecticut, Kansas, Idaho, Nebraska, and South Carolina—do the statutes define domestic violence simply in terms of overt actions that can be objectively proven or refuted in a court of law.

Did David Letterman Really Commit Domestic Violence?

This Special Report opened with an account of the restraining order that Judge Daniel Sanchez granted against David Letterman. Was this order a farcical miscarriage of justice? Or did it represent the logical culmination of years of ever-expanding definitions of domestic “violence”?

In New Mexico, any of the following actions fall within the statutory definition of domestic violence:

Section 40-13-2: “Any incident *by a household member* against another household member resulting in ... (2) *severe emotional distress* . . . (9) *stalking*, ... [or] (10) *harassment*.”

Colleen Nestler claimed that she was suffering from exhaustion and had gone bankrupt over the incident—events that certainly qualify as “severe emotional distress.”

But Mr. Letterman wasn’t a member of Colleen Nestler’s household, was he? According to state law, household member means “a spouse, former spouse, family member, including a relative, parent, present or former stepparent, present or former in-law, child or co-parent of a child, *or a person with whom the petitioner has had a continuing personal relationship*.”

Letterman had allegedly sent Ms. Nestler telepathic messages for 11 years, which arguably qualifies as a “continuing” relationship. That makes him a household member.

What about harassment? According to New Mexico law, harassment consists of “knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.”

The statute also reads, “Stalking consists of a person knowingly pursuing a pattern of conduct that would cause a reasonable person to feel frightened, intimidated or threatened. The alleged stalker must intend to place another person in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint or *the alleged stalker must intend to cause a reasonable person to fear for his safety* or the safety of a household member.”

The “reasonable person” part of the definition seems evenhanded, but in practice judges often subscribe to the principle of “better safe than sorry.” That no doubt was true for Judge Sanchez, whose biography lists him as the chairman of the Northern New Mexico Domestic Violence Task Force.¹⁰

And Ms. Nestler clearly *was* seriously alarmed and did fear for her safety. So the argument could be made that Mr. Letterman also harassed and stalked the woman.

The conclusion is clear: According to state statute, David Letterman engaged in domestic violence against Colleen Nestler, a woman he had never seen, met, or even heard of!

Rule of Law?

In 1780, John Adams of Massachusetts advanced the notion that the fledgling American democracy should be a “government of laws and not of men.” Indeed, rule of law is considered to be a prerequisite to democracy because it promotes fairness and justice. Rule of law rests on the notion that legal offenses should be defined by concrete actions and verifiable harms, and are amenable to subsequent legal verification or refutation.

Beginning in the 1980s, advocacy lawyers set out to reverse centuries of legal tradition.¹¹ Attorney Martha Chamallas advocated that equal protection under the law should be phased out in favor of “an asymmetrical approach that adopts the perspective of the less powerful group with the specific goal of equitable power sharing among diverse groups.”¹²

Since civil law is less constrained by constitutional protections than criminal law, advocates found it to be a useful arena in which to advance their agenda. And a law that is defined by fear and emotional distress is inherently biased for three reasons:

1. Men are less likely to admit their fear of becoming a crime victim, even though young men suffer the majority of criminal victimization.
2. Even when men are genuinely fearful of harm from their partner, they are less likely to be believed by a judge.
3. If a woman claims to be fearful, it is almost impossible for the man to refute the allegation, since fear is not subject to legal verification.

An allegation that cannot be refuted becomes a clear invitation to abuse. In the former Soviet Union, for example, citizens were often accused of a variety of thought crimes—allegations that could never be disproved.

The result is that divorce attorneys openly advise women to file false allegations of abuse. One New Jersey lawyer revealed, “A number of women attending the seminars smugly—indeed boastfully—announced that they had already sworn out false or grossly exaggerated domestic violence complaints against their hapless husbands, and that the device worked!”¹³

And bias is widespread throughout the legal system. “Police, prosecutors, judges, social workers, psychologists, parenting evaluators, counselors, et al, have been indoctrinated with propaganda by certain women’s and victim advocacy groups that men commit 95

per cent of all domestic violence, [and] are more likely to abuse their children,” warns one family law attorney.¹⁴

A New Jersey judge admitted that his state’s domestic violence law “blew up...all my concept of constitutional protections.”¹⁵ One legal commentator recently noted, “This criminalizing of ordinary private behavior and incarceration without due process follows classic police-state practices. Evidence is irrelevant, hearsay is admissible, defendants have no right to confront their accusers, and forced confessions are a common feature.”¹⁶

When almost any action counts as domestic “violence,” our legal system is no longer based on rule of law. It becomes an open invitation to persons who wish to manipulate the system because of vindictiveness, greed, mental illness, or ideology.

How States Define Domestic Violence

State	Definition of Assault	Harassment?	Stalking?	Citation
Alabama	Definition contains no reference to fear or emotional distress.	Yes	Yes	Title 30. Marital and Domestic Relations. Chapter 5. Protection from Abuse.
Alaska	Assault: Hurting or injuring you physically, or making you afraid of imminent physical injury through words or other conduct.	Yes	Yes	Chapter 18.66. Domestic Violence and Sexual Assault
Arizona	Definition contains no reference to fear or emotional distress.	Yes	Yes	Title 13 Criminal Code Chapter 36 – Family Offenses
Arkansas	(A) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members;	No	No	Title 9 Family Law Subtitle 2 Domestic Relations Chapter 15 Domestic Abuse § 9-15-103.
California	(c) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.	Yes	No	Family Code Division 10 Prevention of Domestic Violence Part 1. Short Title and Definitions, Sections 6200–6218
Colorado	Definition contains no reference to fear or emotional distress.	No	Yes	Title 13 Courts and Court Procedure, Article 14 Civil Protection Orders
Connecticut	Definition contains no reference to fear or emotional distress.	No	No	Title-46b-Family Law Chapter 815a Family Matters
Delaware	b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of physical injury or sexual offense to such person or another; d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly response;	No	No	Title 10: Courts and Judicial Procedure Part I: Organization, Powers, Jurisdiction and Operation of Courts Chapter 9. The Family Court of the State of Delaware Subchapter III. Procedure Part D. Protection From Abuse Proceedings.
District of Columbia	Definition contains no reference to fear or emotional distress.	No	Yes	Division II Judiciary and Judicial Procedure, Title 16. Particular Actions, Proceedings and Matters, Chapter 10. Proceedings Regarding Intrafamily Offenses
Florida	Definition contains no reference to fear or emotional distress.	No	Yes	Title XLIII Domestic Relations Chapter 741 Marriage; Domestic Violence

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Georgia	Definition contains no reference to fear or emotional distress.	No	Yes	Title 15. Courts Chapter 6. Superior Courts Article 2. Clerks of Superior Courts
Hawaii	1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members;	No	No	Chapter 586 Domestic Abuse Protective Orders Part I. General Provisions
Idaho	Definition contains no reference to fear or emotional distress.	No	No	Title 39: Health and Safety Chapter 63: Domestic Violence Crime Prevention
Illinois	Definition contains no reference to fear or emotional distress.	Yes	No	750 ILCS 60/ Illinois Domestic Violence Act of 1986
Indiana	Placing another in fear of serious physical harm.	No	No	IC 34-26-5 Indiana Civil Protection Order Act
Iowa	Definition contains no reference to fear or emotional distress.	No	Yes	Title VI. Human Services Chapter 236: Domestic Abuse
Kansas	Definition contains no reference to fear or emotional distress.	No	No	Chapter 60. Procedure, Civil Article 31. Protection from Abuse Act
Kentucky	(1) "Domestic violence and abuse" means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple;	No	No	KRS 403.715 to 403.785
Louisiana	Definition contains no reference to fear or emotional distress.	No	Yes	Title 46 Public welfare and assistance Chapter 28. Protection From Family Violence Act Part II. Domestic Abuse Assistance
Maine	E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom	Yes	No	Title 19-A: Domestic Relations Part 4: Protection from Abuse Chapter 101: Protection from Abuse

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	the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed;			
Maryland	(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;	No	No	Family Law Title 4. Spouses Subtitle 5. Domestic Violence Part I. Definitions § 4-501. Definitions.
Massachusetts	(b) placing another in fear of imminent serious physical harm;	No	No	Chapter 209A. Abuse Prevention
Michigan	Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.	Yes	Yes	Chapter 600 Revised Judicature Act of 1961 (Excerpt) Act 236 of 1961 Chapter 29 Provisions Concerning Specific Actions
Minnesota	(2) the infliction of fear of imminent physical harm, bodily injury, or assault;	No	No	Chapter 518B Domestic Abuse 518B.01 Domestic Abuse Act.
Mississippi	(ii) Placing, by physical menace or threat, another in fear of imminent serious bodily injury;	No	No	Title 93 – Domestic Relations Chapter 21. Protection from Domestic Abuse Article 1. Protection from Domestic Abuse Law
Missouri	(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;	Yes	No	Title XXX. Domestic Relations Chapter 455. Abuse – Adults and Children – Shelters and Protective Orders
Montana	(a) the petitioner is in reasonable apprehension of bodily injury by the petitioner's partner or family member as defined in 45-5-206;	No	Yes	Title 40. Family Law Chapter 4. Termination of Marriage, Child Custody, Support
Nebraska	Definition contains no reference to fear or emotional distress.	No	No	Section 42: Husband and Wife (a) Protection From Abuse Act
Nevada	Definition contains no reference to fear or emotional distress.	Yes	Yes	Title 3 – Remedies, Special Actions and Proceedings Chapter 33 – Injunctions
New Hampshire	Purposely placed in fear of physical harm, through words or actions.	Yes	Yes	Title XII Public Safety and Welfare Chapter 173-B: Protection of Persons From Domestic Violence
New Jersey	Definition contains no reference to fear or emotional distress.	Yes	Yes	Title 2C Code of Criminal Justice 2C:25-17 through 35 "Prevention of Domestic Violence Act"
New Mexico	(2) severe emotional distress ; (4) a threat causing imminent fear of bodily injury by any household member;	Yes	Yes	Chapter 40. Domestic Affairs Article 13. Family Violence Protection
New York	Definition contains no	Yes	Yes	Family Court – Chapter 686

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	reference to fear or emotional distress.			Article 8 – Family Offenses Proceedings
North Carolina	(2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3, that rises to such a level as to inflict substantial emotional distress;	Yes	Yes	Chapter 50B Domestic Violence
North Dakota	2. 'Domestic violence' includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members.	No	Yes	Title 14: Domestic Relations and Persons Chapter 14-07.1 Domestic Violence
Ohio	Threats that put a person in fear of immediate and serious harm.	No	No	Title 29 Crimes – Procedure Chapter 2919 Offenses Against the Family
Oklahoma	Definition contains no reference to fear or emotional distress.	Yes	Yes	Title 22. Criminal Procedure Chapter 2 Prevention of Public Offenses
Oregon	Intimidates or makes the person afraid of serious physical injury (intentionally, recklessly or knowingly).	No	No	Title 11 Domestic Relations Chapter 107 – Marital Dissolution, Annulment and Separation; Mediation and Conciliation Services: Family Abuse Prevention
Pennsylvania	Placing another in reasonable fear of imminent serious bodily injury.	Yes	No	Title 23. Domestic Relations Part VII. Abuse of Family Chapter 61. Protection from Abuse
Rhode Island	Placing a person in fear of imminent serious physical harm;	No	No	Title 8 Courts and Civil Procedure–Courts Chapter 8-8.1 Domestic Assault
South Carolina	Definition contains no reference to fear or emotional distress.	No	No	Title 20 Domestic Relations Chapter 4. Protection from Abuse
South Dakota	(1) "Domestic abuse," physical harm, bodily injury, or attempts to cause physical harm or bodily injury, or the infliction of fear of imminent physical harm or bodily injury between family or household members;	No	No	Title 25 Domestic Relations Chapter 10 Protection from Domestic Abuse
Tennessee	(3) "Domestic abuse" means	No	No	Title 36 Domestic Relations

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	inflicting or attempting to inflict physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party;			Chapter 3 Marriage Part 6 Domestic Abuse
Texas	(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;	No	No	Title 4. Protective Orders and Family Violence
Utah	(1) "Abuse" means intentionally or knowingly causing or attempting to cause a cohabitant physical harm or intentionally or knowingly placing a cohabitant in reasonable fear of imminent physical harm.	No	No	Title 30 – Husband and Wife Chapter 06 – Cohabitant Abuse Act
Vermont	(B) placing another in fear of imminent serious physical harm;	No	No	Title 15: Domestic Relations Chapter 21: Abuse Prevention
Virginia	“Family abuse” means any act involving violence, force, or threat including, but not limited to, any forceful detention, which results in bodily injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member.	No	Yes	Title 16.1 Courts Not of Record
Washington	The infliction of fear of imminent physical harm, bodily injury or assault.	No	Yes	Title 26 RCW Domestic Relations Chapter 26.50 RCW Domestic Violence Prevention
West Virginia	1. Makes person afraid of being physically harmed, and that fear is reasonable; 2. Makes person afraid of physical harm by harassment, psychological abuse or threatening acts;	Yes	No	Chapter 48 Domestic Relations Article 27. Prevention and Treatment of Domestic and Family Violence

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Wisconsin	Definition contains no reference to fear or emotional distress.	No	Yes	Wisconsin Statutes. Chapter 813: Injunctions, NE Exeat and Receivers
Wyoming	Making person reasonably afraid of being physically hurt in the near future;	No	No	Title 35 – Public Health and Safety Chapter 21 – Domestic Violence Protection
TOTAL	32	17	22	

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