

DOMESTIC VIOLENCE GLOSSARY

There may be other definitions for these words but these are the meanings used in relation to domestic violence.

Advocate - A person who works for an organization that provides help to domestic violence victims. The Advocate must have received specialized training in counseling domestic violence victims including completion of state-certified 40-hour training. The Advocate provides confidential, free help and will go to court with the domestic violence victim.

A Domestic Violence Advocate provides legal advocacy services for victims of abuse. Advocates help victims by:

- Notifying them of, and going with them to, court hearings,
- Educating them about the court system and domestic violence,
- Helping them fill out applications for restraining orders,
- Helping them communicate with prosecutors, probation officers, and court personnel and
- Safety planning.

Anger Management class – an older term used to refer to what are now called Batterer’s Intervention programs. The name has been changed to reflect current understanding that abuse is not only about anger but about control issues with many different causes.

Answer – In Civil/Family cases, a form the restrained person fills out and files with the court before the restraining order court hearing. This form is sometimes called a “Response” but there are also other forms called “Response.”

Batterer – Someone who abuses another person. Abuse can be physical, financial or emotional.

Batterer’s Intervention Program – By California State law, when a person is convicted of Domestic Violence, they must take a 52 week class to work on the attitudes and things they did which caused them to abuse their Intimate Partner. The Probation Department makes sure the person who has to go to these classes attends them, pays the fees, keeps records, and makes progress in class.

Batterer’s Treatment Program – See Batterer’s Intervention Program.

California Law Enforcement Telecommunications System (CLETS) – A statewide computer system that has information about restraining orders issued in California or registered in California from another state. Law Enforcement personnel access the system to respond to and enforce domestic violence orders.

Child Abuse - Maltreatment or neglect of a child, including non-accidental physical injuries, sexual abuse/exploitation, severe or general neglect, unjustifiable mental suffering/emotional abuse, and willful cruelty or unjustifiable punishment of a child.

Child Abuse Protocol – The Santa Clara County District Attorney’s Office along with Law Enforcement and other government agencies has implemented protocols (rules) where those agencies agree to:

1. conduct prompt and thorough investigations of child abuse, endangerment and neglect cases;
2. reduce trauma to victimized children;
3. cooperate effectively to investigate, prosecute and prevent child abuse, endangerment and neglect within Santa Clara County;
4. train employees on recognition and investigation of child abuse, endangerment and neglect.

Civil Harassment restraining order – A restraining order that protects one person from another. It specifically applies to relationships which are not covered by the Domestic Violence Prevention Act. Example: neighbor against neighbor, person against ex-spouse/girlfriend/ex-boyfriend’s new partner.

Civil Standby – When a Law Enforcement agency comes to a location (normally the home shared by the protected person and restrained person) to keep the peace. This is usually so that one of the parties may

pick up a few personal items or follow another court order.
CLETS – see California Law Enforcement Telecommunications System.
County Counsel – The chief legal advisor and representative for the County of Santa Clara, including the Board of Supervisors and County agencies and departments; Represents and advises a county on legal matters.
Court Specialist - Family court clerks that look over requests for temporary or emergency orders (called ex parte orders) before the judge sees them. They also process fee waivers.
Criminal Protective Order - An order a Judge makes to protect a witness or victim of a crime.
DA – see District Attorney
Dating Violence – Intimate Partner Violence (IPV) between people who are dating. The abusive behaviors between dating partners include verbal, physical, emotional, sexual, financial and/or electronic harassment. The genders or sexual orientation of the parties doesn't matter.
Defendant – The person accused of a crime in a criminal case. The person or company being sued in a civil case (Family Court, Civil Harassment, Workplace Violence or Elder Abuse). In a civil case the term used is "Respondent."
Dependent Adult Abuse - Physical abuse (including sexual), financial abuse, neglect, abandonment, isolation, abduction, treatment that causes physical harm, pain or mental suffering, and withholding of things or services by a care custodian of a dependent adult. (adapted from the Elder Abuse Task Force)
District Attorney – An attorney who works for the people of the State of California. They bring criminal charges against people who violate the law and then prosecute the resulting case in Santa Clara County Superior Court.
Document Examiner – Now called a "Court Specialist."
Domestic Violence Agency – A non-profit organization that provides free, confidential domestic violence services to victims. Services include: a 24-hour crisis line, emergency & confidential shelter, legal advocacy, safety planning, peer counseling, therapy, and resource & referral. Domestic violence agencies have historically offered services including confidential emergency shelter, counseling and education, and legal advocacy. Legal advocacy could mean providing people who go to court hearings with the victim or the help of attorneys, when needed. Because some victims of domestic violence do not call domestic violence agencies, new types of agencies have started to help clients where they are: in drug rehabilitation, court rooms, jails or prisons. These victims are often referred to existing traditional domestic violence agencies for confidential shelter, counseling or specialized programs.
Domestic Violence Prevention Act restraining order - This order protects a person from physical violence, a verbal threat of physical violence, or a pattern of harassing behavior by someone the victim has or had a close relationship with (such as husband/wife, family relative, and currently or previously dating or living together). It is free to apply for the order.
DVPA – Domestic Violence Prevention Act. This is a code section found within the Family Code that is the law related to domestic violence. This section begins at Family Code section 6200 (scroll down to section 6200).
Elder Abuse - Physical abuse (including sexual), financial abuse, neglect, abandonment, isolation, abduction, treatment that causes physical harm or pain or mental suffering, and withholding of things or services by a care custodian of an elderly person. (adapted from the Elder Abuse Task Force)
Elder Abuse / Dependent Adult Abuse Restraining Order – These restraining orders are meant to prevent mistreatment of an elderly person or a dependent adult - an adult who has physical or developmental disabilities, or failing physical or mental abilities caused by age.
Emergency Protective Order (EPRO) – This is a restraining order requested by Law Enforcement on an emergency basis at a domestic violence scene. The EPRO is approved by a duty judge after s/he receives a phone call from the Law Enforcement officer. An Emergency Protective Order only lasts for 5 court days or 7 calendar days. To get a restraining order or custody/visitation orders that last longer, the victim must file papers in Court or a case may be opened by the District Attorney in Criminal Court.

<p>An EPRO can:</p> <ul style="list-style-type: none"> • Protect a victim from stalking, violence, threats of violence or a pattern of harassing behavior, • Protect the victim, their immediate family and people who live with them, • Say who has custody as long as the EPRO is in effect. <p>Employers can ask for EPRO's to protect their workplace from someone who is threatening their employee.</p>
Emergency Protective Restraining Order – see Emergency Protective Order.
EPO – see Emergency Protective Order.
EPRO – Emergency Protective Restraining Order; see Emergency Protective Order.
Ex parte order - An order that the judge makes after meeting with, or reading legal forms submitted by, only one party in a case (an ex parte request).
Family Violence – A general term which includes the categories of Child Abuse, Elder Abuse, Dependent Adult Abuse, Domestic Violence & Animal Cruelty.
Intimate Partner - Current or former spouses (husband/wife/domestic partner), boyfriends, and girlfriends of any sexual orientation.
Intimate Partner Violence – Violence between Intimate Partners. "Violence" includes physical violence or a verbal threat of physical violence by one intimate partner against the other. It includes death and other crimes - rape, sexual assault, robbery, aggravated assault, and simple assault.
Juvenile Court restraining order – A restraining order issued by a judge in Juvenile Court that protects one of the parties in the case.
Kick-out order – see Move-out order.
Move-out order – When a judge, through a valid court order, requires the restrained person to move out of the home the restrained person and protected person share for the safety of the protected person(s).
Moving Party – The party who files a motion in a case asking for a court order. It can be either the Petitioner/Plaintiff or Respondent/Defendant.
<p>No contact order – A type of restraining order which is given to a person by the court based on the:</p> <ol style="list-style-type: none"> 1. Domestic Violence Prevention Act (Family Code Sections 6200-6380, scroll down to these sections), or 2. The Uniform Parentage Act (Family Code Sections 7710 and 7720), or 3. In connection with a dissolution (divorce), legal separation or annulment (Family Code Sections 2045, 2047, and 2049), 4. In cases of elder or dependent adult abuse (Welfare and Institutions Code Section 15657.03) or 5. In criminal domestic violence cases (Penal Code Section 136.2). <p>This order protects the person from any type of contact with the abuser i.e. personal, phone or email. Any contact in violation of this order can lead to criminal charges against the person who violates the order.</p>
Non-CLETS order – see definition of CLETS, above. A civil court order that is intended to protect a person from another person. <u>Non-CLETS orders cannot</u> be entered into the statewide and national computer databases that all Law Enforcement personnel access to respond to and enforce domestic violence matters. If an order is not in the CLETS system, then the "restrained" person will still be able to have firearms, and Law Enforcement cannot enforce the order in the same way they are required to enforce CLETS orders. For this reason and others, such as giving DV victims a "false sense of security," non-CLETS orders are disfavored. Santa Clara County's Family Court judges routinely refuse to sign them, especially if they use the language of a CLETS order. At the statewide level, the DV Task Force recently urged judges not to sign restraining orders that cannot be entered into CLETS.
Opposing Party – The "other" person in a court case. For example, if you are opening a new domestic violence case, the opposing party is the person you want protection from.
Parenting Without Violence class – A parenting class taught with an understanding of power and control abuse between parents. This class can empower parents to become more aware in family

relationships and to encourage and live a life showing respect and accountability to each other.
PD – see Public Defender or Police Department
Peaceful contact order – A type of restraining order which is given to a person by the court (see all listed Acts and Codes in the definition for “No contact order”) which allows the restrained person (abuser) to contact the protected person (victim) as long as all contact is peaceful. The restrained person can live with the protected person; BUT the restrained person cannot hit, grab, throw things, damage property, or pull the phone cord out of the wall; knock over, or break furniture; swear at, or about, the protected person; tear up important papers; stop the protected person from leaving the house; make threats to hit, harm or kill the protected person; argue with the protected person or a family member; argue or shout so loud that the neighbors are disturbed; have friends come over and do any of the above; and not do anything that makes the protected person, or the family, frightened, hurt, injured, upset, or disturbed.
Petitioner - A person who presents a petition to the court; person who files legal forms to start a court case.
Plaintiff - The person or company that files a lawsuit.
Police Department - A law enforcement agency in the state of California. Santa Clara County law enforcement agencies.
Probation – When a defendant who has been found guilty of a crime is released into the community and must follow certain conditions, such as jail time, paying a fine, doing community service or attending a drug treatment program. Violation of the conditions can result in incarceration.
Protected Party - A person who is protected by a court order(s) that restrains another person (the restrained person) from harassing, annoying, striking, etc. the protected party.
Protective Order – see Criminal Protective Order.
Public Defender – A lawyer who works for a state or local agency representing clients accused of a crime who cannot afford to pay.
Respondent - If you are the person that answers the original Petition, you are the Respondent. Even if you later file an action of your own in that case, you are still the Respondent for as long as the case is open.
Response - A Respondent's first answer to the Complaint or Petition that started the case.
Restitution – When a defendant/abuser/restrained person is ordered by the court to repay financial loss a victim suffered as a result of something the Defendant/Respondent did.
Restrained Party – The person who cannot contact the protected party when the court makes a restraining order.
Restrained Person – see Restrained Party.
Restraining Order – Common term used to refer to the existence of an Emergency Protective Order, Criminal Protective Order or Civil/Family law Restraining Order After Hearing.
Restraining Order After Hearing – The form used to write up a restraining order in Family or Civil Court. The order is then signed by the judge, filed with the Clerk’s Office and entered into the CLETS system. Family (DVPA) restraining order , Civil Harassment restraining order , Elder Abuse Restraining Order , Workplace Violence restraining order.
Safety Plan – A plan created by a domestic violence victim (with the help of an Advocate) that shows the victim ways s/he can prevent or protect her/himself during a violent incident and reduce the risk they are hurt or killed. Safety plans should be prepared for different situations such as: <ul style="list-style-type: none"> • During a violent incident, • When the victim is getting ready to leave, • After the victim leaves the abuser, and • At their work. Each of these situations has different risks. Advocates can help victims weigh the risks to their safety and personal freedom in each of these situations, come up with options, and evaluate those options. Evaluating options includes anticipating the consequences of each action and determining which option best increases safety and personal freedom. Safety plans should be individualized and realistic. (Based on

Jill Davies Safety Planning with Battered Women)

Serve – When the moving party has someone, not him or herself, give the filed court papers to the other party

Service – Delivering legal papers to the other party in a case. There are 5 main ways an adult, over 18, who's not involved in the case, can deliver the papers:

- Personal Service is when someone hands the legal forms to the defendant.
- Service by Mail is when someone mails the defendant the legal forms.
- Substitute Service is when another adult is served in the place of the other party; a second copy is mailed to the other party.
- Service by Publication is when someone publishes a Summons and Complaint in a newspaper.
- Service by Posting is when someone posts a Summons and Complaint in a public place. You have to get special permission from the court to serve by Publication or Posting.

You can never be the person to serve papers in your own case.

Not all types of service are allowed for all types of filings. For example, a restraining order application has to be served in person.

Spousal Abuse - A more narrow term describing abuse between husbands and wives. Currently it is more often called Domestic Violence or Intimate Partner Violence.

Stalking - Willfully, maliciously, and repeatedly following or willfully, maliciously, and repeatedly harassing another person and making a credible threat with the intent to place that person in fear for his or her own safety, or the safety of his or her immediate family ([Penal Code 646.9](#)).

Teen Dating Violence - Intimate Partner Violence between teens who are dating. Of concern for young victims is a lack of experience responding to violence and/or sexually coercive behavior. This type of IPV is not limited to any particular sexual orientation or identity.

Victim – A person who is harmed, physically, emotionally or financially, or killed by another; A person who suffers from a destructive or injurious action; The person against whom a crime has been committed.

[Workplace Violence Restraining Order](#) - A restraining order a business applies for if it needs protection for its worker(s).