

# PO DOMESTIC VIOLENCE BENCHCARD

## 1. Domestic Violence – Elements (RCW 7.105.010(9))

Petitioner must prove both domestic violence elements by a preponderance of the evidence –

- (1) Relationship. Respondent and “petitioner” are either – (a) intimate partners; or (b) family or household members; and
  - “Intimate Partner” Definition. Means – (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time, unless the child is conceived through sexual assault; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older. .010(20).
  - “Dating Relationship” Definition. Means a social relationship of a romantic nature. Factors that the court may consider in making this determination include – (a) the length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties. .010(8).
  - “Family Or Household Members” Definition. Means – (a) persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent’s intimate partner and children; and (d) a person who is acting or has acted as a legal guardian. .010(13).
- (2) Unlawful Actions. (any 1 of the following 5) –
  - (a) Harm. Respondent caused physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault to “petitioner”; or
  - (b) Sexual Conduct. Respondent engaged in nonconsensual sexual conduct or nonconsensual sexual penetration with “petitioner”; or
    - “Nonconsensual” Definition. Means a lack of freely given consent. .010(26).
    - “Consent” Definition. See .010(5).
    - “Sexual Conduct” Definition. See .010(32).
    - “Sexual Penetration” Definition. See .010(33).
  - (c) Coercive Control. Respondent engaged in coercive control against “petitioner”; or
    - “Coercive Control” Definition. See .010(4).
  - (d) Unlawful Harassment. Respondent unlawfully harassed “petitioner” or
    - “Unlawful Harassment” Definition. See .010(36) and UNLAWFUL HARASSMENT BENCHCARD.
  - (e) Stalking. Respondent stalked “petitioner”.
    - “Stalking” Definition. See .010(34) and STALKING BENCHCARD.
- “Petitioner” Definition. “Petitioner” means (.010(28)) –
  - Petitioner. Any named petitioner; or
  - Other. Any other person identified in the petition on whose behalf the petition is brought.