



Mercer County Prosecutor's Office
Domestic Violence Unit
 609-989-6351
Domestic Violence Reference Guide

www.mercerpros-nj.com

2005

		DEFENDANT						
		(All defendants must be at least 18 years old <u>OR</u> under 18 and emancipated*)						
		Defendant is a spouse	Defendant is a former spouse	Defendant is a household member	Defendant is a former household member	Defendant has/had dating relationship with victim	Defendant has a child in common with victim	Defendant anticipates having child with victim because victim or defendant is pregnant
V I C T I M	Victim is age 18 or older	YES	YES	YES	YES	YES	YES	YES
	Victim is under age 18 AND emancipated	YES	YES	YES	YES	YES	YES	YES
	Victim is under age 18 and NOT emancipated			NO	NO	YES		YES

* A person is emancipated when ANY one of the following applies:

- Has been married.
- Has entered military service.
- Had a child (Does NOT have to be a child in common between victim and defendant.)
- Is pregnant with anyone's child.
- Had been previously declared emancipated by a court or administrative agency.

Please note that a male is not emancipated just because he gets a female pregnant.

DOMESTIC VIOLENCE

Means the occurrence of one or more of the following acts inflicted upon a victim by a defendant.

Homicide	NJSA 2C:11-1	Sexual Assault	NJSA 2C:14-2
Assault	NJSA 2C:12-1	Criminal Sexual Contact	NJSA 2C:14-3
Terroristic Threats	NJSA 2C:12-3	Lewdness	NJSA 2C:14-4
Stalking	NJSA 2C:12-10	Criminal Mischief	NJSA 2C:17-3
Kidnapping	NJSA 2C:13-1	Burglary	NJSA 2C:18-2
Criminal Restraint	NJSA 2C:13-2	Criminal Trespass	NJSA 2C:18-3
False Imprisonment	NJSA 2C:13-3	Harrassment	NJSA 2C:33-4

DOMESTIC VIOLENCE EXAMPLES

47 year old father lives with 16 year old daughter who is NOT emancipated. Dad assaults daughter.

This is not domestic violence because an un-emancipated minor can only be a domestic violence victim if subjected to domestic violence by someone (at least age 18 or emancipated) whom the victim was dating, has dated or anticipates having a child with.

50 year old mother assaults her pregnant 15 year old daughter.

*This would be domestic violence because the victim is emancipated (by pregnancy) and was assaulted by a household member. This victim could get a restraining order. **

15 year old female is assaulted by her 16 year old boyfriend whom she has dated for one year. Neither of them is emancipated.

*This is not domestic violence because the defendant is not emancipated. (**Remember** all defendants must be at least 18 years old or emancipated).*

A 16 year old male is assaulted by his 17 year old girlfriend whom he has dated for 6 months. The girlfriend has a child by an ex boyfriend.

*This is domestic violence because the defendant is emancipated because she has a child. **Remember – Victims** abused by someone they date can be of any age and do not have to be emancipated. This victim could get a restraining order. **

A 14 year old male is assaulted by his 14 year old girlfriend. The two have a child in common. Both parties are emancipated because they have a child.

*This is domestic violence. **

*** Note** - Complaints signed must be placed on juvenile petitions in these cases. Emancipation occurs for restraining order purposes only. Follow your department policy for arrest and processing of a juvenile.