

What is Domestic Violence?

Domestic Violence Series

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What is domestic violence?

Domestic violence, or sometimes referred to as intimate partner violence, is when one person in a relationship tries to control and hurt the other person. This can happen through physical violence, like hitting or pushing, or through emotional abuse, such as threats, intimidation, or controlling behavior.

For more information about domestic violence, go to www.njcourts.gov and search for domestic violence.

What is a restraining order?

A restraining order is a civil order of protection issued by the court that is meant to protect a victim of domestic violence. The conditions contained in a restraining order are based upon each person's circumstances and vary from case to case.

In New Jersey, someone can request a domestic violence restraining order if one or more of the following 19 acts have been committed: homicide, assault, terroristic threats, kidnapping, criminal restraint, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment, stalking, criminal coercion, robbery, contempt of a domestic violence order, cyber harassment, and any crime involving risk of death or serious bodily injury.

Who can qualify for a restraining order?

You can qualify if you are 18 years of age or older or an emancipated minor and you have been subjected to domestic violence by:

- a spouse
- a former spouse
- any other person who is now or was in the past living in the same household.

You can also qualify, regardless of age, if you have been subjected to domestic

violence by a person with whom:

- you have a child in common
- you expect to have a child in common
- if one of you is pregnant
- you have had a dating relationship.

Who is an emancipated minor?

A minor is a person under 18 years of age and is considered emancipated when the minor:

- is or has been married
- has entered military service
- has a child or is pregnant
- has been previously declared by a court or an administrative agency to be emancipated.

What if the defendant is under the age of 18?

If the defendant is under the age of 18 and does not qualify as an emancipated minor, you might be able to have law enforcement file juvenile charges. Contact the police department where the incident occurred.

What types of relationships are covered?

The plaintiff and defendant must have or have had a specific relationship to qualify for a domestic violence restraining order. The gender of the parties does not matter.

The relationship must be one of the following:

- Married / separated / divorced

- Living in the same household now or in the past
- Dating
- A person with whom the plaintiff has a child in common or anticipates having a child in common (one party is currently pregnant).

The defendant (the person the plaintiff is filing against) must be 18 years of age or older or be an emancipated minor.

Where can you apply for a restraining order?

You can apply for a restraining order in person or by telephone at the courthouse in the county where the act of domestic violence took place, where you live, where the defendant lives, or where you are temporarily staying or sheltered.

On weekends, holidays, after court hours, or any other time the Superior Court is closed, you can apply for a restraining order at the local police department in the municipality where the act of domestic violence took place, where you live, where the defendant lives, or where you are temporarily staying or sheltered.

If a criminal complaint is filed for the domestic violence incident, law enforcement can complete the application for a restraining order simultaneously, even if the Superior Court is open.