

Final Restraining Order (FRO) Process

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 Happens at the Final Restraining Order (FRO) Hearing?

The FRO hearing will be scheduled within 10 days of the temporary restraining order (TRO) being issued.

The plaintiff and defendant have the right to have an attorney and can ask for an adjournment (a delay) of the hearing to obtain legal representation. An application for a restraining order is a civil matter, and for that reason the court cannot provide an attorney to either the plaintiff or defendant.

At the FRO hearing, the judge will hear testimony from the plaintiff and the defendant, if the defendant chooses to testify. The judge will decide whether an act of domestic violence occurred and whether a FRO should be issued to protect the plaintiff from further acts of domestic violence.

The plaintiff and defendant will need to prepare themselves and any witnesses they might have for the court hearing. If either side has evidence they wish to present at the hearing, for example, photos, text messages or video, contact the court prior to the hearing for instructions on providing this evidence.

- Children should not be brought to the final hearing unless otherwise instructed by a judge to do so.
- Failure of a plaintiff to appear at the scheduled time might result in the case being postponed to another day and/or time, or the case might be dismissed by the court.

If a judge finds that an act of domestic violence has occurred, the defendant can be prohibited against future acts of domestic violence. The defendant can be barred from the plaintiff's residence, place of employment or other places; prohibited from having any oral, written, personal, or electronic form of contact or communication with the plaintiff or others; and prohibited from making or causing anyone else to make harassing communications to the plaintiff or others. The defendant can be prohibited from stalking, following, or threatening to harm, stalk, or follow the plaintiff or others. The defendant can be ordered to pay child support, emergent monetary relief, attend substance abuse counseling or undergo necessary evaluations. The court also can suspend parenting time or

order supervised parenting time. The defendant will be prohibited from possessing any weapons.

The plaintiff can be given exclusive possession of the residence, temporary custody of children, emergent temporary support, medical coverage, damages, and other relief.

If the FRO is issued, the defendant will be photographed and fingerprinted and will be ordered to pay a penalty of \$50 to \$500, payable through the court's finance department.

A copy of the FRO will be given to both the plaintiff and the defendant. It is important to review the order before leaving the building to ensure accuracy. The family division will forward a copy of the order to the police department in the municipality where the plaintiff lives. The plaintiff should provide copies to work, daycare centers, schools, and other relevant locations.

The plaintiff should always keep the FRO in their possession. If lost, additional copies can be obtained from the domestic violence unit where the order was entered.

What if You Appear for Court and the Defendant Fails to Appear?

The judge can issue an FRO against the defendant if there is proof of service or testimony that the defendant was aware of the hearing date. If there is no proof that the defendant has been served, a new court date can be scheduled, and the TRO will remain in effect. A law enforcement officer will serve the defendant with a copy of the final order.

What if the Defendant is not Complying with the FRO?

If the defendant is not complying with the custody or specific restraint provisions in the order, the plaintiff can go to the police station and seek criminal charges. If the defendant is not complying with visitation or the child support provisions, the plaintiff can complete the form named [How to Enforce or Request a Change of a Domestic Violence Restraining Order \(CN 12093\)](#).

Can the Defendant Ask to Vacate the FRO?

The defendant can ask the court to vacate or remove the FRO by filing a motion with the court. The motion packet is named [How to Ask the Court to Dismiss a Final Restraining Order \(CN 12420\)](#).

What Happens if the Plaintiff Wants to Dismiss (Drop) or Change an Existing FRO?

Any request to dismiss (drop) or change an existing restraining order must be made in person and heard before a judge. Restraining orders cannot be dismissed or modified by telephone. If the parties reconcile, it does not mean an automatic dismissal of an order. The plaintiff must appear before a judge in the Family Division of Superior Court to request a dismissal. Contact between parties before the restraining order is dismissed subjects the defendant to criminal prosecution. If the restraining order is dismissed, there still might be pending criminal charges that need to be addressed separately in the appropriate Municipal or Criminal Court.

What Happens to Child Support if the Plaintiff Asks for the FRO to be Dismissed?

If the FRO is dismissed, child support can be continued on a new order if requested.

What if the Parties Want to Attend Counseling?

The parties cannot attend counseling together if there is a restraining order in effect. Custody and/or parenting time mediation is not permitted if there is a restraining order in effect.

Does the FRO expire?

An FRO does not have an expiration date and will remain in effect until further order of the court. Additionally, the Full Faith and Credit provisions of the Federal Violence Against Women Act requires all states, U.S. territories, and commonwealths to enforce restraining orders. This means if the plaintiff leaves New Jersey, the order is enforceable in every state, U.S. territory and commonwealth. The plaintiff should always keep the order with them.