

NOTICE TO THE BAR

STANDARDIZED PROCEDURE FOR AMENDING DOMESTIC VIOLENCE COMPLAINT AND/OR TEMPORARY RESTRAINING ORDER PRIOR TO THE FINAL RESTRAINING ORDER HEARING

This notice announces a standardized procedure approved by the Judicial Council to be used when a plaintiff in a domestic violence matter seeks to amend her/his Complaint and/or Temporary Restraining Order (“TRO”) prior to the Final Restraining Order (“FRO”) hearing. Promulgation of the procedure does not affect the plaintiff’s right to seek amendment of the Complaint and/or TRO at the FRO hearing itself.

The standardized procedure seeks to eliminate the differences in how such DV Complaint/TRO amendments have been handled from county to county. There are two scenarios in which the plaintiff may seek to amend the DV Complaint and/or the TRO. The procedure outlined here should be used in both. The first scenario is when the defendant has been served with the Complaint and/or TRO; the second is when the defendant has not yet been served.

The key element of the procedure is to require the plaintiff to personally appear at the Superior Court, Family Part to amend the Complaint and/or TRO. Requiring a personal appearance by plaintiff for any amendments prior to the FRO hearing allows for confirmation of litigants’ identities and provides an opportunity for the judge to question litigants regarding the amendments. After the court has approved amendment of the complaint or TRO, plaintiff will be provided a copy prior to leaving court and the defendant thereafter will be served the amended Complaint/TRO in accordance with the rules.

/s/ Glenn A. Grant

Glenn A. Grant, J.A.D.
Acting Administrative Director
of the Courts

Dated: March 18, 2011