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**Directive # 05-24**

Questions or comments may be directed to 609-815-2900, ext. 55350.

**TO: Assignment Judges  
Trial Court Administrators**

**FROM: Glenn A. Grant, Administrative Director**

**SUBJ: Updated Domestic Violence Brochures**

**DATE: April 8, 2024**

This directive promulgates three revised and updated domestic violence brochures. The attached brochures explain the entire domestic violence court process for both the plaintiff and the defendant. Each brochure references the other two so that court users are aware of the additional information that is available.

The three new brochures cover the following areas:

1. “What is Domestic Violence?”
2. “Temporary Restraining Order Process”
3. “Final Restraining Order Process”

The brochures will be posted on the Judiciary’s website (njcourts.gov) for access by the Family Division, the Municipal Courts, litigants, and others. Printed versions will be distributed to the Vicinage Family Divisions, as well as a version suitable for inclusion LED/LCD directional monitors.

Questions regarding this Directive should be addressed to the AOC Family Practice Division at 609-815-2900, ext. 55350.

Attachments (Brochures):

- (1) “What is Domestic Violence?” (CN 12968)
- (2) “Temporary Restraining Order Process” (CN 12969)
- (3) “Final Restraining Order Process” (CN 12970)

cc: Chief Justice Stuart Rabner  
Family Presiding Judges  
Municipal Court Presiding Judges  
Steven D. Bonville, Chief of Staff  
AOD Directors and Assistant Directors  
Special Assistants to the Director  
Rhonda Crimi, Chief, Municipal Court Services  
Amelia Wachter-Smith, Chief, Family Practice  
Family Division Managers and Assistants  
Municipal Division Managers and Assistants  
Domestic Violence Team Leaders

## Attachment 1

“What is Domestic Violence?”

CN 12968

**New Jersey Judiciary**

**What is Domestic Violence?**



## **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.

## **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.

See [the brochure](#) “TRO Process” (CN 12969) for more information.

## Attachment 2

“Temporary Restraining Order Process”

CN 12969

# New Jersey Judiciary

# Temporary Restraining Order Process



See “CN 12968 - What is Domestic Violence?” if you need help knowing if you qualify for a domestic violence restraining order.



## **How Does Someone Apply for a Restraining Order at the Local Police Department?**

The police officer will interview the person applying and complete a domestic violence civil complaint for a restraining order. The person applying is known as the plaintiff in the case. The defendant is the person who is alleged to have committed the act of domestic violence. The police officer will contact a municipal court judge for a telephone hearing, which is recorded. The judge will question the plaintiff about the current and prior domestic violence events. The plaintiff should let the judge know if the defendant has access to any firearms. The judge will enter a decision to either grant or deny the request for a restraining order. This hearing is held without the defendant.

## **What Happens After the Municipal Court Judge Issues a Decision?**

If the judge **grants** the application, the judge will sign a temporary restraining order (TRO). The plaintiff will receive a copy of the order and date for a final restraining order (FRO) hearing, which will take place in 10 days. The defendant will be served with the TRO and the FRO hearing date by the local police department. The plaintiff and defendant must appear on the scheduled day of the final hearing.

If the judge **denies** application for a restraining order, a request can be made for an immediate review of the TRO denial with a Superior Court judge. The Superior Court judge will conduct a hearing on the TRO complaint by telephone and decide to grant or deny the TRO request. If the judge denies the request for the TRO, an appeal of the denial can be filed in the Appellate Division.

## **How Does Someone Apply for a Restraining Order in the Superior Court?**

A domestic violence staff member in the family division will interview the plaintiff and ask specific questions about the incident that has brought them to the court and about past incidents of domestic violence. After the interview, there will be a hearing with a domestic violence hearing officer or judge. This hearing is held without the defendant. The plaintiff should let the judge know if the defendant has access to any firearms.

If the judge **grants** the application, the judge will sign a temporary restraining order (TRO). The plaintiff will receive a copy of the order and date for a final restraining order (FRO) hearing, which will take place in 10 days. The defendant will be served with the TRO and the FRO hearing date by the local police department. The plaintiff and defendant must appear on the scheduled day of the final hearing.

If a domestic violence hearing officer conducts the hearing and does not recommend the TRO, the plaintiff can request to have the matter heard before a Superior Court judge that same day. If the judge denies the request for the TRO, an appeal of the denial can be filed in the Appellate Division.

## **Can a TRO be Changed?**

The TRO application can be changed prior to the final restraining order hearing. If the plaintiff wants to change the application for the following reasons, they can complete the required forms and no new hearing is required:

- Add more information about the incident that led the plaintiff to file a complaint for a restraining order.
- The defendant violated the restraining order and/or committed additional acts of domestic violence and the plaintiff wants to add the new acts to the complaint.
- Add more information about prior history of domestic violence between the plaintiff and the defendant that was not on the original complaint.
- Add the names of the children that the plaintiff and the defendant have in common that were not included on the original domestic violence complaint that was filed in this matter.

If the plaintiff wants to change the application and/or the TRO for other reasons than listed above, such as to seek additional relief for visitation or financial support, call the family division office in the county where the restraining order was issued for additional instructions.

### **What Does the Defendant Do Once Served with a TRO?**

Once a TRO is granted by a Superior Court or Municipal court judge, a final restraining order hearing is scheduled. The hearing date will be on the order. The defendant **must** attend the court hearing. The defendant has the right to bring an attorney; the court cannot provide an attorney. Failure to appear at the hearing could result in the court entering an FRO against the defendant.

The defendant should be aware that any violation of any of the conditions listed in the TRO could be either a civil or criminal contempt and could result in an arrest, prosecution, and possible incarceration. It is important that the defendant abide by the conditions of the order.

If the defendant wants to appeal the TRO, an Application for Appeal and Order can be filed in the county where the TRO was entered by the court. [Application for Appeal and Order \(njcourts.gov\)](https://www.njcourts.gov)

See the brochure “Final Restraining Order Process” (CN 12970) for more information.

## Attachment 3

“Final Restraining Order Process”

CN 12970

# New Jersey Judiciary

## Final Restraining Order Process



See “CN 12968 - What is Domestic Violence?” to know if you qualify for a domestic violence restraining order. See “CN 12969 - Temporary Restraining Order Process” for information on applying for a domestic violence restraining order.

## **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 the Plaintiff Appears 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 Does Not Comply 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 an application to modify/enforce a domestic violence order, which can be found in the forms section at njcourts.gov.

## **Does a FRO Expire?**

An FRO does not have an expiration date and will remain in effect until further order of the court.

## **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. There is a motion packet [How to Ask the Court to Dismiss a Final Restraining Order \(CN12420\)](#) that can be found at njcourts.gov.

## **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?**

FROs do not expire in New Jersey. 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.