

NOTICE TO THE BAR

Order -- Relaxation of Rules 1:4-4(c), 5:7A(b), and 4:42-1(e) -- Statewide E-TRO Project

It is ORDERED, pursuant to N.J. Const., Art. VI, sec. 2, par. 3, that effective immediately and until further Order the provisions of the following Rules Governing the Courts of the State of New Jersey are supplemented and relaxed on a statewide basis in connection with program utilizing the electronic transmission and filing of domestic violence complaints and temporary restraining orders with the Family Division of Superior Court (the “E-TRO Project”), as indicated:

1. Rule 1:4-4(c) is relaxed and supplemented so that an electronic signature in typewritten form on a domestic violence complaint has the same effect as the faxed signature authorized by this rule. Notwithstanding this provision, a copy of the document with the original signature must be retained at the police department. Additionally, the confirmatory order subsequently signed by the Municipal Court judge or Superior Court judge must be transmitted to the police department for retention as well.
2. Rule 5:7A(b) is relaxed and supplemented so as to give electronic entry of the judge’s name in typewritten form by the law enforcement officer on the temporary restraining order the same effect as the officer’s printing of the judge’s name that is expressly authorized by that rule. Also, the signature of the applicant on the certification portion of the domestic violence complaint and temporary restraining order may be entered electronically in typewritten form subsequent to the applicant taking the oath and giving sworn testimony.
3. Rule 4:42-1(e) is relaxed and supplemented so as to authorize the use of electronic signatures for Superior Court or Municipal Court judges for temporary restraining orders issued under this pilot program.

The process will be used in the participating municipalities in connection with domestic violence complaints and temporary

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restraining orders from a Municipal Court judge or Superior Court judge after regular Superior Court hours. The program will permit law enforcement officers to prepare domestic violence complaints and temporary restraining orders in electronic form on personal computers and then transmit those complaints/TROs electronically to the Judiciary for filing and entry in the Judiciary's Family automated case system (FACTS), including automatic updating of the Domestic Violence Central Registry.

The provisions of this Order shall be in effect pending adoption of conforming amendments to the Rules of Court. This Order supersedes all Orders previously issued in connection with the pilot test of the E-TRO Project, including the December 10, 2002 initial rule relaxation order as to Burlington County; the April 28, 2003 order extending the pilot project to Camden, Cape May, Essex, and Somerset Counties; and the July 7, 2005 order extending it to Passaic County.

For the Court
James R. Zazzali
Chief Justice

Dated: June 5, 2007