

STATE OF NEW JERSEY

DOMESTIC VIOLENCE PROCEDURES MANUAL



**Issued under the Authority of the
Supreme Court of New Jersey
and the Attorney General of the
State of New Jersey
July 2004
October 2008 Amended Edition**

Domestic Violence Procedures Manual

ANNOUNCEMENT OF AMENDED EDITION

October 9, 2008

This announces an amended edition of the Domestic Violence Procedures Manual ("DVPM"). This amended edition replaces in its entirety the last revised edition of the DVPM promulgated in 2004 under the joint authority of the Supreme Court and the Attorney General. **Prior hard copy editions of the DVPM are outdated and should be discarded.**

This also announces that beginning with this amended edition, the method of publication will be exclusively Internet based. No hard copies of the DVPM will be distributed. The new DVPM can be found on the Infonet and on the Judiciary's Internet Web site at <http://www.njcourts.com/family/index.htm>. Using the Internet as a medium of publication represents a significant step forward in the way this important information is made available to those who need it. Just four years ago, the Judiciary published the DVPM in hard copy. It was necessary to print and distribute more than 3,000 copies of the DVPM at that time. Relying on Internet publication saves time and money, and ensures that users will always have access to the most up-to-date version.

The current amendments to the DVPM relate almost exclusively to matters within the Judiciary's purview resulting from new legislation, changes to court rules, new policy initiatives, and editorial corrections and clarifications¹. The amendments were reviewed and endorsed by the Conferences of Family Presiding Judges and Family Division Managers.

Manual Sections (New or Amended)

- Sections 4.1.6 and 4.1.8 – amended to add information on the electronic Temporary Restraining Order (E-TRO) procedure by which domestic violence complaints and temporary restraining orders may be filed electronically. These amendments were made in accordance with statewide implementation of the E-TRO Project as described in the Administrative Director's July 5, 2007 memorandum to Assignment Judges and Trial Court Administrators.
- Sections 4.3.10 to 4.3.13 (new) – Sets out the existing procedures for determining paternity and child support prior to issuance of a Final Restraining Order (FRO).

¹ The Attorney General's Office provided amended Appendices 5, 18 and 23. That is the extent of its involvement in these DVPM amendments.

- Section 4.5.7 – amended to add a new paragraph setting out a uniform procedure for amending Temporary Restraining Orders.
- Section 4.11 – amended to bring text into conformity with Rule 5:7A, regarding transfers, as amended in 2005, and Directive #3-05 (Intercounty Child Support Case Management Policy).
- Section 4.14.9 – amended to add procedures from the Non-Dissolution Operations Manual, section 1104, for processing a domestic violence case when there is an existing non-dissolution case.
- Section 4.15.1 – amended to provide information about the surcharge imposed on domestic violence offenders pursuant to N.J.S.A. 2C:25-29.4.
- Section 4.17.3 – amended to add information regarding the Uniform Summary Support Order, R. 5:7-4 and Appendix XVI of the Rules of Court, which also has been added as Appendix 31 to the DVPM.

Appendices (New or Amended)

- Appendix 1, Confidential Victim Information Sheet – amended as directed by the Supreme Court, as promulgated by the Administrative Director's June 11, 2008 memorandum to Assignment Judges and Trial Court Administrators.
- Appendix 2, Temporary Restraining Order and Instructions – amended to reflect that the name of the Victims of Crimes Compensation Board has been legislatively changed to the Victims of Crimes Compensation Agency.
- Appendix 3, Domestic Violence Hearing Officer Standards – amended to include the Backup Domestic Violence Hearing Officer Standards promulgated by Directive #2-06 as a Supplement to Directive #16-01.
- Appendix 6, Summary of Electronic TRO – see amendments to Sections 4.1.6 and 4.1.8 above. Amended to reflect the statewide expansion of the program in July 2007.
- Appendix 6A, Recording Complete Incident Description in FACTS – new appendix to provide instructions for capturing full incident description text in FACTS. Please note that this is a temporary solution pending modifications to the Judiciary's automated system.
- Appendix 8, Appeal of Ex Parte Order – Application for Appeal and Order pursuant to the New Jersey Prevention of Domestic Violence Act, N.J.S.A. 2C:25-28i – amended to allow for the signature and printed name of either plaintiff or defendant on the Certification. The prior form only provided for defendant's signature. This change was recommended by the Conference of

Family Presiding Judges to accurately reflect the fact that both plaintiff and defendant have the right to appeal the Temporary Restraining Order.

- Appendix 9, Continuance Order – amended to delete the phrase, “The Temporary Restraining Order is further amended as follows.” The Continuance Order is not to be used for TRO amendments, which should be made in accordance with the procedures described in amended Section 4.5.7 (above).
- Appendix 10, Final Restraining Order – amended to show the correct court Seal.
- Appendix 14, Order of Dismissal – amended to clarify that if the Temporary or Final Restraining Order is dismissed, any criminal charges filed by either plaintiff or the police are not affected by the dismissal and shall remain pending until addressed separately in the appropriate court.
- Appendix 31, Uniform Summary Support Order, R. 5:7-4 and Appendix XVI of the Rules of Court – New appendix.
- Appendix 32, Address Confidentiality Statute, N.J.S.A. 47:4-2, et. seq. – New appendix.

Any questions concerning these amendments to the DVPM or regarding the DVPM generally may be directed to Harry T. Cassidy, Assistant Director, Family Practice Division at 609-984-4228 or Harry.Cassidy@judiciary.state.nj.us.

SUPREME COURT OF NEW JERSEY



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This revised edition of the New Jersey Domestic Violence Procedures Manual provides procedural guidance for law enforcement officials, judges and judiciary staff in implementing the Prevention of Domestic Violence Act. It is designed to facilitate the prompt resolution of domestic violence matters and provide effective relief to the victims of domestic violence. The Manual is issued jointly by the Judiciary and the Department of Law and Public Safety to provide a seamless system of case handling.

Since it was first issued in 1991, the Domestic Violence Procedures Manual has been updated periodically to reflect amendments to the statute, changes to court rules, and new practices designed to ensure the most efficient management and disposition of these important matters. This edition supersedes the 1998 Manual in its entirety, as well as all previous editions. The changes from the 1998 edition are summarized in the Introduction.

New Jersey has strong laws and protective processes for victims of domestic violence. Users of this Manual will find that it will enable them to implement those laws effectively. Your continued support of this program is very much appreciated.


Deborah T. Poritz
Chief Justice


Peter C. Harvey
Attorney General

July 2004

NOTICE**NOTICE****NOTICE****NOTICE**

The New Jersey Domestic Violence Procedures Manual is intended to provide procedural and operational guidance for two groups with responsibility for handling domestic violence complaints in the state of New Jersey – judges and Judiciary staff and law enforcement personnel. The bulk of the Manual (i.e., all except Section III and associated appendices) sets forth procedures to guide Judiciary staff in the management of cases within their area of responsibility. Section III and its associated appendices provide guidance to law enforcement personnel. The procedures for law enforcement and the Judiciary are presented in a single volume in order to provide for both groups a seamless description of the management of domestic violence cases from initiation to conclusion.

The Judiciary portion of the Manual was prepared by the Conference of Family Presiding Judges, working with the Conference of Family Division Managers and the Family Practice Division of the Administrative Office of the Courts (AOC) with input from judges and staff of the Municipal and Criminal Divisions as well as the Supreme Court State Domestic Violence Working Group. It is intended to embody the policies and procedures adopted by the New Jersey Supreme Court, the Judicial Council and the Administrative Director of the Courts, but does not itself establish case management policy. It has been approved by the Judicial Council, on the recommendation of the Conference of Family Presiding Judges, in order to promote uniform case management statewide. As such, court staff is required to adhere to its provisions.

While the Judiciary portion of the Manual reflects court policies existing as of the date of its preparation, in the event there is a conflict between the Manual and any statement of policy issued by the Supreme Court, the Judicial Council or the Administrative Director of the Courts, that statement of policy, rather than the Manual, will be controlling. Other than in that circumstance however, the Judiciary portion of this Manual is binding on court staff. This Manual is not intended to change any statute or court rule, and in the event a statute or court rule differs from this manual, the statute or rule will control.

Section III, the Law Enforcement portion of the Manual, and its associated appendices were prepared by the Department of Law and Public Safety, Division of Criminal Justice and are intended to provide procedural and operational guidelines for the New Jersey law enforcement community. This material is specifically intended for law enforcement use. While its inclusion in this Manual provides useful information to judges and court staff as well, it is not binding on them. The law enforcement section has not been reviewed or endorsed by the Judiciary.

DOMESTIC VIOLENCE PROCEDURES MANUAL

TABLE OF CONTENTS

Go directly to the item in the table by clicking on it.

Introduction

Section I – Definitions

Section II – Initial Procedures

- 2.1 Where, When and How Domestic Violence Complaints Are To Be Filed
- 2.2 Application for a Temporary Restraining Order (TRO)
- 2.3 Where to File a Criminal Complaint with an Accompanying TRO Application and Complaint
- 2.4 Where to File a Criminal Complaint When There Is No Accompanying Complaint/TRO

Section III – Law Enforcement

- A. Introduction -- Domestic Violence Performance Standards
 - 3.1 Domestic Violence Policy and Procedures
 - 3.2 Response to Domestic Violence Incidents
 - 3.3 Receipt and Processing of Domestic Violence Complaints
 - 3.4 Domestic Violence Arrests
 - 3.5 Weapons Relating to Domestic Violence Incidents
 - 3.6 Reporting of Domestic Violence Incidents
 - 3.7 Training
- B. Guidelines on Police Response Procedures in Domestic Violence Cases
 - 3.8 Mandatory Arrest
 - 3.9 Discretionary Arrest
 - 3.10 Seizure of Weapons

- 3.11 Domestic Violence Complaint Process
- 3.12 Procedure for Filing Reports
- 3.13 Temporary Restraining Court Orders
- 3.14 Service of Temporary Restraining Order
- 3.15 Court Order Violations
- 3.16 Criminal Offenses Against the Elderly and Disabled
- 3.17 Guidelines on Prosecutorial Procedure Regarding Weapons Seized in Domestic Violence Cases

Section IV – Court Procedures

- 4.1 Municipal Court Procedure
- 4.2 Superior Court, Family Division Processing
- 4.3 Taking a Complaint in Superior Court, Family Division
- 4.4 Access in Special Circumstances
- 4.5 Initial/Emergent Hearing
- 4.6 Procedures for Service of Complaint/TRO/FRO
- 4.7 Service Out of County
- 4.8 Appeals of *Ex Parte* Orders
- 4.9 Procedures for Final Hearings
- 4.10 Appearance by Both Parties
- 4.11 Transfer of Matters Between Counties
- 4.12 Final Hearing
- 4.13 Dispositions
- 4.14 Remedies Available Under the Act
- 4.15 Civil Penalty

- 4.16 Fingerprinting and Processing
- 4.17 After an FRO Has Been Entered
- 4.18 Service of FRO
- 4.19 Requests for Dismissal or Reopening

Section V – Weapons

- 5.1 Weapons in General
- 5.2 Mandatory Arrest
- 5.3 Seizure of Weapon for Safekeeping
- 5.4 Seizure of Weapons Pursuant to Court Order
- 5.5 Seizure of Weapons Used in Commission of a Criminal Offense
- 5.6 Seizure of Weapons Pursuant to *N.J.S.A. 2C:25-21d*
- 5.7 Seizure of Weapons Outside the County Where the Domestic Violence Restraining Order was Issued
- 5.8 Seizure of Weapons from Law Enforcement Officers Involved in a Domestic Violence Incident
- 5.9 Restrictions on Return of Firearms
- 5.10 Warrant for the Search and Seizure of Weapons
- 5.11 Notice to the Prosecutor
- 5.12 Hearing Regarding Weapons

Section VI – Enforcement and Modification of Restraining Orders

- 6.1 Enforcement and Modification
- 6.2 Criminal Contempt
- 6.3 Enforcement of Litigant's Rights Proceeding
- 6.4 Contempt in Superior Court, Family Division

Section VII – Full Faith and Credit of Out of State Orders

- 7.1 Federal Statutory Overview
- 7.2 Protection Orders Covered by Section 2265
- 7.3 New Jersey Law and Procedure
- 7.4 Process
- 7.5 Outgoing Orders

Section VIII – Working Groups

Appendix List

SECTION I
DEFINITIONS

DEFINITIONS

- 1.1 “Child in common” – the child of the plaintiff and the defendant.
- 1.2 “Criminal Complaint” – formal process under the Code of Criminal Justice of New Jersey (*N.J.S.A. 2C*) using a CDR-1 (summons) or CDR-2 (warrant); must comport with all rules and procedures under the criminal code.
- 1.3 “Defendant” – A person at least 18 years old or emancipated who is alleged to have committed or has been found to have committed an act(s) of domestic violence under the Prevention of Domestic Violence Act (PDVA). See also sections 1.8 and 2.1.3C.
- 1.4 “Domestic Violence” – the occurrence of one or more of the following criminal offenses upon a person protected under the Prevention of Domestic Violence Act of 1991:

Homicide.....	<i>N.J.S.A. 2C:11-1 et seq.</i>
Assault	<i>N.J.S.A. 2C:12-1</i>
Terroristic threats.....	<i>N.J.S.A. 2C:12-3</i>
Kidnapping.....	<i>N.J.S.A. 2C:13-1</i>
Criminal restraint	<i>N.J.S.A. 2C:13-2</i>
False imprisonment.....	<i>N.J.S.A. 2C:13-3</i>
Sexual assault.....	<i>N.J.S.A. 2C:14-2</i>
Criminal sexual contact	<i>N.J.S.A. 2C:14-3</i>
Lewdness.....	<i>N.J.S.A. 2C:14-4</i>
Criminal mischief.....	<i>N.J.S.A. 2C:17-3</i>
Burglary	<i>N.J.S.A. 2C:18-2</i>
Criminal trespass.....	<i>N.J.S.A. 2C:18-3</i>
Harassment.....	<i>N.J.S.A. 2C:33-4</i>
Stalking	<i>N.J.S.A. 2C:12-10</i>

- 1.5 “Domestic Violence Central Registry” or DVCR – Statewide registry established under *N.J.S.A. 2C:25-34* (See Appendix 22).
- 1.6 “Domestic Violence Civil Complaint” – A multi page application (the civil complaint) and temporary restraining order issued by the Superior Court or Municipal Court. Referred to as “Complaint/TRO.”
- 1.7 “Domestic Violence Response Team” – Law Enforcement agencies are required by *N.J.S.A. 2C:25-20b(3)* to establish such teams of persons trained in counseling, crisis intervention or in the treatment of domestic violence and neglect and abuse of the elderly and disabled victims. Also known as Domestic Violence Crisis Teams.
- 1.8 “Emancipated Minor” – Under the PDVA, a minor is considered emancipated from his or her parents when the minor:
- A. Is or has been married,

- B. Has entered military service,
 - C. Has a child or is pregnant, or,
 - D. Has been previously declared by the court or an administrative agency to be emancipated.
- 1.9 “*Ex parte*” – as used in this manual, an application for a TRO where the judge or hearing officer takes testimony only from the plaintiff without notice to the defendant of the application.
 - 1.10 “Final Restraining Order” or FRO – A civil order under the PDVA restraining defendant (Appendix 10); entered after a hearing when defendant has been served with a TRO; remains in effect until further order of the court and is enforceable under the federal full faith and credit provision of Violence Against Women Act (VAWA), see Section VII.
 - 1.11 FM or FD docket – A case which is opened by a complaint for divorce or separate maintenance is given a docket number by Family Court starting with FM; a case which is opened by a complaint for custody, support, paternity or parenting time is given an FD docket number.
 - 1.12 FV or FO docket number – A case that is opened by signing and filing a civil complaint under the PDVA is given an FV docket number. A case which is opened by filing of criminal charges for a violation of an order issued under the PDVA is given an FO docket number; a weapons forfeiture matter is also given an FO docket.
 - 1.13 “Law Enforcement Officer” – A person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.
 - 1.14 “Prevention of Domestic Violence Act” or PDVA– *N.J.S.A. 2C: 25-18 to 2C:25-35*.
 - 1.15 “Plaintiff” – A person who seeks or has been granted relief under the PDVA.
 - 1.16 “Personal Service” – Service that requires a law enforcement officer or other authorized person to personally serve the defendant and/or plaintiff with a TRO, FRO or other order issued under the PDVA.
 - 1.17 “Petitioner” – Plaintiff or victim who seeks to enforce or register an out of state Order of Protection in New Jersey.
 - 1.18 “Temporary Restraining Order” or TRO an order entered pursuant to a complaint under the PDVA; is temporary by its terms and requires that a full hearing be scheduled within 10 days. A TRO shall continue in effect until further order of the court (Appendix 2).
 - 1.19 “Victim Advocate” – also known as domestic violence program liaison; a person who is specially trained in domestic violence, both the dynamics and the law, employed by or

working as a volunteer of any domestic violence project, shelter, woman's program or the like.

1.20 "Victim of Domestic Violence" – a person protected by the PDVA and includes any person:

A. Who is 18 years of age or older, or who is an emancipated minor, and who has been subjected to domestic violence by:

- Spouse
- Former spouse
- Any other person who is a present or former household member, or

B. Who, regardless of age, has been subjected to domestic violence by a person:

- With whom the victim has a child in common, or
- With whom the victim anticipates having a child in common, if one of the parties is pregnant, or

C. Who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

1.21 Weapons - means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air. *N.J.S.A 2C:39-1r.*

SECTION II
INITIAL PROCEDURES

2.1 WHERE, WHEN AND HOW DOMESTIC VIOLENCE COMPLAINTS ARE TO BE FILED

- 2.1.1 A victim of domestic violence must have access to the courts at all times. Law enforcement, Municipal and Superior Court staff must be advised that victims should never be turned away because of the inconvenience of arranging off-hours emergency relief.
- 2.1.2 A law enforcement officer responding to a domestic violence call must provide the victim with assistance to file either a criminal or civil Complaint/TRO or both. Under no circumstances should an officer prevent or discourage a victim from seeking immediate temporary relief merely because the domestic violence occurs after regular business hours.
- 2.1.3 Special Provisions for persons under 18 years of age:
 - A. A victim may be below the age of 18, may sign the Complaint/TRO and does not need the consent of a parent or guardian to file or withdraw a complaint or to request a modification of an existing order.
 - B. The domestic violence defendant must be over the age of 18 or emancipated at the time of the offense. (See emancipated minor definition, Section 1.8, for criteria in determining whether a person is emancipated.)
 - C. A person under 18 years of age and not emancipated who commits an act of violence may not be a defendant in a civil domestic violence case but can be charged with specific acts of domestic violence (e.g., assault) under the Code of Juvenile Justice. The entry of pre or post-dispositional restraints can also be considered for use in the juvenile delinquency case.

2.2 APPLICATION FOR A TEMPORARY RESTRAINING ORDER (TRO)

- 2.2.1 A victim may file a domestic violence complaint:
 - A. Where the alleged act of domestic violence occurred;
 - B. Where the defendant resides;
 - C. Where the victim resides; or,
 - D. Where the victim is sheltered or temporarily staying.
- 2.2.2 During Court hours for domestic violence matters (Monday through Friday, 8:30 AM to at least 3:30 PM):
 - A. The victim should be transported or directed to the Family Division of

Superior Court, provided the victim can arrive prior to 3:30 PM.

- B. Where transportation of the victim to the Superior Court is not feasible, the officer should contact the Family Division, Domestic Violence Unit. There are occasions when a person seeking to file a domestic violence Complaint/TRO arrives too late in the day for it to be processed and heard during regular court hours. During the interim period between the Domestic Violence Unit's close of business and when the courthouse actually closes, victims shall not be turned away. Each county shall develop a procedure in such instances for either in-person or telephonic communication under *Rule 5:7A* between the victim and an on-site or emergent duty judge, so that the request for emergent relief can be handled without the necessity of the victim having to go to the local police station or the Municipal Court. (See section 4.4)

2.2.3 On weekends, holidays and weekdays after 3:30 PM and other times when the Superior Court is closed,

- A. A victim may sign the domestic violence complaint with a law enforcement agency as set forth in 2.2.1.
- B. The victim's complaint shall be processed promptly. Under no circumstances should the victim be advised to appear in the Superior Court, Family Division the next business day in order to apply for a TRO.
- C. If a TRO is denied by a Municipal Court judge, the denial and the Complaint/TRO must still be faxed or forwarded to the Family Division within 24 hours for an administrative dismissal. A victim whose Complaint/TRO has been dismissed in this manner is not barred from refile in the Family Division based on the same incident and receiving an emergency *ex parte* hearing *de novo*. Every denial of relief by a Municipal Court judge must so state, with specificity in the "Comments" portion of the TRO and the victim must be advised of the right to refile with the Superior Court, Family Division.

2.3 WHERE TO FILE A CRIMINAL COMPLAINT WITH AN ACCOMPANYING TRO APPLICATION AND COMPLAINT

2.3.1 When a victim is seeking a TRO, a companion criminal complaint may also be signed against the defendant in one of the following locations:

- A. Where the alleged act of domestic violence occurred, or
- B. Where the defendant resides, or
- C. Where the victim resides, or

D. Where the victim is sheltered or temporarily staying.

- 2.3.2 The out-of-jurisdiction complaint (i.e., one taken not where the incident occurred) should be prepared on a blank CDR and the court accepting the complaint for filing shall have the authority to issue process and set bail as if the alleged offense had occurred in that jurisdiction. A “blank” CDR is one without the court’s name or municipality code in the caption.
- 2.3.3 The companion criminal complaint shall be forwarded to the jurisdiction where the offense is alleged to have occurred for investigation and prosecution.
- 2.3.4 A criminal complaint does not preclude the victim from filing a domestic violence complaint and seeking a TRO. A person may also file criminal charges without seeking a TRO.

2.4 WHERE TO FILE A CRIMINAL COMPLAINT WHEN THERE IS NO ACCOMPANYING COMPLAINT/TRO

- 2.4.1 The victim may file a criminal complaint with the Municipal Court or police department where the alleged act occurred. See also Section 3.11.4.
- 2.4.2 If the police officer believes that no-contact provisions should be issued as a condition of bail, the officer should inform the court of the circumstances justifying such request when the criminal complaint is being processed and bail is about to be set. This section shall be checked off on the appropriate form (the bail recognizance form). The officer should include in the domestic violence offense report the reasons for the request and the court’s disposition of the request. This order must be in writing and given to the victim consistent with *N.J.S.A. 2C:25-26*.

SECTION III
LAW ENFORCEMENT

***THIS SECTION PREPARED BY THE
DIVISION OF CRIMINAL JUSTICE***

This section has not been reviewed or endorsed by the Judiciary.

A. INTRODUCTION - DOMESTIC VIOLENCE STANDARDS

Domestic violence, a serious crime against society, must be affirmatively addressed by both law enforcement and the courts so that the victims and society are protected.

Prescribed procedures are necessary so that both law enforcement officers and the courts can promptly and effectively respond to domestic violence cases.

Because of the diversity of police resources in this State, county prosecutors, who are the chief law enforcement officers of their counties, should be responsible for procedures used in all the law enforcement agencies of their counties.

To promote uniformity in police response statewide, the county response procedure should conform to the format of the attached Standard.

The General Guidelines on Police Response in Domestic Violence Cases, promulgated by the Attorney General on April 12, 1988 have been expanded and revised. The revised Guidelines have been incorporated into this Standard.

The response procedures to be developed by county prosecutors for law enforcement officers should then be included in this Domestic Violence Procedures Manual. The Manual was jointly developed by the Administrative Office of the Courts and a committee of law enforcement officials convened by the Attorney General.

The Manual is intended to secure appropriate responses to domestic violence in this State. The unique unified approach will assure prompt assistance to the victims of domestic violence and demonstrate New Jersey's resolve that violent behavior will not be tolerated in public or in private.

Any questions regarding law enforcement procedures should be directed to the Division of Criminal Justice, Prosecutors Supervision and Coordination Bureau, Justice Complex, Trenton.

PERFORMANCE STANDARDS

GOAL: The goal of this standard is to establish procedures for the proper and consistent handling of domestic violence incidents. The procedures will be established by the county prosecutor or by municipal law enforcement agencies as needed. Exceptions will be made for municipal law enforcement agencies as approved by the county prosecutor.

DOMESTIC VIOLENCE

3.1 DOMESTIC VIOLENCE POLICY AND PROCEDURES

The agency shall adopt specific procedures for the handling of domestic violence and codify these procedures through policy.

3.1.1 The agency shall develop and implement written policy governing the handling of domestic violence incidents.

3.1.2 The agency shall develop and implement specific procedures for:

- A. Response to domestic violence incidents;
- B. Receipt and processing of domestic violence complaints and restraining orders;
- C. Domestic violence arrests;
- D. Weapons relating to domestic violence complaints and restraining orders;
- E. Reporting of domestic violence incidents;
- F. Training of officers in response to domestic violence incidents.

3.1.3 The agency shall clearly define and explain all relevant terms used in its domestic violence policy, including but not limited to:

- A. Domestic violence;
- B. Victim of domestic violence.

3.1.4 The agency shall insure that its domestic violence policy and procedures are in compliance with United States Constitution, New Jersey Constitution and statutes, court decisions, and Attorney General and county prosecutor directives and guidelines.

3.2 RESPONSE TO DOMESTIC VIOLENCE INCIDENTS

The agency shall have clear policy and procedures on the response to domestic violence incidents realizing the importance and potential for additional violence of such incidents.

- 3.2.1 The agency shall insure that all allegations of domestic violence are responded to promptly and investigated thoroughly.
- 3.2.2 The agency shall insure that the safety of the victim and all individuals at the scene of domestic violence, including the officers, is of primary concern.
- 3.2.3 The agency shall insure that victims are notified of their domestic violence rights as required by statute.
- 3.2.4 The agency shall insure that all officers who respond to domestic violence incidents shall have available current and accurate information for referrals to appropriate social service agencies.
- 3.2.5 The agency shall establish or participate in an established domestic violence crisis team.

3.3 RECEIPT AND PROCESSING OF DOMESTIC VIOLENCE COMPLAINTS

When domestic violence incidents generate criminal or civil domestic violence complaints, or both, the processing of those complaints shall be explicitly defined.

- 3.3.1 The agency shall specify the procedure to be followed in filing of criminal charges stemming from domestic violence incidents.
- 3.3.2 The agency shall specify the procedure to be followed in accepting and processing domestic violence complaints at times when the Superior Court, Family Division, is open.
- 3.3.3 The agency shall specify the procedure to be followed in accepting and processing domestic violence complaints at times when the Superior Court, Family Division, is closed but the Municipal Court is open.
- 3.3.4 The agency shall specify the procedure to be followed in accepting and processing domestic violence complaints at times when the Superior Court, Family Division and the Municipal Court are closed.

3.4 DOMESTIC VIOLENCE ARRESTS.

The agency shall delineate, in accordance with United States Constitution, New Jersey Constitution and statutes, court decisions, and Attorney General and county prosecutor directives and guidelines, those domestic violence incidents in which the arrest of the actor is mandatory.

- 3.4.1 The agency shall specify those domestic violence incidents which require mandatory arrests:

- A. Act involving signs of injury;
- B. Violation of a restraining order;
- C. A warrant is in effect;
- D. There is probable cause to believe a weapon was involved in the act of domestic violence.

3.4.2 The agency shall specify those domestic violence incidents in which arrest is discretionary.

3.4.3 The agency shall clearly delineate the procedure to be followed in cases involving violation of an existing restraining order.

3.4.4 The agency shall specify the procedure to be followed in processing an arrest for domestic violence, including:

- A. Signing of complaint;
- B. Fingerprinting;
- C. Photographing;
- D. Bail.

3.4.5 The agency shall specify the procedure to be followed when a charge of domestic violence is filed against a law enforcement officer.

3.5 WEAPONS RELATING TO DOMESTIC VIOLENCE INCIDENTS

The agency shall identify the procedures to be followed by officers when weapons are involved in domestic violence incidents, in accordance with United States Constitution, New Jersey Constitution and statutes, court decisions, and Attorney General and county prosecutor directives and guidelines, and accepted police practice.

3.5.1 The agency shall specify the procedures to be followed by investigating officers when:

- A. Weapon(s) are used or threatened to be used in the domestic violence incident;
- B. Weapon(s) are not used in the domestic violence incident but are in plain view to the officer;

- C. Weapon(s) are not used in the domestic violence incident, are not in plain view to the officer, but the officer has reason to believe that weapon(s) are present in the household.

3.6 REPORTING OF DOMESTIC VIOLENCE INCIDENTS

The agency shall fully document all complaints of and responses to domestic violence incidents.

3.6.1 The agency shall insure that all domestic violence incidents are fully recorded and documented within the departmental reporting system.

3.6.2 The agency shall insure that all domestic violence incidents are reported in accordance with state statute. This includes, but is not limited to, completion and submission of the UCR DV#1 form or its electronic data equivalent.

3.7 TRAINING

The agency shall train its officers in the handling of domestic violence incidents as a matter of policy and procedure, and also from the standpoint of proper police protocol.

3.7.1 The agency shall provide for the training of all officers in the appropriate handling, investigation and response procedures concerning reports of domestic violence.

B. GUIDELINES ON POLICE RESPONSE PROCEDURES IN DOMESTIC VIOLENCE CASES

Introduction These general guidelines consolidate the police response procedures for domestic violence cases, including abuse and neglect of the elderly and disabled, based on State law, Court Rules, and prior editions of the Domestic Violence Procedures Manual which was jointly prepared by the New Jersey Supreme Court and the Attorney General through the Division of Criminal Justice.

3.8 MANDATORY ARREST

- 3.8.1 A police officer must arrest and take into custody a domestic violence suspect and must sign the criminal complaint against that person if there exists probable cause to believe an act of domestic violence has occurred and
- 3.8.2 The victim exhibits signs of injury caused by an act of domestic violence. *N.J.S.A. 2C:25-21a(1)*.
- A. The word, “exhibits,” is to be liberally construed to mean any indication that a victim has suffered bodily injury, which shall include physical pain or impairment of physical condition. Probable cause to arrest also may be established when the police officer observes manifestations of an internal injury suffered by the victim. *N.J.S.A. 2C:25-21c(1)*
 - B. Where the victim exhibits no visible sign of injury, but states that an injury has occurred, the officer should consider other relevant factors in determining whether there is probable cause to make an arrest. *N.J.S.A. 2C:25-21c(1)*
 - C. In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider:
 - 1. The comparative extent of injuries suffered;
 - 2. The history of domestic violence between the parties, if any;
 - 3. The presence of wounds associated with defense, or considered defensive wounds; or
 - 4. Other relevant factors, including checking the DV Central Registry. *N.J.S.A. 2C:25-21c(2)*.
 - 5. **NOTE:** The investigating officer must insure that “[n]o victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self-defense against domestic violence by an attacker.” *N.J.S.A. 2C:25-21c(3)*.

- D. If the officer arrests both parties, when each exhibit signs of injury, the officer should explain in the incident report the basis for the officer's action and the probable cause to substantiate the charges against each party.
 - E. Police shall follow standard procedures in rendering or summoning emergency treatment for the victim, if required.
- 3.8.3 There is probable cause to believe that the terms of a TRO have been violated. If the victim does not have a copy of the restraining order, the officer may verify the existence of an order with the appropriate law enforcement agency. The officer should check the DVCR. *N.J.S.A. 2C:25-21(a)(3)*
- 3.8.4 A warrant is in effect. *N.J.S.A. 2C:25-21a(2)*
- 3.8.5 There is probable cause to believe that a weapon as defined in *N.J.S.A. 2C:39-1r* has been involved in the commission of an act of domestic violence. *N.J.S.A. 25-21a(4)*

3.9. DISCRETIONARY ARREST

- 3.9.1 A police officer may arrest a person or may sign a criminal complaint against that person, or may do both, where there is probable cause to believe that an act of domestic violence has been committed but none of the conditions in Section. 3.8 above applies. *N.J.S.A. 2C:25-21b*

In any situation when domestic violence may be an issue, but there's no probable cause for arrest and the victim does not wish to file a TRO, the police officers must give and explain to the victim the domestic violence notice of rights as contained in the Victim Notification Form. *N.J.S.A. 2C:25-23*

3.10 SEIZURE OF WEAPONS

- 3.10.1 Seizure of a Weapon for Safekeeping. A police officer who has probable cause to believe that an act of domestic violence has been committed shall pursuant to *N.J.S.A. 2C:25-21d(1)*:
- A. Question all persons present to determine whether there are weapons, as defined in *N.J.S.A. 2C:39-1r*, on the premises. *N.J.S.A. 25:21d(1)(a)*
 - B. If an officer sees or learns that a weapon is present within the premises of a domestic violence incident and reasonably believes that the weapon would expose the victim to a risk of serious bodily injury, the officer shall attempt to gain possession of the weapon. If a law enforcement officer seizes any firearm, the officer shall also seize any firearm purchaser identification card or permit to purchase a handgun issued to the person accused of the act of domestic violence. *N.J.S.A. 2C:25-21d(1)(b)*

- C. If the weapon is in plain view, the officer should seize the weapon.
- D. If the weapon is not in plain view but is located within the premises possessed by the domestic violence victim or jointly possessed by both the domestic violence assailant and the domestic violence victim, the officer should obtain the consent, preferably in writing, of the domestic violence victim to search for and to seize the weapon.
- E. If the weapon is not located within the premises possessed by the domestic violence victim or jointly possessed by the domestic violence victim and domestic violence assailant but is located upon other premises, the officer should attempt to obtain possession of the weapon from the possessor of the weapon, either the domestic violence assailant or a third party, by a voluntary surrender of the weapon.
- F. If the domestic violence assailant or the possessor of the weapon refuses to surrender the weapon or to allow the officer to enter the premises to search for the named weapon, the officer should obtain a Domestic Violence Warrant for the Search and Seizure of Weapons. [See Appendix 19]

3.10.2 Seizure of a Weapon Pursuant to Court Order. *N.J.S.A. 2C:25-26 and N.J.S.A. 2C:25-28j.*

- A. If a domestic violence victim obtains a TRO or FRO directing that the domestic violence assailant surrender a named weapon, the officer should demand that the person surrender the named weapon.
- B. If the domestic violence assailant or the possessor of the weapon refuses to surrender the weapon, the officer should:
 - 1. Inform the person that the court order authorizes a search and seizure of the premises for the named weapon, and
 - 2. Arrest the person, if the person refuses to surrender the named weapon, for failing to comply with the court order, *N.J.S.A. 2C:29-9*, and
 - 3. Conduct a search of the named premises for the named weapon.

3.10.3. The officer must append an inventory of seized weapons to the domestic violence offense report. *N.J.S.A. 2C:25-21d(2)*

3.10.4 Weapons seized by a police officer, along with any seized firearms identification card or permit to purchase a handgun, must be promptly delivered to the county prosecutor along with a copy of the domestic violence offense report and, where applicable, the

domestic violence complaint and temporary restraining order. *N.J.S.A. 2C:25-21d(2)*

3.11 DOMESTIC VIOLENCE COMPLAINT PROCESS

DEFINITIONS USED IN THIS SECTION

- A. Domestic Violence Civil Complaint means the multi page application and temporary restraining order issued by the Superior or Municipal Court. See Section 1.6. Referred to as TRO/Complaint.
- B. Criminal Complaint refers to the criminal charges placed on a CDR-1 (summons) or CDR-2 (warrant). See Section 1.2.

3.11.1 Notice. When a police officer responds to a call of a domestic violence incident, the officer must give and explain to the victim the domestic violence notice of rights which advises the victim of available court action, *N.J.S.A. 2C:25-23*. The victim may file:

- A. A Complaint/TRO alleging the defendant committed an act of domestic violence and asking for court assistance to prevent its recurrence by asking for a temporary restraining court order (TRO) or other relief;
- B. A criminal complaint alleging the defendant committed a criminal act. See Section, 3.8 Mandatory Arrest above as to when a police officer must sign the criminal complaint (CDR-1 (summons) or CDR-2 (warrant).); or
- C. Both of the above.

3.11.2 Jurisdiction for filing domestic violence Complaint/TRO by the victim. *N.J.S.A. 2C:25-28* -

- A. During regular court hours,
 - 1. The victim should be transported or directed to the Family Division of Superior Court. See Section 4.2.
 - 2. Where transportation of the victim to the Superior Court is not feasible, the officer should contact the designated court by telephone for an emergent temporary restraining order in accordance with established procedure.
- B. On weekends, holidays and other times when the court is closed,
 - 1. The victim may file the domestic violence complaint with the police and request a TRO from a Municipal Court Judge specifically assigned to accept these complaints. *N.J.S.A. 2C:25-28a*.

C. The victim may file a domestic violence complaint . *N.J.S.A. 2C:25-28a*:

1. Where the alleged act of domestic violence occurred,
2. Where the defendant resides, or
3. Where the victim resides or is sheltered.

3.11.3. Jurisdiction for filing criminal complaint (CDR-1 or CDR-2) by the victim in connection with filing domestic violence complaint.

- A. A criminal complaint may be filed against the defendant in locations indicated in Paragraph 3.11.2 C above.
- B. A criminal complaint filed pursuant to Paragraph 3.11.2 A above shall be investigated and prosecuted in the jurisdiction where the offense is alleged to have occurred.

3.11.4 Jurisdiction for filing a criminal complaint but no accompanying domestic violence complaint.

- A. The victim may file a criminal complaint as stated in section 3.11.2C above.
- B. If the criminal complaint is filed in a jurisdiction other than where the offense occurred, the law enforcement agency shall take appropriate photographs and statement of the victim and shall immediately contact the law enforcement agency where the offense occurred and shall immediately transmit by facsimile or by hand delivery those documents to the law enforcement agency where the offense occurred. That law enforcement agency shall prepare the appropriate criminal complaint and present the complaint to a judicial officer for appropriate action. Where a victim has exhibited signs of physical injury, the agency receiving the documentation shall arrest the suspect in accordance with existing domestic violence procedure.
- C. If the police officer believes that a no-contact order should be issued, as a condition of bail, the officer should inform the court of the circumstances justifying such request when the criminal complaint is being processed and bail is about to be set. The officer should include in the domestic violence offense report the reasons for the request and the court's disposition of the request.
- D. If the officer believes that weapons should be seized, the officer should inform the court of the circumstances justifying such request that as a condition of bail, the defendant's weapons must be surrendered to the police

for safe-keeping. All weapons seized must be safely secured or turned over to the county prosecutor.

3.11.5 Victim Notification Form [see appendix 5]

- A. When either a criminal or domestic violence complaint is signed, a Victim Notification Form is to be completed by the person assisting the victim, either the police officer or other appropriate staff.
- B. The victim should be informed that, for the victim's protection, the prosecutor or the court must have the ability to contact the victim on short notice to inform the victim about the defendant's
 - 1. Impending release from custody, or
 - 2. Application to reduce bail.
- C. The victim should be provided with the telephone number of the
 - 1. Victim Witness Unit of the Prosecutor's Office when a criminal complaint or domestic violence contempt complaint is signed, or
 - 2. Family Division Domestic Violence Unit when a domestic violence complaint is signed.
- D. The victim should be instructed to contact the appropriate office to provide new telephone numbers if the victim changes telephone numbers from the numbers listed on the Victim Notification Form.
- E. Whenever a defendant charged with a crime or an offense involving domestic violence is released from custody the prosecuting agency shall notify the victim immediately.

3.12. PROCEDURE FOR FILING REPORTS

- 3.12.1 A copy of the domestic violence offense report and Victim Notification Form must be attached to all criminal complaints and to the TRO when these documents are forwarded to the appropriate court. *N.J.S.A. 2C:25-24a*

3.13 TEMPORARY RESTRAINING COURT ORDERS

- 3.13.1 When a victim requests a court order, the officer shall contact the designated judge by telephone, radio or other means of electronic communication. The officer should:
 - A. Assist the victim in preparing the complaint and a statement to be made to the judge.

- B. Explain that the judge will place the person under oath and will ask questions about the incident.
- C. If the judge issues a temporary restraining order, the police officer will be instructed to enter the judge's authorization on a prescribed form.
- D. The officer also will be instructed to print the judge's name on the temporary restraining order.
- E. The officer also will be instructed to serve the TRO upon the alleged offender.

3.14 SERVICE OF TEMPORARY RESTRAINING ORDER

3.14.1 When the victim obtains a restraining order but the defendant had not been arrested by police and is present at the scene, the officer should:

- A. Escort the victim to his or her home.
- B. Read the conditions of the court order to the defendant if the defendant is present.
- C. Order the defendant to vacate the premises, where that is part of the Order.
- D. Give the defendant a reasonable period of time to gather personal belongings, unless the court order includes specific limits on time or duration. *N.J.S.A. 2C:25-28k*. The officer shall remain with the defendant as he or she gathers personal belongings pursuant to the terms of the temporary restraining order.
- E. Arrest the defendant if required by the TRO or if defendant refuses to comply with the order.

3.14.2 Where a TRO had been issued but was not served upon the defendant because the defendant could not then be located but the defendant is now at the scene, police should follow Paragraphs 3.14.1 A-E.

3.14.3 When a temporary or final restraining order is issued that requires service outside the issuing county,

- A. The restraining order, along with the complaint and any other relevant documents (e.g. search warrant, etc.) must immediately be brought or transmitted by facsimile to the sheriff's department in the issuing county.
 - 1. The sheriff's department in the issuing county must similarly bring or transmit by facsimile the order and related documents to the sheriff's

department in the county of the defendant's residence or business.

2. The sheriff's department in the receiving county, pursuant to local policy, will either
 - a. Execute service on the defendant or
 - b. Immediately bring or transmit by facsimile the order and related documents to the police department in the municipality in which the defendant resides or works so that it can execute service accordingly.
3. The return of service should then be transmitted by facsimile back to the sheriff's department in the issuing county, which in turn must immediately deliver or transmitted by facsimile the return of service to the Family Division in the issuing county.

- B. When the service of a restraining order results in the seizure of weapons;
 1. The weapons inventory should be attached to the return of service that is brought or transmitted by facsimile back to the issuing county.
 2. The weapons themselves, along with any licenses, I.D. cards, or other paperwork or documentation shall be secured by the prosecutor in the seizing county for storage. At such time that the seized property is needed by the prosecutor or Family Division in the issuing county, the prosecutor in the seizing county shall forward same.
- C. Once service on the defendant is attempted, successfully or unsuccessfully, the return of service portion of the TRO must be filled out by the police or sheriff's department and immediately returned to the Family Division prior to the scheduled final hearing date.

3.15 COURT ORDER VIOLATIONS

3.15.1. Where a police officer determines that a party has violated an existing restraining order either by committing a new act of domestic violence or by violating the terms of a court order, the officer must

- A. Arrest and transport the defendant to the police station.
- B. Sign a criminal contempt charge concerning the incident on a complaint-warrant (CDR-2).
- C. The officer should sign a criminal complaint for all related criminal offenses. (The criminal charges should be listed on the same criminal complaint (CDR-

2) form that contains the contempt charge.)

D. Telephone, communicate in person or by facsimile with the appropriate judge or bail unit and request bail be set on the contempt charge. *N.J.S.A. 2C:25-31b.*

1. During regular court hours, bail should be set by the emergent duty Superior Court judge that day. *N.J.S.A. 2C:25-31d.*

2. On weekends, holidays and other times when the court is closed, bail should be set by the designated emergent duty Superior Court judge except in those counties where a Municipal Court judge has been authorized to set bail for non-indictable contempt charges by the assignment judge.

3. When bail is set by a judge when the courts are closed, the officer shall arrange to have the clerk of the Family Division notified on the next working day of the new complaint, the amount of bail, the defendant's whereabouts and all other necessary details. *N.J.S.A. 2C:25-25-31d.*

4. If a Municipal Court judge sets the bail, the arresting officer shall notify the clerk of that Municipal Court of this information. *N.J.S.A. 2C:25-31d.*

5. The DVCR must be checked prior to bail being set. *N.J.S.A. 2C:25-31a.*

E. If the defendant is unable to post bail, take appropriate steps to have the defendant incarcerated at police headquarters or the county jail. *N.J.S.A. 2C:25-31c.*

3.15.2 Where the officer deems there is no probable cause to arrest or sign a criminal complaint against the defendant for a violation of a TRO, the officer must advise the victim of the procedure for completing and signing a

A. Criminal complaint alleging a violation of the court order. *N.J.S.A. 2C:25-32*

1. During regular court hours, the officer should advise the victim that the complaint must be filed with the Family Division of the Chancery Division of Superior Court. *N.J.S.A. 2C:25-32*

2. On weekends, holidays and other hours when the court is closed.

a. The officer should transport or arrange for transportation to have the victim taken to headquarters to sign the complaint;

- b. The alleged offender shall be charged with contempt of a domestic violence restraining court order, *N.J.S.A. 2C:29-9*;
- c. The officer in charge shall check the DVCR prior to contacting the on duty Superior Court Judge for a probable cause determination for the issuance of the criminal complaint. If the judge finds sufficient probable cause for the charges, the officer must prepare a complaint-warrant (CDR-2).
- d. The officer in charge shall follow standard police procedure in arranging to have a court set bail.
- e. The officer who had determined that there was no probable cause to arrest or sign a criminal complaint against the defendant for a violation of a TRO must articulate in the officer's incident report the reasons for the officer's conclusions.

- B. Civil complaint against the defendant for violations of a court order pertaining to support or monetary compensation, custody, visitation or counseling. The victim should be referred to the Family Division Domestic Violence Unit to pursue enforcement of litigant's rights.

3.16 CRIMINAL OFFENSES AGAINST THE ELDERLY AND DISABLED

- 3.16.1 Where an elderly or disabled person is subjected to a criminal offense listed as an act of domestic violence, police shall follow the appropriate procedure listed above.
- 3.16.2 Where the actions or omissions against an elderly or disabled person do not meet the domestic violence conditions, police may file appropriate criminal charges against the offender.
- 3.16.3 A person may be charged with Endangering the Welfare of the Elderly or Disabled, *N.J.S.A. 2C:24-8*, if the person has a legal duty to care for or has assumed continuing responsibility for the care of a person who is:
 - A. 60 years of age or older, or
 - B. Emotionally, psychologically or physically disabled, and
 - C. The person unreasonably neglects or fails to permit to be done any act necessary for the physical or mental health of the elderly or disabled person.

3.17 GUIDELINES ON PROSECUTORIAL PROCEDURE REGARDING WEAPONS

SEIZED IN DOMESTIC VIOLENCE CASES

Introduction These general guidelines outline the procedure a County Prosecutor should establish regarding the disposition of weapons seized in domestic violence cases.

3.17.1 Seizure of Weapons Used in Commission of a Criminal Offense. Any weapon used in the commission of a criminal offense or is contraband or evidence of criminal activity shall be seized by police and processed in accordance with established procedures for the handling of such evidence.

3.17.2 Seizure of Weapons for Safekeeping Purposes. Any weapon seized by police in a domestic violence incident pursuant to *N.J.S.A. 2C:25-21d* cannot be returned to the owner by the police.

A. The police must promptly deliver to the County Prosecutor's Office:

1. The weapon involved in a domestic violence incident; along with any seized firearms identification card or permit to purchase a handgun;
2. The domestic violence offense report which includes an inventory of all weapons seized, and
3. Where applicable, a copy of the TRO or FRO, the criminal complaint, the Victim Notification Form and the police incident report.
4. Where seizure of weapons is pursuant to a TRO or FRO, the weapon inventory should also be forwarded to the Family Division Domestic Violence Unit.

B. When a weapon was seized at the scene pursuant to *N.J.S.A. 2C:25-21d*,

1. The County Prosecutor shall determine within 45 days of the seizure:
 - a. Whether the weapon should be returned to the owner of the weapon, or
 - b. Whether to institute legal action against the owner of the weapon.
2. If the County Prosecutor determines not to institute action to seize the weapon and does not institute an action within 45 days of seizure, the seized weapon shall be returned to the owner. *N.J.S.A. 2C:25-21d(3)*.
3. If the County Prosecutor determines to institute action to seize the weapon, the Prosecutor shall, with notice to the owner of the weapon,

- a. File a petition with the Family Division of the Superior Court, Chancery Division, to obtain title to the weapon, or
- b. Seek revocation of any firearms identification card, permit to purchase a handgun, or any other permit, license and other authorization for the use, possession, or ownership of such weapons. (See *N.J.S.A. 2C:58-3f, 2C:58-4f and/or 2C:58-5* governing such use, possession, or ownership), or
- c. Object to the return of the weapon on such grounds:
 - (1) As are provided for the initial rejection or later revocation of the authorizations pursuant to *N.J.S.A. 2C:58-3c*; or
 - (2) That the owner is unfit or that the owner poses a threat to the public in general or a person or persons in particular; or
 - (3) Seek a court order that defendant must dispose of the weapons by sale or transfer to a person legally entitled to take possession of the weapons.

C. Any weapon seized by police:

1. Pursuant to a temporary or final domestic violence restraining order, or
2. Pursuant to a Domestic Violence Warrant for the Search & Seizure of Weapons, or
3. As a condition of bail for a criminal offense involving domestic violence,

should be returned to the owner by the appropriate court specifically authorizing the return of the weapon if the order or criminal complaint is in effect. If the order or complaint is withdrawn or dismissed prior to a hearing, the provisions in Paragraph, 3.17.2B2 *supra*, should be followed.

3.17.3 Seizure of Weapons Outside the County Where the Domestic Violence Restraining Order Was Issued. When the service of a domestic violence restraining order results in the seizure of weapons,

- A. The weapons inventory should be attached to the return of service that is

brought or transmitted by facsimile back to the issuing county.

- B. The weapons themselves, along with any firearms identification card, purchasers permit, licenses, identification cards, or other paperwork or documentation shall be secured by the County Prosecutor in the seizing county for storage. At such time that the seized property is needed by the County Prosecutor or Family Division in the issuing county, the Prosecutor in the seizing county shall make arrangements for the delivery of same.

3.17.4 Seizure of Weapons from Law Enforcement Officers Involved in a Domestic Violence Incident. See Attorney General Directives 2000-3 and 2000-4 (Appendix 17).

When a law enforcement officer, who is authorized to carry weapons pursuant to *N.J.S.A. 2C:39-6*, is involved in an act of domestic violence, the seizure of weapons shall be governed by the Attorney Generals Directives 2000-3 and 2000-4. (See Appendix 17)¹

- A. If a law enforcement officer is required by departmental regulations to personally purchase his or her official duty firearm, that firearm shall be considered the same as if it had been departmentally issued for purposes of applying the provisions of the Attorney General Directives 2000-3 and 2000-4 and the provisions of the federal gun control law, 18 *U.S.C.A.* 922(g).
- B. When a personal firearm is seized from a member of a state law enforcement officer, which includes members of the State Police, the State Department of Corrections, the Division of Criminal Justice, Rutgers University Campus Police, state college and university police, N.J. Transit Police, Division of Parole, Juvenile Justice Commission, Human Services Police, any officer of Fish, Game and Wildlife authorized to carry a firearm, State Commission of Investigation, and Division of Taxation;
 - 1. The county Prosecutor's Office must inform the Division of Criminal Justice whether it will or will not institute forfeiture proceedings pursuant to *N.J.S.A. 2C:25-21d* for the seizure of the member's approved off-duty firearms and other personally owned firearms,

¹ The Directives are similar in content: Directive 2000-3 *Revision to August 14, 1995, Directive Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers* is applicable to municipal and county law enforcement and requires the county prosecutor to investigate whether a police officer, having his firearms seized pursuant to the Prevention of Domestic Violence Act of 1990, should and under what conditions, would have his firearms, agency owned and personal, returned to him. Directive 2000-4, *Revision to August 14, 1995, Directive Implementing Procedures for the Seizure of Weapons from All State Law Enforcement Officers Involved in Domestic Violence Incidents* places the responsibility of determining the conditions upon which a state law enforcement officer would have his right to carry a firearm restored with the Division of Criminal Justice.

2. The Division of Criminal Justice will determine whether that officer shall be authorized to carry that firearm or any firearm either on duty or off duty and whether conditions should be imposed for such authorization pursuant to the Attorney General Directive 2000-4 at IVD.
3. The Division of Criminal Justice will inform the County Prosecutor's Office of its decision whether that officer would be authorized to carry a firearm either on duty or off duty and whether conditions had been imposed for carrying a firearm.

3.17.5 Restrictions on Return of Firearms

- A. If a final domestic violence restraining order is issued pursuant to the provisions of both New Jersey and federal gun control laws, *N.J.S.A. 2C:39-7b(3) & 18 U.S.C.A. 922(g)*, the named defendant shall not be permitted to possess, purchase, own, or control any firearm for the duration of the order or for two years, whichever is greater. *N.J.S.A. 2C:25-29b*
- B. If a law enforcement officer is subject to a temporary or final restraining order issued pursuant to the provisions of both New Jersey and federal gun control laws, *N.J.S.A. 2C:39-7b(3) & 18 U.S.C.A. 922(g)* and sec 925, the County Prosecutor may permit a municipal or county police officer to be armed while actually on duty provided that the restraining order specifically permits the possession of a firearm on duty, and the firearm is issued to the officer upon reporting for a scheduled tour of duty and surrendered upon completion of the tour of duty. In the event a state law enforcement officer is subject to a final restraining order, the Attorney General, by the Division of Criminal Justice, may permit a subject officer to be armed while on duty provided said restraining order specifically permits, and the firearm is issued to the officer upon reporting for a scheduled tour of duty and surrendered upon completion of the tour of duty.
- C. A law enforcement officer who has been convicted of a misdemeanor domestic violence offense anywhere in the nation is prohibited from possessing a firearm pursuant to 18 *U.S.C. 922(g)(8)*. This federal law applies to offenses that have as an element (1) the use or attempted use of physical force, or (2) the threatened use of a deadly weapon. Under New Jersey law, a disqualifying offense would be:
 1. Harassment, *N.J.S.A. 2C:33-4b* by striking, kicking, shoving
 2. Simple assault, *N.J.S.A. 2C:12-1a(1)* by attempting to or purposely knowingly or recklessly causing bodily injury

3. Simple assault, *N.J.S.A. 2C:12-1a(2)* by negligently causing bodily injury to another with a deadly weapon
- D. A law enforcement officer who has been convicted of stalking, or a crime or disorderly persons offense involving domestic violence may not purchase, own, possess or control a firearm, and may not be issued a permit to purchase a handgun or firearms identification card. *N.J.S.A. 2C:39-7 & 2C:58-3.*

SECTION IV
COURT PROCEDURES

4.1 MUNICIPAL COURT PROCEDURE

4.1.1 A Municipal Court judge hearing applications for temporary restraining orders shall:

- A. Be available by telephone when the Superior Court is not in session and when directed by the Vicinage Presiding Judge of the Municipal Court.
- B. Speak directly with the applicant in person, or by telephone, radio or other means of electronic communication per *Rule 5:7A*. Speaking only to the police officer does not satisfy this rule.
- C. Ensure that the police or staff fully sets forth the victim's allegations of domestic violence in the body of the domestic violence complaint, including past history of domestic violence between the parties, whether reported or unreported.
- D. Comply with all of the provisions set forth below.
- E. Confirm with the police officer assisting with the TRO whether or not they are on a taped line. If not on a taped line, the judge must make detailed notes of the victim's testimony and the reasons for issuing the TRO and any weapons seizure.

4.1.2 The judge upon *ex parte* application shall administer an oath to the applicant and take testimony regarding:

- A. The alleged domestic violence;
- B. The past history of domestic violence between the parties, whether reported or unreported;
- C. The reason the applicant's life, health, or well-being is endangered;
- D. Whether defendant possesses or has access to weapons, firearms or a firearms identification card;
- E. The judge shall state with specificity the reasons for and scope of any search and seizure to be authorized by the Order (see weapons section).

4.1.3 The judge shall review all available information involving the parties; confirm that the plaintiff has been informed about legal rights and options and available protective services, including shelter services, safety plans, etc (see sample safety plan, Appendix 26); explain to the plaintiff the domestic violence legal procedures; establish a record, including findings of fact; amend the complaint to conform to the testimony, where appropriate; inquire as to all relief requested by the applicant to determine the appropriateness of same; and prepare a case specific TRO, where one

is to be entered. The court should ensure that the victim has been offered the services of the Domestic Violence Response Team.

- 4.1.4 The judge or law enforcement officer shall ensure that a tape recording or stenographic record is made of the testimony; if neither is available, the judge shall prepare adequate long-hand notes summarizing what has been said by the applicant, police officer and any witnesses.
- 4.1.5 Where the Municipal Court judge determines that defendant possesses or has access to weapons, firearms, a firearms identification card or purchaser permit, the judge shall also comply with the weapons procedure Section V of this manual.
- 4.1.6 After hearing testimony from the victim, the judge shall issue or deny the TRO. If the TRO is denied, the judge shall state the reasons. When a TRO is entered, a return date for the Final Hearing is to be set within ten (10) days. Whether granted or denied, the judge should check the appropriate box and sign the TRO or direct the law enforcement officer to check the box and print the judge's name on the order as authorized by *Rule 5:7A*, or as authorized by E-TRO procedures (Appendix 6).
- 4.1.7 Contemporaneously, the judge shall issue a written Confirmatory Order (See Appendix 7) and shall enter the exact time of issuance, as required by *Rule 5:7A(b)*.
- 4.1.8 When a TRO is granted, copies of the Complaint/TRO shall be provided to:
 - A. The victim;
 - B. The law enforcement agency of the municipality in which the victim resides or is sheltered;
 - C. The law enforcement agency that will serve the defendant with the Complaint/TRO;
 - D. The Domestic Violence Unit of Superior Court. This copy should be faxed immediately, or sent via electronic mail, where E-TRO procedures are in place; and,
 - E. The Municipal Court judge.
- 4.1.9 When a TRO is denied, the plaintiff shall receive a copy of the Complaint/TRO but the defendant shall not. It shall be forwarded to the Domestic Violence Unit of the Family Division.
- 4.1.10 When the defendant is arrested for a crime or offense arising out of a domestic violence situation, the Municipal Court judge or court administrator shall fix bail when requested to do so pursuant to *Rule 5:7A-1* and *N.J.S.A. 2B:12-21a*, except when a Superior Court Judge must set bail pursuant to *Rule 3:26-2(a)*.

4.1.11 When the Superior Court is closed, the Municipal Courts must be accessible to victims in need of emergent relief. Each Municipal Court shall ensure that there is adequate backup coverage for domestic violence cases and other emergent matters for each Municipal Court in that vicinage. The Court Administrator of each Municipal Court in each vicinage should provide the police or other law enforcement officers covering that municipality with a list of names and phone numbers (in order of priority) to be contacted in domestic violence cases, starting with the sitting Municipal Court judge, the back up judge, the Presiding Judge of the Municipal Court (where applicable) and the emergent duty Superior Court judge.

4.1.12 Municipal Court Costs. Municipal Court costs shall not be imposed against a plaintiff/complainant who seeks the dismissal of a disorderly or petty disorderly complaint arising out of a domestic violence matter except if imposed pursuant to *N.J.S.A. 2B:12-24*.

4.2 SUPERIOR COURT, FAMILY DIVISION PROCESSING

During court hours for Domestic Violence matters (Monday through Friday, 8:30 AM to at least 3:30 PM), a victim of domestic violence will be referred to the Superior Court, Family Division to sign a domestic violence complaint. When a criminal complaint is also signed, it is to be processed separately for investigation and prosecution through the Criminal/Municipal Courts.

4.3 TAKING A COMPLAINT IN SUPERIOR COURT, FAMILY DIVISION

4.3.1 When a victim arrives, the victim should be directed to the Domestic Violence Unit. A victim shall be given a Victim Information Sheet (VIS) to complete (See Appendix 1). At this time, the victim should be fully informed about her/his right to file a criminal complaint, a domestic violence complaint, or both types of complaints. The victim should be told about the differences between the two proceedings and about the relief available under each. The victim can then make an informed decision based on her/his own needs and a clear understanding of the options available.

4.3.2 The victim should be assisted and accompanied by a victim advocate whenever possible. A victim advocate should be available to speak with all victims or potential victims at all stages of the court process. The victim advocate should be given as much support as possible (e.g. space for interviewing, immediate referrals), as well as access (with the victim) to the courtroom. The victim advocate should be advised when every initial intake or application for dismissal is presented to offer assistance to the victim at this early stage in the process. When a victim advocate is not available, courts, police, prosecutors and law enforcement should have contact names and numbers readily available to give to all victims, preferably in the form of a card or pamphlet.

4.3.3 A domestic violence staff person shall interview the victim in a private area and

advise and inform the victim of rights, options and appropriate referrals.

- 4.3.4 Based upon the information provided by the victim on the VIS, the staff person will search FACTS for both parties' history and case history. The case is established and docketed on FACTS, where appropriate, which results in the production of the Complaint/TRO. The party case history should be made part of the court's file. If it is determined while searching FACTS that plaintiff has an active restraining order against defendant or that taking a complaint is inappropriate for any other reason, the complaint should not be docketed.
- 4.3.5 Staff should be certain that the victim's allegations are fully set forth in the body of the domestic violence complaint, as well as any prior history or acts of domestic violence, whether or not reported.
- 4.3.6 The determination of whether the incident constitutes domestic violence is a legal issue to be determined by a judge or Domestic Violence Hearing Officer (DVHO). A victim should rarely be turned away. Legal sufficiency or jurisdiction, applicability of definitions such as "household member" or "dating relationship," or the appropriateness of using the domestic violence process to address a particular problem are all decisions for a judge or DVHO. Screening by staff should be concentrated on information gathering, and only those cases that clearly fall outside the scope of the law should be rejected at the staff level. In these situations, the rejection of a complaint by staff should be reviewed by a supervisor who should ensure that appropriate alternate remedies are explained to the victim.
- 4.3.7 When available and in appropriate cases, a victim can choose to have their complaint heard by a DVHO. Proceedings before a DVHO shall be in accordance with the approved DVHO Standards (See Appendix 3). Those cases that are not heard by a DVHO shall be brought to a judge.
- 4.3.8 When a TRO is not recommended by the DVHO, the DVHO must advise the plaintiff of his/her option to see a judge for a hearing *de novo*, in accordance with the DVHO Standards.
- 4.3.9 The judge or DVHO must follow Section 5.10 regarding weapons if there is any allegation that the defendant owns or has access to a weapon(s), a firearms identification card or permit to purchase a handgun.
- 4.3.10 When an applicant seeks a TRO, she or he must be asked if he or she wishes to request ongoing child support at the FRO hearing. If he or she wishes to pursue this relief, Intake must provide the applicant with a IV-D application to be completed during the intake process. Parts E–H should be placed in the court file. Parts A–C should be provided to the Plaintiff as reference information.
- 4.3.11 The appropriate reliefs should be added to FACTS (i.e., paternity and/or child support.) If paternity has not been previously established for the child(ren), a request to establish paternity at the final hearing must be entered on line 13 of the TRO.

Paternity need not be established if the parties are married or if a legal determination of paternity has been made previously. If a Certificate of Paternity has been signed, this can be indicated on the TRO and a copy maintained in the file.

- 4.3.12 When a child support obligation is established, the information regarding paternity and the monetary amount must be entered on both the FRO and the Uniform Summary Support Order (USSO, Appendix 31). Paternity determination is required to be recorded on the FRO at line 1 of Part 2 relief and on the appropriate check-off boxes on the USSO.
- 4.3.13 When a defendant comes to the Intake Office, FACTS should be searched to determine if service of the FRO and the USSO has been accomplished. If these orders have not been served on defendant, service shall be documented by requesting the defendant to sign the orders or court staff may initial the orders with the current date indicating that the defendant received the orders. Service by a law enforcement officer is documented by signature on the FRO.

4.4 ACCESS IN SPECIAL CIRCUMSTANCES

- 4.4.1 Victims shall personally appear during regular court hours. A procedure shall be implemented by the Family Division Manager to allow victims to obtain emergent relief through telephonic contact with a judge pursuant to *Rule 5:7A* where a victim is unable to personally appear. Telephonic testimony may be permitted at the TRO or FRO hearing in the discretion of the court.
- 4.4.2 If a victim is physically or mentally incapable of filing personally, a judge may issue a temporary restraining order requested by a person who represents the applicant provided the judge is satisfied that (1) exigent circumstances exist to excuse the failure of the applicant to appear personally and (2) that sufficient grounds for granting the application have been shown.
- 4.4.3 The Family Division shall be prepared to accept domestic violence complaints until at least 3:30 PM during days when the Superior Court is in session. The regular business hours of the Domestic Violence Unit or other office accepting domestic violence complaints shall be clearly posted and disseminated to all Municipal Courts and law enforcement personnel in the vicinage. See sections 2.2.2 and 2.2.3.
- 4.4.4 There are occasions when a person seeking to file a domestic violence Complaint/TRO arrives too late in the day for it to be processed and heard during regular court hours. During the interim period between the Domestic Violence Unit's close of business and when the courthouse actually closes, victims shall not be turned away. Each county shall develop a procedure in such instances for either in-person or telephonic communication under *Rule 5:7A* between the victim and an on-site or emergent duty judge, so that the request for emergent relief can be handled without the necessity of the victim having to go to the local police station or the Municipal Court.

- 4.4.5 On weekends, holidays or during those hours when the Superior Court is not in session, a victim should be referred to local law enforcement officials, so that her/his Complaint/TRO can be processed by a law enforcement officer and heard by a Municipal Court judge.

4.5 INITIAL/EMERGENT HEARING

- 4.5.1 Once a domestic violence victim has been interviewed and the necessary paperwork has been processed and is ready for court, every effort should be made for the case to be heard within one hour.
- 4.5.2 In those cases where both parties appear at the courthouse and each seeks a temporary restraining order against the other, a judge should hear each Complaint/TRO separately and grant relief where appropriate. The same judge should consider these complaints to ensure that the orders do not contain conflicting provisions for such matters as possession of the residence and custody of the children.
- 4.5.3 At the initial hearing, the court upon *ex parte* application shall administer an oath to the applicant and take testimony regarding (a) the alleged domestic violence; (b) the past history of domestic violence between the parties, if any; (c) the reason the applicant's life, health, or well-being is endangered; (d) whether firearms or weapons are present or available to the defendant; and shall (e) state with specificity the reasons for and scope of any search and seizure authorized by the Order (See Section on Weapons); and (f) make general inquiry as to all relief requested by the applicant to determine the appropriateness of same.
- 4.5.4 The judge or DVHO shall review all related case files involving the parties; ensure that plaintiff is informed about legal rights and options and available protective services, including shelter services, safety planning, etc.; explain to the plaintiff the domestic violence legal process and procedures; establish a record, including findings of fact and conclusions of law forming the basis of any determination; rule on the admissibility of evidence; amend the complaint to conform to the testimony, where appropriate; and prepare a comprehensive case specific TRO, where one is to be entered. When a TRO is granted, the order must be completed and signed in accordance with *Rule 5:7A*.
- 4.5.5 After hearing testimony from the victim, the judge will issue or deny the TRO, setting forth the reasons therefore. Unless the judge denies the TRO and dismisses the Complaint/TRO, a return date for the Final Hearing is to be set within ten (10) days.
- 4.5.6 When a TRO is granted, the Order must be completed and signed by the judge. Copies shall be provided to:

- A. The victim;
- B. The law enforcement agency of the municipality in which the victim resides or is sheltered; and
- C. The law enforcement agency which will serve the defendant with the Complaint/TRO.

4.5.7 When a TRO is not granted, the court must check the box stating that the TRO was denied and sign the order. This automatically dismisses the Complaint/TRO. (NOTE: If the TRO is denied, no copy of the Complaint/TRO is to be provided to the defendant. If a later TRO refers to the prior complaint, a copy of the prior complaint can be provided to the defendant upon request even though the prior complaint was dismissed.)

If after the entry of a TRO, the plaintiff returns to court to amend the TRO/Complaint, an amended complaint containing the additional allegation(s) should be taken. The defendant shall be served with the amended TRO complaint in accordance with the procedures in section 4.6. If the defendant has not been served with the amended complaint prior to the Final hearing an adjournment may be granted and a continuance order or amended TRO be issued if defendant needs additional time to prepare.

4.6 PROCEDURES FOR SERVICE OF COMPLAINT/TRO/FRO

- 4.6.1 The Complaint/TRO shall be served on the defendant by **personal service**, immediately following the entering of such order. This service is effectuated by the procedures outlined in each county, through the Municipal or State police, Sheriff's Department or both. Substituted service is permitted only by specific court order.
- 4.6.2 The Sheriff's Officer or court staff member will provide the plaintiff two copies of the Complaint/TRO. The plaintiff may, but is under no circumstances required, to provide a copy to the police department or residence or where sheltered. The plaintiff shall be advised to keep a copy of the TRO on with them at all times.
- 4.6.3 If the parties reside together and the defendant is being removed from the home, the plaintiff will be instructed to report to the appropriate law enforcement agency for accompaniment to the residence if appropriate.
- 4.6.4 The Family Division, Domestic Violence Unit must immediately fax a copy of the Complaint/TRO to the municipality where the defendant resides or may be served, and to all law enforcement agencies that can or may assist in the service and enforcement of the Order. This can be specified in the Comments section of the TRO.

At no time shall the plaintiff be asked or required to serve any order on the defendant. N.J.S.A. 2C:25-28.

- 4.6.5 Once service on the defendant is attempted (successfully or unsuccessfully), the return of service portion of the TRO must be completed by the appropriate law enforcement agency and immediately faxed to Family Court (Domestic Violence Unit) and if issued by a Municipal Court, the court which issued the TRO. The original shall be returned to the Domestic Violence Unit.

4.7 SERVICE OUT OF COUNTY

- 4.7.1 When a temporary or final restraining order is issued that requires service outside the issuing county, the restraining order must immediately be brought or faxed to the Sheriff's Department or other designated law enforcement agency in the issuing county.
- A. The Sheriff's Department or other designated law enforcement agency in the issuing county must bring or fax the order and related documents to the sheriff's department or other designated law enforcement agency in the county of the defendant's residence or business.
 - B. The Sheriff's Department or other designated law enforcement agency in the receiving county, pursuant to local policy, will either:
 - (1) Execute service on the defendant, or
 - (2) Immediately bring or fax the order and related documents to the sheriff or other designated law enforcement agency in the municipality in which the defendant resides or works so that it can execute service accordingly.
 - C. The return of service should then be faxed back to the sheriff's department or other designated law enforcement agency in the issuing county, which in turn must immediately deliver or fax the return of service to the Family Division in the issuing county.
- 4.7.2 Once service on the defendant is attempted, successfully or unsuccessfully, the return of service portion of the TRO must be filled out by the sheriff's department or other designated law enforcement agency and immediately faxed or returned to the Family Division prior to the scheduled final hearing date.
- 4.7.3 When an order must be served on a defendant who is out-of-state, the law enforcement officer or agency or court staff should contact the State Police or Family Court in the other state to determine the procedures for service in that state (Appendix 29 and 30).

4.8 APPEALS OF *EX PARTE* ORDERS

- 4.8.1 *N.J.S.A. 2C:25-28(i)* provides that any TRO is immediately appealable by plaintiff or defendant for a plenary hearing *de novo*, not on the record below, before any Superior Court, Family Division Judge in the county where the TRO was entered if that judge issued the temporary order or has access to the reasons for the issuance of the TRO and sets forth on the record the reason for the modification or dissolution.
- 4.8.2 Upon receipt of a request for an emergent appeal, staff shall obtain the reasons for the request of appeal and assist the appealing party in completing the “Appeal of *Ex Parte* Order” (See Appendix 8), and present the request with the file to the judge for consideration.
- 4.8.3 If the application is granted, an emergent hearing will be scheduled with adequate notice to both parties as to the purpose of the hearing and the issues to be addressed. The judge must place the reasons for continuing, modifying or dissolving the TRO on the record.
- 4.8.4 If the application is denied, the reasons shall be set forth by the judge on the “Appeal of *Ex Parte* Order” form and the FRO hearing will proceed as initially scheduled.

4.9 PROCEDURES FOR FINAL HEARINGS

- 4.9.1 A final hearing must be scheduled within ten days of the filing of the Complaint/TRO in the county where the Complaint/TRO was issued unless good cause is shown for the hearing to be held elsewhere. Each county shall provide the police and Municipal Courts with the designated days and times for final hearings.
- 4.9.2 If the return of service on the defendant has not been received by the day before a final hearing, a designated domestic violence team member shall check with the appropriate law enforcement agency responsible for service (such as sheriff or local police) to ascertain whether the defendant was successfully served. The return of service portion of the TRO must be immediately faxed to the domestic violence team by law enforcement.
- 4.9.3 The Continuance Order may be used when a new date must be scheduled and there are no substantive changes to the TRO. When substantive changes, including amendments to the complaint, are needed, an Amended TRO shall be used, which shall set forth the changes. The TRO must be attached to the Continuance Order for service. If the defendant has been served with the TRO, notice of the new date may be made by mail, if an address is known.
- 4.9.4 Any defendant who qualifies under the Servicemembers Civil Relief Act, 50 *U.S.C.* 501, *et. seq.*, is entitled to have the proceedings stayed while the member is either in military service or within 90 days after termination or release from such service for a servicemember who has received notice of such proceedings, if the court receives a

letter or other communication: (1) stating that current duty requirements materially affect the servicemember's ability to appear; or (2) from the servicemembers commanding officer stating that current duties prevent the servicemember's appearance and that military leave is not authorized. This also permits a servicemember granted a stay from such proceedings to apply for an additional stay based on continuing material effect of military duty on the ability to appear. This shall be entered into FACTS as an extended TRO.

The restraining order shall stay in effect until such stay is lifted.

- 4.9.5 Nonappearance By Either Party: If no one appears for the final hearing, a domestic violence team member shall attempt to contact the plaintiff and defendant and collect as much information as practicable about the reasons for nonappearance and present same to the court for consideration prior to the dismissal of any Order.

The matter shall be rescheduled where there is no appearance by either party unless the court is fully satisfied that a dismissal meets the standards as set forth on the Order of Dismissal (See Appendix 14).

- 4.9.6 Nonappearance by the plaintiff: The domestic violence team member shall attempt to contact the plaintiff to collect as much information as practicable about the plaintiff's nonappearance and present the information to the court. Communications about the plaintiff shall be made outside the presence of the defendant. The file and notes reflecting the findings shall then be brought to the judge. If only the defendant appears, [s]he should be questioned under oath concerning knowledge of the plaintiff's whereabouts. The court shall inquire if the defendant caused or is responsible for the nonappearance of the plaintiff.

If (1) the plaintiff can be contacted, and (2) the judge is satisfied (after hearing both parties' explanations) that the plaintiff's failure to appear was not the result of coercion and duress, and (3) the findings required as per the Order of Dismissal were made, the court may issue an Order of Dismissal. If not, or if the plaintiff cannot be contacted, the matter shall be rescheduled.

Any dismissal order shall be without prejudice, and any Order of Dismissal or order modifying the TRO shall be faxed or otherwise transmitted to the applicable law enforcement agency.

- 4.9.7 Warrants shall not be used to secure the presence of the plaintiff in court under any circumstances when the plaintiff has failed to appear or has allowed the defendant back into the residence.

When a plaintiff is unable to appear at the final hearing for good cause shown, arrangements shall be made for a telephonic appearance on the record.

4.9.8 Nonappearance by the Defendant: If only the plaintiff appears, the plaintiff's request for relief should be identified in accordance with the domestic violence procedures.

- A. Where the defendant does not appear at the final hearing, and proof of service has been provided, the court should proceed with the final hearing and may enter a final order in default.
- B. If the court file does not contain proof of service, the court should conduct a hearing in the presence of the plaintiff to determine the following:
 - Whether the plaintiff has seen the defendant in the court house or knows of the defendant's whereabouts;
 - Whether the plaintiff is aware of whether the defendant was served and the basis for such knowledge;
 - Whether the defendant has had any contact with the plaintiff since execution of the temporary restraining order; and
 - Whether the same or different conditions exist in comparison to those at the time of the initial hearing.
- C. If the court determines that the defendant had actual knowledge of the restraining order and hearing date, after making such finding on the record, the court may proceed with the final hearing and may enter a final order by default.

4.9.9 Defendant Not Served: If the court determines that the defendant has not been served but finds there is reasonable likelihood of service on the defendant within a reasonable amount of time (e.g. the defendant's whereabouts are known, but the defendant is on vacation), a short postponement shall be granted and a date certain scheduled, which shall be memorialized in a Continuance Order (See Appendix 9) or Amended TRO. The Continuance Order shall be served on the defendant with the Complaint/TRO.

In the event that it is unlikely the defendant can be served within a reasonable period of time, then the court can issue an indefinite TRO. This TRO shall continue the reliefs requested by the plaintiff until further order of the court and contain a provision that a final hearing shall be rescheduled upon service on the defendant. The case will be recorded as disposed of in FACTS with the case status reason code of "extended TRO."

4.10 APPEARANCE BY BOTH PARTIES

4.10.1 When both parties appear for a Final Hearing, the victim and defendant should be kept in different locations and directed to the appropriate intake or waiting area for

case processing by the domestic violence unit. Separate waiting areas must be available for victims to avoid potential contact, intimidation, or additional violence or victimization.

4.10.2 Information Gathering

- A. A domestic violence staff person should meet with each party, separately, prior to court to review identifying information and to determine if the case is likely to be a contested trial or a dismissal. The domestic violence staff person should review with the plaintiff what relief is being sought and explain the procedure to be followed in a trial, including the right to call witnesses and present evidence. In addition, a victim advocate should be available to confer with the plaintiff before the court session.
- B. Court staff shall not meet with the parties together or conduct mediation of any sort on any issue, such as custody or parenting time, per *N.J.S.A. 2C:25-29a(6)* and *Rule 1:40-5(a)*.
- C. If support is being sought as a relief, staff should ensure that both parties have completed the required forms with complete identifying and financial information. Staff support should be provided to the judge to calculate Child Support Guidelines.
- D. Counsel for the parties may participate in the staff held meetings. No party shall be required to meet with opposing counsel without his/her clear, express consent.

4.10.3 No Mediation. There shall be no mediation of any kind in domestic violence cases.

4.10.4 Request for Continuance.—The court may grant an adjournment or continuance if either party requests an adjournment for the purpose of obtaining or consulting with an attorney, securing witnesses, or other good cause, unless the delay would create an extreme hardship on the other party, or there has been an inordinate delay in seeking counsel.

4.10.5 Court Files. At the time of the Final Hearing, the court's file should contain the Complaint/TRO; the Victim Information Sheet; FACTS history of the parties and children; and prior domestic violence history, if any; and relevant financial, social and criminal record history.

4.10.6 Confidentiality. All records maintained pursuant to the PDVA are confidential as specified by *N.J.S.A. 2C:25-33*. However, all court proceedings under the Act are open unless closed by the court in accordance with the Rules.

4.11 TRANSFER OF MATTERS BETWEEN COUNTIES

Pursuant to *N.J.S.A. 2C:25-29* and Rule 5:7A, a final hearing is to be held “in the county where the *ex parte* restraints were ordered, unless good cause is shown for the hearing to be held elsewhere.” A Domestic Violence matter may be transferred between vicinages by order of the presiding judge or his or her designee in the following situations:

- A. Plaintiff or defendant works in family court in the original county of venue, consistent with the judiciary “Policy and Procedures for Reporting Involvement in Criminal/Quasi- Criminal Matters”;
- B. There is an FM or FD matter pending in the other county;
- C. The filing of the TRO and FRO are where the act(s) occurred but plaintiff or both parties reside in another county, upon application by either party;
- D. Such other matters for good cause shown.

See also Directive #3-05, “Intercounty Child Support Case Management Policy.”

4.12 FINAL HEARING

A final hearing is described in *N.J.S.A. 2C:25-29a* as follows:

A hearing shall be held in the Family Division of the Chancery Division of the Superior Court within 10 days of the filing of a complaint pursuant to section 12 of this act in the county where the *ex parte* restraints were ordered, unless good cause is shown for the hearing to be held elsewhere. A copy of the complaint shall be served on the defendant in conformity with the Rules of Court. If a criminal complaint arising out of the same incident that is the subject matter of a complaint brought under *N.J.S.A. 2C:25-28a* has been filed, testimony given by the plaintiff or defendant in the domestic violence matter shall not be used in the simultaneous or subsequent criminal proceeding against the defendant, other than domestic violence contempt matters and where it would otherwise be admissible hearsay under the Rules of Evidence that govern unavailable parties. At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence. The court shall consider but not be limited to the following factors:

- (1) The previous history of domestic violence between the plaintiff and defendant including threats, harassment and physical abuse;
- (2) The existence of immediate danger to person or property;
- (3) The financial circumstances of the plaintiff and defendant;
- (4) The best interests of the victim and any child;

- (5) In determining custody and visitation, the protection of the victim's safety; and
- (6) The existence of a verifiable order of protection from another jurisdiction.

When the allegations in the plaintiff's complaint are incomplete and/or it becomes evident at the final hearing that the plaintiff is seeking a restraining order based upon acts outside the complaint, the court, either on its own motion or on a party's motion, shall amend the complaint to include those acts, which motion shall be freely granted. Due process requires that the judge make an inquiry as to whether the defendant needs additional time to prepare in light of the amended complaint. A brief adjournment may be required if the judge determines that the defendant did not have adequate notice and needs time to prepare. If an adjournment is granted, a continuance order or an amended TRO shall be entered.

If there is a verifiable order for protection from another state and the court has jurisdiction over the defendant then the acts of violence that lead to that Order may be viewed as providing adequate basis for the issuance of like restraints in New Jersey, without a need for alleging additional acts of violence (See Section VII on Full Faith and Credit.)

4.13 DISPOSITIONS

- 4.13.1 Following a final hearing, the court should either enter an FRO with appropriate relief upon a finding of domestic violence, or an admission of an act of domestic violence by the defendant; or, dismiss the Complaint/TRO and dissolve all restraints if domestic violence has not been established; or, if appropriate, adjourn the final hearing and continue the restraints on an interim basis until a final determination can be made.
- 4.13.2 The court only has jurisdiction to enter restraints against a defendant after a finding by the court or an admission by the defendant that the defendant has committed an act(s) of domestic violence. A defendant's admission or stipulation to committing an act of domestic violence must comply with the following:
 - A. The parties must be sworn before any action is taken on the complaint, particularly when one or both of the parties appear *pro se*;
 - B. The defendant must provide a factual basis for the admission that an act of domestic violence has occurred; and
 - C. Where it becomes clear that defendant does not agree that the conduct constituted an act of domestic violence, the hearing must proceed.
- 4.13.3 If prior to or during the final hearing, a defendant alleges that the plaintiff committed an act(s) of domestic violence, defendant should be instructed to file a separate

domestic violence Complaint/TRO. The complaint should receive a separate docket number and, if practicable, both cases should be heard that day unless continued for good cause.

- 4.13.4 Where each party has a separate Complaint/TRO: If both parties admit to or are found to have committed an act or acts of domestic violence, a final order must be entered on each separate docket number where each party is the defendant. “Mutual Restraints” cannot be issued on a single restraining order.

4.14 REMEDIES AVAILABLE UNDER THE ACT

Following a hearing and a finding of domestic violence, the court may issue an order granting any or all of the following relief, including any relief “necessary to prevent further abuse,” pursuant to *N.J.S.A. 2C:25-29b*.

- | | |
|---------|--|
| 4.14.1 | Weapons |
| 4.14.2 | Further acts of violence |
| 4.14.3 | Exclusive possession of residence |
| 4.14.4 | Parenting Time and Risk Assessments |
| 4.14.5 | Monetary compensation, including support |
| 4.14.6 | Professional domestic violence counseling |
| 4.14.7 | Restraints from certain locations |
| 4.14.8 | Communication restraints |
| 4.14.9 | Other support and personal property |
| 4.14.10 | Temporary custody |
| 4.14.11 | Law enforcement accompaniment |
| 4.14.12 | No in-house restraints |
| 4.14.13 | Any other appropriate relief, including monitoring that relief |
| 4.14.14 | Prohibition from possessing weapons |
| 4.14.15 | Prohibition against stalking |

- 4.14.1 Weapons – In addition to any other provisions, any restraining order issued by the court shall bar the defendant from purchasing, owning, possessing or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to *N.J.S.A. 2C:58-3* during the period in which the restraining order is in effect, or two years whichever is greater, except that this provision shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty. [*N.J.S.A. 2C:25-29b*, effective January 14, 2004.]

- 4.14.2 Further acts of violence – An order restraining the defendant from subjecting the victim to domestic violence, as defined in this act. [*N.J.S.A. 2C:25-29b(1)*.]

- 4.14.3 Exclusive possession of residence – An order granting exclusive possession to the plaintiff of the residence or household regardless of whether the residence or

household is jointly or solely owned by the parties or jointly or solely leased by the parties. This order shall not in any manner affect title or interest to any real property held by either party or both jointly. If it is not possible for the victim to remain in the residence, the court may order the defendant to pay the victim's rent at a residence other than the one previously shared by the parties if the defendant is found to have a duty to support the victim and the victim requires alternative housing. [N.J.S.A. 2C:25-29b(2).]

- 4.14.4 Parenting Time and Risk Assessments - An order providing for parenting time. The order shall protect the safety and well-being of the plaintiff and minor children and shall specify the place and frequency of parenting time. Parenting time arrangements shall not compromise any other remedy provided by the court by requiring or encouraging contact between the plaintiff and defendant. Orders for parenting time may include a designation of a place of parenting time away from the plaintiff, the participation of a third party, or supervised parenting time. [N.J.S.A. 2C:25-29b(3).]

The court shall consider a request by a custodial parent who has been subjected to domestic violence by a person with parenting time rights to a child in the parent's custody for an investigation or evaluation by the appropriate agency to assess the risk of harm to the child prior to the entry of a parenting time order. Any denial of such a request must be on the record and shall only be made if the judge finds the request to be arbitrary or capricious. [N.J.S.A. 2C:25-29b(3)(a).]

The custodial parent can request an assessment of risk of harm to the child or children posed by unsupervised parenting time with the defendant prior to the entry of an order for parenting time. When this request is noted as a desired form of relief on the Complaint/TRO, or when the request is made either at the emergent or final hearing, a risk assessment must be ordered unless, on the record, the judge finds the request to be arbitrary or capricious and thus denies the request.

Risk Assessment reports must be completed on the "Visitation Risk Assessment Sheet" (See Appendix 15) and may be completed by in-court professional staff person or by an outside professional. The assessment shall serve as a minimum standard for assessing the potential risk of harm to children posed by establishing a parenting time schedule with the defendant. The order for a Risk Assessment should also prompt the setting of a return date before the court in approximately three weeks. The Risk Assessment report should be completed prior to the scheduled date and provided to the parties and counsel along with a "Protective Order" pursuant to the standards adopted by the Judiciary (See Appendix 16).

If interim parenting time is ordered during the initial three week period, and the vicinage has a court-sponsored or approved supervised visitation site, the parenting time should be supervised by an individual designated by the court or through the auspices of the supervised parenting time program and should have clear instructions regarding the arrival and departure of the victim, children and defendant

so as not to compromise the safety of the victim in any way. Security must be available at the parenting-time site, and the individual(s) who is (are) supervising the parenting time must be advised as to the emergency procedures that must be employed if a particular parenting time session appears dangerous. If the Risk Assessment has not been completed before the return date, the court may enter an interim order to continue supervised visitation or hold the hearing to consider any additional applications or evidence that relates to the issue of parenting time.

The court shall consider suspension of the parenting time order and hold an emergency hearing upon an application made by the plaintiff certifying under oath that the defendant's access to the child pursuant to the parenting time order has threatened the safety and well-being of the child. [*N.J.S.A. 2C:25-29b(3)(b).*]

Pursuant to *N.J.S.A. 2C:25-29b(3)(b)*, a plaintiff in a domestic violence matter may, as a form of pre- or post-dispositional relief, request that an order for parenting time issued pursuant to *N.J.S.A. 2C:25-29b(3)* be suspended. A hearing must then be held upon the plaintiff's application that the defendant's continued access to the child or children pursuant to the parenting time order has threatened the safety and well-being of the child or children.

This request may be made immediately upon the entry of an order for parenting time or at any point subsequent to the entry of such an order.

- 4.14.5 Monetary Compensation, including Support - An order requiring the defendant to pay to the victim monetary compensation for losses suffered as a direct result of the act of domestic violence. The order may require the defendant to pay the victim directly, to reimburse the Victim of Crime Compensation Agency for any and all compensation paid by the Victim of Crime Compensation Agency directly to or on behalf of the victim, and require that the defendant reimburse any parties that may have compensated the victim, as the court may determine. Compensatory losses shall include, but are not limited to, loss of earnings or other support, including child or spousal support, out-of-pocket losses for injuries sustained, cost of repair or replacement of real or personal property damaged or destroyed or taken by the defendant, cost of counseling for the victim, moving or other travel expenses, reasonable attorney's fees, court costs, and compensation for pain and suffering. Where appropriate, punitive damages may be awarded in addition to compensatory damages. [*N.J.S.A. 2C:25-29b(4).*]

Each county shall establish a procedure for the collection and distribution of emergent monetary relief, whether ordered by the Superior Court or Municipal Court. Special care should be taken to avoid the entry of an order that requires the victim to have contact with the defendant in order to receive money under this section. Courts should give consideration to all forms of monetary relief listed in the statute, above.

Support may be ordered in an FRO pursuant to *N.J.S.A. 2C:25-29b* (4) and (10), which provides for both emergent monetary relief that includes emergency support for minor children and compensatory losses in the form of child or spousal support. An order for emergency monetary relief or child support or spousal support may be entered without prejudice to a pending dissolution case, particularly when done on an *ex parte* basis. Monetary compensation in the form of ongoing support utilizing the child support guidelines, where applicable, should be issued at the final hearing if the court is able to consider testimony. All child support shall be paid by income withholding from any source of funds or income.

- 4.14.6 Professional domestic violence counseling - An order requiring the defendant to receive professional domestic violence counseling from either a private or court-appointed source and, in that event, at the court's discretion requiring the defendant to provide the court at specified intervals with documentation of attendance at the professional counseling. The court may order the defendant to pay for the professional counseling. [*N.J.S.A. 2C:25-29b*(5).]

This section permits the court to order the defendant into a batterers intervention program as part of the professional domestic violence counseling option. Victims shall never be ordered into counseling of any kind.

- 4.14.7 Restraints from certain locations - An order restraining the defendant from entering the residence, property, school, or place of employment of the victim or other family or household members of the victim and requiring the defendant to stay away from any specified place that is named in the order and is frequented regularly by the victim or other family or household members. [*N.J.S.A. 2C:25-29b*(6).]

A victim shall not be required to disclose any residence or place of employment nor shall the court require such disclosure on the record. The FRO should include (where appropriate) specific names and addresses identifying the locations from which the defendant is barred and the people that the defendant is restrained from contacting, communicating with, harassing, or stalking.

- 4.14.8 Communication restraints - An order restraining the defendant from making contact with the plaintiff or others, including an order forbidding the defendant from personally or through an agent initiating any communication likely to cause annoyance or alarm including, but not limited to, personal, written, or telephone contact with the victim or other family members, or their employers, employees, or fellow workers, or others with whom communication would be likely to cause annoyance or alarm to the victim. [*N.J.S.A. 2C:25-29b*(7).]
- 4.14.9 Other support and personal property - An order requiring that the defendant make or continue to make rent or mortgage payments on the residence occupied by the victim if the defendant is found to have a duty to support the victim or other dependent household members; provided that this issue has not been resolved or is not being litigated between the parties in another action. [*N.J.S.A. 2C:25-29b*(8).]

An order granting either party temporary possession of specified property, such as an automobile, checkbook, documentation of health insurance, an identification document, a key, and other personal effects.

An order awarding emergency monetary relief, including emergency support for minor children, to the victim, and other dependents, if any. An ongoing obligation of support shall be determined at a later date pursuant to applicable law. [N.J.S.A. 2C:25-29b(10).]

The court should determine, where necessary, the issue of paternity and the duty to support. If the defendant has a duty to support, as established by a prior finding of paternity, a Certificate of Paternity, an admission of paternity, or a presumption of paternity based on marriage, the court should review the available information, apply the Child Support Guidelines if appropriate and enter a support order payable through income withholding. The order should be referenced in the FRO and entered on the two page support order form, payable and enforced through probation. In the event paternity of defendant is not established, any money paid for child support may be refunded to the defendant in accordance with applicable case law. The method by which the court determined paternity shall be indicated on the order.

If paternity has not been established, the court may order genetic testing and employ the same procedures used by the county in FD matters. In this instance the judge should enter an FRO including all of the other reliefs and restraints. This case will be “disposed” in FACTS with a standing FRO. When the results of the genetic test are received, the case should be reopened on the court’s motion for a hearing on the paternity and support issues. All proceedings are held on the FV docket before a judge.

Following the entry of an order under the FV docket, all subsequent applications between the parties involving paternity, custody, parenting time and support shall be taken and heard under the FV docket. A separate FD complaint should not be opened to address these issues. However, this section should not be construed to prevent a party from filing a dissolution complaint.

If an FRO has been entered with relief granted and there is an FD which has been filed but no orders yet entered, the FD will be dismissed and all subsequent applications/modifications (e.g., support, custody, parenting time) shall be made under the FV, so long as the FV is still in effect. If there is a pending FM, all reliefs except the restraints shall be incorporated into the FM with the restraints continuing in the FV docket and on the FRO. Subsequent applications or modifications for support, custody or parenting time should take place within the FM docket number. The FV should be reopened and modified as needed so the FM and FV are consistent.

After support has been entered on the FV, an application to dismiss the FRO and continue the support order should be addressed pursuant to the procedures in the FD manual (section 1104) to ensure that the support continues.

In processing an FV case where there is an existing FD case, the following provisions of the FD manual should be employed. The following is what is stated in Section 1104 of the Non-Dissolution Manual, Standing/Pre-Existing FD Order Prior to an FV Case which has been approved by the Conference of Family Presiding Judges:

If there exists a previous FD order addressing custody/parenting time and/or child support, prior to the filing of a domestic violence action, that order shall be preserved under the FD docket. The FD court file must be forwarded to the judge hearing the FRO or continued TRO for review and any adjustment to the FD order to insure conflicting orders do not exist. The FD order should be referenced in the FV order to insure all affected parties, divisions and agencies are aware of the multiple orders. The FD file shall be joined to the FV file for as long as the FV case is active. For tracking purposes, a comment should be placed in FACTS indicating that the FD court jacket is with the FV team. The FV team should link the cases in FACTS so that the FD and FV cases are scheduled at the same time for any future court action.

When any party wishes to file for a modification of the FD order during the life of the domestic violence restraining order, that case must be heard by the judge hearing the current FV matter. Parties should be referred to the FV team for scheduling of their FD case while the restraining order is active. A reference to the FV restraining order should be visible on any revised FD order and provided to all entities that might be affected by the revision (i.e., parties, child support enforcement, supervised visitation).

If the FV action is dismissed the judge will determine the continued status of the FD order and note that determination on the FV dismissal order, and on a new FD order, if necessary. At that time the jacket shall be returned to the FD team and noted in FACTS case comments.

If the FV case has child support, the Probation Division should be sent copies of all modified FRO and indefinite TRO orders. If the restraining order is dismissed, the DV indicator must be updated by Family staff and a copy of the dismissed restraining order must be forwarded to Probation.

If there is a restraining order in effect and the plaintiff begins to

receive welfare, the County Board of Social services shall be able to file a complaint for support under a new FD docket.

NOTE: Normal FACTS/ACSES data entry procedures must be completed.

End of quotation from the Non-Dissolution Manual.

It is important to note that enforcement of support obligations or emergent monetary relief can be civil or criminal. If emergent monetary relief is entered under Part I of the FRO, then enforcement is by way of criminal contempt and mandatory arrest pursuant to *N.J.S.A. 2C:29-9b*. (See Section VI)

- 4.14.10 Temporary Custody - An order awarding temporary custody of a minor child. The court shall presume that the best interests of the child are served by an award of custody to the non-abusive parent. [*N.J.S.A. 2C:25-29b(11)*.]

Violations of orders for temporary custody issued pursuant to this section are included within the scope of *N.J.S.A. 2C:29-9b*, Contempt. Arrest and criminal charges are mandatory when such an order is violated.

As set forth in the statute, when making custody decisions in domestic violence cases, the court must presume that “the best interests of the child are served by an award of custody to the non-abusive parent.” This mandate reflects the policy stated in the legislative findings section, *N.J.S.A. 2C:25-18*, “that there is a positive correlation between spousal abuse and child abuse, and that children, even when they are not themselves physically assaulted, suffer deep and lasting emotional effects from exposure to domestic violence.”

- 4.14.11 Law Enforcement accompaniment - An order requiring that a law enforcement officer accompany either party to the residence or to any shared business premises to supervise the removal of personal belongings in order to ensure the personal safety of the plaintiff when a restraining order has been issued. This order shall be restricted in duration. [*N.J.S.A. 2C:25-29b(12)*.]

- 4.14.12 No in-house restraints - Notwithstanding any provision of 2C:25-17, *et seq.* to the contrary, no order issued by the Family Division of the Chancery Division of the Superior Court pursuant to 2C:25-28 or 2C:25-29 regarding emergency, temporary or final relief shall include an in-house restraining order which permits the victim and the defendant to occupy the same premises but limits the defendant’s use of that premises. [*N.J.S.A. 2C:25-28.1*]

In-house restraining orders are specifically prohibited.

- 4.14.13 Any other appropriate relief, including monitoring that relief - An order granting any other appropriate relief for the plaintiff and dependent children, provided that the

plaintiff consents to such relief, including relief requested by the plaintiff at the final hearing, whether or not the plaintiff requested such relief at the time of the granting of the initial emergency order. [*N.J.S.A. 2C:25-29b(14).*]

The Plaintiff should not be denied any relief on the basis that it was not sought at the emergent hearing.

An order that requires that the defendant report to the intake unit of the Family Division of the Chancery Division of the Superior Court for monitoring of any other provision of the order. [*N.J.S.A. 2C:25-29b(15).*]

An order requiring the defendant to undergo a psychiatric evaluation. [*N.J.S.A. 2C:25-29b(18).*]

- 4.14.14 Prohibition from possessing weapons - In addition to the order required by this subsection prohibiting the defendant from possessing any firearm, the court may also issue an order prohibiting the defendant from possessing any other weapon enumerated in subsection r. of *N.J.S.A. 2C:39-1*, and ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order. [*N.J.S.A. 2C:25-29b(16).*] See Section 5.10 for procedure.

A specific description of the weapon and its believed location should be set forth with as much detail as is known. The court must make findings on the record and state with specificity the reasons for its decision and the scope of the search. (See also Section on Weapons.)

- 4.14.15 Prohibition against stalking An order prohibiting the defendant from stalking or following, or threatening to harm, to stalk or to follow, the complainant or any other person named in the order in a manner that, taken in the context of past actions of the defendant, would put the complainant in reasonable fear that the defendant would cause the death or injury of the complainant or any other person. Behavior prohibited under this act includes, but is not limited to behavior prohibited under the provisions of *N.J.S.A. 2C:12-10*. [*N.J.S.A. 2C:25-29b(17).*]

4.15 CIVIL PENALTY

- 4.15.1 Upon the finding of an act of domestic violence and the entry of a FRO, the court is required to assess a civil penalty of \$50.00 to \$500.00 against the defendant under *N.J.S.A. 2C:25-29.1*. This fee may be waived due to “extreme financial hardship.” Such a finding must be made on the record. The court may order the payment to be made immediately, within 30 days, or within some other specific period of time. All

orders must also include a provision for the payment of a \$2.00 Comprehensive Adult Probation System (CAPS) transaction fee for each payment. For example, if one payment of \$50 is ordered, a \$2 transaction fee is assessed, for a total of \$52. If a penalty of \$500 is ordered to be paid in five installments of \$100 each, a \$2 transaction fee must be added to each payment, for a fee of \$10 (five payments, \$2 each) and a total penalty of \$510. There is no provision for a refund of the penalty or the transaction fee after dismissal of a FRO.

See section 6.4.8 regarding the Surcharge for domestic violence offender to fund grants pursuant to N.J.S.A. 2C:25-29.4. This surcharge is in addition to other penalties, fines and/or charges imposed pursuant to law.

4.15.2 Each county should prepare a set of specific instructions to defendants setting out the location and address of the Finance Office where the payments are to be made. The defendant should be provided with these instructions and directed to that office to make payments pursuant to the court's order. If the defendant does not appear at the final hearing, payment instructions shall be served on the defendant along with the FRO. The Family Division should send a copy of the order to the appropriate finance office to enter into the CAPS system.

4.15.3 When the penalty is not paid in accordance with the Court's order, the Comprehensive Enforcement Program (CEP) in the Probation Division will serve as the enforcement mechanism. These cases will be included in the normal CEP process.

4.16 FINGERPRINTING AND PROCESSING

All persons against whom a FRO has been entered shall submit to fingerprinting and photographing either on the same day as the entry of the final order or within a reasonable time thereafter. Failure to do so is a disorderly persons offense under *N.J.S.A. 53:1-15*. Each county must establish its own procedure to fingerprint, photograph and enforce these provisions against those who do not comply (See Appendix 11).

4.17 AFTER AN FRO HAS BEEN ENTERED

4.17.1 Where an FRO includes provisions for emergent monetary relief, monetary compensation, including child support or spousal support, custody, visitation (particularly supervised visitation), counseling or other evaluations, or where the order relates to third parties for whom addresses and other information are needed, or where intake monitoring is ordered, each party should be referred to the Family staff for their separate post-court interview. Care should be taken by staff that the parties have no contact during the interview process. Staff can facilitate any of these items, including the collection of the IV-D application, the initiation of Title IV-D procedures, where applicable, and can make other appropriate arrangements. Family staff can facilitate providing the defendant with a Child Support Probation Account

Number for payments made to the New Jersey Family Support Payment Center (P.O. Box 4880, Trenton, NJ 08625-4880).

- 4.17.2 Professional domestic violence counseling for defendant should be considered whenever there has been a finding of domestic violence. Whenever possible, the order should also include provisions for monitoring or periodic court review.
- 4.17.3 Orders for ongoing support as a form of monetary compensation in a FRO pursuant to *N.J.S.A. 2C:25-29b(4)* should be made payable to the New Jersey Family Support Payment Center (P.O. Box 4880, Trenton, NJ 08625-4880) and the order shall be enforced by the Probation Division in the county in which the order was entered. The probation division will use all enforcement mechanisms applicable to the case. Staff should ensure that the “family violence indicator” in ACSES is correctly coded.

When ongoing child support is entered, or paternity established, the court must enter the child support, medical support and paternity decisions on the IV-D Uniform Summary Support Order (USSO, Appendix 31), which shall be referenced in the FRO, using the same FV docket number. The USSO must indicate whether the child support obligation is based on the New Jersey Child Support Guidelines or if there was a deviation from the Guidelines.

- 4.17.4 Each county shall develop and implement procedures to monitor compliance with court ordered provisions, including counseling and evaluation.

4.18 SERVICE OF FRO

The defendant shall be personally served in court if present for the final hearing. If the defendant is not present, service shall be in accordance with the procedures set forth in the section entitled “Procedures for Service of Complaint/TRO/FRO.”

4.19 REQUESTS FOR DISMISSAL OR REOPENING

- 4.19.1 Withdrawals of Complaint/TRO by the plaintiff - When a victim seeks to withdraw a civil Complaint/TRO after a TRO has been entered but prior to the entry of a final order, the victim should do so in person and before a judge. When the request is made by telephone, the victim should be directed to come to the courthouse and report to the domestic violence unit. Whether the request is made in person on a walk-in basis or on the scheduled final hearing date, the victim should be directed to the appropriate domestic violence staff person or intake. Victims do not need to wait until the final hearing to request a dismissal.

Where a municipal TRO was issued and the paperwork has not reached the Family Division, the staff person should contact the police to obtain information about the Complaint/TRO, preferably receiving a FAXED copy. The matter must be docketed and a file prepared prior to the matter being brought before the judge.

A victim advocate should be available to speak to the plaintiff, in person or by telephone. Where this is not possible, the staff should make the plaintiff aware of the existence of an advocate along with a name and telephone number, preferably in writing.

A professional staff person is to meet with the victim to ascertain that:

- A. The victim has read and understood “What Dissolving a Restraining Order Means” (See Appendix 12);
- B. The victim has not been coerced or placed under duress to withdraw the Complaint/TRO;
- C. The victim understands the cycle of domestic violence and its probable recurrence;
- D. The victim is aware of the protective resources available through the court and the local domestic violence program, especially with regard to housing and court-ordered emergency custody and support;
- E. The victim clearly understands that withdrawal of the Complaint/TRO and dismissal of the TRO will eliminate the protections that had been issued;
- F. The victim is aware that such withdrawals, while they should not be done without careful thought, are not prejudicial if [s]he should need to seek protection in the future; and
- G. The victim is informed that any parallel criminal matters are separate and distinct and must be addressed in a separate venue. Victims should be advised to discuss the matter with the appropriate prosecutor.

Once the victim has been counseled as described above, if [s]he wishes to pursue withdrawal of the complaint, [s]he must fill out a Certification to Dismiss Complaint/ TRO (See Appendix 13). The completed form should be placed in the file and an available judge should be located. The victim should then be sent to the appropriate waiting area.

The judge should complete a review of the file and certification and question the victim, on the record, using the same procedure as a request for dismissal of a final order.

After reviewing the file and the Certification to Dismiss, the judge should review the above with the victim on the record. If the judge finds that the request for withdrawal is an informed one and not made under duress, the withdrawal shall be granted.

When the complaint has been withdrawn and the TRO dismissed, copies of the order of dismissal should be distributed to the plaintiff and any law enforcement agency that received the TRO, and served on the defendant in the same manner as the TRO, where it has been served, unless otherwise designated by the court.

Where the defendant was not served with the TRO, the dismissal shall not be served on the defendant.

4.19.2 Dismissals with “Civil Restraints” - The court should not initiate or suggest the use of “civil restraints” in domestic violence cases. If civil restraints are requested by the plaintiff, the court should question the victim on the record using the same standards as a request for a dismissal and in addition, ascertain the following:

- A. Whether the victim is aware that the “civil restraints” in an FM (dissolution) or FD (nondissolution) matter will not provide the same protection as a TRO or FRO;
- B. Whether the victim understands that the police must arrest for a violation of a domestic violence restraining order but there will be no arrest for the violation of “civil restraints” and the police are unlikely to respond to a call regarding such a violation;
- C. Whether the victim will feel safe with the protections offered by the “civil” restraining order; and
- D. Whether the victim understands [s]he has a right to obtain a new restraining order if another act of domestic violence occurs, even if “civil restraints” are in effect.

Under no circumstances shall an FD matter be opened for the sole purpose of effectuating “civil restraints.”

4.19.3 Dismissal of FRO at the Request of the Plaintiff

Upon good cause shown, any final order may be dissolved or modified upon application to the Family Division of the Chancery Division of the Superior Court, but only if the judge who dissolves or modifies the order is the same judge who entered the order, or the judge dissolving the order has available a complete record of the hearing or hearings on which the order was based. [*N.J.S.A. 2C:25-29d*]

A request for dismissal of a final order should be handled in the same manner as a request for withdrawal of a Complaint/TRO (see section 4.19.2). The dismissal must be requested in person, and before the judge who entered the order or a judge who has available the complete court file, after the victim has been counseled

concerning her/his rights and the ramifications of a dismissal. The court should determine whether an order for child support, custody and/or visitation was entered as part of the FRO and if so, determine whether the victim wants the relief to continue. If so, these provisions should be made part of an FD order, then and there, without undue waiting and refile by the plaintiff.

- 4.19.4 Dismissal of FRO at Request of the Defendant - An FRO may be dissolved upon “good cause shown,” *N.J.S.A. 2C:25-29(d)*. A request by the defendant for dismissal of an FRO shall be brought to the court by Notice of Motion accompanied by an appropriate certification and brief. Service of the motion and supporting documents on plaintiff shall be through the Family Division and not served directly by the defendant. The motion shall be heard by the judge who entered the FRO if that judge is available. If that judge is not available, the motion shall be heard by another judge who shall read and consider the transcript of the final hearing and the findings by the original judge. The transcript, where needed, shall be provided by the defendant.

The court shall consider the following as part of the determination of whether the defendant has established good cause to dissolve the FRO:

- A. As required by *N.J.S.A. 2C:25-29(b)(5)*, determine whether the defendant attended and completed all court ordered counseling. If not, the motion must be denied.
- B. Past history of domestic violence. If no findings were made by the court at a final hearing regarding any past history of domestic violence, the record may be supplemented with regard to such past history.
- C. Any other factors the court deems appropriate to assess whether the defendant has shown good cause that the FRO should be modified or dissolved.
- D. To protect the victim, courts should consider a number of factors when determining whether good cause has been shown that the FRO should be dissolved upon request of the defendant, including:
 - (1) Whether the victim consented to dismiss the restraining order;
 - (2) Whether the victim fears the defendant;
 - (3) The nature of the relationship between the parties today;
 - (4) The number of times that the defendant has been convicted of contempt for violating the order;
 - (5) Whether the defendant has a continuing involvement with drug or alcohol abuse;

- (6) Whether the defendant has been involved in other violent acts with other persons;
- (7) Whether the defendant has engaged in counseling;
- (8) The age and health of the defendant;
- (9) Whether the victim is acting in good faith when opposing the defendant's request;
- (10) Whether another jurisdiction has entered a restraining order protecting the victim from the defendant; and,
- (11) Any other factors deemed relevant by the court.

The court shall make reasonable efforts to find and notify the plaintiff of the request for dismissal, but unless good cause is shown, the court cannot hold a hearing on this application unless the plaintiff is given notice and an opportunity to be heard.

4.19.5 Request to Reopen Dismissed Matter by the Plaintiff - If there is no new act of domestic violence since the filing of the initial Complaint/TRO and the plaintiff seeks to reopen a TRO or FRO which has been dismissed, a notice of motion must be filed pursuant to *Rule* 4:50-1.

Once the application has been filed, the case is only opened for the purpose of scheduling the motion hearing. The restraining order is still dismissed on FACTS and the DVCR.

An application to reinstate the Complaint/TRO and restraining order does not “activate” the restraining order. The order is not activated until and unless both parties are notified, the court reviews the file, conducts a hearing, makes findings and then reinstates the order.

At the hearing, the judge may reinstate the order or let the dismissal stand. If reinstated, the status of the order would be “active” in FACTS and on the DVCR.

4.19.6 Request to Reopen Due to Duress

When a plaintiff seeks to reopen a domestic violence matter that [s]he has withdrawn or asked to have dismissed, and alleges that [s]he made such a request because [s]he was put in fear by the defendant of proceeding with the case, a new complaint shall be taken. The original allegations of violence, coupled with the threats or other acts of duress, should be listed on the new complaint.

4.19.7 Conditional Dismissals - The conditional dismissal of a domestic violence Complaint/TRO or FRO is prohibited. Whether done at the request of the plaintiff, with the agreement of the defendant, or at the discretion of the judge at the end of trial, conditions may not be imposed on the dismissal of a Complaint/TRO or FRO. That is, no TRO/FRO shall be dismissed conditioned upon either party performing any specific act or upon the occurrence of any particular event.

4.19.8 Dismissal of TRO for Failure of the Plaintiff to Appear at Final Hearing

See section 4.9.3 or 4.

4.19.9 Judge to Advise that Municipal and/or Criminal Complaints Continue - At the time of the dismissal of the complaint and vacating of a TRO or FRO, the judge shall advise the parties who are present that any related municipal or criminal complaint(s) arising out of the incident shall continue and are in no way affected by the dismissal of the domestic violence Complaint/TRO. All parties present shall be advised of the need to comply with the conditions of bail and participate in all future court hearings related to such municipal or criminal actions. The parties should be advised to speak to the appropriate prosecutor.

SECTION V

WEAPONS

5.1 WEAPONS IN GENERAL

5.1.1 Weapons of varying types are defined generally in *N.J.S.A. 2C:39-1*, and more specifically in *N.J.S.A. 2C:39-1r*. The Attorney General and County Prosecutors delineate law enforcement procedures through directives and guidelines in accordance with the United States Constitution, New Jersey Constitution, statutes and court decisions.

5.1.2 Weapons relating to domestic violence incidents can be categorized in several ways including but not limited to:

- A. Weapon(s) used or threatened to be used in a domestic violence incident.
- B. Weapon(s) not used in a domestic violence incident but in plain view of an officer.
- C. Weapon(s) not used in a domestic violence incident, not in plain view to the officer, but the officer has reason to believe that weapon(s) are present in the household.

5.2 MANDATORY ARREST

See Sections 3.10 and 3.17.

5.3 SEIZURE OF WEAPONS FOR SAFEKEEPING

See Sections 3.10 and 3.17.

5.4 SEIZURE OF WEAPONS PURSUANT TO COURT ORDER

See Sections 3.10 and 3.17.

5.5 SEIZURE OF WEAPONS USED IN COMMISSION OF A CRIMINAL OFFENSE

See Sections 3.10 and 3.17.

5.6 SEIZURE OF WEAPONS PURSUANT TO *N.J.S.A. 2C:25-21d*

See Sections 3.10 and 3.17.

5.7 SEIZURE OF WEAPONS OUTSIDE THE COUNTY WHERE THE DOMESTIC VIOLENCE RESTRAINING ORDER WAS ISSUED

See Sections 3.10 and 3.17.

5.8 SEIZURE OF WEAPONS FROM LAW ENFORCEMENT OFFICERS INVOLVED IN A DOMESTIC VIOLENCE INCIDENT

See Sections 3.10 and 3.17.

5.9 RESTRICTIONS ON RETURN OF FIREARMS

5.9.1 Where the defendant is a Law Enforcement Officer: If a law enforcement officer is subject to an FRO, pursuant to the provisions of the federal gun control law, 18 U.S.C.A. 922(g), the court may, if necessary for the protection of the plaintiff, prohibit any defendant who is a law enforcement officer from possessing any weapon, firearm or firearm identification card, including those provided by his/her department. If the court determines that a prohibition on possession of weapons by defendant who is a law enforcement officer is not necessary, the provisions of the Attorney General's *Directive Implementing Procedures for the Seizure of Weapons from Law Enforcement Officers Involved in Domestic Violence Incidents* shall apply. Where the court permits the return of weapons while on duty, the procedures in section 3.17 still apply. See Appendix 17.

5.9.2 All Others: If an FRO is issued, the named defendant may not be permitted to own or possess any firearm for the duration of the order or for two years, whichever is greater.

5.10 WARRANT FOR THE SEARCH AND SEIZURE OF WEAPONS

5.10.1 The purpose of the issuance of a search warrant is to protect the victim of domestic violence from further violence and not to discover evidence of criminality. There must be sufficient facts and information presented to satisfy the judicial *reasonable cause* requirement. The scope of the warrant and the times during which it may be served must be set forth with specificity on the warrant.

5.10.2 When granting a TRO, the court should grant relief that includes forbidding the defendant from possessing any firearm or other weapon as defined by *N.J.S.A. 2C:39-1r*. The possession of a weapon by a defendant may pose a danger to the victim even though the alleged act of domestic violence did not involve the use or threatened use of a weapon and even though there was no testimony or evidence that the defendant had previously used or threatened to use a weapon against the victim.

5.10.3. *N.J.S.A. 2C:25-28j* authorizes the issuance of a search warrant as a form of *ex parte* relief at the time of the issuance of a TRO. *N.J.S.A. 2C:25-29b(16)* contains identical language authorizing similar relief at the time of the issuance of a FRO. Both statutes are intended to protect the victim from the risk of serious bodily injury.

5.10.4 The test to be applied by the Court is whether there exists *reasonable cause* to believe that:

- A. The defendant has committed an act of domestic violence;
- B. The defendant possesses or has access to a firearm or other weapon(s) as enumerated in *N.J.S.A. 2C:39-1r*; and
- C. The defendant's possession or access to the weapon poses a heightened or increased risk of danger or injury to the victim.

5.10.5 A specific description of the weapon and its believed location should, as much as practical, be set forth in the Order. The Court must make findings on the record and state with specificity the reasons for its decision and the scope of the search. The original return of the search warrant shall be delivered to the Court within ten (10) days.

5.10.6 When a search warrant is recommended by a Domestic Violence Hearing Officer (DVHO), the affidavit in support of the warrant shall set forth precise facts constituting the basis for the conclusion that the defendant's possession of a weapon exposes the plaintiff/victim to a risk of serious bodily injury. Once the TRO hearing is completed, the recommended TRO, along with the Weapons Seizure Affidavit, should be presented to the appropriate judge for review (including specific review of the affidavit and warrant section of the TRO) and signature. After reviewing the TRO, affidavit and DVHO Case Notes, any questions regarding the sufficiency of the information contained in the affidavit should be resolved by sworn testimony by the victim before the judge. If the affidavit in support of the warrant for the search and seizure of weapons recommended by the DVHO contains sufficient information, the judge shall confirm with appropriate findings on the record and enter the order. The reasonable cause determination regarding weapons seizure should be placed on the record, along with the docket number and other identifying case information.

5.10.7 After reviewing the TRO, affidavit and DVHO Case Notes, the judge shall consider and be satisfied as to the following:

- A. The basis upon which plaintiff believes that the defendant possesses a prohibited weapon or firearm;
- B. The reasons plaintiff believes that the defendant's possession of a prohibited weapon or firearm poses a heightened or increased risk of danger or injury to the plaintiff, which may include the past history if any of domestic violence between the parties;
- C. A description of the weapon or firearm which the defendant possesses;

- D. A specific description of the location where the weapons or firearms are located, the owner of those premises, if not the defendant; and,
- E. Other relevant factors that the particulars of the circumstances require.

5.10.8 When an *ex parte* application is made regarding seizure of weapons, whether before the Court or the DVHO, the affidavit must be completed with the reasons for the seizure specified.

5.10.9 When the service of a restraining order results in the seizure of weapons, the weapons inventory should be attached to the return of service that is brought/faxed back to the Family Division in the issuing county. The weapons themselves, along with any licenses, identification. cards, other paperwork or documentation shall be secured for storage by the prosecutor in the seizing county. At such time that the seized property is needed by the prosecutor or the Family Court in the issuing county, the prosecutor in the seizing county shall make arrangements for the delivery of forward same.

5.11 NOTICE TO THE PROSECUTOR

In order to ensure that the prosecutor is aware of the existence of the pending domestic violence Complaint/TRO, in addition to having received the seized weapon(s), a copy of every TRO or FRO in which the “seizure” box is checked should be forwarded immediately to the County Prosecutor’s Office. In addition, where seizure has not yet occurred but is ordered as part of an order prohibiting weapons possession pursuant to *N.J.S.A. 2C:25-29b(1)*, a copy of that order, with the appropriate boxes checked, should also be forwarded immediately to the Prosecutor’s Office.

5.12 HEARING REGARDING WEAPONS

5.12.1 When the prosecutor intends to proceed with forfeiture, notice shall be provided to the plaintiff, the defendant and the Family Division. The court shall hold a hearing within 45 days of receipt of the notice provided by the prosecutor, as set forth in *N.J.S.A. 2C:25-21d(3)*. No formal pleading and no filing fee shall be required. The hearing shall be summary in nature. The hearing must be held even if the plaintiff withdraws or seeks dismissal of the domestic violence Complaint/TRO or FRO.

5.12.2 At the hearing, the Family Division Judge must decide whether the weapon(s) should be forfeited, along with any related permit(s) or license(s), or whether the weapon(s) should be returned; or whether legal rights to own should be revoked and/or defendant should be ordered to dispose of the weapon, based on the factors contained in *N.J.S.A. 2C:25-21d*.

5.12.3 In addition to any other provisions, any FRO issued shall bar the defendant from purchasing, owning, possessing or controlling a firearm and from receiving or

retaining a firearms purchaser identification card or permit to purchase a handgun pursuant during the period in which the restraining order is in effect or two years, whichever is greater, except for military and law enforcement personnel, see *N.J.S.A. 2C:25-29b*.

SECTION VI

ENFORCEMENT AND MODIFICATION OF RESTRAINING ORDERS

6.1 ENFORCEMENT AND MODIFICATION

- 6.1.1 The enforcement of a TRO or FRO occurs when the plaintiff seeks to have the defendant comply with an existing order. A modification occurs when one party seeks to add or change provisions to an existing order.
- 6.1.2 Enforcement of TRO and FRO is governed by *N.J.S.A. 2C:25-30* and *2C:29-9b*, depending on the conduct and the provision violated. All relief contained in Part I of the restraining order can be enforced by way of criminal or civil remedies. All relief contained in Part II must be enforced by civil remedies, i.e., by filing an application with the Superior Court, Family Division.
- 6.1.3 Violations of *N.J.S.A. 2C:25-29(b)* (which covers Part II relief) includes:
 - A. An order for parenting time;
 - B. An order requiring the defendant to pay monetary compensation;
 - C. An order requiring the defendant to receive professional domestic violence counseling;
 - D. An order requiring the defendant to make rent/mortgage payments; and/or
 - E. An order granting either party temporary possession of personal property.

These may be enforced in a civil action initiated by the plaintiff, generally under *Rule 1:10-3* and *Rule 5:3-7* by way of motion, affidavit, or in emergent circumstances, an order to show cause.

- 6.1.4 A defendant who “purposely or knowingly violates any provision” of a TRO or FRO is guilty of a crime of the fourth degree if the conduct that constitutes the violation also constitutes a crime or disorderly persons offense under *N.J.S.A. 2C:29-9(b)*. In all other cases, the defendant is guilty of a disorderly persons offense if that person knowingly violates an order entered under the provisions of the PDVA.
- 6.1.5 These distinctions apply even when the restraining order is no longer in effect, so long as the conduct which constitutes the offense occurred while the order, temporary or final, was in effect.
- 6.1.6 In connection with enforcement applications or reports of violations by the victim, the victim advocate or the Victim Witness Unit should be involved in the interview, whenever possible. If the advocate is not available, the victim should be given the victim advocate’s card and told to contact her/him prior to the hearing.

6.2 CRIMINAL CONTEMPT

See section III.

6.3 ENFORCEMENT OF LITIGANT'S RIGHTS PROCEEDINGS

- 6.3.1 When a plaintiff alleges that the defendant violated a portion of Part II of a restraining order (i.e., pertaining to parenting time, monetary compensation, professional domestic violence counseling, rent or mortgage payments or possession of personal property), the plaintiff should be directed to Family Division, during normal court hours to file an application (by motion or affidavit) to enforce these provisions. A domestic violence advocate should be available to speak to the plaintiff.
- 6.3.2 The designated domestic violence staff person should speak to the plaintiff to determine (a) whether a restraining order violation has occurred; (b) if the person is seeking the type of relief that civil enforcement can provide; and (c) if another type of procedure is more appropriate. If the plaintiff is seeking enforcement of issues in Part I (other than parenting time, monetary compensation, receipt of professional domestic violence counseling, rent or mortgage payments or possession of personal property), staff should explain the criminal procedures regarding filing criminal complaints and advise the party of the option to initiate criminal procedures with the appropriate police department or the prosecutor's office. In addition, plaintiff should be told of the option to have any of these issues addressed by Family Court.
- 6.3.3 When a defendant alleges that the plaintiff has not abided by the terms of a restraining order, for example, parenting time or possession of personal property, the defendant should be directed to Family Division, during normal court hours to file an application (by motion or affidavit) to enforce these provisions.
- 6.3.4 If the issue is appropriate for civil enforcement, the court, should provide forms to the plaintiff to prepare an application to the court (motion or affidavit) pursuant to *Rule 1:10-3* or *Rule 5:3-7*. Where available, the plaintiff should be assisted by the victim advocate or victim witness representative. If the issue is the modification or enforcement of child support, the matter can be scheduled before a Child Support Hearing Officer (CSHO), pursuant to CSHOP Standard 7 (See Appendix 20). Otherwise, the matter should be listed before the judge who granted the order, where possible. The matter should be reopened using the same docket number and case file. The judge hearing the matter should have the complete file.
- 6.3.5 If the litigant (either plaintiff or defendant) believes that the matter is emergent, the domestic violence staff person should provide the necessary forms to assist the litigant in preparing an Order to Show Cause (OTSC), which should be presented to the judge forthwith to determine whether the request is emergent. Whenever possible, the judge who issued the original order should review the proposed OTSC, grant any or all relief, and set a return date, or deny the application. If a return date is set for the OTSC, the matter should be scheduled on the next designated domestic

violence enforcement day for which regular notice can be arranged. If the OTSC is denied, the litigant can be referred back to intake to file a motion/affidavit.

- 6.3.6 After the matter is reopened and processed, a request for an OTSC shall be brought to the judge as quickly as possible, so that the OTSC can be signed if the judge is satisfied with the sufficiency of the application and a return date for the enforcement hearing can be set on short notice. Wherever possible, the judge who issued the original order should review the proposed OTSC. That judge can also hold the enforcement hearing. Motions made pursuant to *Rule 1:10-3* should be returnable for the next designated domestic violence enforcement day for which regular notice can be arranged, but in any event no longer than two weeks.
- 6.3.7 The moving party will receive a copy of the OTSC while in court and the other party shall be served with the OTSC, motion or affidavit pursuant to court rules. Service of papers and notice of hearing shall be prepared by Family Division. Family Division staff should ensure that the plaintiff's address is not disclosed to the defendant. The notice should state to the responding party that non-appearance may result in the requested relief being granted.
- 6.3.8 Any modifications granted by the court should be recorded in a new final order that also includes all the non-amended prior relief, recorded on an Amended FRO. This must be served in the same manner as an FRO. This order should also specifically set forth all prior relief which was not modified, and not just refer to the former order, to ensure that there is only one final order that sets forth all of the relief. If the only relief being amended is the child support provisions, then a new USSO may be used instead of an amended FRO.

6.4 CONTEMPT IN SUPERIOR COURT

Processing of 2C:29-9(b) Complaints

- 6.4.1 When a Defendant has been arrested for Violating a TRO or FRO - Upon allegation of a violation of a restraining order, a warrant should be issued immediately and the CDR should be completed at that time. Upon arrest, the CDR-2 should be immediately forwarded to the Criminal Division, the Prosecutor's Office and as otherwise described at the bottom of the CDR. Initial screening by the Assistant Prosecutor assigned to the Domestic Violence unit should be at the first appearance, or no later than the plea hearing date. If the contempt is non-indictable and/or downgraded, it shall be sent to Family Court and docketed as an FO case. This should be done at the first appearance.
- 6.4.2 Bail
 - A. An initial bail must be set by a Superior Court Judge pursuant to *Rule 3:26-2*. The CDR should be provided, along with the DV Incident/Police Report.

- B. During regular court hours, bail should be set by a Family Division Judge, who will have access to the underlying FV file along with other relevant FV, FO and FD files, and the FACTS printout regarding other Family Court history.
- C. When the Superior Court is not in session, the on-call bail judge should be contacted and provided with all available information on the defendant and the underlying case information from the DVCR.

NOTE: If the contempt has been initially screened as a disorderly persons offense, bail may be set by a Municipal Court Judge if the Assignment Judge in that vicinage has issued a directive/order allowing this practice.

- D. The CDR shall serve as the moving document as the case proceeds through the court. In Municipal Court, all bail decisions are reflected on the CDR, along with all screening and downgrade decisions, which must be dated. Conditions of bail or release such as prohibitions against contact should be noted in the appropriate section of the CDR as well. (In Superior Court, Criminal Division, there are separate court orders for bail decisions.)

- 6.4.3 Responsibility for arraignments/bail reviews/first appearances - Responsibility for arraignments/bail reviews/first appearances should rest with the Division or Part of the Superior Court that has jurisdiction over the case at that time, either the Family Division or in Criminal Division so long as the Assistant Prosecutor assigned to the Domestic Violence Unit is available. Daily jail lists should be provided to both the Criminal Division and the Family Division each morning with *N.J.S.A. 2C:29-9b* indictable and non-indictable violations identified as such. The judge conducting the hearing should be provided with pertinent information from the underlying FV file as required by *N.J.S.A. 2C:29-26e*.

The prescreening of matters, to determine whether the matter is indictable is strongly encouraged where at all possible.

- 6.4.4 Scheduling of Subsequent Proceedings - As contempt cases are high impact offenses, each county Prosecutor should screen these cases as expeditiously as possible.
- A. Following arrest, defendants should be given the CDR with the first appearance/arraignment date noted in the appropriate section, along with any other Notice to Appear, where applicable. Thus, even if bail is posted, the defendant has the date of the first appearance/arraignment.
 - B. If the defendant is in custody the first appearance and bail review must be scheduled within 72 hours in accordance with *Rule 3:4-2*.
 - C. Where defendant is not incarcerated, the first appearance/arraignment/case management conference should be scheduled no later than 20 days after the

issuance of a contempt complaint. Notice of the court date should be sent to the defendant by the appropriate court.

- D. An assistant prosecutor should be required to appear at the first appearance/arraignment and should provide the court with a preliminary determination as to whether the case is being referred to the Criminal Division as an indictable case or is being graded/downgraded and heard in the Family Division. Scheduling of subsequent hearings, including bail review hearings at regular intervals, is the responsibility of the Part or Division in which the case will be heard.
- E. All contempt matters are subject to Speedy Trial Guidelines, and must be scheduled accordingly. There is a 90-day disposition guideline that applies as well in Family and Municipal Court.
- F. When the case is referred to the Family Division, the 5A (Financial Questionnaire to Establish Indigency) should be completed, counsel appointed and a pretrial conference scheduled at the first appearance/arraignment. These cases will then be docketed in FACTS, tracked accordingly and disposed within 90 days of docketing.

6.4.6 Where there is more than one charge on a CDR -2.

- A. If, upon screening, there is a determination that there is no basis for a contempt charge, the companion charges may be referred to the Criminal or Municipal Court for disposition.
- B. Where the matter is docketed in Family Division, and there are both contempt and underlying charges, if the contempt is dismissed as part of a plea, the Family Division judge shall dispose of the underlying charge.
- C. The contempt charge and the underlying charge should never be bifurcated and heard by different courts.
- D. After the bail review/first appearance, these matters must be promptly scheduled for a plea hearing/calendar. In Family Division, the plea hearing should be held within two weeks if the defendant is incarcerated, and within four weeks if the defendant is out on bail.
- E. At the plea hearing, the defendant should, after consultation with counsel, enter a plea.
- F. Where defendant pleads guilty, [s]he should be sentenced immediately, unless the court needs additional information and adjourns the sentencing to a date certain.

- G. Where a defendant pleads not guilty, a non-jury trial must be scheduled expeditiously before a Family Division Judge, keeping the 90-day disposition guideline in mind.
 - H. At the trial, the Prosecutor's Office will present the case against the defendant. Discovery must be obtained by the prosecutor. Subpoenas for witnesses must be issued by the prosecutor.
 - I. At sentencing, the disposition must be noted in the FO file and entered into FACTS.
 - J. The completed CDR-2 and any ancillary paperwork must immediately be forwarded by Family Division for routing of orders of commitment, probation, fines, VCCA payments to the appropriate case management clerical or probation office.
- 6.4.7 Incarceration of Sole Caretaker of Children - Whenever a person has been convicted of a violation which will result in incarceration, the court must follow the procedures set forth in *N.J.S.A. 2C:44-6.2, et.seq.*, and Directives 4-04 and 8-95.
- 6.4.8 Domestic Violence Surcharge - Pursuant to *N.J.S.A. 2C:25-29.4*, any person convicted of an act of domestic violence (as that term is defined in *N.J.S.A. 2C:25-19*) shall be subject to a surcharge in the amount of \$100. This surcharge is in addition to other penalties, fines and/or charges imposed pursuant to law.

SECTION VII

FULL FAITH AND CREDIT OF OUT OF STATE ORDERS

7.1 FEDERAL STATUTORY OVERVIEW

- 7.1.1 The Full Faith and Credit provision of the Violence Against Women Act (VAWA), 18 U.S.C.A. 2265, *et seq.*, requires states and Indian tribes to enforce protection orders issued by other states and Indian tribes as if the orders had been issued by the non-issuing/enforcing state or Indian tribe. In addition, an enforcing state must enforce a protection order from another state even if the petitioner would not be eligible for a protection order in the enforcing state.
- 7.1.2 Additionally, all orders of protection shall have the same force and effect on military installations as such order has within the jurisdiction of the court that issued the order under the Armed Forces Domestic Security Act, 10 U.S.C. 1561a.

7.2 PROTECTION ORDERS COVERED BY §2265

- 7.2.1 Definition of Protection Order - The Full Faith and Credit provision applies to any injunction or other order issued for the purpose of preventing violent or threatening acts, or harassment against, contact or communication with, or physical proximity to another person, including any temporary or final order issued by a civil and criminal court whether obtained by filing an independent action or as a *pendente lite* order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking the protection. In other words, it extends to temporary and final, civil and criminal protection orders (e.g., stay away or no-contact orders that are part of a defendant's conditions of release or bail).
- 7.2.2 Final and *Ex Parte* Orders
 - A. Every state, subdivision thereof, and Indian tribe must accord full faith and credit to both final and *ex parte* protection orders.
 - B. In terms of final protection orders, the statute provides that a final order must be enforced if:
 - 1. It was issued by a court that had personal and subject matter jurisdiction to issue the order, and
 - 2. The respondent was provided with reasonable notice and the *opportunity* to be heard sufficient to protect that person's right to due process.
 - C. In the case of *ex parte* orders, notice and opportunity to be heard must be provided within the time required by state or tribal law and, in any event, within a reasonable period of time after the order is issued, sufficient to protect the opposing party's right to due process.
- 7.2.3 Mutual Protection Orders - Should the issuing court enter a protection order with

prohibitions against both the respondent and the petitioner, only the provisions in favor of the petitioner (those constraining the respondent) are entitled to enforcement in another state, tribe, or territory unless:

- A. the respondent filed a separate petition or pleading seeking such an order, and
- B. the court made specific findings that both parties were entitled to such a protection order.

Pursuant to §2265, a court in a jurisdiction other than the jurisdiction that issued the order shall not enforce a mutual order against a petitioner unless the portions that impose prohibitions on the petitioner meet the above legal criteria.

7.3 NEW JERSEY LAW AND PROCEDURE

7.3.1 In May 2000, the New Jersey Judiciary adopted procedures to implement the registration of out of state orders (Appendix 21). The procedures include:

- A. Procedures for Family Division staff to follow to register the orders.
- B. FACTS codes and procedures (part of the FACTS FV Docket User's Guide distributed by the Automated Trial Court Systems Unit).
- C. Certification forms for incoming orders and for outgoing New Jersey orders.

7.3.2 The procedures accommodate the out-of-state order's expiration date in FACTS and the practice of other states concerning certification for Restraining Orders. The primary benefit to registration for the victim is that the order will be on the statewide DVCR to which police throughout the state have access on an immediate, round-the-clock basis.

7.3.3 These procedures:

- A. Establish these registered cases without adding new cases to the Family Division statistical report;
- B. Accommodate the expiration date of out-of-state orders;
- C. Identify out-of-state orders to users, particularly law enforcement users of the DVCR;
- D. Prohibit an out-of-state order to be reopened or modified; and
- E. Continue to require that Full Faith and Credit be honored by law enforcement and the courts on those orders that have not been registered.

7.4 PROCESS

- 7.4.1 The victim (plaintiff) who elects to register an out-of-state restraining order will present the order at a county Family Division Intake Domestic Violence Unit. The plaintiff will complete a Victim Information Sheet and complete an Out-of-State certification form (See Appendix 21).
- 7.4.2 The Domestic Violence Unit will review the order, certification and Victim Information Sheet. The staff member will call the issuing court immediately or within one business day. The staff member will send by facsimile the order and certification form to the issuing court and request confirmation of the order as presented by return fax. The Family Division Manager or the Domestic Violence Team Leader may review the contact with the issuing court to resolve questions concerning confirmation.
- 7.4.3 Upon confirmation, the staff member will complete the confirmation form, which will allow for the establishment and docketing of the case on FACTS.
- 7.4.4 The establishment process will include:
 - A. A new initiating document, the OUT-OF-STATE DV RO, entered in the initiating document field, will be combined with a case status reason code that identifies the case as an Out-of-State Order;
 - B. The field MUNICIPALITY OF OFFENSE becomes a required field with a change from numeric to alphanumeric to allow the state to be identified, e.g. A9901 for an Out-of-State order from Pennsylvania;
 - C. All OUT-OF-STATE DV RO initiating document cases would be ignored in the statistical count and cannot be reopened.
- 7.4.5 The expiration date will be identified in the system and appear on the registry based on the use of a relief code that is unique to this case type. The expiration date will be entered by the user and appear in the registry in the COMMENTS field.
- 7.4.6 Upon completion of case establishment, the order will be stamped with a statement confirming that it has been verified and registered as of the case establishment date and providing the New Jersey docket number. The victim/plaintiff should be provided with the order, a copy faxed to the police departments identified by the plaintiff, and a copy placed in the Family Division file that was created when the system assigned the New Jersey number as part of the registration process.
- 7.4.7 **The Attorney General's guidelines to law enforcement officers state that the registration of an order is not required to enforce the order.** The Division of Criminal Justice has assured that Full Faith and Credit will be emphasized in all

police training to continue protection of all victims, regardless of whether they have sought the additional assurance of recording their out-of-state order with New Jersey.

7.5 OUTGOING ORDERS

- 7.5.1 All Final and Temporary restraining orders contain language concerning the Full Faith and Credit qualification of those orders under the Federal VAWA statute. As a further aid to victims, the federal VAWA office has promulgated a form of Certification, if completed by the issuing court, intended to encourage the enforcement of these orders in all states. At this time, it is not a recommended practice to provide this certification for orders issued on a routine basis. Rather, the form should be completed upon the request of a victim, or another state's court or law enforcement agency that has requested verification of the New Jersey FRO. (See Appendix 21)
- 7.5.2 The recommended practice is for the court to provide the victim with a certified true copy of the FRO, with a raised seal, upon request of the victim.

SECTION VIII

WORKING GROUPS

DOMESTIC VIOLENCE WORKING GROUPS

On September 24, 1991, then Chief Justice Wilentz and Attorney General Del Tufo charged that each Presiding Judge and County Prosecutor convene or reconvene a County Domestic Violence Working Group to assist in the design of a county implementation and monitoring strategy, and provide an ongoing forum for identification and resolution of problems in the domestic violence prevention and protection process in each county. The Presiding Judge (or Family Division Judge, in a multi-county vicinage) and County Prosecutor should serve as co-chairpersons. The working group meetings are a productive resource for discussing domestic violence processes and procedures.

The group shall also consist of the Family Division Manager; Domestic Violence Team Leader; the DVHO; the Sheriff; the President of the Municipal Prosecutor's Association; the President of the County Chiefs' Association; a Criminal Division Liaison; a Municipal Court Liaison; the Director and Court Liaison of the local domestic violence program; a representative from each Municipal Court and County Prosecutor's Office (who handles domestic violence cases); the County Victim Witness Coordinator; the local batterer's group; DYFS; the County Bar Association Family Law Section; and any other appropriate service provider. Working Groups shall meet at least quarterly.

APPENDIX LIST

DOMESTIC VIOLENCE PROCEDURES MANUAL

APPENDIX LIST

1. Victim Information Sheet
- 1a. Spanish Victim Information Sheet
2. Temporary Restraining Order and Instructions
3. Domestic Violence Hearing Officer Standards and Backup DVHO Standards
4. *Aid in Identifying Firearms
5. *Victim Notification Form
6. Summary of Electronic TRO
- 6a. Instructions for Recording Complete Incident Description in FACTS
7. *Confirmatory Order
8. Appeal of Ex Parte Order – Application for Appeal and Order
9. Continuance Order
10. Final Restraining Order
11. Notice of Fingerprinting Requirements
12. “What Dissolving a Restraining Order Means”
- 12a. Spanish “What Dissolving a Restraining Order Means”
13. Certification to Dismiss Complaint/TRO
14. Order of Dismissal
15. Risk Assessment
16. Protective Order (Custody Reports)
17. *Attorney General Law Enforcement Directive 2000-3 and 2000-4
18. *Affidavit in Support of Domestic Violence Search Warrant (Law Enforcement)
19. *Domestic Violence Warrant for Search and Seizure of Weapons (Law Enforcement)
20. Child Support Hearing Officer Standard 7
21. Procedures and Forms for Registering Out of State Restraining Orders
22. Domestic Violence Central Registry FACTS Inquiry Guide
23. *Checklist for Law Enforcement Officers
24. *Supplementary Domestic Violence Offense Report
25. Guide to Services for Victims of Domestic Violence
26. Safety Plan Brochure
27. Batterers Intervention Program Guidelines
28. *Attorney General Guidelines for Enforcement of Out of State Restraining Orders
29. State Police Phone Numbers by State
30. State Administrative Offices of the Court by State
31. Uniform Summary Support Order
32. Address Confidentiality Program Act

*The Division of Criminal Justice prepared the items marked with an asterisk.



New Jersey Judiciary
CONFIDENTIAL VICTIM INFORMATION SHEET
(DO NOT GIVE TO DEFENDANT)

Date: _____

Your Information (Party Filing-Plaintiff)	Information of Person you're filing against (Defendant)
Name of Police Department where you reside:	Name of Police Department where defendant resides:
Name Any Prior Names	Name AKA
Street Address	Street Address
City	City
Zip	Zip
Phone (h) (cell)	Phone (h) (cell)
SS#	SS#
Birth Date	Birth Date
Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
Race	Race
Employment Information Employer	Employment Information Employer
Address	Address
Phone	Phone
Days Hours	Days Hours
Emergency Contact Name	Other place(s) defendant may be reached
Phone	

CONFIDENTIAL VICTIM INFORMATION SHEET
(Do NOT GIVE TO DEFENDANT)

Relationship to Defendant <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Never married <input type="checkbox"/> Currently living together <input type="checkbox"/> Previously lived together <input type="checkbox"/> Have child(ren) with defendant <input type="checkbox"/> Expecting child with the defendant <input type="checkbox"/> Have had a dating relationship <input type="checkbox"/> Family relationship (specify)	Defendant Identifier's <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Height</td> <td style="width: 25%;"></td> <td style="width: 25%;">Eye Color</td> <td style="width: 25%;"></td> </tr> <tr> <td>Weight</td> <td></td> <td>Hair Color</td> <td></td> </tr> <tr> <td colspan="4">Complexion <input type="checkbox"/> Light <input type="checkbox"/> Medium <input type="checkbox"/> Dark</td> </tr> <tr> <td colspan="4">Scars, Tattoos, Glasses, Facial Hair, Body Piercing</td> </tr> <tr> <td colspan="4">Other</td> </tr> <tr> <td colspan="4">Defendant's vehicle</td> </tr> <tr> <td>Make</td> <td>Model</td> <td>Year</td> <td>Color</td> </tr> <tr> <td colspan="2"></td> <td colspan="2">License plate #</td> </tr> </table>	Height		Eye Color		Weight		Hair Color		Complexion <input type="checkbox"/> Light <input type="checkbox"/> Medium <input type="checkbox"/> Dark				Scars, Tattoos, Glasses, Facial Hair, Body Piercing				Other				Defendant's vehicle				Make	Model	Year	Color			License plate #	
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Make	Model	Year	Color																														
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Do you and the defendant have children together?			
Name	DOB	SS#	Resides with
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____

Are there any custody/visitation/support orders pending or in effect?	
Where	Docket Number
Child Support Case Number	

Are you currently asking the court for child support or medical coverage?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does either party require an interpreter or have other special needs?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe	
Does the defendant have a criminal history?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you have a lawyer for this matter?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Name	Phone

YOU WILL BE ASKED ABOUT THE INCIDENT WHICH BROUGHT YOU HERE TODAY. PLEASE BE PREPARED TO DISCUSS THE INCIDENT, PLUS ANY PRIOR HISTORY, IF APPLICABLE.



Poder Judicial de Nueva Jersey
HOJA DE INFORMACIÓN CONFIDENCIAL DE LA VÍCTIMA
(NO DÉ ESTE FORMULARIO AL DEMANDADO)

New Jersey Judiciary
CONFIDENTIAL VICTIM INFORMATION SHEET
(DO NOT GIVE TO DEFENDANT)

Fecha/Date: _____

Sus datos (Parte actora - Demandante) Your information (Party Filing-Plaintiff)		Datos de la persona contra quien usted presenta la acción (Demandado) Information of Person you're filing against (Defendant)	
Nombre del Departamento de Policía de donde usted reside: Name of Police Department where you reside:		Nombre del Departamento de Policía de donde reside el demandado: Name of Police Department where defendant resides:	
Nombre y apellido Name Nombre o apellido anterior (si lo hubiera) Any Prior Names		Nombre y apellido Name Nombre y alias AKA	
Dirección - Calle Street Address		Dirección - Calle Street Address	
Ciudad City		Ciudad City	
Código postal Zip		Código postal Zip	
Teléfono (casa) (celular) Phone (h) (cell)		Teléfono (casa) (celular) Phone (h) (cell)	
No. de seguro social SS#		No. de seguro social SS#	
Fecha de nacimiento Birth Date		Fecha de nacimiento Birth Date	
Sexo <input type="checkbox"/> Hombre <input type="checkbox"/> Mujer Sex Male Female		Sexo <input type="checkbox"/> Hombre <input type="checkbox"/> Mujer Sex Male Female	
Raza Race		Raza Race	
Datos del empleo Employment Information Lugar de empleo Employer		Datos del empleo Employment Information Lugar de empleo Employer	
Dirección Address		Dirección Address	
Teléfono Phone		Teléfono Phone	
Días Days	Horas Hours	Días Days	Horas Hours
Contacto en caso de emergencia Emergency Contact Nombre y apellido Name		Otro(s) lugar(es) donde se pueda comunicar con el demandado Other place(s) defendant may be reached	
Teléfono Phone			

HOJA DE INFORMACIÓN CONFIDENCIAL DE LA VÍCTIMA**(NO DÉ ESTE FORMULARIO AL DEMANDADO)****CONFIDENTIAL VICTIM INFORMATION SHEET****(DO NOT GIVE TO DEFENDANT)**

Relación con el demandado Relationship to Defendant <input type="checkbox"/> Casados Married <input type="checkbox"/> Divorciados Divorced <input type="checkbox"/> Nunca casados Never married <input type="checkbox"/> Conviven actualmente Currently living together <input type="checkbox"/> Convivieron anteriormente Previously lived together <input type="checkbox"/> Tiene hijo(s) con el demandado Have child(ren) with defendant <input type="checkbox"/> Espera un hijo del demandado Expecting child with the defendant <input type="checkbox"/> Han tenido una relación romántica Have had a dating relationship <input type="checkbox"/> Parentesco familiar (especifique) Family relationship (specify)	Rasgos característicos del demandado Defendant Identifiers <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 25%;">Estatura Height</td><td style="width: 25%;"></td><td style="width: 25%;">Color de ojos Eye Color</td><td style="width: 25%;"></td></tr><tr><td>Peso Weight</td><td></td><td>Color del cabello Hair Color</td><td></td></tr><tr><td>Tez Complexion</td><td><input type="checkbox"/> Clara Light</td><td><input type="checkbox"/> Mediana Medium</td><td><input type="checkbox"/> Oscura Dark</td></tr><tr><td colspan="4">Cicatrices, tatuajes, lentes, vello facial, perforaciones del cuerpo Scars, Tattoos, Glasses, Facial Hair, Body Piercing</td></tr><tr><td colspan="4">Otro Other</td></tr><tr><td colspan="4">Vehículo del demandado Defendant's vehicle</td></tr><tr><td>Marca Make</td><td>Modelo Model</td><td>Año Year</td><td>Color Color</td><td>No. de placa License plate #</td></tr></table>	Estatura Height		Color de ojos Eye Color		Peso Weight		Color del cabello Hair Color		Tez Complexion	<input type="checkbox"/> Clara Light	<input type="checkbox"/> Mediana Medium	<input type="checkbox"/> Oscura Dark	Cicatrices, tatuajes, lentes, vello facial, perforaciones del cuerpo Scars, Tattoos, Glasses, Facial Hair, Body Piercing				Otro Other				Vehículo del demandado Defendant's vehicle				Marca Make	Modelo Model	Año Year	Color Color	No. de placa License plate #			
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¿Tiene usted hijo(s) con el demandado? Do you and the defendant have children together? <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 45%;">Nombre Name</th><th style="width: 15%;">Fecha de nacimiento DOB</th><th style="width: 20%;">No. de seguro social SS#</th><th style="width: 20%;">Reside con Resides with</th></tr></thead><tbody><tr><td>1. _____</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>2. _____</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>3. _____</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>4. _____</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>5. _____</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>6. _____</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>7. _____</td><td>_____</td><td>_____</td><td>_____</td></tr></tbody></table>		Nombre Name	Fecha de nacimiento DOB	No. de seguro social SS#	Reside con Resides with	1. _____	_____	_____	_____	2. _____	_____	_____	_____	3. _____	_____	_____	_____	4. _____	_____	_____	_____	5. _____	_____	_____	_____	6. _____	_____	_____	_____	7. _____	_____	_____	_____
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¿Hay alguna orden de custodia/visitas/manutención pendiente o vigente? Are there any custody/visitation/support orders pending or in effect? <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%;">Dónde Where</td><td style="width: 50%;">Número del expediente Docket Number</td></tr><tr><td colspan="2">Número del Caso de Manutención de Menores Child Support Case Number</td></tr></table>		Dónde Where	Número del expediente Docket Number	Número del Caso de Manutención de Menores Child Support Case Number																													
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¿Pide usted actualmente al tribunal manutención de menores o seguro médico? Are you currently asking the court for child support or medical coverage? <div style="text-align: right;"><input type="checkbox"/> Sí /Yes <input type="checkbox"/> No/No</div>																																	
¿Alguna de las partes requiere un intérprete o tiene otra necesidad especial? Does either party require an interpreter or have other special needs? <div style="text-align: right;"><input type="checkbox"/> Sí /Yes <input type="checkbox"/> No/No</div> <p>Describala Describe</p>																																	
¿Tiene el demandado antecedentes penales? Does the defendant have a criminal history? <div style="text-align: right;"><input type="checkbox"/> Sí /Yes <input type="checkbox"/> No/No</div>																																	
¿Tiene usted un abogado para este asunto? Do you have a lawyer for this matter? <div style="text-align: right;"><input type="checkbox"/> Sí /Yes <input type="checkbox"/> No/No</div> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%;">Nombre y apellido Name</td><td style="width: 50%;">Teléfono Phone</td></tr></table>		Nombre y apellido Name	Teléfono Phone																														
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LE VAN A HACER PREGUNTAS SOBRE EL INCIDENTE QUE LO TRAJÓ AQUÍ HOY. ESTÉ PREPARADO PARA HABLAR DEL INCIDENTE Y DE CUALQUIER ANTECEDENTE, SI LO HAY.

YOU WILL BE ASKED ABOUT THE INCIDENT WHICH BROUGHT YOU HERE TODAY. PLEASE BE PREPARED TO DISCUSS THE INCIDENT, PLUS ANY PRIOR HISTORY, IF APPLICABLE.

**GENERAL INSTRUCTIONS
TEMPORARY RESTRAINING ORDERS**

COMPLAINT

FIRST ROW: Check off TRO box

SECOND ROW: Must check off box for Superior Court or Municipal.

- If Municipal, which town? Add in town name.
- **NOTE: Matter can be brought where plaintiff resides, where Defendant resides, where Plaintiff is sheltered or where incident took place.**

DEFENDANT IDENTIFIERS: Fill in as much information as possible. This is needed if someone else has to serve Defendant or to verify a warrant. Also needed to input into FACTS, especially dates of birth. Ask if Plaintiff has a recent photograph of defendant.

STORY: Fill in the date (**A0N@**) and the time (**AAT@**), the offense and what Def. did (**theABY@**)

- **EX: A0N 5/18/01, AT 9pm, Def assaulted Plf BY hitting her in the face with a fist@**
Give as much detail as possible and note injuries or pain.

CRIMINAL OFFENSE BOXES: check off all that apply; give Defendant notice (due process).

#1: PRIOR HISTORY: detail other incidents, even if not reported; be sure to check box. For example, A6/99, Def broke plf wrist; called work every day this month@ (**NOTE: put prior docket numbers in # 3**)

#2 CRIMINAL HISTORY: Check for SBI number, check for warrants, check central registry

#3 PRIOR OR PENDING MATTERS: fill in with court, dates, dockets numbers where available

#4 CRIMINAL COMPLAINT: where possible, fill in charges and complainant

#5 WEAPONS – fill in if weapons were removed with number of weapons and type
WEAPON is anything readily capable of lethal use or of inflicting serious bodily injury
ARREST of defendant – check box

#6 MORE BOXES: check off the relationship; for (former) household member, plf must be 18.

#7 CHILDREN: list children in common only; **if relationship criteria (#6) is coparents, make sure the children are listed**, no matter where they live and no matter their age.

#8 FAMILY RELATIONSHIP - does not change the jurisdiction of PDVA; put plaintiff first so if Plf is mother and def is son, write Amother/son.”

CERTIFICATION: plaintiff must sign and date
If using e-TRO, have Plaintiff sign after printing

ORDER

*****NOTE: DEFENDANT=S RELIEF IS FIRST*****

TOP OF FORM: Make sure Defendant=s name appears on all pages

PART I RELIEF *(CAN ARREST FOR VIOLATION OF THIS SECTION)*

#1-13 IMPORTANT BOXES: There are three columns on left side of the Order.

- TRO column shows what is **REQUESTED** in the Temporary Order
 - FRO column shows what is **REQUESTED** at the Final hearing (ex - child support)
 - ***GRANTED*** column shows what is **GRANTED** in the **TEMPORARY ORDER ONLY** *
- GRANTED column must be CHECKED for the Order to be enforceable.**
BE SURE TO CHECK ALL APPROPRIATE BOXES

#3 PLACES: check off home and residence boxes but fill in actual address only if known to Defendant; if confidential, write confidential.

#4,5,6: OTHERS: Fill in names and relationship of people known to def

#7 EMERGENT MONEY: Be very specific when this is used; exact amount and when and how paid

#8, 9 EVALUATIONS AND TREATMENT: Also be very specific—where, when and who pays

#10 WEAPONS POSSESSION: This section precludes defendant from **POSSESSING weapons only; includes firearms and weapons, purchasing card and id. card;** note Ammunition is not a weapons pursuant to N.J.S.A. 2C:39-1r; fill in weapons other than firearms in space provided.

NOTE: With the e-TRO, once this box is checked, the line must be filled in with something; fill in the specifics, or a general statement such as “all weapons.”

#11 EXCLUSIVE POSSESSION: if checked, something must be written; if defendant knows the address, fill in address; if defendant does not know address, fill in “plaintiff’s residence.”

#12 CUSTODY: list children in common; need not list other children, esp. where defendant is not parent of that child.

#13 OTHER RELIEF: this is the section where defendant can be arrested so use this sparingly; can be used to require return of passports or other papers; house or car keys, etc.

LAW ENFORCEMENT: specify which police department (if known), to accompany defendant to a specific place to retrieve clothing and toiletries (or other specific item(s)), once for a limited time (such as 15 minutes).

NOTE ON BOTTOM OF PAGE: a violation can result in arrest and incarceration; only a court can change the Order.

WARRANT: requires that a **WRITTEN INVENTORY** of items seized be sent to family court

PART II RELIEF (*Must file Affidavit or Motion in Superior Court for violation of this section*)

AGAIN NOTE **DEFENDANT** INFORMATION IS FIRST *

#1-3 MORE BOXES: SEE ABOVE. Here, it is important to fill in, if possible, what plaintiff wants at the Final, so defendant knows what to prepare. Example: risk assessment; child support; medical insurance; car insurance

PERSONAL PROPERTY: think possession of car, house or car keys, a pet, passports

COMMENTS: This area can be used to continue the story from the first page or advise of special circumstances, such as special needs child

PAGE 4:

- **If TRO denied: check off correct box. If Municipal: check off ATRO DENIED BY MUNICIPAL COURT.** Order must still be signed and sent to Family Court immediately; Plaintiff can go to Superior Court next day and renew request.
- **If TRO is granted: check that box, sign, check Box to schedule Final hearing AND fill in NOTICE TO APPEAR at final hearing with date, time and place**

NEW BOX: IS AN INTERPRETER NEEDED?

SERVICE: Fill in for Plaintiff.

- **If Municipal court, FAX TRO TO FAMILY COURT IMMEDIATELY, even if both parties not yet served.** Superior Court needs time to put info into the computer. If Defendant needs to be served elsewhere, issuing court must fax to the law enforcement agency where defendant can be served.
- **Service of TRO on defendant must also be FAXED to family court immediately, no matter who serves it.** If unable to serve immediately, fax order to Superior Court and refax page 4 later with service info whenever Defendant is served. TRO must also be faxed to the town where Defendant lives for service, if different.

NOTE: SERVICE OF FRO B must also fax proof of service of FRO to Superior Court for entry into Central Registry. Fill in date and department that served (page 4)

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order										Page 1 of 4 <i>N.J.S.A. 2C:25-17 et seq.</i>																			
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> TRO <input type="checkbox"/> Amended TRO</div><div><input type="checkbox"/> Superior Court, Chancery Division, Family Part, _____ County <input type="checkbox"/> Municipal Court of _____</div></div>																													
DOCKET NUMBER FV -						POLICE CASE # _____																							
IN THE MATTER OF PLAINTIFF (VICTIM) _____								PLAINTIFF'S SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		PLAINTIFF'S DATE OF BIRTH _____																			
DEFENDANT INFORMATION			LAST NAME _____			FIRST NAME _____			INITIAL _____		DATE OF BIRTH _____																		
AKA _____										DEFENDANT'S SOCIAL SECURITY NUMBER _____																			
HOME ADDRESS _____				CITY _____		STATE _____	ZIP _____	HOME PHONE NUMBER () _____		WORK PHONE NUMBER () _____																			
EMPLOYER _____				WORK ADDRESS _____						DEFENDANT'S SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE																			
HAIR COLOR _____		EYE COLOR _____		HEIGHT _____	WEIGHT _____	RACE _____	SCARS, FACIAL HAIR, TATTOO(S), ETC. _____																						
<p>The undersigned complains that said defendant did endanger plaintiff's life, health or well being (give specific facts regarding acts or threats of abuse and the date(s) and time(s) they occurred; specify any weapons):</p> <table border="0" style="width:100%;"><tr><td style="width:15%;">ON _____</td><td style="width:15%;">AT _____</td><td style="width:70%;">BY _____</td></tr><tr><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td><td>_____</td></tr></table>												ON _____	AT _____	BY _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
ON _____	AT _____	BY _____																											
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which constitute(s) the following criminal offenses(s): (Check all applicable boxes. Law Enforcement Officer: Attach <i>N.J.S.P.</i> UCR DV1 offense report(s)):																													
<div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> HOMICIDE</div><div style="width: 33%;"><input type="checkbox"/> TERRORISTIC THREATS</div><div style="width: 33%;"><input type="checkbox"/> CRIMINAL RESTRAINT</div><div style="width: 33%;"><input type="checkbox"/> SEXUAL ASSAULT</div><div style="width: 33%;"><input type="checkbox"/> LEWDNESS</div><div style="width: 33%;"><input type="checkbox"/> BURGLARY</div><div style="width: 33%;"><input type="checkbox"/> HARASSMENT</div><div style="width: 33%;"><input type="checkbox"/> ASSAULT</div><div style="width: 33%;"><input type="checkbox"/> KIDNAPPING</div><div style="width: 33%;"><input type="checkbox"/> FALSE IMPRISONMENT</div><div style="width: 33%;"><input type="checkbox"/> CRIMINAL SEXUAL CONTACT</div><div style="width: 33%;"><input type="checkbox"/> CRIMINAL MISCHIEF</div><div style="width: 33%;"><input type="checkbox"/> CRIMINAL TRESPASS</div><div style="width: 33%;"><input type="checkbox"/> STALKING</div></div>																													
1. ANY PRIOR HISTORY OF DOMESTIC VIOLENCE REPORTED OR UNREPORTED? IF YES, EXPLAIN: <input type="checkbox"/> YES <input type="checkbox"/> NO																													
2. DOES DEFENDANT HAVE A CRIMINAL HISTORY? (IF YES, ATTACH CCH SUMMARY) <input type="checkbox"/> YES <input type="checkbox"/> NO																													
3. ANY PRIOR OR PENDING COURT PROCEEDINGS INVOLVING PARTIES? (IF YES, ENTER DOCKET NUMBER, COURT, COUNTY, STATE) <input type="checkbox"/> YES <input type="checkbox"/> NO																													
4. HAS A CRIMINAL COMPLAINT BEEN FILED IN THIS MATTER? (IF YES, ENTER DATE, DOCKET NUMBER, COURT, COUNTY, STATE) <input type="checkbox"/> YES <input type="checkbox"/> NO																													
5. IF LAW ENFORCEMENT OFFICERS RESPONDED TO A DOMESTIC VIOLENCE CALL: WERE WEAPONS SEIZED? IF YES, DESCRIBE <input type="checkbox"/> YES <input type="checkbox"/> NO WAS DEFENDANT ARRESTED? IF YES, DESCRIBE <input type="checkbox"/> YES <input type="checkbox"/> NO																													
6. (A) THE PLAINTIFF AND DEFENDANT ARE 18 YEARS OLD OR OLDER OR EMANCIPATED AND ARE <input type="checkbox"/> MARRIED <input type="checkbox"/> DIVORCED OR <input type="checkbox"/> PRESENT HOUSEHOLD MEMBER <input type="checkbox"/> FORMER HOUSEHOLD MEMBER OR (B) THE DEFENDANT IS 18 YEARS OLD OR OLDER OR EMANCIPATED and PLAINTIFF AND DEFENDANT ARE <input type="checkbox"/> UNMARRIED <input type="checkbox"/> CO-PARENTS <input type="checkbox"/> EXPECTANT PARENTS OR <input type="checkbox"/> PLAINTIFF AND DEFENDANT HAVE HAD A DATING RELATIONSHIP																													
7. WHERE APPROPRIATE LIST CHILDREN , IF ANY (INCLUDE NAME, SEX, DATE OF BIRTH, PERSON WITH WHOM CHILD RESIDES)																													
8. THE PLAINTIFF AND DEFENDANT: <input type="checkbox"/> PRESENTLY; <input type="checkbox"/> PREVIOUSLY; <input type="checkbox"/> NEVER: RESIDED TOGETHER <input type="checkbox"/> FAMILY RELATIONSHIP: _____ (SPECIFY)																													
CERTIFICATION																													
I certify that the foregoing responses made by me are true. I am aware that if any of the foregoing responses made by me are willfully false, I am subject to punishment.																													
_____ DATE						_____ SIGNATURE OF PLAINTIFF																							

DOCKET
NUMBER

FV -

DEFENDANT'S NAME

PART 1 - RELIEF - Instructions: Relief sought by plaintiff**DEFENDANT:**

TRO FRO GRANTED

1. ☐ ☐ N / A ☐ You are prohibited from returning to the scene of violence.
2. ☐ ☐ ☐ You are prohibited from future acts of domestic violence.
3. ☐ ☐ ☐ You are barred from the following locations: ☐ RESIDENCE(S) OF PLAINTIFF ☐ PLACE(S) OF EMPLOYMENT OF PLAINTIFF
☐ OTHER (ONLY LIST ADDRESSES KNOWN TO DEFENDANT): _____
4. ☐ ☐ ☐ You are prohibited from having any oral, written, personal, electronic, or other form of contact or communication with Plaintiff.
☐ ☐ ☐ OTHER(S): _____
5. ☐ ☐ ☐ You are prohibited from making or causing anyone else to make harassing communications to: Plaintiff
☐ ☐ ☐ OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____
6. ☐ ☐ ☐ You are prohibited from stalking, following or threatening to harm, stalk or follow: Plaintiff
☐ ☐ ☐ OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____
7. ☐ ☐ ☐ You must pay emergent monetary relief to (describe amount and method):
☐ ☐ ☐ PLAINTIFF: _____
☐ ☐ ☐ DEFENDANTS: _____
8. ☐ ☐ ☐ You must be subject to intake monitoring of conditions and restraints: _____
☐ ☐ ☐ Other (evaluations or treatment - describe): _____
9. ☐ ☐ ☐ Psychiatric evaluation: _____
10. ☐ ☐ ☐ **Prohibition Against Possession of Weapons:** You are prohibited from possessing **any and all firearms or other weapons** and must immediately surrender these firearms, weapons, permit(s) to carry, application(s) to purchase firearms and firearms purchaser ID card to the officer serving this Court Order: Failure to do so may result in your arrest and incarceration.

PLAINTIFF:

11. ☐ ☐ ☐ You are granted exclusive possession of (list residence or alternate housing only if specifically known to defendant): _____
12. ☐ ☐ ☐ You are granted temporary custody of: _____
13. ☐ ☐ ☐ Other relief for - Plaintiff: _____
☐ ☐ ☐ Other relief for - Children: _____

LAW ENFORCEMENT OFFICER:

You are to accompany to scene, residence, shared place of business, other (indicate address, time, duration and purpose):

- ☐ ☐ ☐ Plaintiff: _____
- ☐ ☐ ☐ Defendant: _____

NOTICE TO DEFENDANT: A violation of any of the provisions listed in this order may constitute either civil or criminal contempt pursuant to *N.J.S. A. 2C:25-30* and may result in your arrest, prosecution, and possible incarceration, as well as an imposition of a fine or jail sentence. **Only a court can modify any of the terms or conditions of this court order.**

DOCKET
NUMBER

FV -

DEFENDANT'S NAME

WARRANT TO SEARCH FOR AND TO SEIZE WEAPONS FOR SAFEKEEPING

- ☐ **To any law enforcement officer having jurisdiction** - this Order shall serve as a warrant to search for and to seize any issued permit to carry a firearm, application to purchase a firearm and firearms purchaser identification card issued to the defendant and the following firearm(s) or other weapon(s):

1. **You are hereby commanded** to search for the above described weapons and/or permits to carry a firearm, application to purchase a firearm and firearms purchaser identification card and to serve a copy of this Order upon the person at the premises or location described as:

2. **You are hereby ordered** in the event you seize any of the above described weapons, to give a receipt for the property so seized to the person from whom they were taken or in whose possession they were found, or in the absence of such person to have a copy of this Order together with such receipt in or upon the said structure from which the property was taken.

3. **You are authorized** to execute this Order immediately or as soon thereafter as is practicable:

☐ ANYTIME☐ OTHER: _____

4. **You are further ordered**, after the execution of this Order, to promptly provide the Court with a written inventory of the property seized per this Order.

PART II - RELIEF DEFENDANT:

TRO FRO GRANTED

1. ☐ ☐ ☐ No parenting time / visitation until further ordered;

☐ ☐ ☐ Parenting time / visitation pursuant to F _____ suspended until further order:

☐ ☐ ☐ Parenting time / visitation permitted as follows:

2. ☐ ☐ ☐ Risk assessment ordered (specify by whom, any requirements, dates): _____

3. You must provide compensation as follows:

☐ ☐ ☐ Emergent support for plaintiff: _____

☐ ☐ ☐ For dependent(s): _____

N/A ☐ ☐ Ongoing support for plaintiff: _____

N/A ☐ ☐ For dependent(s): _____

☐ ☐ ☐ Compensatory damages to plaintiff: _____

N/A ☐ ☐ Punitive damages to plaintiff: _____

N/A ☐ ☐ To Third Party(ies) (describe): _____

☐ ☐ ☐ Medical coverage for plaintiff: _____

For dependent(s): _____

☐ ☐ ☐ ☐ Rent ☐ Mortgage payments (specify amount(s) and recipient(s)): _____

☐ ☐ ☐ You must participate in a batterers intervention program: _____

☐ ☐ ☐ You are granted temporary possession of the following personal property (describe): _____

PART II - RELIEF PLAINTIFF:

☐ ☐ ☐ You are granted temporary possession of the following personal property (describe): _____

COMMENTS:

NOTICE TO DEFENDANT: A violation of any of the provisions listed in this order may constitute either civil or criminal contempt pursuant to *N.J.S. A. 2C:25-30* and may result in your arrest, prosecution, and possible incarceration, as well as an imposition of a fine or jail sentence. **Only a court can modify any of the terms or conditions of this court order.**

DOCKET NUMBER FV -	DEFENDANT'S NAME _____
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> TRO denied. Complaint dismissed by Family Part. </div> <div style="width: 48%;"> <input type="checkbox"/> TRO denied by Municipal Court, forwarded to Family Part for administrative dismissal, and plaintiff advised of right to file new complaint in Superior Court, Family Division. </div> </div> <div style="margin-top: 10px;"> <input type="checkbox"/> TRO granted. The Court has established jurisdiction over the subject matter and the parties pursuant to <i>N.J.S.A. 2C:25-17 et seq.</i>, and has found good cause that a prima facie act of domestic violence has been established; that an immediate danger of domestic violence exists and that plaintiffs life, health and well being are endangered; that an emergency restraining Order is necessary pursuant to <i>R. 5:7A(b)</i> and <i>N.J.S.A. 2C:25-28</i> to prevent the occurrence or recurrence of domestic violence and to search for and seize firearms and other weapons as indicated in this order. </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> DATE / TIME <input type="checkbox"/> VIA TELEPHONE HONORABLE _____ </div> <div style="width: 45%;"> COURT / COUNTY _____ </div> </div> <p style="text-align: center;">ALL LAW ENFORCEMENT OFFICERS WILL SERVE AND FULLY ENFORCE THIS ORDER</p> <p>This <i>ex parte</i> Domestic Violence Complaint and Temporary Restraining Order meets the criteria of the federal Violence Against Women Act for enforcement outside of the State of New Jersey upon verification of service of defendant. 18 U.S.C.A. 2265 & 2266</p> <p style="text-align: center;">THIS ORDER SHALL REMAIN IN EFFECT UNTIL FURTHER ORDER OF THE COURT AND SERVICE OF SAID ORDER ON THE DEFENDANT</p> <p style="text-align: center;">NOTICE TO APPEAR TO PLAINTIFF AND DEFENDANT</p>	

1. <input type="checkbox"/> Both the plaintiff and defendant are ordered to appear for a final hearing on (date) _____ at (time) _____ at the Superior Court, Chancery Division, Family Part, _____ County, located at (address) _____ _____
Note: You must bring financial information including pay stubs, insurance information, bills and mortgage receipts with you to Court.
2. <input type="checkbox"/> The final hearing in this matter shall not be scheduled until: _____ _____
3. <input type="checkbox"/> Interpreter needed. Language: _____ _____
Upon satisfaction of the above-noted conditions notify the Court immediately so that a final hearing date may be set.
IMPORTANT: The parties cannot themselves change the terms of this Order on their own. This Order may only be changed or dismissed by the Superior Court. The named defendant cannot have any contact with the plaintiff without permission of the Court.

NOTICE TO DEFENDANT
<p>A violation of any of the provisions listed in this Order or a failure to comply with the directive to surrender all weapons, firearm permits, applications or identification cards may constitute criminal contempt pursuant to <i>N.J.S.A. 2C:29-9(b)</i>, and may also constitute violations of other state and federal laws which may result in your arrest and/or criminal prosecution. This may result in a jail sentence.</p> <p>You have the right to immediately file an appeal of this temporary Order before the Superior Court, Chancery Division, Family Part, as indicated above and a hearing may be scheduled.</p>

RETURN OF SERVICE
<input type="checkbox"/> Plaintiff was given a copy of the Complaint / TRO by: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;">_____ PRINT NAME</div> <div style="width: 20%;">_____ TIME AND DATE</div> <div style="width: 50%;">_____ SIGNATURE / BADGE NUMBER / DEPARTMENT</div> </div>
<input type="checkbox"/> I hereby certify that I served the within Complaint / TRO by delivering a copy to the defendant personally: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;">_____ PRINT NAME</div> <div style="width: 20%;">_____ TIME AND DATE</div> <div style="width: 50%;">_____ SIGNATURE / BADGE NUMBER / DEPARTMENT</div> </div>
<input type="checkbox"/> I hereby certify that I served the within Complaint / TRO by use of substituted service as follows: _____ _____ <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;">_____ PRINT NAME</div> <div style="width: 20%;">_____ TIME AND DATE</div> <div style="width: 50%;">_____ SIGNATURE / BADGE NUMBER / DEPARTMENT</div> </div>
<input type="checkbox"/> Defendant could not be served (explain): _____ _____ <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;">_____ PRINT NAME</div> <div style="width: 20%;">_____ TIME AND DATE</div> <div style="width: 50%;">_____ SIGNATURE / BADGE NUMBER / DEPARTMENT</div> </div>

DEFENDANT MUST SIGN THIS STATEMENT: I hereby acknowledge the receipt of the restraining Order. I understand that pursuant to this Court Order, I am not to have any contact with the named plaintiff even if the plaintiff agrees to the contact or invites me onto the premises and that I may be arrested and prosecuted if I violate this Order.
<div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;">_____ SIGNATURE OF DEFENDANT</div> <div style="width: 35%;">_____ TIME AND DATE</div> </div>

THE COURTHOUSE IS ACCESSIBLE TO THOSE WITH DISABILITIES. PLEASE NOTIFY THE COURT IF YOU REQUIRE ASSISTANCE.
DISTRIBUTION: FAMILY PART, PLAINTIFF, DEFENDANT, SHERIFF, OTHER _____

Family – Domestic Violence Hearing Officer Program Standards

Directive #16-01

December 14, 2001

Issued by:

Richard J. Williams

Administrative Director

Attached are the Domestic Violence Hearing Officer Program Standards that have been approved by the Supreme Court. Part of our ongoing standardization effort in the Family Division, these standards were recommended by the Conference of Family Division Presiding Judges and endorsed by the Judicial Council.

Consistent with the approach that we have been taking in our standardization efforts, I would ask that you advise me in writing by February 15, 2002 that your vicinage is in compliance with these standards. For each of those standards that have not yet been fully implemented in your vicinage, please set out the steps you plan to take towards implementation and the date by which you anticipate the particular standards will be implemented.

Any questions regarding these DVHO Program Standards in their implementation may be directed to the AOC's Family Division at 609-984-7793.

DOMESTIC VIOLENCE HEARING OFFICER PROGRAM

The Supreme Court has adopted this set of Operating Standards for the Domestic Violence Hearing Officer Program. The standards and the accompanying commentary were developed and recommended by the Conferences of Family Division Managers and Family Presiding Judges. The standards are applicable to the program as implemented in all vicinages.

I. Standards/Best Practices -- Domestic Violence Case Processing

Domestic violence case processing standards/"best practices" are in essence set forth in the Domestic Violence Procedures Manual, as jointly promulgated by the Supreme Court and the Attorney General for use by courts and law enforcement personnel throughout the State. The standards set forth here are presented in the same narrative format, so that they are consistent with and can be inserted directly into the Procedures Manual.

II. Standards/Best Practices --Domestic Violence Hearing Officer (DVHO) Program

DVHO Standard # 1: Appointment

DVHOs shall be hired at the vicinage level in the same manner as all other Judiciary employees based on the qualifications of the position adopted by the Department of Personnel, supplemented in the "Note" section as set forth below. All successful candidates for the DVHO position prior to hearing any cases shall complete a training program approved by the Administrative Office of the Courts. The Training Committee of the Conference of Family Division Managers will develop the training program in coordination with the Judiciary's Chief of Training and Staff Development and in consultation with the DVHO Advisory Committee of the State Domestic Violence Working Group.

Qualifications for the DVHO position include: (1) A bachelor's degree in a behavioral or social science; and (2) three years of experience in the areas of domestic violence or family crisis. A masters degree or admission to the New Jersey Bar and one year of experience in Family Law (which shall include work involving domestic violence) may be substituted for one year of experience.

All future DVHO job announcements should include in the "Note" section the following language: "Awareness of the dynamics of domestic violence and its impact upon victims, families, and abusers is helpful."

The Training Committee of the Conference of Family Division Managers has developed statewide training for new Family staff and training for Family Team Leaders. The Training Committee will develop the curriculum for newly hired Domestic Violence Hearing Officers. In developing that curriculum, the Training Committee should coordinate with the Judiciary's Chief of Training and Staff Development and consult with the Domestic Violence Hearing Officer Advisory Committee of the State Domestic Violence Working Group (which includes representatives from the New Jersey Coalition for Battered Women, Division of Youth and Family Services, a Family Division Manager, Domestic Violence Hearing Officers, a Family Presiding Judge, and AOC Family Practice staff). The Conferences of Family Division Managers and Family Presiding Judges must review and approve the curriculum prior to its implementation.

DVHO Standard #2: Duties and Responsibilities

- A. Domestic Violence Hearing Officers conduct hearings on requests for Temporary Restraining Orders. In doing so, a DVHO shall:**
- 1. Review all related case files involving the parties;**
 - 2. Inform Plaintiff about her/his legal rights and options, and about available protective services, including shelter care;**
 - 3. Explain to Plaintiff the domestic violence legal process and procedures;**
 - 4. Explain to Plaintiff that appearance before the Domestic Violence Hearing Officer is voluntary, and that no adverse inference shall be drawn if Plaintiff seeks to appear instead before a judge;**
 - 5. Take testimony and establish a record, including findings of fact concerning the basis for his/her recommendations;**
 - 6. Rule on the admissibility of evidence;**
 - 7. Draft a comprehensive, case-specific Temporary Restraining Order, where appropriate;**
 - 8. Forward the recommended Temporary Restraining Order for review and signature by a judge;**
 - 9. Make appropriate referrals to other agencies for assistance.**
 - 10. Inform Plaintiff of the right to a hearing *de novo* before a Superior Court Judge if the DVHO has recommended that a TRO not be granted.**

- B. The DVHO will be expected to assume other similar duties in the Family Division when time allows. However, even in those counties in which conducting TRO hearings does not comprise the majority of the DVHO's time, such hearings shall take precedence over other duties assigned to the DVHO. Any other duties assigned to the DVHO must be consistent with the skills, abilities, and status of the DVHO position.**

DVHO Standard # 3: Management Structure

- A. The DVHO shall report to the Assistant Family Division Manager, and for legal consultation or case issues shall have access to the Family Division Presiding Judge or a judge designated by the Presiding Judge.**
- B. The DVHO should participate in relevant meetings and discussions in the vicinage held by the Presiding Judge, Division Manager, and Assistant Division Manager(s).**
- C. The DVHO should participate in the County Domestic Violence Working Group, and in other intra-court and interagency committees/groups at the state and local levels that are identified as appropriate by Family Division Management (e.g. Presiding Judge, Family Division Manager or Assistant Family Division Manager).**
- D. The DVHO should attend statewide DVHO meetings, which are to be called by the Family Division Manager who is designated to chair meetings of the DVHOs, and may also attend other training events identified and approved by Family Division Management, the SDVWG's DVHO Advisory Committee, and the AOC.**

The regular statewide meetings of DVHOs will be scheduled at the direction of the Chair of the Conference of Family Presiding Judges, and will be chaired by the designated Family Division Manager. It is expected that there will be at least nine such meetings during 2001, with such meetings scheduled on a regular basis thereafter. It is also the expectation of the Conference of Family Presiding Judges that all DVHOs will be encouraged and permitted to attend all such statewide meetings. At the local level, the DVHO is expected to be an active member of the County Domestic Violence Working Group in order to contribute his/her expertise to the resolution of local and statewide issues related to the implementation of the Prevention of Domestic Violence Act.

DVHO Standard #4: Facilities and Staff Support

- A. The DVHO should conduct the hearing in a hearing room specifically set up and designed to accommodate domestic violence proceedings.**

Hearing rooms shall be equipped with a desk/bench for the DVHO, chairs for

the victim and witnesses, space for support staff and security, phone, and PC with access to FACTS, PROMIS/GAVEL, ACS, ACSES, as well probation, warrant, and jail information, and the Judiciary's InfoNet.¹

- B. DVHOs shall be provided appropriate security, consistent with and as reflected in the vicinage's security plan.**
- C. All hearings conducted by the DVHO shall be recorded and a log shall be maintained. A court staff member should be provided during hearings to operate the recording equipment, maintain the logs, take files to the judge for review and signature, and, when necessary, escort the victim to a courtroom or back to Intake.**
- D. DVHOs shall be provided with the current version of the Domestic Violence Reference Manual, which includes the Domestic Violence Procedures Manual. DVHOs also shall have regular access to the following:**
 - 1. New Jersey Rules of Court;**
 - 2. New Jersey Rules of Evidence;**
 - 3. New Jersey Code of Criminal Justice;**
 - 4. New Jersey Law Journal and/or New Jersey Lawyer;**
 - 5. Family Division slip opinions, as well as any other slip opinions relating to domestic violence.**

DVHO Standard #5: Jurisdiction

- A. DVHOs shall only hear requests for Temporary Restraining Orders made at the Family Division during regular court hours. Appearance before the DVHO is voluntary and a plaintiff may elect to appear before a judge instead. No adverse inferences shall be drawn from a plaintiff's election to appear before a judge.**
- B. The DVHO shall be governed by the New Jersey Prevention of Domestic Violence Act, New Jersey Court Rule 5:7A, the Domestic Violence Procedures Manual, and these Standards in making recommendations regarding the issuance of an initial Temporary Restraining Order and its specific provisions.**
- C. DVHOs may draft and recommend Amended Temporary Restraining Orders where only the Plaintiff appears and none of the exclusions listed in Section D below apply.**
- D. DVHOs shall not hear a particular matter if any of the following circumstances exist:**

¹Counties that cannot meet this standard immediately will be asked to develop a specific plan to meet the standard within a reasonable period of time.

1. When a change in or suspension of an existing custody or visitation order is sought by plaintiff;
2. When there are cross-complaints, complex issues or circumstances, or pending or recently resolved cases involving the parties that make the matter “complex”; (this determination of “complexity” by the Hearing Officer is subject to the oversight of the Presiding Judge or Lead Domestic Violence Judge)
3. Where a party has submitted an application for dismissal;
4. When both parties are present;
5. When a TRO has been denied by the Municipal Court, and the Plaintiff appears at the Family Division for a hearing *de novo*;
6. When a conflict of interest or the appearance of impropriety would result.

E. Other than the matters set forth in Section D above, all cases shall be brought to the attention of the DVHO, who can make referrals to the designated judge as necessary and appropriate.

F. The following provisions are applicable to cases involving the use or threatened use of weapons.

1. When a domestic violence complaint is taken in a matter that involves the use or threatened use of a weapon, or where the defendant possesses or has access to a firearm or other weapon described in N.J.S.A. 2C:39-1r, this information should be noted on the complaint and transmittal form that will be attached to the other paperwork forwarded to the DVHO;
2. If the DVHO finds that good cause exists for the issuance of a TRO, the DVHO should proceed to review and check off those restraints and reliefs being recommended;
3. During the hearing, when the DVHO reaches the section of the TRO prohibiting weapons possession, and after having determined that there are weapons to be seized, the DVHO should ask for as detailed a description as possible concerning the type and number of weapons, and their specific location(s);

4. If the DVHO determines that there is probable cause for seizure, the DVHO should note this on the record and then should:
 - a. Complete the weapons seizure affidavit form [Attachment] based on Plaintiff's testimony, including details about the weapon(s) to be seized and the likely location(s) of the weapon(s), as well as the basis for Plaintiff's belief that such weapons are in Defendant's possession or are accessible to Defendant;
 - b. Review the contents of the affidavit with Plaintiff of the record and have Plaintiff sign the affidavit; the DVHO should witness Plaintiff's signature;
 - c. Complete the warrant portion of the TRO with specificity regarding the weapon(s), location(s) of same, and any other instructions to law enforcement;
 - d. Once the TRO hearing is completed, the recommended TRO, along with the Weapons Seizure Affidavit, should be presented to the appropriate judge for review (including specific review of the affidavit and warrant section of the TRO) and signature. The probable cause determination regarding weapons seizure should be placed on the record, along with the docket number and other identifying case information;
 - e. If the judge does not concur with the TRO as recommended, or wishes to take testimony directly from the victim, or if the DVHO finds no basis for the issuance of the TRO or a lack of probable cause for weapons seizure and Plaintiff requests a hearing *de novo* on either determination, the case should be handled as an excluded case and forwarded to the judge for a hearing *de novo*.

G. All recommendations made by the DVHO shall be reviewed by a Family Division Judge or other Superior Court Judge, as follows:

1. The Family Presiding Judge or a judge designated by the Presiding Judge immediately shall review all Temporary Restraining Orders recommended by the DVHO. If the judge finds the recommended TRO to be appropriate, he or she should sign the TRO. The fact that the matter was heard by a DVHO may be noted on the file but shall not appear on the TRO itself.

- 2. A plaintiff who does not agree with the findings and/or recommendations of the DVHO shall be entitled to an immediate hearing *de novo* conducted by the Family Presiding Judge or a designated Family Division judge.**
- 3. Copies of the signed TRO shall be provided to Plaintiff by the court or court staff, in accordance with local practice, before Plaintiff leaves the courthouse. Defendant shall be served a copy pursuant to N.J.S.A. 2C:25-17 et seq.**

The Domestic Violence Procedures Manual sets out the standard for the maximum amount of time that an individual should have to wait for a hearing. Every effort should be made for cases to be heard within one hour after the time the complaint was completed. The Domestic Violence Technical Assistance Team has examined this aspect of the process in every county and has made recommendations for improvement in those counties in which the amount of time a victim waits exceeds the standard.

Concern has been expressed that the DVHOs' caseloads will expand as a result of the specific authority to hear matters involving weapons, as set forth above. This will be monitored at DVHO meetings and will be brought to the attention to the Presiding Judges-Family Division Managers Domestic Violence Subcommittee, if necessary.

ATTACHMENT

AFFIDAVIT IN SUPPORT OF DOMESTIC VIOLENCE SEARCH WARRANT

I, _____, having been duly sworn upon my oath according to the law, depose and say:

1. On _____, 200__, I was subjected to an act of Domestic Violence by the above defendant.

2. I allege that the defendant committed an act of Domestic Violence as described in the attached Complaint, such acts posing an imminent danger to my life, health or well-being.

3. I also believe that the defendant is in possession of a weapon(s) that I reasonably believe would expose me to a risk of serious bodily injury.

4. These weapon(s) consist of (be as specific as possible) _____

_____.

5. I am aware that the defendant possesses or has access to these weapons based upon (how the victim is aware of weapons)

_____.

6. The defendant's weapons, noted in Item 4, are located at (be as specific as possible as to location of the weapons and owner of the premises, if not the defendant.)

_____.

7. I would request that the items in Item 4, as well as any other weapon that may be located by law enforcement at the location(s), be seized for safekeeping purposes. I would further request all of the defendant's permits to carry a firearm, firearms purchaser identification card, and any outstanding applications to purchase firearms be seized.

Signature of Affiant

Oath administered and witnessed by:

Hearing Officer

Date: _____

[Questions or comments regarding this
Directive may be directed to (609) 984-4228.]

Directive # 2-06
[Supplements Directive #16-01]

TO: Assignment Judges

FROM: Philip S. Carchman

SUBJ: Standards for Backup Domestic Violence Hearing Officers

DATE: January 30, 2006

The Judicial Council at its December 8, 2005 meeting approved the attached set of Standards for Backup Domestic Violence Hearing Officers ("Backup DVHOs"). These Standards for Backup DVHOs supplement the Domestic Violence Hearing Officer Program Standards previously promulgated by Directive #16-01.

These Standards for Backup DVHOs authorize vicinages to designate an existing staff person as a Backup DVHO to function temporarily as a DVHO on a collateral, part-time basis when the DVHO is absent or otherwise unavailable. Any such designations are to be made by the Assignment Judge, with the Backup DVHO first to have completed the same training required of full-time Domestic Violence Hearing Officers.

Please feel free to contact Assistant Director Harry Cassidy at 609-984-4228 with any questions or for further information concerning the appointment and training of Backup DVHOs.

P.S.C.

attachment

cc: Chief Justice Deborah T. Poritz
Family Presiding Judges
Theodore J. Fetter, Deputy Admin. Director
AOC Directors and Assistant Directors
Trial Court Administrators
Family Division Managers
Geraldine Washington, Chief, Family Practice Division
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant

DOMESTIC VIOLENCE HEARING OFFICER (DVHO) PROGRAM
STANDARDS FOR
BACKUP DOMESTIC VIOLENCE HEARING OFFICERS (BDVHOs)

Promulgated by Directive #2-06 as a Supplement to Directive #16-01

Purpose

The Domestic Violence Hearing Officer Program Standards approved by the Supreme Court established the procedures for appointing and training DVHOs and for the conduct of domestic violence proceedings before such Hearing Officers. The Standards are documented in Directive #16-01, dated December 14, 2001. The Backup DVHO Standards described authorize vicinages to designate a staff person to function temporarily as DVHO when the DVHO is absent for any reason. The use of a Backup DVHO may obviate the need for a judge to hear requests for a domestic violence restraining order when the DVHO is absent and thus provide more prompt responses to plaintiffs in these cases. Vicinages are not required to make such designations, but are permitted to do so.

BDVHO Standard # 1: Designation

Backup DVHOs shall be designated by the Assignment Judge or his/her designee following the candidate's completion of the training and approval process outlined herein. The candidate must be either an Administrative Specialist 4 or an Assistant Family Division Manager.

BDVHO Standard #2: Duties and Responsibilities

The duties and responsibilities of the BDVHO shall be the same as for the DVHO as set forth in DVHO Standard #2.

BDVHO Standard #3: Management Structure

The BDVHO shall report to the Assistant Family Division Manager, and for legal consultation or case issues shall have access to the Family Presiding Judge or another judge designated by the Presiding Judge. If the BDVHO is an Assistant Family Division Manager, he or she shall report to the Family Division Manager.

BDVHO Standard #4: Training Curriculum

All Backup DVHOs must complete the approved Domestic Violence Hearing Officer training curriculum prior to conducting hearings.

A prospective BDVHO shall be present and observe DVHO proceedings on requests for TROs with the vicinage mentor DVHO at a minimum of 30% of the

county's monthly DV caseload for the first month of training and will observe DVHO proceedings that involve weapons at a minimum of 20% of the county's monthly caseload of such cases. The BDVHO candidate shall also observe requests for TROs and FROs heard by vicinage Family Part Judges at a minimum of two days in his/her first month of training. The BDVHO shall also observe an existing DVHO in another vicinage for two days during this period. The BDVHO candidate is also required to meet with the DV Advisory Judge¹ at least once during this time at the convenience of the DV Advisory Judge. The length of time a candidate for the BDVHO position remains in training shall be determined in consultation with the vicinage's Family Presiding Judge, the state DV Advisory Judge, the Family Division Manager and the AOC Family Practice Division, and will depend upon the following:

- a. Prior Domestic Violence training and experience;
- b. Report from the Family Part Presiding Judge;
- c. Report from the DV Advisory Judge;
- d. Report from the mentor DVHO;
- e. Report from vicinage DVHO.

After consultation with vicinage management and reports from the mentor DVHO and any other DVHO who may have observed the BDVHO, the DV Advisory Judge will make a determination as to that individual's ability to conduct hearings independently. If the determination is positive, the BDVHO may proceed to hear requests for TROs immediately upon the designation by the Assignment Judge or his/her designee.

Should the newly designated BDVHO require additional training based on the reports received, that training will be organized by AOC Family Practice Division for a length of time determined by the DV Advisory Judge.

BDVHO Standard #5: Conducting Hearings Under Supervision

When all parties agree that the BDVHO is ready to conduct hearings under the supervision of the existing DVHO, that additional training shall be no less than 10 cases.

BDVHO Standard #6: Conducting Hearings

In order to keep their skills current, the BDVHOs shall conduct (at a minimum) 10% of the monthly hearings of the county where they are assigned on an ongoing basis. The schedule shall be determined by the Family Division Manager in relation to the other duties of the BDVHO and the volume of domestic violence cases in the vicinage.

¹ The statewide Domestic Violence Advisory Judge is designated by the Administrative Director to provide technical assistance to vicinages in the management of their domestic violence programs. The current DV Advisory Judge is Judge Thomas Dilts, P.J.F.P., Somerset/Hunterdon/Warren Vicinage.

BDVHO Standard #7: Continued Training

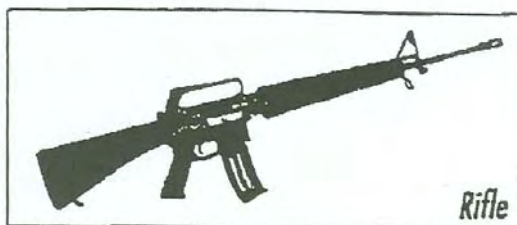
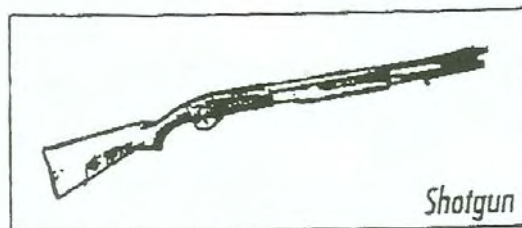
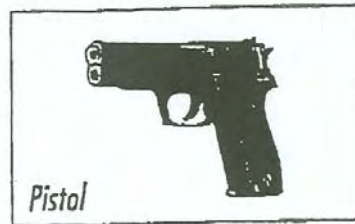
BDVHOs shall have at least three days of continuing education/training per year. Information pertaining to training opportunities should be made available at the vicinage level and through the AOC Family Practice Division.

BDVHO Standard # 8: Compliance with Existing DVHO Standards

BDVHOs shall operate within the following existing DVHO Standards:

- a. **Standard # 4 - Facilities and Staff Support**
- b. **Standard # 5 - Jurisdiction**

AID IN IDENTIFYING FIREARMS





Division of Criminal Justice



Training Guide for Victim Notification Form

*In-Service Training
for
Police Officers*

Prepared by the Prosecutors
and Police Bureau & Office of
Victim-Witness Advocacy
Division of Criminal Justice

Introduction to Training Guide for *Victim Notification Form*

The *Victim Notification Form* has been revised to improve the recording of information. This will assist the victim, the law enforcement officer and the courts in providing notification to the victim. The revisions will be noted in this training guide. It is important to keep in mind the following:

“Victims are the people behind crime statistics. They are the individuals who suffer the injuries inflicted by criminals”¹ A victim of crime is entitled to know when the offender is arrested or released from custody. This is the law in this State.

“The Legislature finds and declares that it is in the public interest that victims involved in proceedings within the State’s criminal justice system receive adequate notice and advice concerning critical stages of the criminal justice process to allow for participation and understanding.”²

To provide arrest and release information to the victim, the Attorney General has approved a revised *Victim Notification Form*. This form has been designed for quick entry of information with its “check the box and fill in the blank” format.

This form replaced the *Domestic Violence Victim’s Rights Form* and includes the *Crime Victims’ Bill of Rights* in English and in Spanish.³ This form should be completed

- during the initial stages of the investigation of an indictable offense where there is a victim;
- when a defendant is arrested for an indictable criminal offense; or
- when a police officer responds to a domestic violence incident.

A copy of the revised form is included in this training guide. The revisions will be explained in this training guide.

Note: The information contained on this form is confidential. No information is to be released or given to the defendant, defense counsel or any person not having an absolute need to know.

This information is confidential

For the safety of the victim, this form should not be kept in any file, which contains discoverable material, that is information that will be given to the defendant under the discovery rules of court.⁴ This effort may prevent retaliation attempts by the accused.

Officers should not write any domestic violence victim contact information in their incident reports which may disclose the whereabouts of the victim. Incident reports are discoverable.

Confidentiality of this information is extremely important, especially in domestic violence cases where the victim has relocated to escape the abuser who may resort to threats or acts of violence to intimidate the victim. The officer must keep in mind the dynamics of domestic violence and the batterer's need to maintain power and control over the victim. A victim of domestic violence may be at a 75 percent greater risk of serious injury when the victim leaves the battering relationship.

For more information on the dynamics of domestic violence, please see the *Dynamics of Domestic Violence*, Training Module 1, issued by the Division of Criminal Justice in 1995.

The officer should stress to the victim the importance of keeping the police, the prosecutor's office or the courts informed of any changes in address or telephone numbers where the victim can be immediately contacted.

The officer also should point out to the victim information contained on the pink copy of the form, which includes important telephone numbers. The victim should be advised to contact the county Office of Victim-Witness Advocacy if he or she has any questions about the criminal justice process.

I. A Close Look at the Top Portion of the Form

- A. The top portion of the form, shown on the next page, is to be completed by the officer who responds to the call or a person who assists the victim. This portion asks for the basic identifying data.

Case/Docket No. _____			
Defendant: _____	SSN: _____	DOB: _____	Date: _____
Date of Arrest: _____	Warrant/(Summons) No. _____	Charges: _____	
Name of Police Officer or Court Staff: _____		Department/Agency: _____	
• Telephone No. _____		• Fax No. _____	

Defendant Information - In addition to defendant's name, list defendant's social security number, date of birth, or jail commitment number, if known.

- ♦ The law enforcement officer or court staff initiating this form should complete the identifying information portion of the form. Law enforcement officers should list badge number next to his or her name. The victim, who will receive the pink copy of this form, will use this information to contact the person preparing this form.

II. Checking the Boxes

This portion of the form is filled out by the responding officer or court personnel assisting the victim. This information will alert the notifying agency regarding the required timetable for notifying the victim of an arrest or release.

<p>Check Appropriate Boxes (✓) _____</p> <p><input type="checkbox"/> Victim cannot be identified or is a government agency</p> <p><input type="checkbox"/> If defendant is charged with one of following offenses, victim informed of right to immediate notification of defendant's arrest or release from pretrial custody: <input type="checkbox"/> aggravated assault, <input type="checkbox"/> arson, <input type="checkbox"/> carjacking, <input type="checkbox"/> child abuse, <input type="checkbox"/> death by auto, <input type="checkbox"/> homicide, <input type="checkbox"/> kidnapping, <input type="checkbox"/> robbery, <input type="checkbox"/> sexual offenses, <input type="checkbox"/> stalking</p> <p><input type="checkbox"/> domestic violence: <input type="checkbox"/> Violation of TRO/FRO; <input type="checkbox"/> Other domestic violence offenses – N.J.S.A. 2C:25-19a</p> <p><input type="checkbox"/> In all other cases, victim informed that he/she will be notified within 48 hours after defendant's arrest or pretrial release.</p> <p><input type="checkbox"/> Time & date of court hearing, if applicable, in which court may consider defendant's bail status: _____</p>
--

A. Victim cannot be identified or is a government agency

The officer should make reasonable efforts to identify the victim of the criminal offense at the time the form is completed. However, there may be instances when it is not possible to identify a victim. Examples when this box should be checked are:

- when there is damage to government property;

- when vacation property, whose owner has not been identified, is stolen or damaged; or
- When a murder victim's identity is unknown.

B. Immediate Notification Crimes

If one of the enumerated crimes has been committed, the responding officer must check the appropriate box. This signifies to the notifying agency as well as the victim, that immediate telephone notification must be initiated when the defendant is arrested or if the defendant is about to be released from custody.

Note: The term “immediate telephone notification” should be interpreted strictly regardless of the time of day or night.

There is a box entitled “domestic violence” which is illustrated below. This box is to be checked when the domestic violence act is violated. If the domestic violence incident is a violation of a restraining order, the “violation of TRO/FRO” box should be checked. If the domestic violence offense is one of the enumerated domestic violence crimes, the box “Other domestic violence offenses – *N.J.S.A. 2C:25-19a*” should be checked. All domestic violence offenses, regardless of classification, require immediate notification.

☐ domestic violence: ☐ Violation of TRO/FRO; ☐ Other domestic violence offenses – *N.J.S.A. 2C:25-19a*

Further down on the form, the victim will have the opportunity to choose not to be notified by telephone. However, the officer must explain to the victim that under the law, the victim is entitled to be notified immediately if one of these criminal offenses has been committed and the defendant is either arrested or is to be released from custody.

Criminal Offenses that activate the protections of the domestic violence act are:

Homicide, assault, terroristic threats, kidnapping, criminal restraint, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment, and stalking.

If the officer at the scene knows that because of the nature of the criminal offense the arrested defendant will be released on his or her own recognizance after being processed at headquarters, the officer should explain this procedure to the victim at this time. Since the defendant will not be held in custody, no bail will be set and no further notification regarding defendant's release will be made to the victim.

C. Notification within 48 hours after arrest or pretrial release

If the criminal offense is not a domestic violence related offense or the indictable criminal offense is not one of the enumerated offenses requiring immediate notification, the victim is to be notified within 48 hours of the defendant's arrest or pretrial release.⁵

D. Time & Date of Court Hearing

Some counties have a Central Judicial Processing Court (CJP Court) where the defendant will be brought before the court, informed of the pending charges and bail will be set. In these jurisdictions, the officer should write in the time and date of the court hearing.

III. Victim Information

This information should be printed legibly either by the victim or by the responding officer. The victim should be instructed to give a name and telephone number where he or she can be reached. If the victim does not have a telephone, a number for a friend, neighbor or relative must be provided.

In the case of homicide, all surviving family members are considered "victims." The officer should obtain victim contact information from the closest relative (i.e., spouse first, the parents or adult children or siblings) or his/her designee.

If the victim is a juvenile, a name of a parent or guardian should be listed with the following notation: "for juvenile."

A Court Rule requires the release of individuals on their own recognizance for certain offenses.
See R. 3:4-1.

Procedure if victim is a juvenile

Victim Information: *If any of this information changes, call police or court at above number*

Name of Victim/Survivor: _____ [ID No, if applicable: _____]

A. ID No, if applicable

(If your county has instituted an automated notification system (e.g. VINE), the victim should write in his or her personal identification number in this block. The automated notification program should be explained to the victim in accordance with county procedures.)

(If your county utilizes an "800" access number for victim notification so victims can find out the status of the defendant, the victim should enter his or her PIN in this block.)

B. Address and Telephone Numbers

- Home address: _____ Telephone number: _____
- Work name/address: _____ Telephone No.: _____ Work hours: _____

The officer should explain to the victim the importance of listing the victim's home and work addresses and telephone numbers and work hours. The victim should be instructed to inform his or her employer that the police might be calling to provide information about the case. If the victim resides in an apartment, the apartment number as well as the street address must be listed.

C. Other Contact Information

- List at least one person to contact if you cannot be reached at the above home or work telephone numbers:

Name	Address	Telephone Number
_____	_____	_____
_____	_____	_____
- Other information that may be needed to contact you: _____

The victim must list at least one person who will know the victim's whereabouts if the victim cannot be contacted at the numbers given.

If the victim has any other means of contact, such as a pager or cellular telephone, the number should be listed in the "other information" block.

D. Victim Notification Preferences

• I do not want to be notified by telephone when defendant is ☐ arrested or ☐ released on bail. Notification by mail is sufficient: _____
(Signature of victim) (Date)

In some cases, a victim may not want to be notified by telephone when the defendant is either arrested or about to be released from custody. If the victim does not want immediate notification, the victim should check the appropriate box and sign and date this portion of the form.

E. Domestic Violence Information

Domestic Violence Victims Only: My Domestic Violence Rights have been explained to me & I have been given a copy of them.
☐ I want a civil restraining order; ☐ I do not want a civil restraining order at this time. _____
(Signature of victim)

Note: In Domestic Violence cases, this portion of the form must be completed even if the victim does not want a restraining order and even if no criminal charges are filed. This form should then be retained for police records only.

The reference on the form to a "civil restraining order" means a temporary domestic violence restraining order.

In cases involving domestic violence, the officer must inform the victim of the domestic violence rights.⁶ The victim's domestic violence rights are printed on the reverse side of the pink copy, which is always given to the victim.

The officer must ask the domestic violence victim if he or she wants a domestic violence civil restraining order. The officer should instruct the victim to check the appropriate box and to sign this portion of the form.

F. Distribution of Forms

This completes the responsibilities of the responding officer. The Victim Notification Forms is now ready to be distributed to the various agencies:

- ♦ White copy to correctional facility

If the defendant was arrested at the time this form is completed, a copy of this form must accompany the defendant to the correctional facility

If the defendant was not arrested at this time, the form should be held at the police department until the defendant is apprehended. Then the white copy should be forwarded to the correctional facility at the time the defendant is transported to the correctional facility.

- ♦ Canary copy to the police

Pink copy to the victim

- ♦ A copy of this form should be faxed to the County Office of Victim-Witness Advocacy or the appropriate Family Division Court in accordance with county procedures. If no criminal complaint had been filed but the victim wants a domestic violence restraining order, the copy of this form should be faxed to the appropriate court.

If both a criminal complaint and a temporary restraining order are filed, both the Office of Victim-Witness Advocacy and the Family Division Court should be faxed a copy of this notification form in accordance with county procedures.

IV. Notifying Agency Portion of Form

- A. This portion of the form is to be completed by the agency, which notifies the victim when the defendant is either arrested, or about to be released from custody. In some cases, this notifying agency will be the police department; in some cases, it will be the county correctional facility or victim-witness office.

Note: Some County Prosecutor's Offices may require additional distribution of this form.

The instructor will note what your county procedures require

This notification procedure may vary from county to county.

For Use by Notifying Agency Only When Defendant is Arrested or Released

- ☐ Defendant arrested on _____ by _____ Place of Custody: _____
(Date) (Agency)
- ☐ Defendant released from custody _____ at _____ Reason for Release: _____
(Date) (Time)
- Released by: _____ ☐ Conditions of release - order attached
(Name of Officer authorizing release)

- B. Where the arresting agency is not the same one that conducted the initial investigation or the one completing the top portion of the form, the arresting agency should notify the investigating agency of the arrest. If the defendant is to be incarcerated, a copy of this form should be submitted to the county correctional facility in accordance with county procedures.

*Investigating
agency's
responsibility to
notify victim*

It is the investigating agency's responsibility to notify the victim in accordance with the criteria listed above.

- C. Let's look at some portions of this section in closer detail:

- **Defendant released from custody (date) at (time). Reason for release**

The officer inserts the date and time the defendant is released from custody and the reason for the release, such as "bail," etc.

- **Released by Conditions of release**

The name of the officer and agency responsible for the release of the defendant is entered on this line. If there are any conditions for the release, that order is attached and this box is checked.

An example of a condition of release could be when a defendant is released from custody with a restriction that the defendant not have any contact with the victim.

- **Efforts made to contact victim**

Efforts made to contact victim: [At least two attempts must be made to contact victim at each of the numbers listed above]:

Phone Number Called	Date / time	Name of Caller / Agency	Indicate: Person Notified / No One Notified
1. _____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The notifying agency must make at least two attempts at separate times to contact the victim. These attempts should be documented in the spaces provided:

- **Additional action taken to notify the victim**

Additional Action Taken to Notify the Victim by ☐ Police; ☐ Correctional Institution; ☐ Victim-Witness Office; ☐ Court Staff

If the victim can not be located by calling the designated numbers but the notifying agency takes additional steps to locate the victim, that information should be entered on these lines with a check in the appropriate box.

In cases where immediate notification is required but attempts have failed, the notifying agency should request that the appropriate law enforcement agency where the victim resides attempt to notify the victim in person of defendant's release.

If the police are not able to notify the victim, the police should on the next business day, notify the Office of Victim-Witness Advocacy.⁷

Procedure when victim cannot be immediately located

- **Updated information attached**

☐ **Updated information attached** ◆ **CONFIDENTIAL INFORMATION**
White Copy to Correctional Facility; Canary Copy to Police; Pink Copy to Victim; Fax Copy to Victim-Witness Office or Court (DCJ Rev. 2/00)

If a victim changes any contact information, this box should be checked and the information should be forwarded to the correctional facility if applicable and to the Office of Victim-Witness Advocacy.

V. Summary.

Victim notification is a vital function of law enforcement. In some cases, victims need to be reassured that police, prosecutors and the courts are taking every step possible under the law to protect them. It also is important that police inform victims that in many cases, defendants will be released from custody pending disposition of the criminal charges against them.⁸

Victims should be informed that if the defendant attempts to intimidate, threaten or harass them while the matter is pending that they should immediately contact the police.

¹ *Attorney General Standards to Ensure the Rights of Crime Victims* at iii (April 28, 1993)

² Notification Provided to Victims of Critical Events in Criminal Justice Process. L. 1994, c. 131 section 1, eff. Oct. 31, 1994, *N.J.S.A.* 52:4B-44

³ *N.J.S.A.* 52:4B-36

⁴ *R.* 3:13-3

⁵ See Footnote 1, *supra*, at 2.2

⁶ *N.J.S.A.* 2C:25-23

⁷ See Footnote 1, *supra*, at 4

⁸ *R.* 3:26-1(a)

VICTIM NOTIFICATION FORM

◆ **Confidential Information - Not to be Disclosed**
(Please Print or Type)

Case/Docket No. _____

Defendant: _____ SSN: _____ DOB: _____ Date: _____
Date of Arrest: _____ Warrant/(Summons) No. _____ Charges: _____
Name of Police Officer or Court Staff: _____ Department/Agency: _____
• Telephone No. _____ • Fax No. _____

Check Appropriate Boxes (✓) CHECK ALL BOXES THAT APPLY

- ☐ Victim cannot be identified or is a government agency
- ☐ If defendant is charged with any of following offenses, victim informed of right to immediate notification of defendant's arrest or release from pretrial custody: ☐ aggravated assault, ☐ arson, ☐ carjacking, ☐ child abuse, ☐ death by auto, ☐ homicide, ☐ kidnapping, ☐ robbery, ☐ sexual offenses, ☐ stalking, ☐ violation of domestic violence TRO/FRO; ☐ domestic violence offenses - N.J.S.A. 2C:25-19a (check appropriate boxes above or write in domestic violence offenses here): _____
- ☐ In all other cases, victim informed that he/she will be notified within 48 hours after defendant's arrest or pretrial release.
- Time & date of court hearing, if applicable, in which court may consider defendant's bail status: _____
- ☐ **Domestic violence victim**

Victim Information: If any of this information changes, call police or court at above number

Name of Victim/Survivor: _____ [ID No, if applicable: _____]

• Home address: _____ Telephone number: _____

• Work name/address: _____ Telephone No.: _____ Work hours: _____

• List at least one person to contact if you cannot be reached at the above home or work telephone numbers:

Name	Address	Telephone Number
_____	_____	_____
_____	_____	_____

• Other information that may be needed to contact you: _____

Non Domestic Violence Victims: I do not want to be notified by telephone when defendant is ☐ arrested or ☐ released on bail. Notification by mail is sufficient: _____

(Signature of victim)

(Date)

Domestic Violence Victims Only: My Domestic Violence Rights have been explained to me & I have been given a copy of them.

☐ I want a civil restraining order; ☐ I do not want a civil restraining order at this time.

(Signature of victim)

◆ **If defendant is to be incarcerated, a copy of this form must be delivered to the appropriate correctional institution**

For Use by Notifying Agency Only When Defendant is Arrested or Released

☐ Defendant arrested on _____ by _____ Place of Custody: _____
(Date) (Agency)

☐ Defendant released from custody _____ at _____ Reason for Release: _____
(Date) (Time)

Released by: _____ ☐ Conditions of release - order attached
(Name of Officer authorizing release) (Department/Agency)

Efforts made to contact victim: [At least two attempts must be made to contact victim at each of the numbers listed above]:

Phone Number Called	Date / time	Name of Caller / Agency	Indicate: Person Notified / No One Notified
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Additional Action Taken to Notify the Victim by ☐ Police; ☐ Correctional Institution; ☐ Victim-Witness Office; ☐ Court Staff

☐ **Updated information attached**

◆ **CONFIDENTIAL INFORMATION**

White Copy to Correctional Facility; Canary Copy to Police; Pink Copy to Victim; Fax Copy to Victim-Witness Office or Court (DCJ Rev. 4/00)

VICTIM NOTIFICATION FORM

◆ **Confidential Information - Not to be Disclosed**
(Please Print or Type)

Case/Docket No. _____

Defendant: _____ SSN: _____ DOB: _____ Date: _____
Date of Arrest: _____ Warrant/(Summons) No. _____ Charges: _____
Name of Police Officer or Court Staff: _____ Department/Agency: _____
• Telephone No. _____ Fax No. _____

Check Appropriate Boxes (✓)

- ☐ Victim cannot be identified or is a government agency
- ☐ Domestic violence victim (check appropriate boxes below or write in offenses in space below)
- ☐ If defendant is charged with one of following offenses, victim informed of right to immediate notification of defendant's arrest or release from pretrial custody: ☐ aggravated assault, ☐ arson, ☐ carjacking, ☐ child abuse, ☐ death by auto, ☐ homicide, ☐ kidnapping, ☐ robbery, ☐ sexual offenses, ☐ stalking, ☐ violation of domestic violence TRO/FRO; ☐ other domestic violence offenses - N.J.S.A. 2C:25-19a (describe: _____)
- ☐ In all other cases, victim informed that he/she will be notified within 48 hours after defendant's arrest or pretrial release.
- ☐ Time & date of court hearing, if applicable, in which court may consider defendant's bail status: _____

Victim Information: If any of this information changes, call police or court at above number

Name of Victim/Survivor: _____ [ID No, if applicable: _____]

• Home address: _____ Telephone number: _____

• Work name/address: _____ Telephone No.: _____ Work hours: _____

• List at least one person to contact if you cannot be reached at the above home or work telephone numbers:

Name

Address

Telephone Number

• Other information that may be needed to contact you: _____

• Non Domestic Violence Victims: I do not want to be notified by telephone when defendant is ☐ arrested or ☐ released on bail. Notification by mail is sufficient: _____

(Signature of victim)

(Date)

Domestic Violence Victims Only: My Domestic Violence Rights have been explained to me & I have been given a copy of them.

☐ I want a civil restraining order; ☐ I do not want a civil restraining order at this time.

(Signature of victim)

◆ If defendant is to be incarcerated, a copy of this form must be delivered to the appropriate correctional institution

For Use by Notifying Agency Only When Defendant is Arrested or Released

☐ Defendant arrested on _____ by _____ Place of Custody: _____
(Date) (Agency)

☐ Defendant released from custody _____ at _____ Reason for Release: _____
(Date) (Time)

Released by: _____ ☐ Conditions of release - order attached
(Name of Officer authorizing release) (Department/Agency)

Efforts made to contact victim: [At least two attempts must be made to contact victim at each of the numbers listed above]:

Phone Number Called Date / time Name of Caller / Agency Indicate: Person Notified / No One Notified

1. _____

Additional Action Taken to Notify the Victim by ☐ Police; ☐ Correctional Institution; ☐ Victim-Witness Office; ☐ Court Staff

☐ Updated information attached

◆ **CONFIDENTIAL INFORMATION**

White Copy to Correctional Facility; Canary Copy to Police; Pink Copy to Victim; Fax Copy to Victim-Witness Office or Court (DCJ Rev. 4/00)

Family –Domestic Violence Procedures – Electronic Filing of Complaints and Temporary Restraining Orders (“E-TRO”)

E-TRO – the project by which domestic violence complaints and temporary restraining orders may be filed electronically – operated on a pilot basis for nearly five years before expanded statewide in July 2007. The Supreme Court initially authorized the project in December 2002, with two expansions of the pilot thereafter. The Court’s approval included relaxation of a number of Rules of Court for the pilot counties. By all measures the pilot test of E-TRO has been a success in all municipalities in which it has been implemented.

The Administrative Office of the Court’s Family Practice Division, Information Technology Office, Automated Trial Court Services Unit, and Municipal Court Services Division collaborated in the development of this innovative program. The initiative and support of the pilot vicinages and municipalities have been invaluable.

The program provides an efficient means for filing domestic violence complaints and temporary restraining orders after normal court hours. E-TRO streamlines the procedures so that after hours, a police officer interviews the complainant at the police station, completing both the complaint and the proposed TRO at a computer terminal. The relaxed rules allow the police officer to enter the complainant’s name on the complaint in lieu of the complainant’s signature. The judge then takes sworn testimony by telephone. If the judge determines to issue the TRO, the judge directs the police

officer to enter the judge's name on the TRO electronically. The electronic TRO is immediately enforceable and may be served on the defendant. Police staff prints out and retains hard copies of the complaint and TRO and then transmits the documents to a server that is interfaced with the Judiciary's mainframe computer. The interface allows the complaint and TRO to be immediately available on the Domestic Violence Central Registry ("Central Registry") and entered in FACTS without the need for additional manual data entry. A Municipal Court or Superior Court judge thereafter will sign a confirmatory order. Thus, the E-TRO eliminates the need for the police officers to fax documents to the Family Division. The E-TRO also eliminates the need for Family Division staff to enter this faxed information into FACTS.

Statewide implementation of the E-TRO will enhance safety for domestic violence victims by having a typed order immediately included on the Central Registry and thereby available to law enforcement statewide. It also will increase efficiency and convenience for complainants, police, judges, and court staff in processing domestic violence complaints and TROs.

As noted above, the Court earlier relaxed a number of Rules of Court for the pilot counties. In approving E-TRO for statewide implementation, the Court now has relaxed those several Rules – Rules 1:4-4(c), 4:42-1(e) and 5:7A(b) – on a statewide basis. Attached is a copy of the Court's June 5, 2007 rule relaxation order. As noted in the order, these rule relaxations are pending development and recommendation of conforming rule amendments by the appropriate Practice Committees.

FAMILY AUTOMATED CASE TRACKING SYSTEM



eTRO

Addendum for capturing full incident description text

FAMILY AUTOMATED CASE TRACKING SYSTEM
e-TRO INCIDENT DESCRIPTION ADDENDUM

TABLE OF CONTENTS

INTRODUCTION..... 1

 ABOUT THE INCIDENT DESCRIPTION FIELD..... 1

[VIEWING AND PROCESSING e-TROs](#)..... 3

[eTRO](#) INCIDENT FIELD AND AUDIT COPY..... 8

[COPY INCIDENT DESCRIPTION](#)..... 9

[PASTING INCIDENT DESCRIPTION INTO CASE COMMENTS](#)..... 15

FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

INTRODUCTION

ABOUT THE INCIDENT DESCRIPTION FIELD

This addendum is a guide to capturing the full text of an incident description from the e-TRO incident description field when the text exceeds 250 characters.

The Complaints and TROs that electronically transfer to the Family Automated Case Tracking System (FACTS) may have up to 600 characters in the incident description field. The incident description field on FACTS can only accept 250 characters. When the cases are docketed, the text which exceeds 250 characters is lost due to truncating.

The full eTRO should be printed out (an audit copy) with all 600 characters on a PC laser printer by using the mainframe print function during the docketing process.

**FAMILY AUTOMATED CASE TRACKING SYSTEM
e-TRO INCIDENT DESCRIPTION ADDENDUM**

I

VIEWING AND PROCESSING *e*TROs

FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

VIEWING AND PROCESSING OF eTROs

Those personnel in Superior Court doing FV intake via the eTRO function will docket cases using the FV establish case interface. The ability to view these electronically transferred TROs is available via the internet. The ability to cross-reference them in FACTS will ensure the accurate transmission of data from police agencies to the Superior Court of New Jersey.

Data displayed includes a total list of transmitted eTROs within the county and then by issuing entities by municipality. Within each municipality list are individual case listings showing the issuing entity, the defendant and the plaintiff names, docket submission date, judge, service date and police case number if applicable.

To view eTROs issued, log on to the PAUA page on the internet to see those restraining orders that have been transmitted to Superior Court for docketing.

Prior to docketing each case, click on the case and open the complaint/tro and check the incident description field. If the incident description fills or exceeds half of the available area, highlight the text with your mouse and copy the text. It is suggested, but not required, that users paste the text into a new (blank) word document before docketing the case. Once the case is docketed, paste the full text of the incident description into the case comments in FACTS.

FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

1) Log on to eTRO as you normally would.

The screenshot shows a Microsoft Internet Explorer window titled "NJCourts Online: Login". The address bar displays the URL: <https://tntamqa1.courts.judiciary.state.nj.us/web1/paua/welcome.do>. The page header includes the "NJCourts Online" logo and navigation links: "NJCourts Online", "Register", "Request Activation Email", "Request User Id Information", and "Reset Password". The main content area is titled "Login" and contains the following text: "If you have already received a user id, please proceed to login below." and "If you are not currently a registered user, you can register with NJCourtsOnline.com by clicking [here](#).". Below this text are two input fields: "User Id:" with the value "ctybur1" and "Password:" with masked characters. A "Login" button is positioned below the password field. At the bottom of the page, there is a copyright notice: "© Copyright NJ Judiciary 2007". The Windows taskbar at the bottom shows the "start" button, several open applications (including "Re: Cou...", "E-TRO ...", and "1 - Defa..."), and the system clock displaying "2:02 PM".

NJCourts Online: Login - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Reload Home Search Favorites

Address <https://tntamqa1.courts.judiciary.state.nj.us/web1/paua/welcome.do> Go

NJCourts Online | Register | Request Activation Email | Request User Id Information | Reset Password

New Jersey Courts
Independence • Integrity • Fairness • Quality Service

Login

If you have already received a user id, please proceed to login below.
If you are not currently a registered user, you can register with NJCourtsOnline.com by clicking [here](#).

User Id:

Password:

Login

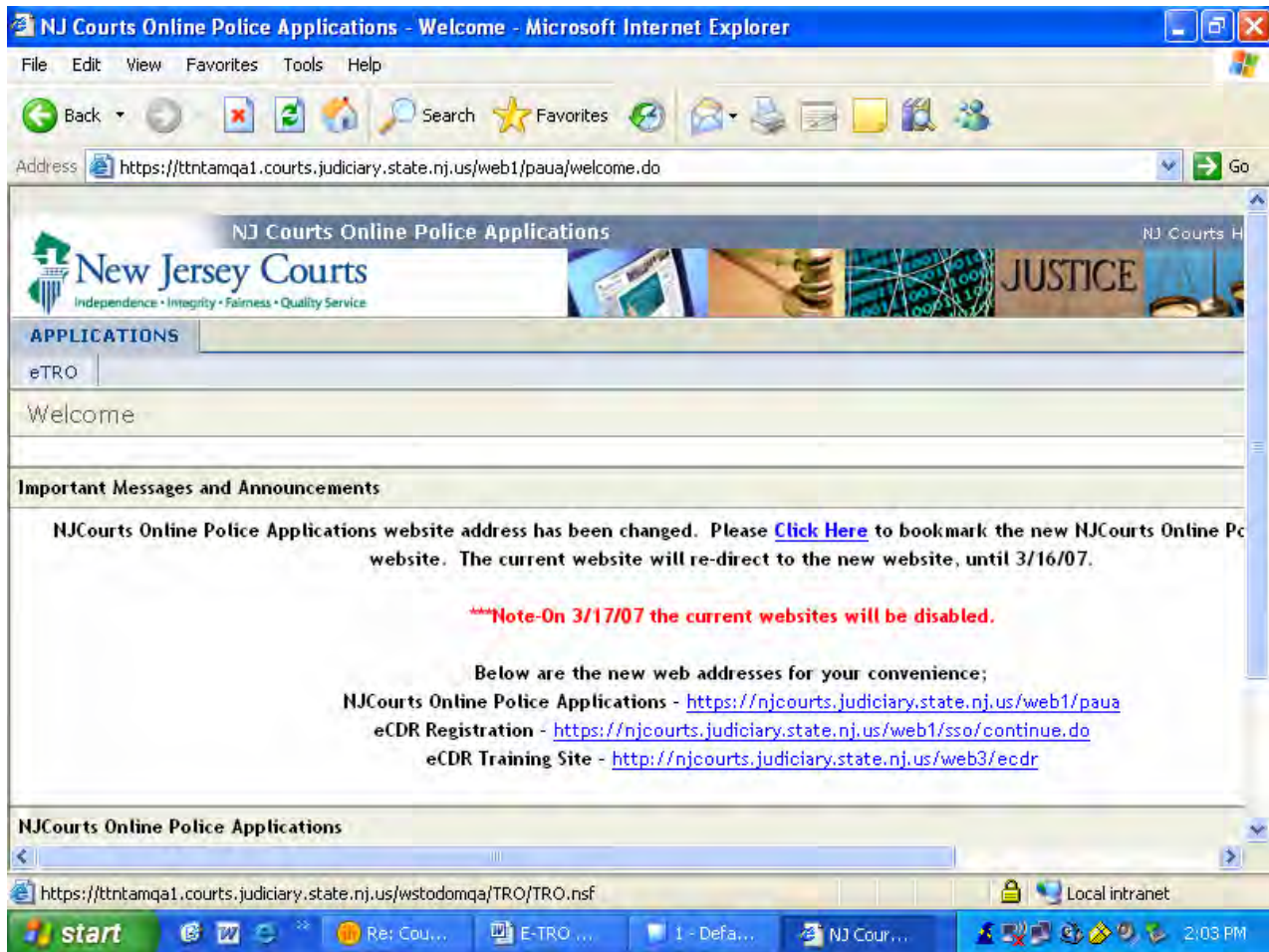
© Copyright NJ Judiciary 2007

Done Local intranet

start Re: Cou... E-TRO ... 1 - Defa... NJCourt... 2:02 PM

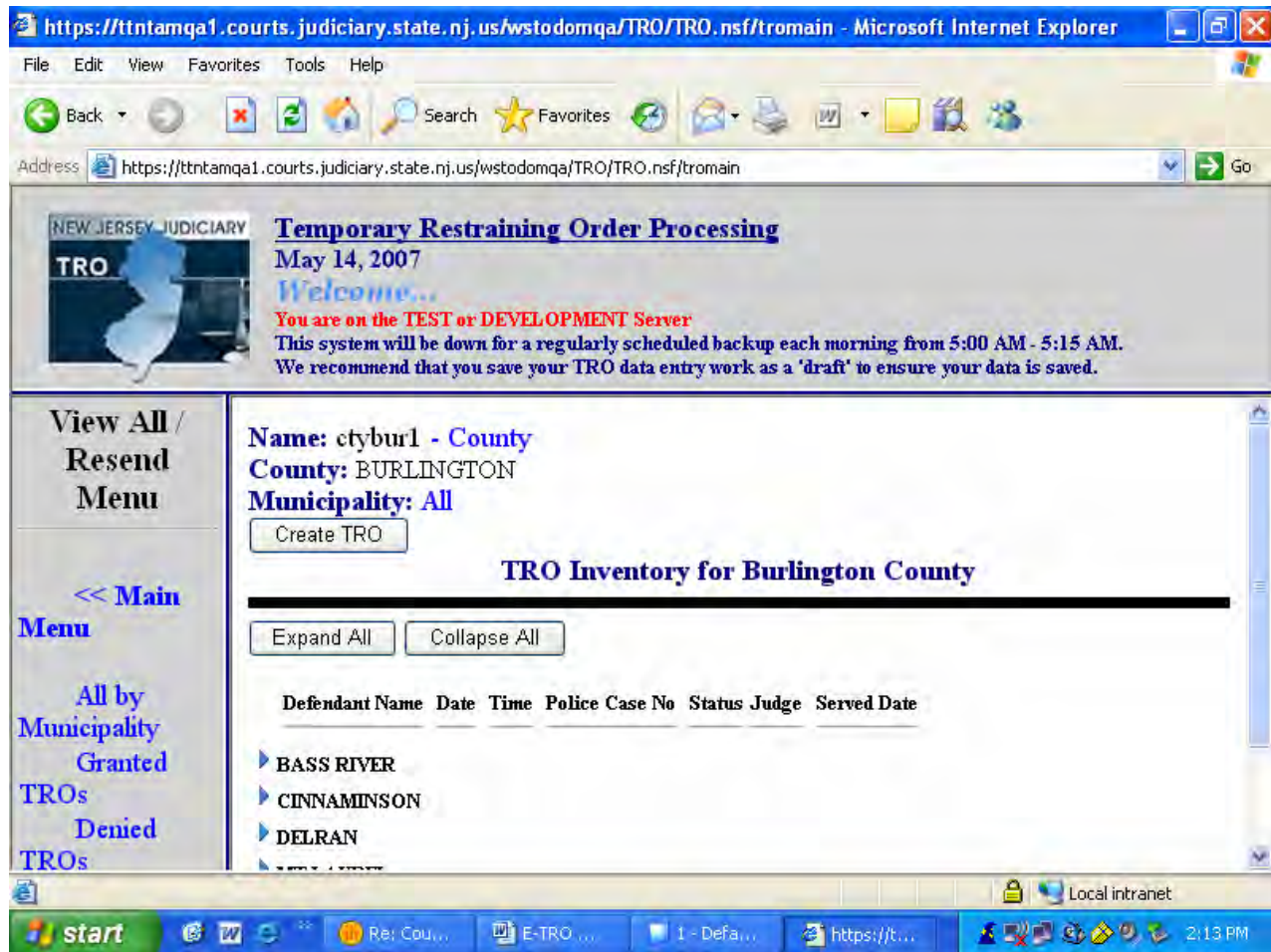
FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

2) Click on the eTRO tab.



FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

3) Use the "View All" menu item to display all TROs transmitted in your county.



FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

4) Using the “Expand All” button will display all eTROs in your county.

Temporary Restraining Order Processing
May 14, 2007
Welcome...
You are on the TEST or DEVELOPMENT Server
This system will be down for a regularly scheduled backup each morning from 5:00 AM - 5:15 AM.
We recommend that you save your TRO data entry work as a 'draft' to ensure your data is saved.

View All / Resend Menu	STP	10/05/2006	(V) ETRO	546325	Joe Schmoe	Re-ser
<< Main Menu			Victim			
All by Municipality			(D) ETRO			
Granted TROs			Suspect			
Denied TROs						
	1	1	CINNAMINSON			
			Granted			
			SGS	02/01/2007	(V) BLUE CAR	N/A
					(D) BLUE CAR	Tom Bryant
						Re-ser
	32	3	EASTAMPTON TWP			
			Denied			
			PD	11/02/2006	(V) hancock mildred	11-1-2006-a
					(D)	GREGORY MCCLOSKEY
						Re-ser

FAMILY AUTOMATED CASE TRACKING SYSTEM

e-TRO INCIDENT DESCRIPTION ADDENDUM

eTRO INCIDENT FIELD AND AUDIT COPY

An exact audit copy of the eTRO is needed.

- 5) Click on the party/case. This will launch Adobe Acrobat.
- 6) Once this is opened, look at the incident description field. If it fills half of the field or more, highlight the text and copy it onto your clipboard.
(See next section for detailed instructions on this process.)
- 7) You should then paste the text onto a blank word document to preserve it during the docking process.
(See next section for detailed instructions on this process.)
- 8) Click on a blank area of the document to remove highlighting.
- 9) Click on the printer icon and a hard copy of the e-TRO will print to your default printer.

This is the only chance to print an exact duplicate of the eTRO as issued by the agency entering the information.

https://ttnwebsealqa1.courts.judiciary.state.nj.us/wstodomqa/TRO/TRO.nsf/pdfs/dvtro.pdf/\$FILE/d - Microsoft Internet Explorer

Please fill out the following form. You cannot save data typed into this form. Please print your completed form if you would like a copy for your records.

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order Page 1 of 4
☒ TRO ☐ Amended TRO N.J.S.A. 2C:25-17 et seq.

☒ Superior Court, Chancery Division, Family Part, BURLINGTON County ☐ Municipal Court of

DOCKET NUMBER **FV -** POLICE CASE # **N/A**

IN THE MATTER OF: LAST NAME **West** FIRST NAME **Erica** INITIAL **J** PLAINTIFF'S SEX ☐ MALE ☒ FEMALE PLAINTIFF'S DOB **09/29/1991**

DEFENDANT INFORMATION
 LAST NAME **West** FIRST NAME **Ashley** INITIAL **J**

AKA AKA LAST NAME AKA FIRST NAME AKA INITIAL SS# DOB
 1. HOME ADDRESS **123 Westcot Drive** CITY **Marlton** STATE **NJ** ZIP **08053** HOME PHONE # **(856) 810-9852** WORK PHONE # **EXTENSION**

EMPLOYER **Cherokee High School** EMPLOYER ADDRESS **120 Tomlinson Rd** EMPLOYER CITY **Marlton** STATE **NJ** ZIP **08053** DEFENDANT'S SEX ☐ MALE ☒ FEMALE

HAIR COLOR **Blonde** EYE COLOR **Blue** HEIGHT **5'06"** WEIGHT **122** RACE **Caucasian** SCARS, FACIAL HAIR, TATTOO(S), ETC. **I (heart) my daddy**

The undersigned complains that said defendant did endanger plaintiff's life, health or well being (give specific facts regarding acts or threats of abuse and the date(s) and time(s) they occurred; specify any weapons):

ON (Date)	AT (Time)	BY (Details; specify any weapons)
04/01/2008	13:13	Plaintiff states that defendant has bothered her every day at 4th period. On above date and time plaintiff states defendant went into their shared locker and took all her make-up. Plaintiff states that upon catching her in the act, defendant threw all the makeup on the floor. Plaintiff states that when she got on the floor to pick up her make-up defendant and stepped on it. Plaintiff states that when she yelled at defendant to stop, defendant then stepped on her fingers. Plaintiff states defendant stood on her fingers for several minutes until a teacher intervened and made her stop.

**FAMILY AUTOMATED CASE TRACKING SYSTEM
e-TRO INCIDENT DESCRIPTION ADDENDUM**

II

COPY AND PASTE

FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

COPY

1) Highlight the text then right click. Click on “copy.”

https://ttnwebsealqa1.courts.judiciary.state.nj.us/wstodomqa/TRO/TRO.nsf/pdfs/dvtro.pdf/\$FILE/d - Microsoft Internet Explorer

File Edit Go To Favorites Help

Back Forward Stop Search Favorites

Address https://ttnwebsealqa1.courts.judiciary.state.nj.us/wstodomqa/TRO/TRO.nsf/pdfs/dvtro.pdf/\$FILE/dvtro.pdf

1 / 4 102% Find

Please fill out the following form. You cannot save data typed into this form. Please print your completed form if you would like a copy for your records. Highlight Fields.

☒ Superior Court, Chancery Division, Family Part, BURLINGTON County ☐ Municipal Court of _____

DOCKET NUMBER **FV -** POLICE CASE # **N/A**

IN THE MATTER OF PLAINTIFF (VICTIM) LAST NAME West FIRST NAME Erica INITIAL J PLAINTIFF'S SEX ☐ MALE ☒ FEMALE PLAINTIFF'S DOB 09/29/1991

DEFENDANT INFORMATION LAST NAME West FIRST NAME Ashley INITIAL J

AKA AKA LAST NAME AKA FIRST NAME AKA INITIAL SS# DOB 09/29/1991

HOME ADDRESS 123 Westcot Drive CITY Marlton STATE NJ ZIP 08053 HOME PHONE # (856) 810-9852 WORK PHONE # EXTENSION

EMPLOYER Cherokee High School EMPLOYER ADDRESS 120 Tomlinson Rd EMPLOYER CITY Marlton STATE NJ ZIP 08053 DEFENDANT'S SEX ☐ MALE ☒ FEMALE

HAIR COLOR Blonde EYE COLOR Blue HEIGHT 5' 06" WEIGHT 122 RACE Caucasian SCARS, FACIAL HAIR, TATTOO(S), ETC. I (heart) my daddy

The undersigned complains that said defendant did endanger plaintiff's life, health or well being (give specific facts regarding acts or threats of abuse and the date(s) and time(s) they occurred; specify any weapons):

ON (Date)	AT (Time)	By (Details; specify any weapons.)
<u>04/01/2008</u>	<u>13:13</u>	<u>Plaintiff states that defendant has bothered her every day at 4th period. on above date and time plaintiff states defendant went into their shared locker and took all her make-up. Plaintiff states that upon catching her in the act, defendant threw all the makeup on the floor. Plaintiff states that when she got on the floor to pick up her make-up, defendant stepped on her fingers. Plaintiff states that when she yelled at defendant, defendant then stepped on her fingers for several minutes until a teacher intervened and made her stop.</u>

which constitute(s) the following criminal offense(s): (Check all applicable boxes: Law Enforcement Officer: Attach N.J.S.P. UCR DV1 offense report(s)):

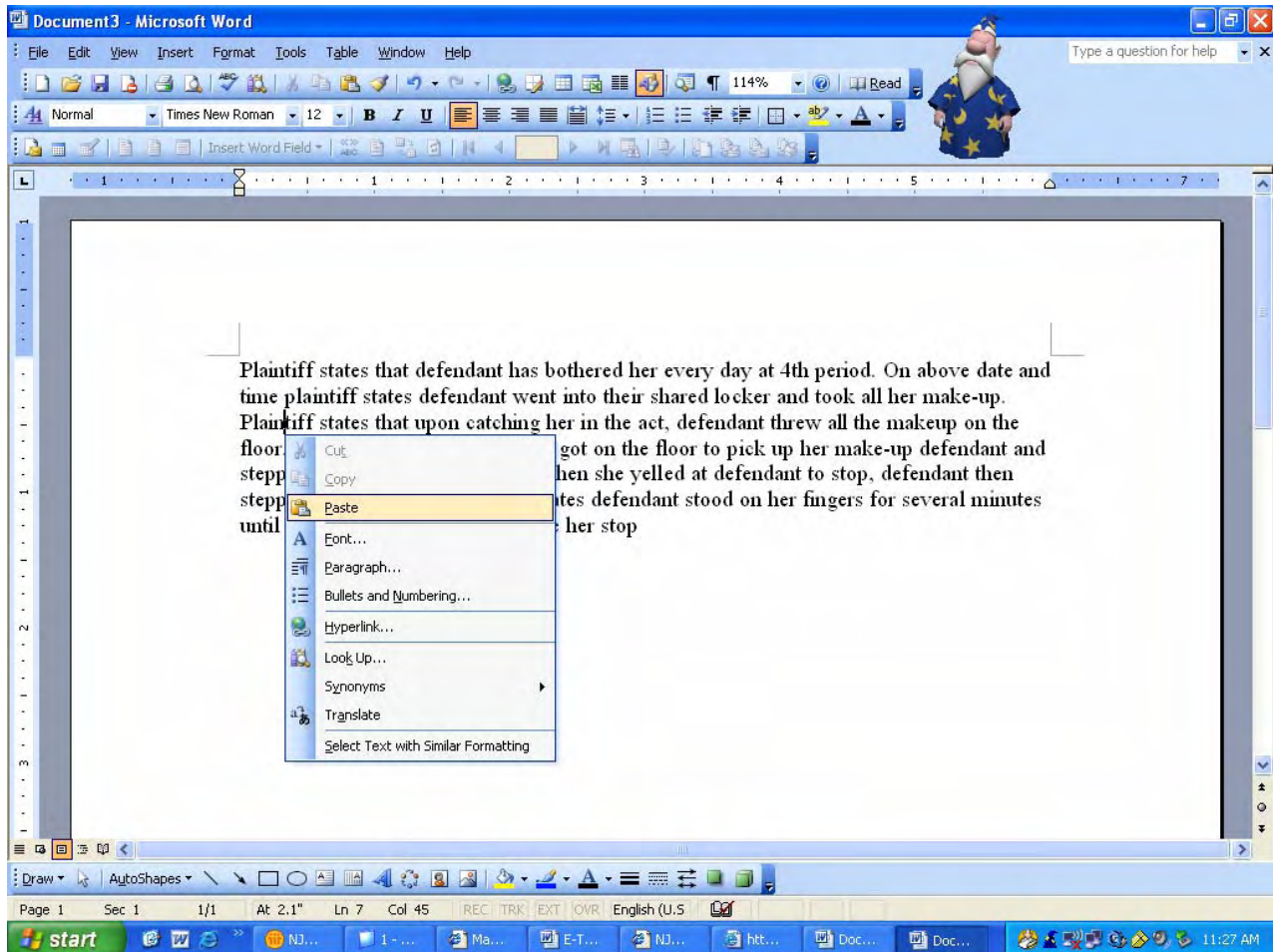
☐ TERRORISTIC ☐ CRIMINAL ☐ SEXUAL ☐ DOMESTIC VIOLENCE

Done Unknown Zone

start W N Co... 1: De... Magic... E-Tr... NJCo... Https... Docu... 11:24 AM

FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

2) Open a new (blank) word document and paste the text there for safe keeping during the docketing process.



FAMILY AUTOMATED CASE TRACKING SYSTEM

e-TRO INCIDENT DESCRIPTION ADDENDUM

3) SELECT the party to be docketed on FACTS and DOCKET THE CASE.

FMM1201 FAMILY AUTOMATED CASE TRACKING SYSTEM 04/11/08
 PAGE: 0001 MUNICIPAL TRO LIST FOR BURLINGTON(TOTAL 5) 13:47
 PF

LAST NAME:	FIRST NAME:	MIDDLE INIT:				
S PARTY NAME	BIRTH DATE	RACE	SEX	SERVICE DT		
JONESBURY, JOHN	01 07 1980	CAUCASIAN	M			E
PHILLIPS, STEVE	06 22 1957	CAUCASIAN	M			R
BILLINGS, BILL	09 03 1953	ALASKAN NAT	F			R
LOUIS, SMITHERS	10 15 1969	CAUCASIAN	M	10 12 2002		
S WEST, ASHLEY	09 29 1991	CAUCASIAN	F			

FM906946 COUNTY/VENUE TRO SEARCH PERFORMED

PF1=FACTS PARTY SEARCH PF2=ALL PARTIES PF3=DROP PF7=BACKWARD PF8=FORWARD
PF23=REFRESH PF24=TRO SEARCH

1 - Default 3270 (3270tr)

File Edit Transfer Fonts Options Tools View Window Help

FMM1204 FAMILY AUTOMATED CASE TRACKING SYSTEM 04/11/08
 PAGE: 0001 FV ESTABLISH CASE - QUICK ENTRY OPER ID: JUHWB

DOCKET/CASE #: FV 03 000747 08 E CASE FILED DATE: 04 11 2008
 PRINT DEST: RMT4268

CASE	RELATIONSHIP	PARTY ID	PARTY NAME	BIRTH DATE	COUNTY
DEF	W	0009912	WEST ASHLEY	09 29 1991	BUR
PLA	W	0219987	WEST ERICA J	09 29 1991	BUR

FM903123 DOCKET HAS BEEN ADDED; TRO HAS BEEN SENT TO THE PRINTER
 PF1=EST CASE PF2=EST CASE & PRT TRO PF3=EST CASE MENU II COPIES: 1 LASER: Y

1 Sess-1 172.16.1.27 TAOC0173 DOC 3/78

start Har... 1-... Mag... E-T... NJC... http... Doc... Doc... 12:05 PM

FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

Upon successfully establishing a new FV case on FACTS, the docket number will be displayed on the screen and the mainframe copy of the eTRO should be printed based upon the selection of PF2.

It is important to note that this print request will be the last time a FACTS user will be able to print the eTRO with the data exactly matching the content as it appears on the original TRO. All subsequent Complaint and/or TRO print requests will reflect any data changes made by Superior Court, if any.

NOTE: This print option will not be in the Adobe format as an exact audit copy of the complaint and eTRO, but the data will mirror that document. If an exact copy in all respects to the eTRO is needed, refer to this function in the beginning section of this addendum.

At this point, the case has been docketed on FACTS.

**FAMILY AUTOMATED CASE TRACKING SYSTEM
e-TRO INCIDENT DESCRIPTION ADDENDUM**

III

PASTING INCIDENT DESCRIPTION INTO CASE COMMENTS

FAMILY AUTOMATED CASE TRACKING SYSTEM

e-TRO INCIDENT DESCRIPTION ADDENDUM

PASTING TEXT

1) From ESTABLISH CASE MENU II SELECT PF3=CASE COMMENTS ENTRY/MAINTENANCE

The screenshot displays the 'FAMILY AUTOMATED CASE TRACKING SYSTEM' interface. At the top, it shows 'FMM1101' and the date '04/11/08' with the time '12:06'. The menu title is 'ESTABLISH CASE MENU II'. Below this, case details are listed: 'DOCKET/CASE #: FV 03 000747 08 E', 'CASE TITLE : WEST ERICA J VS WEST ASHLEY', 'CASE TYPE :', and 'DATE FILED : 04 11 2008'. The number of parties in the case is '02'. A list of functions with their corresponding function keys (PF1-PF13) is shown: 'CHANGE EXISTING PARTY DETAIL (PF1)', 'ADD NEW PARTY DETAIL (PF2)', 'CASE COMMENTS ENTRY/MAINTENANCE (PF3)', 'ADD ADDITIONAL RELIEFS (PF4)', 'CHARGE MAINTENANCE (PF5)', 'DOCUMENT ENTRY (PF6)', 'CPR PROFILE SUMMARY LIST (PF7)', 'MAINTAIN FAMILY RELATIONSHIP (PF8)', 'ASSOCIATE/DISASSOCIATE PARTIES (PF9)', 'ASSOCIATE ATTORNEY (PF10)', 'ADD ADDITIONAL CROSS REFERENCE (PF11)', 'LINK CASES (PF12)', and 'DV COMPLAINT COMMENTS (PF13)'. At the bottom, there are prompts for 'PRINT DESTINATION:', '#COPIES: 1', 'LASER: Y (Y/N)', 'PRINT PARTY HISTORY REPORTS (Y/N)? N', and 'PRINT COMPLAINT/TRO: Y FRO: N JUDGE NAME: Y'. The interface includes a menu bar with 'File', 'Edit', 'Transfer', 'Fonts', 'Options', 'Tools', 'View', 'Window', and 'Help'. The status bar at the bottom shows 'start', 'Sess-1', '172.16.1.27', 'TAOC0173 DOC', and '21/37'.

1 - Default 3270 (3270tr)

File Edit Transfer Fonts Options Tools View Window Help

FMM1101 FAMILY AUTOMATED CASE TRACKING SYSTEM 04/11/08
ESTABLISH CASE MENU II 12:06

DOCKET/CASE #: FV 03 000747 08 E
CASE TITLE : WEST ERICA J VS WEST ASHLEY
CASE TYPE : DATE FILED : 04 11 2008
OF PARTIES IN CASE: 02

CHANGE EXISTING PARTY DETAIL PF1
ADD NEW PARTY DETAIL PF2
CASE COMMENTS ENTRY/MAINTENANCE PF3
ADD ADDITIONAL RELIEFS PF4
CHARGE MAINTENANCE PF5
DOCUMENT ENTRY PF6
CPR PROFILE SUMMARY LIST PF7
MAINTAIN FAMILY RELATIONSHIP PF8
ASSOCIATE/DISASSOCIATE PARTIES PF9
ASSOCIATE ATTORNEY PF10
ADD ADDITIONAL CROSS REFERENCE PF11
LINK CASES PF12
DV COMPLAINT COMMENTS PF13

PRINT DESTINATION: #COPIES: 1 PF20 LASER: Y (Y/N)
PRINT PARTY HISTORY REPORTS (Y/N)? N
PRINT COMPLAINT/TRO: Y FRO: N JUDGE NAME: Y

start Sess-1 172.16.1.27 TAOC0173 DOC 21/37 12:06 PM

FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

2) PRESS PF1=ADD COMMENT

1 - Default 3270 (3270tr)

File Edit Transfer Fonts Options Tools View Window Help

PR1 PR2 PR3

FMM1130 FAMILY AUTOMATED CASE TRACKING SYSTEM 04/11/08
PAGE: 0001 CASE COMMENTS INQUIRY 12:08

SEARCH DATE : [redacted]

DOCKET/CASE #: FV 03 000747 08 E
CASE TITLE : WEST ERICA J VS WEST ASHLEY

S	DATE ENTERED	COMMENTS	OPERATOR ID
[redacted]	04 11 2008	TRO GRANTED BY: WAYNE BORSTAD	JUHWB
	04 11 2008	ON 4/11/2008 AT 11:15 AM VIA PHONE	JUHWB

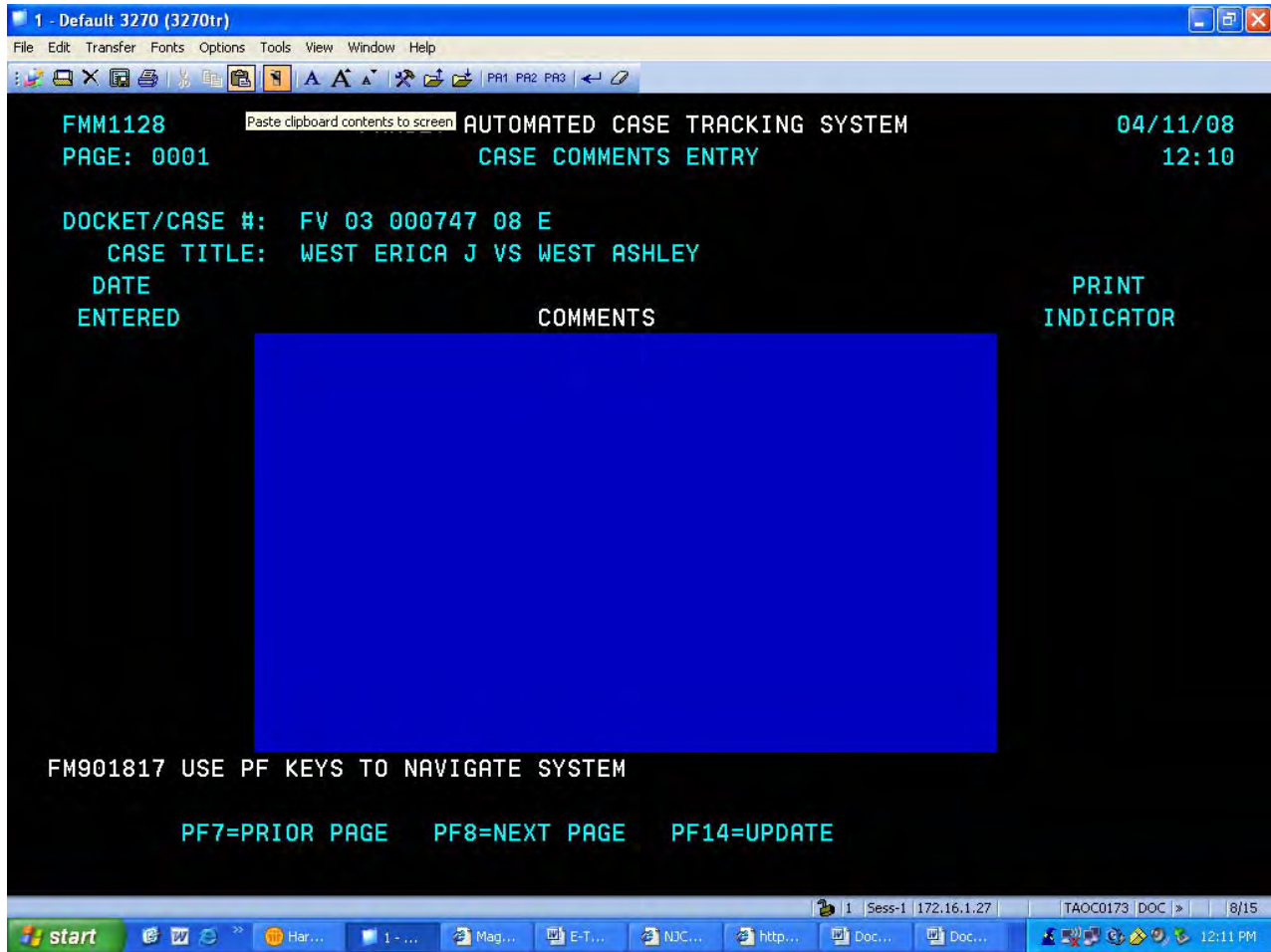
FM906602 LAST PAGE CURRENTLY DISPLAYED
PF1=ADD COMMENT PF2=MAINTENANCE
PF7=PRIOR PAGE PF8=NEXT PAGE PF23= REFRESH PF24=DATE SEARCH

1 Sess-1 172.16.1.27 TAOC0173 DOC 10/2

start [icons] 12:08 PM

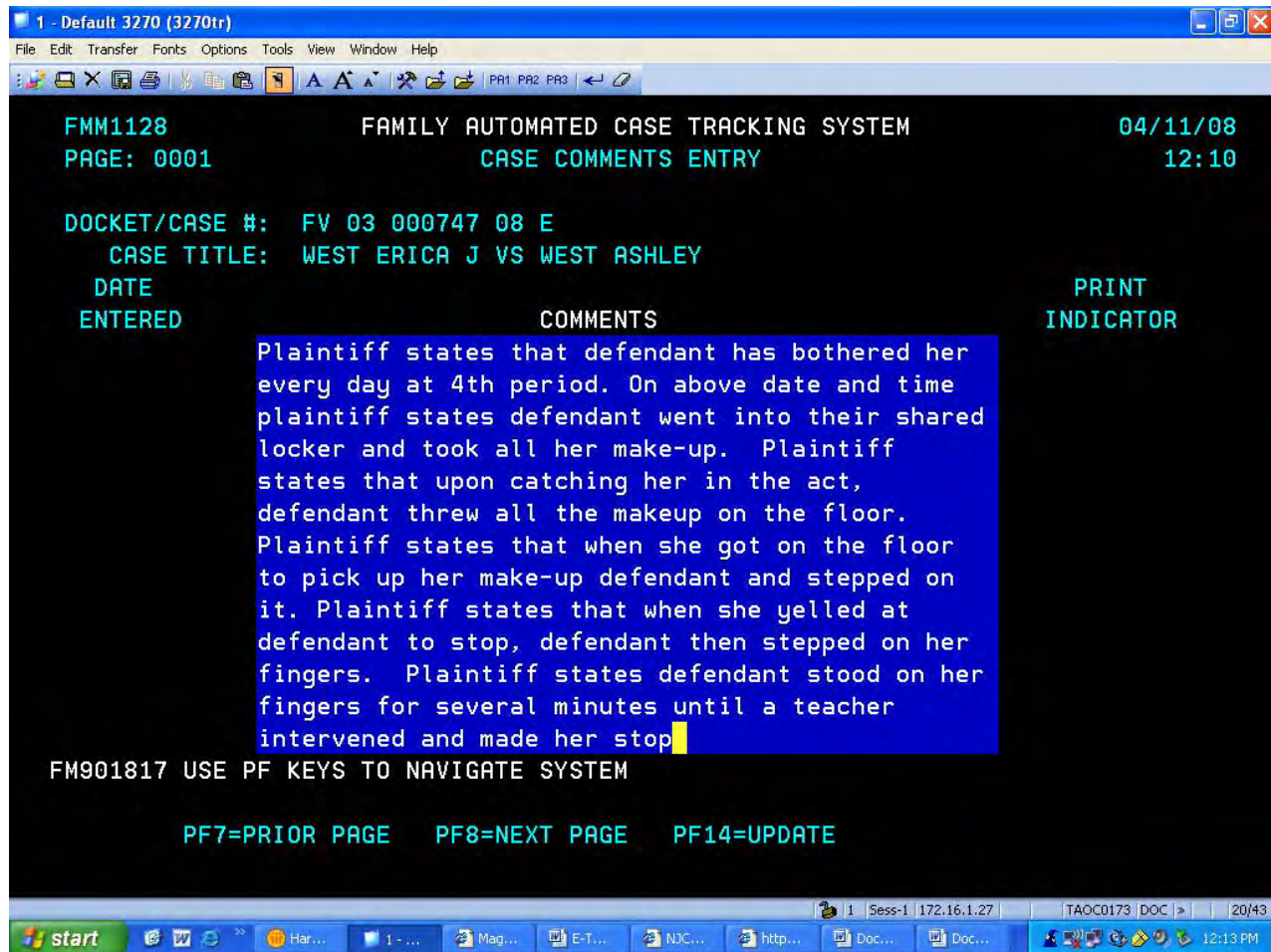
FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

3) Click on the clipboard icon on the top row and paste the comments into the field.



FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

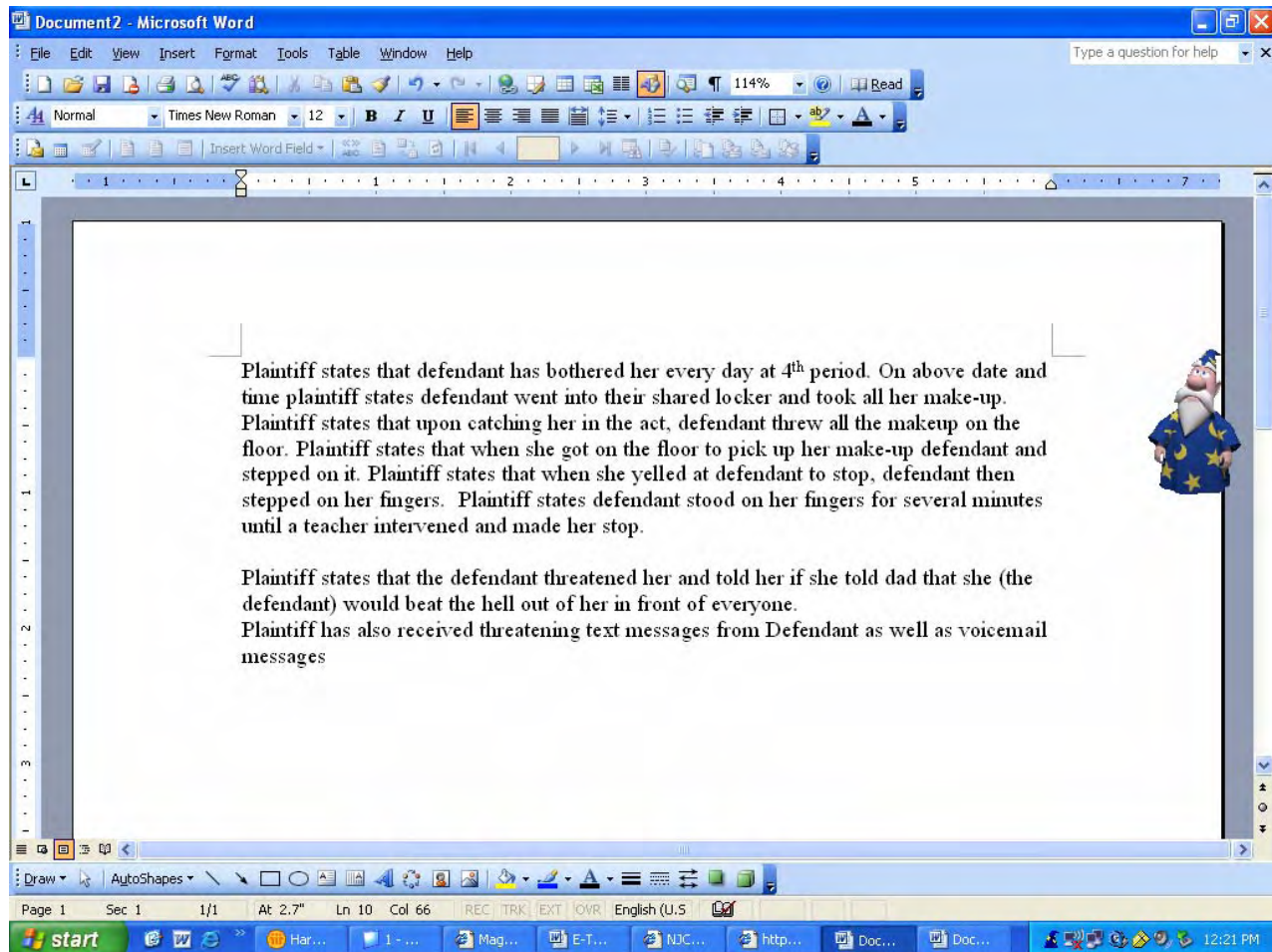
4) Text from clipboard will appear in case comments box.



5) Press PF14=UPDATE.

FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

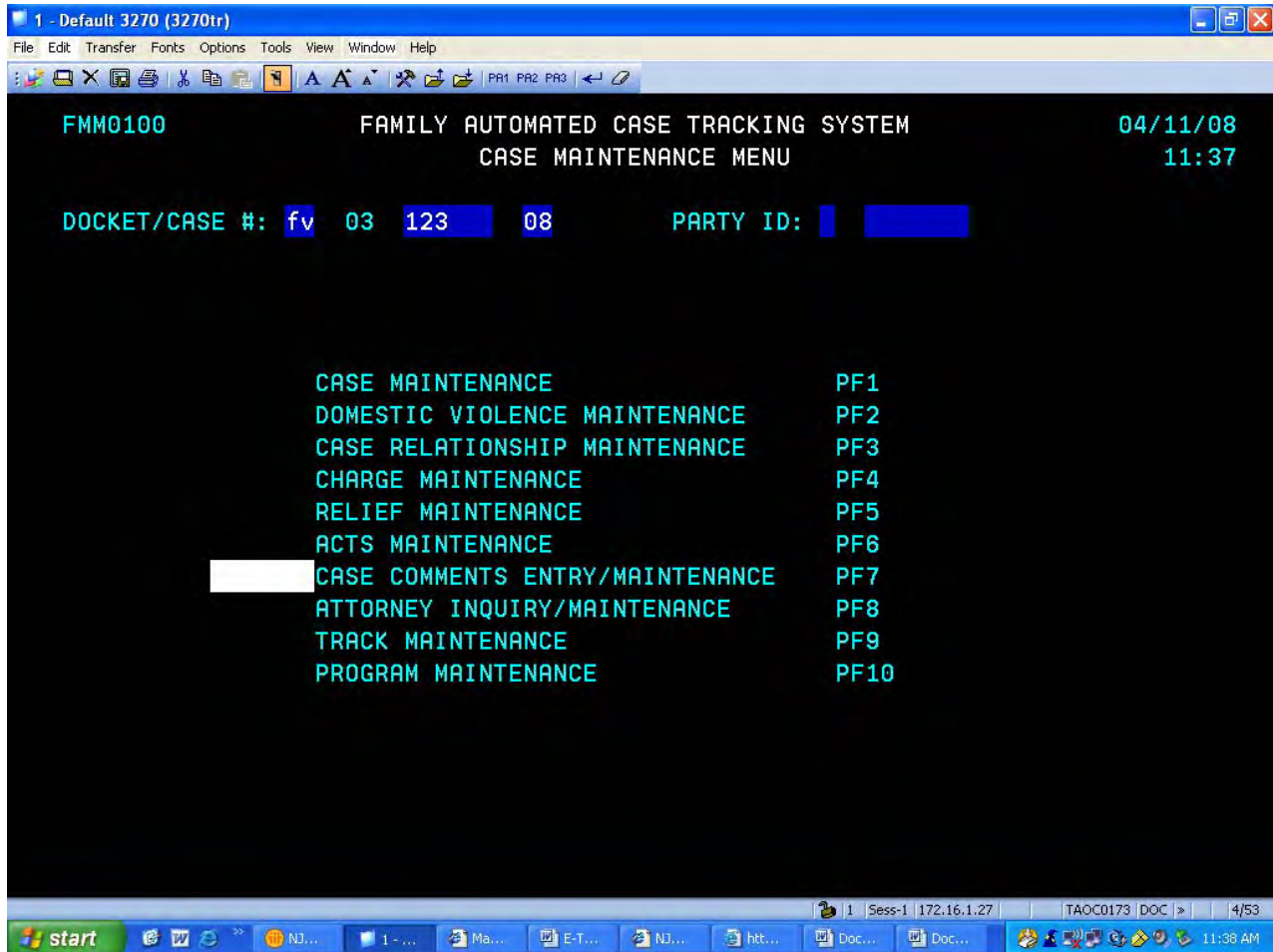
If more than one page of text was copied onto clipboard, use will need to use Microsoft WORD or similar application to split text into separate paragraphs and paste each paragraph separately into CASE COMMENTS.



FAMILY AUTOMATED CASE TRACKING SYSTEM e-TRO INCIDENT DESCRIPTION ADDENDUM

If user forgets to enter comments during docketing process, they can still be entered using case maintenance.

- 1) From the FACTS main menu **PRESS PF10=CASE MAINTENANCE.**
- 2) From CASE MAINTENANCE **PRESS PF7=CASE COMMENTS ENTRY/MAINTENANCE.**



NOTE:

THIS CUT AND PASTE METHOD SHOULD ALSO BE EMPLOYED IF THE TEXT IN PRIOR HISTORY FIELD MEETS OR EXCEEDS HALF OF THE AVAILABLE AREA.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
COUNTY OF

DOCKET NO.:FV - ____ - _____

_____	:	
Plaintiff	:	
	:	
Vs.	:	
_____	:	
	:	
Defendant	:	

ORDER CONFIRMING ISSUANCE OF
DOMESTIC VIOLENCE TEMPORARY
RESTRAINING ORDER AND SUMMARY
OF SWORN ORAL TESTIMONY PURSUANT
TO RULE 5:7A(B)

SWORN ORAL TESTIMONY OF APPLICANT COMMUNICATED:
_____In person _____Radio _____Telephone _____Other (explain)

LAW ENFORCEMENT OFFICER ASSISTING APPLICANT
Name, Department, Phone number _____

SUMMARY OF SWORN TESTIMONY:

After hearing sworn oral testimony of the Plaintiff and finding that an act of domestic violence has been committed by defendant and all other statutory requirements having been satisfied, this court authorizes the issuance of a duplicate original Temporary Restraining Order on _____ day of _____, 20____, _____(a.m.) (p.m.). The above Summary and this Confirmatory Order have been prepared by me contemporaneously with the sworn oral application and issuance of the duplicate Temporary Restraining Order;

IT IS HEREBY ORDERED that this Order be attached to the original complaint and TRO and shall become a part thereof.

, J.M.C.
Judge of the Municipal Court

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
COUNTY OF

DOCKET NO.: FV-____-_____

_____	:	
Plaintiff	:	APPLICATION FOR APPEAL
	:	AND ORDER
Vs.	:	
	:	
_____	:	
Defendant	:	

NAME:

ADDRESS:

PHONE NUMBERS (HOME AND WORK):

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

EMERGENCY CONTACT (NAME AND PHONE NUMBER):

CERTIFICATION AND REQUEST FOR APPEAL

I am the **Plaintiff**(☐) or **Defendant** (☐) in the above captioned matter and make this request to Appeal the entry of an *ex parte* Temporary Restraining Order entered on _____ in **Superior Court** (☐) **OR Municipal Court** (☐).

I am asking for this Appeal for the following reasons (use additional paper if necessary):

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date

Signature
Name (print):

ORDER OF THE COURT

The Court, having taken notice of Plaintiff's ☐ OR Defendant's ☐ request for an appeal of a Temporary Restraining Order entered on _____; and

☐ Plaintiff having been advised of this appeal; or

☐ Defendant having been advised of this appeal; or

☐ No notice having been given to the other party; and

IT IS HEREBY ORDERED ON this _____ day of _____,

that the request for Appeal of the Temporary Restraining Order is:

☐ Denied. Final Hearing will proceed as originally scheduled.

☐ GRANTED. A hearing shall be held on _____, 20____ for the following:

☐ Final Hearing.

☐ Limited purpose of:

☐ OTHER RELIEF:

☐ THE REASONS FOR ENTRY OF THIS ORDER:

_____, J.S.C.

RETURN OF SERVICE:

☐ Defendant was given a copy of this Order by:

print name

time and date

signature/ badge number/ dept

☐ Plaintiff was given a copy of this Order by:

print name

time and date

signature/ badge number/ dept

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
COUNTY OF _____
DOCKET NO.: FV-__ - ____ - __

_____	:	
Plaintiff	:	
	:	
Vs.	:	CONTINUANCE ORDER
	:	
_____	:	
Defendant	:	

This matter having been opened to Court for a Final Hearing:

IT IS HEREBY ORDERED ON this _____ day of _____, that all restraints previously ordered in the Temporary Restraining Order dated _____ (attached) **SHALL CONTINUE IN FULL FORCE AND EFFECT. THE TRO MUST BE ATTACHED TO THIS CONTINUANCE ORDER FOR SERVICE.**

IT IS FURTHER ORDERED:

- ☐ Since Defendant was not served, this matter is continued until Defendant is served. When Defendant is served, return of service must be sent to Family Division so a Final Hearing can be scheduled.
- ☐ All parties shall appear for a hearing on _____ at _____ am/pm in Courtroom _____. This Order shall serve as Notice to Appear.
- ☐ This Order shall be served by personal service on ☐ **Plaintiff** / ☐ **Defendant**.
- ☐ The parties shall advise the Court of any change in address or phone number.

_____, J.S.C.

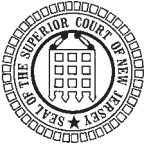
RETURN OF SERVICE:

☐ **Defendant** was given a copy of this Order by:

_____	_____	_____
print name	time and date	signature/ badge number/ dept

☐ **Plaintiff** was given a copy of this Order by:

_____	_____	_____
print name	time and date	signature/ badge number/ dept



STATE OF NEW JERSEY
PREVENTION OF DOMESTIC VIOLENCE ACT

Page 1 of 4
10211-English

County, Superior Court, Chancery Division, Family Part

☐ Final Restraining Order (FRO) ☐ Amended Final Restraining Order

DOCKET NUMBER

FV -

IN THE MATTER OF:
PLAINTIFF

PLAINTIFF'S DATE OF BIRTH

DEFENDANT

DEFENDANT'S
SEX RACE

DEFENDANT'S DATE OF BIRTH

HT
WT

DEFENDANT'S SOCIAL SECURITY NO.

DEFENDANT'S HOME ADDRESS

SCARS, FACIAL HAIR, ETC.

DEFENDANT'S HOME TELEPHONE NUMBER

DEFENDANT'S WORK ADDRESS

HAIR COLOR

DEFENDANT'S WORK TELEPHONE NUMBER

EYE COLOR

The Court having considered plaintiff's Complaint dated _____ seeking an ORDER under the Prevention of Domestic Violence Act, having established jurisdiction over the subject matter and the parties pursuant to *N.J.S.A. 2C:25-17 et seq.*, and having found that defendant has committed an act of domestic violence, and all other statutory requirements having been satisfied:

It is on this _____ day of _____, 20 _____, ORDERED that:

SOUGHT GRANTED

PART I RELIEF

DEFENDANT:

1. ☐ ☐ You are prohibited against future acts of domestic violence.
2. ☐ ☐ You are barred from the following location(s):
☐ RESIDENCE(S) OF PLAINTIFF ☐ PLACE(S) OF EMPLOYMENT OF PLAINTIFF
Other _____

3. ☐ ☐ You are prohibited from having **any** oral, written, personal, electronic, or other form of contact or communication with:
☐ ☐ Plaintiff
☐ ☐ Others (List names & relationship to plaintiff): _____

4. ☐ ☐ You are prohibited from making or causing anyone else to make harassing communications to:
☐ ☐ Plaintiff
☐ ☐ Others (Same as above or list names & relationship to plaintiff): _____

5. ☐ ☐ You are prohibited from stalking, following, or threatening to harm, to stalk or to follow:
☐ ☐ Plaintiff
☐ ☐ Others (Same as above or list names & relationship to plaintiff): _____

6. ☐ ☐ You must pay emergent monetary relief (describe amount and method):
☐ ☐ Plaintiff: _____
☐ ☐ Dependents: _____
7. ☐ ☐ Other appropriate relief:
Defendant (including substance abuse, mental health or other evaluations and subsequent treatment): _____

8. ☐ ☐ Psychiatric evaluation: _____

9. ☐ ☐ Intake monitoring of conditions and restraints (specify): _____

NOTICE TO DEFENDANT: A violation of any of the provisions listed in this order may constitute either civil or criminal contempt pursuant to *N.J.S.A. 2C:25-30* and may result in your arrest, prosecution, and possible incarceration, as well as an imposition of a fine or jail sentence. **Only a court can modify any of the terms or conditions of this court order.**

PREVENTION OF DOMESTIC VIOLENCE ACT

Page 2 of 4

☐ **Final Restraining Order (FRO)**

☐ **Amended Final Restraining Order**

FV -

SOUGHT GRANTED

PART I RELIEF continued

DEFENDANT:

10. ☐ ☐ **PROHIBITIONS AGAINST POSSESSION OF WEAPONS:** You are prohibited from possessing **any and all firearms or other weapons** and must immediately surrender these firearms, weapons, permits to carry, applications to purchase firearms and firearms purchaser ID card to the officer serving this court Order. Failure to do so can result in your arrest and incarceration.
Other Weapon(s) (describe): _____

PLAINTIFF:

11. ☐ ☐ You are granted exclusive possession of (residence or alternate housing, list address only if specifically known to defendant):

12. ☐ ☐ You are granted temporary custody of (specify name(s)): _____

13. ☐ ☐ Other appropriate relief:
Plaintiff (describe): _____

- ☐ ☐ Child(ren) (describe): _____

LAW ENFORCEMENT OFFICER

You are to accompany to scene, residence, shared place of business, other (indicate address, time, duration & purpose):

- ☐ ☐ Plaintiff: _____

- ☐ ☐ Defendant: _____

WARRANT TO SEARCH FOR AND TO SEIZE WEAPONS FOR SAFEKEEPING:

- ☐ **To any law enforcement officer having jurisdiction** - this Order shall serve as a warrant to search for and seize any issued permit to carry a firearm, application to purchase a firearm and firearms purchaser identification card issued to the defendant and the following firearm(s) or weapon(s): _____

1. **You are hereby commanded** to search the premises for the above described weapons and/or permits to carry a firearm, application to purchase a firearm and firearms purchaser ID card and to serve a copy of this Order upon the person at the premises or location described as: _____

2. **You are hereby ordered** in the event you seize any of the above described weapons, to give a receipt for the property so seized to the person from whom they were taken or in whose possession they were found, or in the absence of such person to have a copy of this Order together with such receipt in or upon the said structure from which the property was taken.
3. **You are authorized** to execute this Order immediately or as soon thereafter as is practicable.
☐ ANYTIME ☐ OTHER: _____
4. **You are further ordered**, after the execution of this Order, to promptly provide the Court with a written inventory of the property seized per this Order.

NOTICE TO DEFENDANT: A violation of any of the provisions listed in this order may constitute either civil or criminal contempt pursuant to *N.J.S. A. 2C:25-30* and may result in your arrest, prosecution, and possible incarceration, as well as an imposition of a fine or jail sentence. **Only a court can modify any of the terms or conditions of this court order.**

PREVENTION OF DOMESTIC VIOLENCE ACT

Page 3 of 4

☐ **Final Restraining Order (FRO)**

☐ **Amended Final Restraining Order**

FV -

SOUGHT GRANTED

PART II RELIEF

DEFENDANT:

1. ☐ ☐ You acknowledge parentage of: _____
2. ☐ ☐ You must submit to genetic testing: _____
3. ☐ ☐ No parenting time (visitation) until further order: _____
4. ☐ ☐ Parenting time (visitation) pursuant to (prior FV, FM, or FD Order) # _____ is
suspended, a hearing is scheduled for: _____
5. ☐ ☐ Parenting time (visitation) is ordered as follows (specify drop-off and pick-up times and locations, participation of or
supervision by designated third party): _____

6. ☐ ☐ Risk assessment ordered (specify by whom): _____
_____ Return Date: _____
7. ☐ ☐ You must provide compensation as follows: (Appropriate notices have been attached as part of this Order):
☐ ☐ Emergent support - plaintiff: _____
☐ ☐ Emergent support - dependent(s): _____
☐ ☐ Interim support - plaintiff: _____
☐ ☐ Interim support - dependent(s): _____
☐ ☐ Ongoing plaintiff support: _____
Paid via income withholding through the _____ Probation Div. _____
Other: _____
☐ ☐ Ongoing child support: _____
Paid via income withholding through the _____ Probation Div. _____
Other: _____
8. ☐ ☐ Medical coverage for plaintiff: _____
9. ☐ ☐ Medical coverage for dependent(s): _____
10. ☐ ☐ Compensatory damages to plaintiff: _____
11. ☐ ☐ Punitive damages (describe): _____
12. ☐ ☐ You must pay compensation to (specify third party and/or VCCA, and describe): _____

13. ☐ ☐ You must participate in a batterers' intervention program (specify): _____

14. ☐ ☐ You must make ☐ rent ☐ mortgage payments (specify amount(s), due date(s) and payment manner): _____

15. ☐ ☐ Defendant is granted temporary possession of the following personal property (describe): _____

- ☐ You must pay a civil penalty of \$ _____ (\$50.00 to \$500.00 per N.J.S.A. 2C:25-29) to: _____
_____ within _____ days. You will be charged a \$2.00 transaction fee for each payment or partial payment that you make.
- ☐ Waived due to extreme financial hardship because: _____

SOUGHT GRANTED

PLAINTIFF:

16. ☐ ☐ Plaintiff is granted temporary possession of the following personal property (describe) _____

NOTICE TO DEFENDANT: A violation of any of the provisions listed in this order may constitute either civil or criminal contempt pursuant to N.J.S. A. 2C:25-30 and may result in your arrest, prosecution, and possible incarceration, as well as an imposition of a fine or jail sentence. **Only a court can modify any of the terms or conditions of this court order.**

PREVENTION OF DOMESTIC VIOLENCE ACT

Page 4 of 4

☐ **Final Restraining Order (FRO)**

☐ **Amended Final Restraining Order**

FV -

COMMENTS: _____

This Order is to become effective immediately and shall remain in effect until further Order of the Superior Court, Chancery Division, Family Part.

 DATE HONORABLE

**ALL LAW ENFORCEMENT OFFICERS WILL SERVE AND FULLY ENFORCE THIS ORDER.
 THE PLAINTIFF SHALL NOT BE ARRESTED FOR A VIOLATION OF THIS RESTRAINING ORDER.**

- **THIS FINAL RESTRAINING ORDER WAS ISSUED AFTER DEFENDANT WAS PROVIDED WITH NOTICE AND THE OPPORTUNITY TO BE HEARD AND SHOULD BE GIVEN FULL FAITH AND CREDIT PURSUANT TO THE VIOLENCE AGAINST WOMEN ACT OF 1991, SEC. 40221, CODIFIED AT 18 U.S.C.A. S2265(A) AND S2266.**
- **IF ORDERED, SUFFICIENT GROUNDS HAVE BEEN FOUND BY THIS COURT FOR THE SEARCH AND SEIZURE OF FIREARMS AND OTHER WEAPONS AS INDICATED IN THIS COURT ORDER.**
- **DEFENDANT SHALL NOT BE PERMITTED TO POSSESS ANY WEAPON, ID CARD OR PURCHASE PERMIT WHILE THIS ORDER IS IN EFFECT, OR FOR TWO YEARS, WHICHEVER IS GREATER.**

NOTICE TO PLAINTIFF AND DEFENDANT

IMPORTANT: The parties cannot themselves change the terms of this Order on their own. This Order may only be changed or dismissed by the Family Court. The named defendant **cannot** have any contact with the plaintiff without permission of the court. If you wish to change the terms of this Order and/or you resume living together, you **must** appear before this court for a rehearing.

NOTICE TO DEFENDANT

A violation of any of the provisions listed in this Order or a failure to comply with the directive to surrender all weapons, firearm permits, application or identification cards may constitute criminal contempt pursuant to *N.J.S.A. 2C:29-9(b)*, and may also constitute violations of other state and federal laws which can result in your arrest and/or criminal prosecution. This may result in a jail sentence.

RETURN OF SERVICE

- ☐ Plaintiff was given a copy of the Order by:
 _____ ; _____ ; _____
 PRINT NAME TIME AND DATE SIGNATURE / BADGE NO. / DEPT.
- ☐ I hereby certify that I served the within Order by delivering a copy to the defendant personally:
 _____ ; _____ ; _____
 PRINT NAME TIME AND DATE SIGNATURE / BADGE NO. / DEPT.
- ☐ I hereby certify that I served the within Order by use of substituted service as follows:
 _____ ; _____ ; _____
 PRINT NAME TIME AND DATE SIGNATURE / BADGE NO. / DEPT.
- ☐ Defendant could not be served (explain): _____

 _____ ; _____ ; _____
 PRINT NAME TIME AND DATE SIGNATURE / BADGE NO. / DEPT.

Defendant hereby acknowledges receipt of the Restraining Order. I understand that pursuant to this court Order, I am not to have any contact with the named plaintiff even if plaintiff agrees to the contact or invites me onto the premises and that I can be arrested and prosecuted if I violate this Order. I understand that pursuant to *N.J.S.A. 53:1-15* any person against whom a Final Restraining Order in a domestic violence matter has been entered shall submit to fingerprinting and other identification procedures as required by law and **I HAVE BEEN ADVISED THAT I MUST SUBMIT TO FINGERPRINTING AND OTHER IDENTIFICATION PROCEDURES.**

SIGNATURE: _____ TIME / DATE: _____

The courthouse is accessible to those with disabilities. Please notify the court if you will require assistance.

DISTRIBUTION: FAMILY PART, PLAINTIFF, DEFENDANT, SHERIFF, OTHER _____

AOC 7/04

NOTICE
FINGERPRINTING REQUIREMENTS

FV- ____ - _____ - ____

Defendant Name:

Date:

N.J.S.A. 53:1-15 requires any person who is subject to a Domestic Violence Final Restraining Order must submit to identification procedures for fingerprinting and photographing. This identification process shall take place immediately after the entry of the Final Restraining Order. Failure to submit to the identification process is a disorderly persons offense. Failure to be fingerprinted and photographed will result in criminal charges.

NOTE:

As a defendant in a Final Restraining Order you must be
fingerprinted and photographed by the _____ County
Sheriff's Department.

You must immediately go to:

As a defendant in a Final Restraining Order, failure to comply
will result in the signing and prosecuting of criminal charges
for violation of N.J.S.A. 53:15.

WHAT DISSOLVING A RESTRAINING ORDER MEANS

1. I am voluntarily asking a judge to take away the legal restraints entered against the defendant which were issued by the Judge at my request. I understand that I am asking the court to now dissolve the restraining order, and a final decision will be made by a judge.
2. Once this Restraining Order is dissolved, I will not benefit from any special protection from the defendant. I cannot obtain this protection again unless there is another act of domestic violence. In that event, I will have to go to the courthouse or the police station, fill out a new complaint and request a new Restraining Order.
3. I understand that one of the protections of a Restraining Order is a mandatory arrest if the defendant violates the “no contact” provisions (Part I). I understand that without the Restraining Order, it is not mandatory that the police arrest the defendant. Even if I have another order from this court that says defendant must stay away (included with my divorce case or my child support case), it is not mandatory that the police arrest the defendant for violating that order.
4. I understand that if criminal complaints were filed by me or the police, I will have to go to another court (probably municipal court) to request that those charges be dismissed.
5. The Judge’s decision to dissolve this Restraining Order is final and will close my case. This will end all the protections I received as a result of the acts of domestic violence committed against me.
6. I understand that I should only sign the “Certification to Dissolve a Restraining Order” voluntarily.
7. I have been told about the Domestic Violence services and have been given an opportunity to speak to a victim advocate or have spoken to my attorney.
8. IF YOU HAVE ANY DOUBTS OR QUESTIONS ABOUT DISMISSING THE RESTRAINING ORDER, OR IF YOU HAVE BEEN THREATENED, COERCED OR FORCED BY ANYONE TO SEEK THIS DISMISSAL, TELL THE INTAKE WORKER OR SOMEONE ELSE IN FAMILY COURT, OR REQUEST TO SPEAK TO A VICTIM ADVOCATE OR YOUR ATTORNEY.

LO QUE SIGNIFICA LA ANULACIÓN DE UNA ORDEN DE RESTRICCIÓN

1. Pido voluntariamente que un juez quite las restricciones legales asentadas contra el demandado que fueron emitidas por el juez a solicitud mía. Entiendo que ahora pido que el tribunal anule la Orden de Restricción, y que un juez tomará la decisión final.
2. Una vez que se anule dicha Orden de Restricción, no me beneficiaré de ninguna protección especial contra el demandado. No puedo volver a obtener dicha protección a menos que ocurra otro acto de violencia doméstica. En ese caso, tendré que acudir a los tribunales o a la estación de policía, preparar los documentos de otra denuncia y pedir otra Orden de Restricción.
3. Entiendo que una de las protecciones de una Orden de Restricción es el arresto obligatorio si el demandado infringe las disposiciones de “ningún contacto” (Parte I). Entiendo que sin la Orden de Restricción, no es obligatorio que la policía arreste al demandado. Aunque yo tenga otra orden de este tribunal que diga que el demandado debe mantenerse alejado (incluida con mi causa de divorcio o de manutención de menores), no es obligatorio que la policía arreste al demandado por infringir esa orden.
4. Entiendo que si presenté denuncias penales o las presentó la policía, tendré que acudir a otro tribunal (probablemente al juzgado municipal) para pedir que se desestimen esos cargos.
5. La decisión del juez de anular esta Orden de Restricción es definitiva, y pondrá fin a mi causa. Esto terminará todas las protecciones que recibía como resultado de los actos de violencia doméstica cometidos contra mí.
6. Entiendo que debo firmar la “Certificación para Anular una Orden de Restricción” sólo voluntariamente.
7. Me han informado sobre los servicios de Violencia Doméstica y me han dado la oportunidad de hablar con un defensor de víctimas, o he hablado con mi abogado.
8. SI USTED TIENE ALGUNA DUDA O PREGUNTA EN CUANTO A LA DESESTIMACIÓN DE LA ORDEN DE RESTRICCIÓN, O SI ALGUIEN LO HA AMENAZADO, COACCIONADO O FORZADO A TRATAR DE OBTENER ESTA ANULACIÓN, INFÓRMESELO AL TRABAJADOR DE ADMISIÓN U OTRA PERSONA DEL TRIBUNAL DE FAMILIAS, O PIDA HABLAR CON UN DEFENSOR DE VÍCTIMAS O CON SU ABOGADO.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
COUNTY OF

DOCKET NO.: FV- _____ - _____

Plaintiff

Vs.

Defendant

**CERTIFICATION FOR
DISSOLUTION OF
RESTRAINING ORDER**

Plaintiff _____ hereby certifies and says:

1. I am the plaintiff in the above captioned matter.
2. On _____ I appeared in **Superior Court** () OR in the **Police station** () and signed a complaint and application for a Temporary Restraining Order.
3. On _____, I obtained a Final Restraining Order.
4. Since that time, I have reconciled with or reconsidered my relationship with the defendant. Therefore, I am asking the court to dissolve all the restraints against the defendant.
5. My Restraining Order **does** () OR **does not** () include provisions for custody, time sharing and/or child support. **I want** () OR **I do not want** () these provisions continued without a restraining order.
6. I have had my options explained to me and I have reviewed the information on the form "What Dissolving a Restraining Order Means." I am asking for this dismissal voluntarily, of my own free will and without coercion or interference from any person.
7. I am further aware that should I wish to contact an attorney, domestic violence program or counseling group that I may do so prior to completing this Certification.
8. I am aware that if any criminal charges were filed by me or the police, I will need to go to the municipal court (or superior court, criminal division) to request their dismissal.
9. I am aware that if there are further acts of domestic violence and I want a new Restraining Order, I must reapply for a Restraining Order either at the courthouse or the police station.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date
AOC 3/04

Plaintiff signature

PLAINTIFF :
vs. :
DEFENDANT :
: ☐ **ORDER OF DISMISSAL**
: ☐ **TEMPORARY RESTRAINING ORDER**
: ☐ **FINAL RESTRAINING ORDER**

THE COURT having considered the testimony and/or certification at this hearing and the Court having determined that:

1. The Plaintiff having requested dismissal of the matter; and
 - ☐ Having read "What Dissolving a Restraining Order Means"
 - ☐ Having read and signed "Certification for Dissolution of Restraining Order"
 - ☐ Having not been coerced or placed under duress to withdraw the complaint and dissolve the Order;
 - ☐ Having been advised of the cycle of domestic violence, and of the protective resources available through the Court and the local domestic violence program(s), especially with regard to housing and Court-ordered emergency custody and support;
 - ☐ Understanding that withdrawal of the complaint and dismissal of the Restraining Order will eliminate the protection that had been issued under this Order;
 - ☐ Being aware that such withdrawals are not prejudicial and if (s)he may need protection in the future, (s)he may apply for a new restraining order;
 - ☐ Being aware that any criminal charges filed by Plaintiff or the police are not affected by this order of dismissal and will remain pending until addressed separately in the appropriate court; OR
2. The Plaintiff failing to appear for Final Hearing; and
 - ☐ The Court having been unable to contact the plaintiff via telephone numbers/address given; OR
 - ☐ The Court having determined that plaintiff was contacted and that coercion or duress did not cause the plaintiff's non-appearance; OR
3. ☐ The Court having determined that the plaintiff's allegation of domestic violence has not been substantiated.
4. ☐ The Municipal Court having denied the TRO application.
5. ☐ The Court having determined on appeal of the Temporary Restraining Order that the required burden of proof has not been met.

IT IS HEREBY ORDERED on this _____ day of _____, _____, that the Domestic Violence Complaint, dated _____, is **DISMISSED** and the ☐ **TEMPORARY RESTRAINING ORDER** OR ☐ **FINAL RESTRAINING ORDER** dated _____ is/are vacated, and

IT IS FURTHER ORDERED THAT:

- ☐ The complaint is dismissed and present support order under this docket is terminated and any arrears are vacated. Probation to terminate their interest and close case.
- ☐ The complaint is dismissed. Continue present support order and/or arrears to be:
 - ☐ **transferred to docket F** _____ and ☐ paid through **Probation (IV D)**
 - or ☐ paid directly to **Plaintiff (obligee)**.
- ☐ Other:

J.S.C.

RETURN OF SERVICE

Plaintiff was given a copy of the Order by _____

Defendant was given a copy of the Order by _____

Date: _____
Signature, Title & Department or Office



VISITATION RISK ASSESSMENT INTERVIEW SHEET

TRACKING INFORMATION

PERSON INTERVIEWED <input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> CHILD(REN)		DATE	ASSESSOR
CASE NAME	DOCKET NUMBER	DATE RECEIVED	

GENERAL INFORMATION

WHAT ARE PLAINTIFF'S CONCERNS ABOUT VISITATION?

ARE BOTH PARTIES THE BIOLOGICAL PARENTS OF ALL CHILDREN?
☐ YES ☐ NO PLEASE EXPLAIN: _____

AGES AND SEX OF CHILDREN INVOLVED
FIRST CHILD: AGE: _____ SEX: _____ **SECOND CHILD:** AGE: _____ SEX: _____ **THIRD CHILD:** AGE: _____ SEX: _____ **FOURTH CHILD:** AGE: _____ SEX: _____

DO ANY OF THE CHILDREN HAVE PHYSICAL OR MENTAL SPECIAL NEEDS WHICH WOULD IMPACT VISITATION? ☐ YES ☐ NO IF YES, WHICH CHILD: _____
DESCRIBE THE SPECIAL NEEDS OF THE CHILD: _____

IS THE DEFENDANT FROM ANOTHER COUNTY? ☐ YES ☐ NO WHERE? _____

HOW WOULD CHILDREN BE TRANSPORTED TO THE VISITATION SITE?

DO THE PARTIES HAVE SUGGESTIONS FOR THE FREQUENCY AND STRUCTURE OF VISITATION? (INCLUDE SUGGESTED CONDITIONS OF SUPERVISION, IF ANY)
PLAINTIFF: _____
DEFENDANT: _____

HAS THE CHILD(REN) EXPRESSED ANY FEELINGS CONCERNING VISITATION WITH DEFENDANT?
DESCRIBE: _____

DOMESTIC VIOLENCE

LENGTH AND NATURE OF DOMESTIC VIOLENCE HISTORY

MINOR INJURIES SUSTAINED?
DESCRIBE: _____

MAJOR INJURIES SUSTAINED?
DESCRIBE: _____

SPECIFY OBJECTS OR WEAPONS USED, IF ANY

DOMESTIC VIOLENCE *continued*

HAS ABUSE INCLUDED THREATS TO KILL
OR HARM MORE EXTENSIVELY?

☐ YES ☐ NO

HAS ABUSE INCLUDED SEXUAL ASSAULT/EXPLOITATION?

DESCRIBE: _____

HAS ABUSE INCLUDED DAMAGE TO PLAINTIFF'S POSSESSIONS OR PETS?

DESCRIBE: _____

HAS ABUSE INCLUDED VERBAL/PSYCHOLOGICAL ABUSE?

DESCRIBE: _____

HAS VIOLENCE INCREASED OVER TIME?

☐ YES ☐ NO

DESCRIBE: _____

DOES PHYSICAL/SEXUAL VIOLENCE OCCUR FOUR TIMES A YEAR OR MORE?

☐ YES ☐ NO

DESCRIBE FREQUENCY: _____

AVAILABLE VERIFICATION

☐ RESTRAINING ORDER

☐ COURT ORDERS

☐ MEDICAL REPORTS

☐ POLICE REPORTS

☐ SOCIAL AGENCY REPORTS

☐ PROFESSIONAL REPORTS

☐ OTHER _____

CHILD ABUSE

LENGTH OF CHILD ABUSE HISTORY

☐ ACTIVE DYFS CASE

☐ PREVIOUS DYFS CASE

☐ NO DYFS INVOLVEMENT

DESCRIBE: _____

MINOR INJURIES SUSTAINED?

DESCRIBE: _____

MAJOR INJURIES SUSTAINED?

DESCRIBE: _____

SPECIFY OBJECTS OR WEAPONS USED, IF ANY:

HAS ABUSE INCLUDED THREATS TO KILL OR HARM MORE
EXTENSIVELY?

☐ YES ☐ NO

HAS ABUSE INCLUDED SEXUAL ABUSE/EXPLOITATION?

DESCRIBE: _____

HAS ABUSE INCLUDED DAMAGE TO CHILD'S POSSESSIONS OR PETS?

DESCRIBE: _____

HAS DEFENDANT EXHIBITED INDIFFERENCE OR NEGLECT OF CHILD'S PHYSICAL NEEDS, INCLUDING FOOD, CLOTHING, SAFETY, MEDICAL ATTENTION?

DESCRIBE: _____

CHILD ABUSE *continued*

HAS DEFENDANT THREATENED TO KIDNAP CHILDREN?

☐ YES ☐ NO

HAS DEFENDANT EVER KIDNAPPED CHILDREN?

DESCRIBE: _____

HAS VIOLENCE AGAINST CHILD(REN) INCREASED OVER TIME?

☐ YES ☐ NO

DESCRIBE: _____

HAS ABUSE INCLUDED VERBAL/PSYCHOLOGICAL ABUSE?

☐ YES ☐ NO

DESCRIBE: _____

AVAILABLE VERIFICATION: ☐ DYFS ☐ MEDICAL ☐ POLICE ☐ SCHOOL

☐ SOCIAL AGENCY ☐ PROFESSIONAL ☐ OTHER _____

EXPOSURE TO DOMESTIC VIOLENCE

HAVE CHILDREN WITNESSED OR HEARD EPISODES OF DOMESTIC VIOLENCE EITHER IN THE HOME OR ELSEWHERE?

☐ YES ☐ NO

IF YES, WAS AN OBJECT OR WEAPON USED?

☐ YES ☐ NO

DESCRIBE: _____

HAVE CHILDREN BEEN INJURED DURING A DOMESTIC VIOLENCE EPISODE?

DESCRIBE: _____

HAVE CHILDREN EXHIBITED CONCERN FOR THEIR OWN PERSONAL SAFETY BECAUSE OF THE DOMESTIC VIOLENCE?

☐ YES ☐ NO

DESCRIBE: _____

HAVE CHILDREN WITNESSED OR HEARD PHYSICAL ABUSE OF ANOTHER CHILD OR FAMILY PET?

DESCRIBE: _____

AVAILABLE VERIFICATION

☐ POLICE REPORT ☐ COURT ☐ HOSPITAL ☐ OTHER _____

SUBSTANCE ABUSE

DOES THE DEFENDANT HAVE A DRUG/ALCOHOL PROBLEM?

DESCRIBE: _____

DOES DEFENDANT ABUSE SUBSTANCES IN THE PRESENCE OF THE CHILDREN?

DESCRIBE: _____

IS DEFENDANT USUALLY ABUSING SUBSTANCES WHEN VIOLENT?

☐ YES ☐ NO

IS DEFENDANT CURRENTLY UNDERGOING SUBSTANCE ABUSE TREATMENT?

DESCRIBE (INCLUDING VOLUNTARY OR COURT-ORDERED): _____

SUBSTANCE ABUSE *continued*

DOES DEFENDANT DRIVE WHILE IMPAIRED?

DESCRIBE: _____

HAS DEFENDANT BEEN CONVICTED OF DWI OFFENSES?

☐ YES ☐ NO

AVAILABLE VERIFICATION:

☐ PROFESSIONAL REPORTS ☐ DWI ARRESTS/CONVICTIONS ☐ POSSESSION/INTENT TO DISTRIBUTE ARRESTS/CONVICTIONS
☐ IDRC REPORT ☐ OTHER _____

CRIMINAL HISTORY

HAS THE DEFENDANT BEEN ARRESTED FOR AN ACT OF DOMESTIC VIOLENCE OR CHILD ABUSE?

WHEN? _____

HAS THE DEFENDANT BEEN CONVICTED OF OTHER CRIMES OF VIOLENCE OR CHILD ABUSE?

WHEN? _____

WHICH CRIMES? _____

HAS THE DEFENDANT EVER VIOLATED A RESTRAINING ORDER?

☐ YES ☐ NO

WHEN AND HOW: _____

HAS THE DEFENDANT EVER VIOLATED ANY OTHER ORDER INVOLVING OTHER PARENT OR CHILD?

WHEN AND HOW: _____

IS THE DEFENDANT FACING PENDING CRIMINAL CHARGES FOR OTHER CRIMES OF VIOLENCE OR CHILD ABUSE?

☐ YES ☐ NO

WHICH CRIMES: _____

HAS THE DEFENDANT BEEN CONVICTED OF OTHER CRIMES?

WHEN? _____

WHICH CRIMES? _____

IS THE DEFENDANT FACING PENDING CRIMINAL CHARGES FOR OTHER CRIMES?

☐ YES ☐ NO

WHICH CRIMES? _____

AVAILABLE VERIFICATION:

☐ CONVICTIONS ☐ PENDING CHARGES ☐ POLICE
☐ OTHER _____

PSYCHO-SOCIAL FACTORS

DOES THE DEFENDANT EXHIBIT EXTREME ABERRANT BEHAVIORS DUE TO MENTAL HEALTH PROBLEMS?

DESCRIBE: _____

HAS THE DEFENDANT EVER BEEN TREATED FOR ABOVE PROBLEM?

WHEN: _____

DESCRIBE: _____

IDENTIFY MEDICATIONS, IF ANY: _____

HAS THE DEFENDANT EVER THREATENED OR ATTEMPTED SUICIDE?

WHEN: _____

DESCRIBE: _____

PSYCHO-SOCIAL FACTORS *continued*

DOES THE DEFENDANT POSSESS CHILD PORNOGRAPHY?

☐ YES ☐ NO

AVAILABLE VERIFICATION:

☐ PROFESSIONAL REPORTS ☐ OTHER _____

PREVIOUS VISITATION EXPERIENCE

HAS THE DEFENDANT EVER KIDNAPPED THE CHILDREN?

WHEN: _____

DESCRIBE: _____

HAS THE DEFENDANT EVER PHYSICALLY ABUSED PARTNER IN THE COURSE OF VISITATION?

WHEN: _____

DESCRIBE: _____

HAS THE DEFENDANT EVER REFUSED TO RETURN THE CHILDREN?

WHEN: _____

DESCRIBE: _____

HAS THE DEFENDANT VIOLATED THE VISITATION ORDER IN OTHER WAYS?

WHEN: _____

DESCRIBE: _____

HAVE THE CHILDREN EVER EXHIBITED SIGNS OF PHYSICAL/SEXUAL ABUSE OR NEGLECT AFTER VISITATION?

WHEN: _____

DESCRIBE: _____

HAS DEFENDANT EVER ABUSED SUBSTANCES DURING VISITATION?

WHEN: _____

DESCRIBE: _____

HAS THE DEFENDANT FAILED TO APPEAR FOR SCHEDULED VISITATION?

WHEN: _____

HAS THE DEFENDANT FAILED TO ATTEND TO THE CHILD'S MEDICAL, SAFETY, PHYSICAL OR EDUCATIONAL NEEDS DURING VISITATION?

EXPLAIN: _____

AVAILABLE VERIFICATION:

☐ COURT REPORT ☐ POLICE ☐ ARRESTS/CONVICTIONS

☐ PROFESSIONAL ☐ SCHOOL ☐ OTHER _____

PARENTAL CAPACITY/EXPERIENCE

DOES THE DEFENDANT HAVE EXPERIENCE IN CARING FOR CHILDREN ALONE?

☐ YES ☐ NO

DESCRIBE FREQUENCY OF SOLE CARETAKING: _____

CHECK RELEVANT PARENTING SKILLS, IF ANY, THAT DEFENDANT REPORTEDLY LACKS:

☐ DIAPERCHANGING ☐ FEEDING ☐ BATHING ☐ PLAYING ☐ DISCIPLINE

☐ TRANSPORTING ☐ SENSITIVITY ☐ OTHER _____

PARENTAL CAPACITY/EXPERIENCE *continued*

DOES DEFENDANT HAVE ADEQUATE VISITATION FACILITIES?

☐ YES ☐ NO

DESCRIBE POTENTIAL VISITATION ENVIRONMENT: _____

DOES DEFENDANT DISPLAY ERRATIC OR UNSTABLE TEMPERAMENT TOWARDS CHILDREN?

☐ YES ☐ NO

DESCRIBE: _____

DOES DEFENDANT HAVE A GOOD RELATIONSHIP AND RAPPORT WITH CHILDREN?

☐ YES ☐ NO

DESCRIBE RELATIONSHIP: _____

DOES DEFENDANT HAVE EXPERIENCE OR SKILLS REQUIRED TO CARE FOR SPECIAL PHYSICAL OR MENTAL NEEDS OF ONE OR MORE CHILDREN?

☐ N/A ☐ YES ☐ NO

EXPLAIN: _____



VISITATION RISK ASSESSMENT SUMMARY SHEET

CASE NAME	DOCUMENTS <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 16.6%; text-align: center;">YES</td> <td style="width: 16.6%; text-align: center;">NO</td> <td style="width: 16.6%; text-align: center;">UNDET.*</td> <td style="width: 16.6%; text-align: center;">AVAILABLE</td> <td style="width: 16.6%; text-align: center;">ATTACHED</td> </tr> </table>					YES	NO	UNDET.*	AVAILABLE	ATTACHED
YES						NO	UNDET.*	AVAILABLE	ATTACHED	
DOCKET NUMBER										
DOMESTIC VIOLENCE										
Minor physical injury to victim										
Serious physical injury to victim										
Objects or weapons used										
Sexual assault/sexual exploitation										
Verbal/psychological abuse										
Frequent violent episodes										
CHILD ABUSE										
Minor physical injury to child										
Serious physical injury to child										
Objects or weapons used										
Sexual abuse/sexual exploitation										
Neglects child's physical needs										
Threats of kidnapping										
History of kidnapping										
Verbal/psychological abuse										
EXPOSURE TO DOMESTIC VIOLENCE										
Children saw or heard partner abuse										
Children in home but did not see or hear										
Children physically hurt during dv episode										
Children saw/heard abuse with weapon										
Children saw/heard abuse of other child										
Children saw/heard abuse of family pet										
SUBSTANCE ABUSE										
Drug/alcohol abuse										
Drug/alcohol abuse during violent episode										
Drug/alcohol abuse currently untreated										
Drug/alcohol abuse while driving										
DWI Conviction										

* UNDET: Undetermined - Information received from all parties differs and the assessor is unable to make a determination based on documentation or other reliable means.



VISITATION RISK ASSESSMENT SUMMARY SHEET

PAGE 2

CASE NAME	DOCUMENTS				
	YES	NO	UNDET.*	AVAILABLE	ATTACHED

CRIMINAL HISTORY

Arrested for act(s) of domestic violence or child abuse					
Convicted of crime of domestic violence or child abuse					
Violation(s) of restraining or other related order					
Pending criminal charges for violence or child abuse					
Convicted of other (non-violent) crimes					
Pending criminal charges for other crimes					

PSYCHO-SOCIAL FACTORS

Extreme aberrant behaviors due to mental health problems					
Suicide attempts/threats					
Possession of child pornography					

PARENTAL CAPACITY/EXPERIENCE

Lacks sole caretaking experience					
Lacks age-appropriate parenting skills					
Lacks appropriate discipline skills					
Lacks appropriate visitation site					
Lacks consistent and stable temperament					
Lacks good rapport with children					
Lacks skills for special needs child					

PREVIOUS VISITATION EXPERIENCE (if applicable)

Partner violence during visitation					
Refusal to return children					
Evidence of child physical/sexual abuse during visitation					
Failure to attend to child's medical, safety, physical needs					
Substance abuse during visitation					

NOTE THE NATURE OF AVAILABLE DOCUMENTATION

DATE

PERSON COMPLETING ASSESSMENT

PREPARED BY THE COURT

-----	:	
	:	SUPERIOR COURT OF NEW JERSEY
	:	Chancery Division – Family Part
<i>Plaintiff,</i>	:	County of _____
	:	
vs.	:	Docket No.:
	:	
	:	Civil Action
<i>Defendant.</i>	:	<u>PROTECTIVE ORDER</u>
-----	:	

THIS MATTER being opened to the Court, and it appearing that copies of the following confidential reports are being released to the attorneys and parties or the pro-se litigants:

- | | |
|--|---|
| <input type="checkbox"/> Home Inspection Report | <input type="checkbox"/> Psychiatric Report |
| <input type="checkbox"/> Social Investigation Report | <input type="checkbox"/> Risk Assessment |
| <input type="checkbox"/> Psychological Report | <input type="checkbox"/> Other _____ |

and for good cause shown;

IT IS ON THIS _____ day of _____, 20____;

- 1) **ORDERED** that copies of these reports shall be released to the attorneys and their clients or self-represented litigants with the understanding that the information contained therein is to be used only for purposes of the pending custody/parenting time matter including distribution to experts and may not be used in any other matter without the express written permission of the Court; and it is further
- 2) **ORDERED** that this information shall not be disclosed to any other person for any reason, nor may it be disseminated or made public by any means, direct or indirect, without the express written permission of the Court; and it is further
- 3) **ORDERED** that the use of information contained in the investigation and/or report, or information obtained from the investigation for any purpose other than set forth by the Court, shall be a violation of this Court Order and subject to sanctions; and it is further
- 4) **ORDERED** that under no circumstances is (are) the report(s) to be discussed, revealed, or disclosed to the child(ren).

J.S.C.



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

JOHN J. FARMER, JR.
Attorney General

PO Box 085
TRENTON, NJ 08625-0085
TELEPHONE (609) 984-6500

KATHRYN FLICKER
Director

September 19, 2000

**TO: ALL COUNTY PROSECUTORS
ALL LAW ENFORCEMENT CHIEF EXECUTIVES**

**FROM: KATHRYN FLICKER, DIRECTOR
DIVISION OF CRIMINAL JUSTICE**

**SUBJECT: ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVES
2000-3 and 2000-4 - Replacements for an unnumbered Attorney General
Directive dated August 14, 1995, regarding Seizure of Weapons from Law
Enforcement Officers Involved in Domestic Violence Incidents**

Attached for your attention are the following Directives which were recently signed by Attorney General Farmer:

No. 2000-3 - Revision to August 14, 1995, Directive Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers involved in Domestic Violence Incidents. This Directive is to be followed by county prosecutors when handling local and county law enforcement officers involved in domestic violence incidents.

No. 2000-4 - Revision to August 14, 1995, Directive Implementing Procedures for the Seizure of Weapons from All State Law Enforcement Officers involved in Domestic Violence Incidents. This Directive provides notice of the procedures the Division of Criminal Justice will follow when removing weapons from state law enforcement officers, which includes the Division of State Police, Division of Criminal Justice investigators, Department of Corrections officers, Juvenile Justice Commission officers, Bureau of Parole officers, State Park Ranger Service (Fish and Game) officers, Human Services Police, N. J. Transit Police Officers, state college and university campus police, Division of Taxation agents, and investigators for the State Commission of Investigations.

The procedures are essentially the same. The separation eliminates any confusion contained in the August 14, 1995, Directive between areas of responsibility for county prosecutors and the Division of Criminal Justice.



New Jersey Is An Equal Opportunity Employer

All County Prosecutors
All Law Enforcement Chief Executives
September 19, 2000

SUBJECT: ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVES
2000-3 and 2000-4 - Replacements for an unnumbered Attorney General Directive dated August 14, 1995, regarding Seizure of Weapons from Law Enforcement Officers Involved in Domestic Violence Incidents

Please distribute to all law enforcement officers and/or assistant prosecutors in your agency. If you have any questions you may contact either DAG Jessica S. Oppenheim or DAG Martin C. Mooney, Sr., in the Prosecutors and Police Bureau at 609/984-2814.

jak

Attachments

c Attorney General John J. Farmer
First Assistant Paul H. Zoubek
Administrator Thomas O'Reilly
Director of State Police Affairs Martin Cronin
Colonel Carson J. Dunbar, Jr., Supt., NJSP
Commissioner Jack Terhune, Dept. of Corrections
Chief of Staff Debra L. Stone
Chief State Investigator John A. Cocklin
Deputy Director Wayne S. Fisher, Ph.D.
Deputy Director Ronald Susswein
Chief Greta Gooden Brown, Pros. & Police Bureau

DOMESTIC VIOLENCE

Directive Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers Involved in Domestic Violence Incidents

Issued August 1995
Revised September 2000

TO: DIRECTOR, DIVISION OF CRIMINAL JUSTICE
ALL COUNTY PROSECUTORS
ALL LAW ENFORCEMENT CHIEF EXECUTIVES

FROM: JOHN J. FARMER, JR. ATTORNEY GENERAL

DATE: SEPTEMBER 1, 2000

SUBJECT: **ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2000-3**

REVISION TO AUGUST 14, 1995, DIRECTIVE IMPLEMENTING
PROCEDURES FOR THE SEIZURE OF WEAPONS FROM MUNICIPAL
AND COUNTY LAW ENFORCEMENT OFFICERS INVOLVED IN
DOMESTIC VIOLENCE INCIDENTS

I. INTRODUCTION

When law enforcement officers are charged with committing acts of domestic violence, it is important that the matters be uniformly and expeditiously handled. To achieve these objectives, it is necessary that there be a statewide policy governing the seizure of weapons from a law enforcement officer who is charged with committing an act of domestic violence.

The Criminal Justice Act of 1970, *N.J.S.A. 52:17B-97 et seq.*, requires the Attorney General "to provide for the general supervision of criminal justice" in this State. All law enforcement agencies and law enforcement officers in the State are required to cooperate with the Attorney General "to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the state." *N.J.S.A. 52:17B-98*. Accordingly, it is directed that all law enforcement agencies and law enforcement officers who are authorized to carry weapons pursuant to *N.J.S.A. 2C:39-6* are to comply with this directive.

II. GUIDELINES FOR THE SEIZURE OF WEAPONS FROM A LAW ENFORCEMENT OFFICER INVOLVED IN A DOMESTIC VIOLENCE INCIDENT

- A. Whenever an act of domestic violence as defined in *N.J.S.A. 2C:25-19* has been alleged to have been committed by a law enforcement officer all weapons, department issued and personal, possessed by that officer shall immediately be
 - 1. Seized by the law enforcement officer responding to the domestic violence call if the responding officer reasonably believes that the presence of weapons would expose the victim to a risk of serious bodily injury, or
 - 2. Surrendered by the officer involved when served with a domestic violence restraining order, search warrant or bail condition which requires the surrender of weapons.
- B. Whenever an act of domestic violence as defined in *N.J.S.A. 2C:25-19* has been alleged to have been committed by a law enforcement officer resulting in the seizure of the officer's weapons, or the officer has been served with a domestic violence restraining order or a domestic violence warrant for the seizure of weapons or there is a bail condition which requires the surrender of weapons, the officer must:
 - 1. Immediately report that fact to the officer's departmental supervisor who must promptly notify the Prosecutor's Office in the county where the officer is employed.
 - 2. Voluntarily surrender all weapons to the law enforcement officer responding to the domestic violence call or in response to a requirement in a domestic violence restraining order or a domestic violence warrant for the seizure of weapons or in a bail condition.
- C. Where weapons have been seized from an officer, a report shall immediately be made to the arresting officer's departmental supervisor who must notify the prosecutor's office in the county where the charge had been filed.

III. CUSTODY AND CONTROL OF SEIZED OR SURRENDERED WEAPONS

- A. Any department-issued weapon, which is seized or surrendered in connection with a domestic violence incident, is to be returned to the custody and control of the department which issued that weapon.

Seizure of Weapons from Municipal and County Law Enforcement Officers

- B. All other weapons owned, possessed, or controlled by the officer, which are seized or surrendered, are to be promptly forwarded to the county Prosecutor's Office in the county where the seizure of weapons took place in accordance with the procedures set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and the County Prosecutor's Procedures for the seizure and transportation of firearms to the Prosecutor's Office in accordance with the provisions of *N.J.S.A. 2C:25-21d*.
- C. Where the weapons have been seized pursuant to a court order, domestic violence search warrant, condition of bail or at the scene pursuant to *N.J.S.A. 2C:25-21d*, the County Prosecutor's Office where the civil and/or criminal charge was filed or incident occurred shall conduct an immediate investigation of the incident and determine whether the officer should be permitted to carry a weapon and what conditions, if any, should be recommended to the court for the return of the weapons to the law enforcement officer pending the disposition of the domestic violence proceedings. The County Prosecutor completing the investigation shall forward the report to the County Prosecutor within whose jurisdiction the officer is employed.
- D. Where the domestic violence charges, either criminal or civil, which resulted in the seizure of weapons from a law enforcement officer have been dismissed or withdrawn before a hearing, the procedures in Paragraph IVD, listed below, should be followed for the return of the weapons to the law enforcement officer.
- E. The chief of the law enforcement agency where the officer is employed shall
 - 1. Conduct an investigation into the officer's background and shall recommend to the appropriate County Prosecutor's Office whether the officer should be permitted to carry weapons and what conditions, if any, should be imposed for the return of the weapons, consistent with any family or criminal or municipal court bail orders entered against the officer in the jurisdiction which the incident occurred.
 - 2. If necessary, re-assign the officer charged with committing an act of domestic violence or served with a restraining order so that the officer will not have contact with the domestic violence complainant.

- F. The County Prosecutor's Office within whose jurisdiction the incident occurred should confer with the domestic violence complainant regarding the complainant's position on the return of weapons. However, the recommendation or determination whether the weapons should be returned rests with the County Prosecutor, not the victim or the law enforcement agency where the officer is employed.

IV. RETURN OF SEIZED WEAPONS

- A. When a court had specifically directed that the officer's weapons be seized either pursuant to a domestic violence restraining order or a domestic violence warrant for the seizure of weapons; or as a condition of bail, the officer whose weapons have been seized because of a domestic violence incident may request an expedited court hearing to determine the officer's status regarding the possession of weapons.
- B. When a court order, either criminal or civil, which prohibits a law enforcement officer from possessing weapons is in effect, no weapons are to be returned to the officer subject to the domestic violence proceedings without a court order. If the domestic violence charges or complaint are withdrawn or dismissed prior to a court hearing, the provisions in Paragraph IVD, listed below, should be followed.
- C. If it is determined by the County Prosecutor that the officer may carry weapons in accordance with that officer's duty assignments while the domestic violence proceedings, either criminal or civil, are pending court action, the County Prosecutor may recommend to the appropriate court that:
 - 1. The officer be permitted to carry a department issued handgun during on duty hours (duty hours means an officer's daily active duty shift) but not carry a handgun off duty, and
 - 2. The officer be directed not to enter his or her residence which is shared with the complainant while on duty and armed, or meet with the complainant or any other person covered by the restraining order, while armed.
 - 3. The department owned weapons are to be issued by the department to the officer at the beginning of the officer's daily active duty shift and the weapons are to be returned to the custody of the department at the end of the officer's daily active duty shift.

Seizure of Weapons from Municipal and County Law Enforcement Officers

- D. When a weapon has been seized from a law enforcement officer involved in a domestic violence offense but no criminal charges, court order or warrant has been issued or is pending regarding possession of weapons, a County Prosecutor may authorize the return of the seized weapons subject to conditions, if any, the Prosecutor determines necessary.

V. RESTRICTIONS ON RETURN OF FIREARMS

Pursuant to the provisions of the federal crime bill, 18 *U.S.C.A.* 922(g), if a final domestic violence restraining order is issued, and for the duration of that order,

- A. A law enforcement officer may be authorized by a court to possess a department issued firearm under conditions recommended by the appropriate county prosecutor, and
- B. The officer may not possess any personally owned firearms.

VI. PURPOSE AND EFFECT OF THIS DIRECTIVE

This directive is binding upon all county prosecutors and all law enforcement officers in this State. This directive and the procedures set forth herein are implemented solely for the purpose of guidance within the criminal justice community. They are not intended to, do not, and may not be invoked to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal.

DOMESTIC VIOLENCE

Directive Implementing Procedures for the Seizure of Weapons from State Law
Enforcement Officers Involved in Domestic Violence Incidents

Issued August 1995
Revised September 2000

TO: DIRECTOR, DIVISION OF CRIMINAL JUSTICE
ALL COUNTY PROSECUTORS
ALL LAW ENFORCEMENT CHIEF EXECUTIVES

FROM: JOHN J. FARMER, JR. ATTORNEY GENERAL

DATE: SEPTEMBER 1, 2000

SUBJECT: **ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2000-4**

REVISION TO AUGUST 14, 1995, DIRECTIVE IMPLEMENTING
PROCEDURES FOR THE SEIZURE OF WEAPONS FROM ALL STATE
LAW ENFORCEMENT OFFICERS INVOLVED IN DOMESTIC
VIOLENCE INCIDENTS

I. INTRODUCTION

When law enforcement officers are charged with committing acts of domestic violence, it is important that the matters be uniformly and expeditiously handled. To achieve these objectives, it is necessary that there be a statewide policy governing the seizure of weapons from a law enforcement officer who is charged with committing an act of domestic violence.

The Criminal Justice Act of 1970, *N.J.S.A. 52:17B-97 et seq.*, requires the Attorney General "to provide for the general supervision of criminal justice" in this State. All law enforcement agencies and law enforcement officers in the State are required to cooperate with the Attorney General "to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the state." *N.J.S.A. 52:17B-98*. Accordingly, it is directed that all state law enforcement agencies and law enforcement officers who are employed by the State Department of Corrections, the Division of Criminal Justice, the Division of State Police, Human Services Police, Juvenile Justice Commission or the State Park Ranger Service and who are authorized to carry weapons pursuant to *N.J.S.A. 2C:39-6* are to comply with this directive.

II. GUIDELINES FOR THE SEIZURE OF WEAPONS FROM A LAW ENFORCEMENT OFFICER INVOLVED IN A DOMESTIC VIOLENCE INCIDENT

- A. Whenever an act of domestic violence as defined in *N.J.S.A. 2C:25-19* has been alleged to have been committed by a state law enforcement officer all weapons, department issued and personal, possessed by that officer shall immediately be
 - 1. Seized by the law enforcement officer responding to the domestic violence call if the responding officer reasonably believes that the presence of weapons would expose the victim to a risk of serious bodily injury, or
 - 2. Surrendered by the officer involved when served with a domestic violence restraining order, search warrant or bail condition which requires the surrender of weapons.
- B. Whenever an act of domestic violence as defined in *N.J.S.A. 2C:25-19* has been alleged to have been committed by a state law enforcement officer resulting in the seizure of the officer's weapons, or the officer has been served with a domestic violence restraining order or a domestic violence warrant for the seizure of weapons or there is a bail condition which requires the surrender of weapons, the officer must:
 - 1. Immediately report that fact to the state officer's departmental supervisor who must promptly notify the Prosecutor's Office in the county where the officer is employed and also notify the Division of Criminal Justice, Prosecutors and Police Bureau;
 - 2. Voluntarily surrender all weapons to the law enforcement officer responding to the domestic violence call or in response to a requirement in a domestic violence restraining order or a domestic violence warrant for the seizure of weapons or in a bail condition.
- C. Where weapons have been seized from a state law enforcement officer, a report shall immediately be made to the arresting officer's departmental supervisor who must notify the Division of Criminal Justice, Prosecutors and Police Bureau.

III. CUSTODY AND CONTROL OF SEIZED OR SURRENDERED WEAPONS

- A. Any department-issued weapon, which is seized or surrendered in connection with a domestic violence incident, is to be returned to the custody and control of the department which issued that weapon.
- B. All other weapons owned, possessed, or controlled by the officer, which are seized or surrendered, are to be promptly forwarded to the County Prosecutor's Office in the county where the seizure of weapons took place in accordance with the procedures set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and the County Prosecutor's Procedures for the seizure and transportation of firearms to the Prosecutor's Office in accordance with the provisions of *N.J.S.A. 2C:25-21d*.
- C. Where the weapons have been seized pursuant to a court order, domestic violence search warrant, condition of bail or at the scene pursuant to *N.J.S.A. 2C:25-21d*, the Division of Criminal Justice, Prosecutors and Police Bureau shall conduct an immediate investigation of the incident and determine whether the officer should be permitted to carry a weapon and what conditions, if any, should be recommended to the court for the return of the weapons to the law enforcement officer pending the disposition of the domestic violence proceedings. The Division of Criminal Justice, Prosecutors and Police Bureau shall promptly forward its report and recommendations to the County Prosecutor within whose jurisdiction the officer is employed.
- D. Where the domestic violence charges, either criminal or civil, which resulted in the seizure of weapons from a state law enforcement officer have been dismissed or withdrawn before a hearing, the procedures in Paragraph IVD, listed below, should be followed for the return of the weapons to the law enforcement officer.
- E. The chief of the law enforcement agency where the officer is employed shall
 - 1. Conduct an investigation into the officer's background and shall recommend to the Division of Criminal Justice, Prosecutors and Police Bureau who shall determine whether the officer should be permitted to carry weapons and what conditions, if any, should be imposed for the return of the weapons, consistent with any family or criminal or municipal court bail orders entered against the officer in the jurisdiction which the incident occurred.

2. If necessary, re-assign the officer charged with committing an act of domestic violence or served with a restraining order so that the officer will not have contact with the domestic violence complainant.
- F. The Division of Criminal Justice, Prosecutors and Police Bureau or designee generally should confer with the domestic violence complainant regarding the complainant's position on the return of weapons. However, the recommendation or determination whether the weapons should be returned rests with the Division of Criminal Justice Prosecutors and Police Bureau, not the victim or the law enforcement agency where the officer is employed.

IV. RETURN OF SEIZED WEAPONS

- A. When a court had specifically directed that the officer's weapons be seized either pursuant to a domestic violence restraining order or a domestic violence warrant for the seizure of weapons; or as a condition of bail, the officer whose weapons have been seized because of a domestic violence incident may request an expedited court hearing to determine the officer's status regarding the possession of weapons.
- B. When a court order, either criminal or civil, which prohibits a state law enforcement officer from possessing weapons is in effect, no weapons are to be returned to the officer subject to the domestic violence proceedings without a court order. If the domestic violence charges or complaint are withdrawn or dismissed prior to a court hearing, the provisions in Paragraph IVD, listed below, should be followed.
- C. If it is determined by the Division of Criminal Justice, Prosecutors and Police Bureau that the state law enforcement officer may carry weapons in accordance with that officer's duty assignments while the domestic violence proceedings, either criminal or civil, are pending court action, the Division of Criminal Justice, Prosecutors and Police Bureau may recommend to the appropriate court that:
1. The officer be permitted to carry a department issued handgun during on duty hours (duty hours means an officer's daily active duty shift) but not carry a handgun off duty, and
 2. The officer be directed not to enter his or her residence which is shared with the complainant while on duty and armed, or meet with the complainant or any other person covered by the restraining

order, while armed.

3. The department-owned weapons are to be issued by the department to the officer at the beginning of the officer's daily active duty shift and the weapons are to be returned to the custody of the department at the end of the officer's daily active duty shift.
- D. When a weapon has been seized from a state law enforcement officer involved in a domestic violence offense but no criminal charges, court order or warrant has been issued or is pending regarding possession of weapons, Division of Criminal Justice, Prosecutors and Police Bureau may authorize the return of the seized weapons subject to conditions, if any, the Division of Criminal Justice, Prosecutors and Police Bureau determines necessary.

V. RESTRICTIONS ON RETURN OF FIREARMS

Pursuant to the provisions of the federal crime bill, 18 *U.S.C.A.* 922(g), if a final domestic violence restraining order is issued, and for the duration of that order,

- A. A law enforcement officer may be authorized by a court to possess a department issued firearm under conditions recommended by the appropriate county prosecutor, and
- B. The officer may not possess any personally owned firearms.

VI. PURPOSE AND EFFECT OF THIS DIRECTIVE

This directive is binding upon all county prosecutors and all law enforcement officers in this State. This directive and the procedures set forth herein are implemented solely for the purpose of guidance within the criminal justice community. They are not intended to, do not, and may not be invoked to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal.

Court of New Jersey
Division
County

**AFFIDAVIT IN SUPPORT OF A
DOMESTIC VIOLENCE WARRANT FOR
THE SEARCH & SEIZURE OF WEAPONS**

State of New Jersey :
County of _____ : SS

I, _____, of _____, being
(Name of Officer) (Department)
of full age and having been duly sworn upon my oath according to law, depose and say:

1. On _____ at _____ .m., I was dispatched to the
following premises:

in response to a domestic violence Incident.

2. I was told by _____, the victim of the
domestic violence incident, that he or she believes that his or her life, health or
well-being is in imminent danger by the domestic violence assailant,
_____, by one of the weapons listed in paragraph 3. The
victim said:

3. The victim has described the weapons as follows:

4. The victim of domestic violence has informed me that the domestic violence assailant has the weapons listed in paragraph 3 at

(Describe Premises in Detail and identify owner of premises if not person listed in Paragraph 1)

5. Based on the above, I have probable cause to believe that the presence of the weapons described in paragraph 3 exposes the victim to a risk of serious bodily injury.

6. I want to search the premises described in paragraph 4 for the weapons described in paragraph 3 and to seize any of the above named weapons found at that location for safekeeping purposes. I also want to seize from the defendant any issued permit to carry a firearm, firearms purchaser identification card and any outstanding applications to purchase handguns.

- 7.

(If Requesting a No Knock Warrant or Entry at Special Hours, Explain Reason here or on Attached Sheet , or enter any additional information here)

(Signature of Affiant)

Sworn and subscribed to before
me this _____ day of
_____, 20____.

Judge of the _____ Court of
New Jersey

Court of New Jersey

Division

County

**DOMESTIC VIOLENCE WARRANT
FOR THE SEARCH & SEIZURE
OF WEAPONS**

TO: ANY LAW ENFORCEMENT OFFICER HAVING JURISDICTION

1. The Court, having reviewed the affidavit or testimony of _____
under oath against _____, finds reasonable cause to
believe that the life, health, or well-being of _____ has been and
is endangered by defendant's acts of violence and finds reasonable cause to believe that the defendant
may not be qualified to possess firearms pursuant to *N.J.S.A. 2C:58-3c(5)*. The Court finds reasonable
cause to believe that the below listed weapons in defendant's possession may present a risk of serious
bodily injury to plaintiff:

_____.

2. **YOU ARE HEREBY COMMANDED** to search the premises described as _____

for the above described weapons and to serve a copy of this warrant upon the person at that address.

YOU ARE FURTHER COMMANDED to seize from defendant any issued permit to carry a firearm,
firearms purchaser identification card and any outstanding applications to purchase handguns.

3. **YOU ARE HEREBY ORDERED**, in the event you seize any of the above described weapons and
firearms permits, to give a receipt for the property so seized to the person from whom they were taken
or in whose possession they were found, or in the absence of such person, to leave a copy of this
warrant together with such receipt in or upon the said structure from which the property was taken.

4. **YOU ARE AUTHORIZED** to execute this warrant within 10 days from the issuance hereof:

Between the hours of _____ m. and _____ m., or
Anytime

After the execution of this warrant, you are ordered to forthwith make prompt return to this Court with a
written inventory of the property seized hereunder.

5. Given and issued under my hand at _____
at _____ o'clock _____ m. this day of _____, 20 ____.

(Signature)
Judge of the _____ Court of New Jersey

**ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY**

**PHILIP S. CARCHMAN, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR
OF THE COURTS**



**RICHARD J. HUGHES JUSTICE COMPLEX
PO Box 037
TRENTON, NEW JERSEY 08625-0037**

Questions or comments
may be addressed to
(609) 292-5099

MEMORANDUM

**To: Assignment Judges
Trial Court Administrators**

From: Philip S. Carchman, J.A.D.

**Re: Child Support Hearing Officer (CSHO) Program Standards –
Amendment to Standard 7; and a New Standard (Standard 13)**

Date: July 24, 2007

Enclosed are amendments to the Child Support Hearing Officer (CSHO) Program Standards, an amended Standard 7 and new Standard 13. The amendments were approved by the Supreme Court in March 2007 and will improve the expedited process for child support cases and enhance customer service.

CSHO Program Standard 7 - Amended

CSHO Program Standard 7 has been amended to authorize the CSHO to handle FD (non-dissolution) complaints filed by the local Board of Social Services that seek to *establish* paternity and/or child support in cases where the obligee has a final restraining order against the defendant/obligor. Standard 7 already permits the CSHO, under specified security and facilities conditions, to hear applications initiated by individuals to *modify* or *enforce* child support orders in matters with active domestic violence restraints in either FV (domestic violence) or FD (non-dissolution) cases.

These *establishment* matters, formerly heard by a judge, may now be handled by a CSHO. They are to be processed as FD cases, rather than FV, since only the victim may be a plaintiff in an FV matter. In FDs filed by the local

Boards, the child support paid by the obligor is assigned to the Board for the period that assistance is provided. Standard 7 is permissive and the provision that permits the CSHO to hear FV *modification* and *enforcement* applications has been implemented in eleven vicinages. The security and facilities requirements that exist for actions to *modify* and *enforce* child support in matters with active restraints also apply to these *establishment* matters.

CSHO Standard 13 - New

New CSHO Program Standard 13 authorizes the CSHO to conduct hearings by telephone in appropriate cases. The new Standard sets forth direction as to how to proceed with telephonic hearings including proper screening, coordination with the calendaring of other matters scheduled before the CSHO, and the appropriate equipment.

Amended Standard 7 and the new Standard 13, along with a new telephone hearing request form, are attached and should be inserted into existing hardcopies of the Standards and will also be available on the Infonet. As noted, these Standards are permissive not mandatory. **Please advise me by September 1, 2007 whether you plan to implement either or both of the Standards in your vicinage and, if so, how you will proceed with implementation.**

Any questions or comments may be directed to Assistant Director Harry T. Cassidy at 609-984-4228 or to Elidema Mireles, Chief, CSHO Program at 609-292-5099.

P.S.C.

cc: Chief Justice Stuart Rabner
Family Presiding Judges
Theodore J. Fetter, Deputy Administrative Director
AOC Directors and Assistant Directors
Elidema Mireles, Chief
Richard Narcini, Chief
Family Division Managers
Vicinage Chief Probation Officers
Assistant Family Division Managers in Multi-County Vicinages
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant

Amended

CSHO Program Standard 7
and Commentary

as approved by the Supreme Court March 5, 2007

CSHO Standard 7 (amendments underlined)

A. In order for the Family Division to better serve victims of domestic violence and to provide expedited process, vicinages may schedule, child support modifications in domestic violence cases before the Child Support Hearing Officers (CSHOs). The CSHOs may hear child support modification motions in domestic violence cases under the conditions set forth herein. In addition the CSHO may hear FD cases where there is a restraining order in effect when filed by the Board of Social Services to establish child support. The CSHO, at all times, will address only the child support aspects (civil enforcement and modification and TANF establishments) of the case before them. The following conditions will be observed:

1. Both parties must be amenable to appearing before the CSHO.
2. The CSHO may hear child support modifications in matters established under an “FV” docket; matters with active restraints filed by the Board of Social Services under an “FD” docket; or interstate matters filed pursuant to the *Uniform Interstate Family Support Act*. (UIFSA).
3. The restraining order must be in effect for six (6) months without further activity before the case may be placed before a CSHO for modification of child support; otherwise, the modification shall be scheduled before a judge. This six month requirement does not apply to FD establishments filed by the Board of Social Services.
4. The matter cannot be scheduled before the CSHO if the case raises any issues other than child support.
5. The matter should go before a judge, where other factors or concerns exist that make the matter complex, e.g. indication of ongoing inappropriate behavior by the batterer toward the victim or behavior that occurs while waiting to be heard or during the hearing.
6. The action must be a Title IV-D case, i.e. the child support is payable through Probation.

B. Prior to the vicinage scheduling these cases before the CSHOs, a written security plan for these hearings must be developed and approved by the Assignment Judge; taking into account the recommended standards set forth in Section A *Security and Facilities*, of the Commentary.

C. All CSHOs, Supervisors and Chief of the Program shall be required to participate in the mandatory training for domestic violence staff in addition to receiving training as to the dynamics of families with domestic violence issues before the vicinage may schedule matters to the CSHO. To the extent that FD or FM staff will be screening these cases, the Team Leaders in these docket types should also receive training regarding domestic violence issues.

- D.** Because of the volatile nature of these cases, appeals and referrals from the CSHO should be heard by a judge as promptly as possible, and in any event on the same day as the CSHO hearing (see Commentary, Section C).

Commentary:

A. Security and Facilities

Child support modification hearings arising out of domestic violence cases raise particularly serious security concerns. While initial TRO hearings in domestic violence matters are heard ex parte, with only the plaintiff present, child support modification hearings are likely to be held in the presence of both the plaintiff and the defendant. Because emotions often run high between these parties, security needs must be anticipated and planned for. In developing a security plan for child support hearings in domestic violence cases, the following recommended standards (which are generally addressed in courtroom) should be taken into account:

1. Provide an armed Sheriff's Officer for each CSHO proceeding.
2. Provide duress alarms for the CSHO.
3. Restrict access to light controls.
4. Provide the hearing officer with an egress route to a safe location.
5. Utilize a command and control center to monitor alarms and CCTV.
6. Utilize two-way radios to maintain communications and coordinate emergency responses.
7. Provide emergency back-up power for the lighting and security system.

In addition to these general recommended standards, the following specific provisions should be addressed in the security plan for child support hearings in DV cases:

8. Schedule modification cases in a courtroom or in a room of comparable size and formality. The room should be large enough so that the victim is not required to sit in close proximity to the defendant either while waiting for the case to be heard or during the conduct of the hearing. The parties should not be seated at the same table under any circumstances.
9. If a facility does not offer two separate waiting areas to keep the victim and defendant apart from each other prior to the hearing, a second Sheriff's Officer should be assigned to the waiting area to insure the safety of litigants.
10. In vicinages where the CSHO hearing facility is located in a separate building from the courthouse where the appeal will be heard, the vicinage should have appropriate security arrangements in place for the parties to be

escorted to the courtroom of the judge who will hear the appeal. The parties are not to be left unattended while the appeal is pending.

When an appeal is taken, it poses a particularly critical time because the plaintiff is vulnerable to coercion and intimidation regarding the recommendation being appealed. The defendant's emotions may be running high since the stakes are usually whether to increase or decrease an order of child support. A higher rate of appeal is anticipated on these child support modifications than is generally the case on CSHO calendars (about 3-4%).

In developing security plans for child support hearings in domestic violence cases, as in all other security matters, technical assistance will be available from the Court Access Services Unit at the Administrative Office of the Courts.

B. Case Types

1. Both parties must be amenable to appearing before the CSHO. The CSHO should explain to parties what the CSHO's role is in the proceeding and what will occur during the hearing as well as explaining the use of the Guidelines and their individual right to appeal the recommendation of the CSHO and obtain an immediate hearing before a judge. Either party may request to have the matter heard by a judge. This is similar to DVHO Standard 5, which indicates that appearance before the DVHO is voluntary and permits the plaintiff the option of appearing instead before a judge.
2. The CSHO may hear child support modifications in matters established under an "FV" docket; establishment of support matters under an "FD" docket filed by the Board of Social Services even with companion restraints; or interstate matters filed under the *Uniform Interstate Family Support Act* (UIFSA).
3. The restraining order must be in effect for six (6) months without further activity before the case may be placed before the CSHO for modification of child support; otherwise, the modification shall be scheduled before a judge. This six month requirement does not apply to FD establishment of support cases in the presence of active restraints if it is filed by the Board of Social Services.
4. When there are other pending actions or outstanding issues such as contempt or enforcement of other provisions of the restraining order including custody or parenting time or pending FM with other outstanding issues, the matter shall not be scheduled before the CSHO for establishment, enforcement or modification of child support. This is currently a standard established in the *Manual* applicable to civil enforcement in domestic violence matters before the CSHO.

5. The matter should go before the judge, where other factors or concerns exist, that make the matter complex, e.g. indication of ongoing inappropriate behavior by the batterer toward the victim or behavior that occurs while waiting to be heard or during the hearing.

6. The action must be a Title IV-D case, i.e. the child support is payable through Probation (Centralized Collections) and a county Probation Division is responsible for the collection and enforcement of the child support provisions. Direct pay matters or matters ordered paid to a third party, shall not be scheduled before the CSHO.

7. If the issue involves provisions other than child support, e.g. rent or mortgage payments, parenting time, monetary compensation, counseling and temporary possession of specified personal property, the matter shall not be placed before the CSHO and shall be scheduled before a judge. The CSHO shall only address the support establishment, modification or civil enforcement of the child support provisions since the CSHO's jurisdiction per R. 5:25-3 is in the Title IV-D matters.

C. Appeals and Referrals to a Judge

1. The CSHO shall exercise judgment in determining the appropriateness of the forum and shall be permitted to refer the matter to a judge as a complex case. There are many factors in play in domestic violence cases. The CSHO must be alert to the total picture in determining whether it is appropriate for a hearing officer to proceed with the hearing. The CSHO must observe the interaction of the parties with the CSHO, with each other, as well as verbal and non-verbal cues to assess if the dynamics between the parties point to a requirement for judicial attention. We cannot detail all the possible scenarios that call into question if the case may be heard by the CSHO, keeping in mind that the imbalance of power may manifest in observable behavior. Training will help the CSHO develop further the skills needed to recognize the dynamics in play. The CSHO shall not permit, when the parties are before the CSHO, any opportunity for coercion or intimidation of the victim. All referrals of complex cases must have a brief written statement from the CSHO to the judge stating the details that render the matter complex in nature.

2. Appeals of either party from the CSHO's recommendation shall be treated as emergent matters. Appeals from the CSHO calendar are not to be continued. In the domestic violence cases, the appeal not only should be heard the same day, but also should not be held for so long that the long wait may indeed contribute to inappropriate behavior from the batterer.

3. In accordance with R. 5:7-4 (b), the CSHO shall record the case disposition (establishment, modification or civil enforcement) using the Uniform Order for Summary Support. Parties must be given an unsigned copy of the order resulting from the CSHO proceeding and a signed copy of the order if they are before a judge. The CSHO shall insure that the order does not contain any confidential information such as the address of the victim or other information

of a confidential nature. A signed copy of the order will be mailed to the parties by Family Intake staff in the vicinage, once the judge signs the order. If a Guidelines calculation was done, the parties shall be provided with a copy of the Guidelines. This is also in accord with CSHOP standards 3 and 4.

D. Training of Staff

All CSHOP staff and relevant FD and FM Team Leaders shall receive training regarding the dynamics of families with domestic violence issues prior to a vicinage being approved to schedule child support modifications before the CSHO. Thereafter, they shall participate in training that is mandatory for all domestic violence personnel.

The proposed standard represents a departure from the prior *Domestic Violence Procedures Manual*. The *Manual* is issued under the authority of the Supreme Court of New Jersey and the Office of the Attorney General. It sets forth the uniform standards and procedures to be followed by those responsible for handling domestic violence matters and to provide a unified approach intended to assure prompt assistance to the victims of domestic violence.

This proposed standard is the result of a debate that predates 1992, when the *Manual* was amended to allow CSHOs to hear civil enforcement motions in domestic violence cases. In 1992 the State Domestic Violence Work Group considered whether to amend the *Manual* additionally and permit the CSHOs to hear the modification of the child support provisions of domestic violence matters. Ultimately the amendment permitted solely the civil enforcement of litigant's rights motions to be calendared before the CSHO under specific conditions detailed in the in Section III of the *Manual*. Civil enforcement refers to those matters that are Title IV-D, i.e. the order is payable through a Probation Division and the case is thus supervised by county Probation Division staff responsible for the filing of the enforcement motion.

The experience of the CSHOP with the civil enforcement in domestic violence matters indicates that in general it works well. There is concern expressed by CSHOs themselves that the specific conditions set forth in the *Manual* have not been consistently enforced. One example given was the lack of the presence of an on-site Sheriff's Officer during the hearing because the Sheriff's Officer was responsible for covering the waiting area and/or other hearings in progress. Concern was also expressed for the delays in hearing the appeals resulting from the enforcement hearing before the CSHO. The strict implementation of the conditions and requirements is crucial to the ability to delivery of expedited process to the victims of domestic violence. Such service however should not be at the cost of the safety of the victim, the defendant, the hearing officer, or any other staff or litigants.

Currently, judges are responsible for hearing the child support establishments and modifications in the domestic violence matters despite the fact that most other non-

dissolution (FD) applications to modify are routinely scheduled before the CSHO. The CSHOs have the expertise as to the child support modification issues and as to the application of the Guidelines that comes from having primary responsibility for the disposition of Title IV-D child support cases.

The *Manual* states that modifications are inherently complex and provides that they be heard by a judge. Historically, this has raised issues for the Judiciary. Since Family handles ten (10) docket types, there is tremendous demand for judge time to address the cases requiring the attention of a judge. Expedited process is premised on the concept of diverting appropriate matters from the judge in order to resolve them in an expedited manner. Requiring that all modification of support cases go to a judge unduly delays their resolution because they are segregated from the expedited process B the process of child support matters going first to a CSHO. The laudable intent of providing the attention of a judge to hear these cases inadvertently subjects the victim to less timely service due to the demands placed on the available judge time. The expedited process places summary child support matters before the CSHO normally, but the domestic violence cases have been historically been diverted from the expedited process. DV cases are by no means routine, but the adoption of R.5:6A Child Support Guidelines by NJ has contributed to standardization of the issue of child support. Expedited process means that child support issues in some domestic violence cases will be better served before the CSHO. This would permit the judge to devote time to the domestic violence cases requiring judicial attention.

The July 2004 *Manual* incorporates the CSHO Program Standard 7 as Appendix 20. Standard 7 clearly provides specific and necessary security and facilities conditions that should be met in order to place the civil enforcement before a CSHO. In expanding to allow CSHOs to hear establishments, modifications and enforcements with domestic violence restraints, these conditions and even increased safety measures would have to be in place for any vicinage seeking to calendar child support modifications in domestic violence cases before the CSHO. Indeed, the proposed standard requires that the security issues be addressed in advance, prior to a county scheduling these cases before the CSHO, to insure that the requirements as to security and facilities are met and to insure that the other conditions are understood in terms of proper implementation.

New

**CSHO Program Standard 13
and Commentary**

as approved by the Supreme Court March 5, 2007

CSHO STANDARD 13 TELEPHONIC HEARINGS

In matters involving establishment and modification of child support in non-dissolution matters and post-judgment dissolution motions, the Child Support Hearing Officer may conduct hearings by telephone. In New Jersey, it is not unusual to have parties or counsel participate by telephone. Rule 5: 5-7 allows for case management conferences to be by phone. Rule 5:7A (b) allows TROs to issue based on sworn testimony to the judge using telephone, radio or other means of electronic communication. The *Uniform Interstate Family Support Act, 2A: 4-30.92, et. seq.* encourages courts to allow testimony by telephone or electronic communications. The Family Division staff will ensure that cases appropriate for telephonic hearings are scheduled before a hearing officer and that the proper equipment is provided. The CSHO has the discretion to end a telephonic hearing if he or she determines that the integrity of the record is being compromised because it is telephonic. The following conditions shall be observed:

1. Family Division staff will process requests for telephonic hearings and determine whether there is good cause for the telephonic hearing accommodation. If a party resides in New Jersey, a reasonable distance from the hearing site, there is a presumption that they would appear for the hearing unless there is another valid reason, e.g. the party is hospitalized. The Family Division will advise the party that he or she must submit the request for a telephonic hearing in writing to the Family Division and their adversary no less than 15 days prior to the hearing date (letter or motion papers). Family Division should use a form to process the requests for telephonic hearings. See attached form.
2. Family Division staff will obtain and place in the file the necessary telephone numbers and names of contact persons and will clearly identify on the hearing officer's calendar and on the case notice all matters scheduled for a telephonic hearing and the time of the hearing. If the party is in the military, the Family Division staff will also obtain the person's commanding officer and military base.
3. Generally, the court shall initiate the call to the requesting party. The CSHO shall have the ability to coordinate the telephonic matter with the other scheduled cases where parties have appeared and may instead call the requesting party. In all instances, the requesting party will be advised by Family Division staff to remain available and wait for the call (as per the written request for a telephonic appearance indicates) from the court. In order to coordinate the telephonic hearings with the hearing officer's scheduled calendar, it must be clear from the hearing officer's calendar what cases are scheduled for a telephonic hearing, provide the telephone contact number and whether an interpreter is needed for the case.

4. Ten days prior to scheduling the telephonic hearing, the Family Division shall notify the parties, counsel of record, and the Board of Social Services attorneys (UIFSA, TANF and DYFS cases), of any requests for telephonic hearings.
5. In *UIFSA* matters the Family Division staff shall cooperate with tribunals of other states in designating an appropriate location for the testimony and advise the party if he or she must contact the child support enforcement agency and arrange to appear at the state agency for their assistance in setting up the call. In addition the party must be advised that he or she must provide information to confirm their identity.
6. For all matters to establish or modify support, the parties must be notified that no less than five days prior to the hearing, they must provide their last three federal income tax returns and four current pay stubs to the hearing officer and their adversary. The adversary must provide to the other party their last three income tax returns and four current pay stubs no later than five days prior to the hearing. The party appearing by telephone must provide information to confirm their identity during the hearing. Other documents that the parties want to submit to the hearing officer for review must be submitted to Family Division no less than five days prior to the hearing and copies must be provided by the party to their adversary in advance. The Family Division staff will place these documents in the file prior to the telephonic hearing.
7. In scheduling telephonic hearings for the hearing officer, Family Division staff will take into consideration that telephonic hearings require more time to conduct than in-person hearings and will schedule fewer total cases in order to accommodate telephonic hearings. When an interpreter is used in a telephonic hearing, the time needed to hear the case may be increased.
8. When the CSHO does not proceed with a scheduled telephonic hearing or concludes the hearing before it is finished, the CSHO shall set forth the reason(s) for doing so in the Uniform Summary Support Order (USSO).
9. The USSO shall indicate that there was a telephonic hearing. A copy of the Child Support Hearing Officer recommendation along with the Child Support Guidelines worksheet shall be provided to the party at the hearing and the copy of the order signed by a Judge along with the Child Support Guidelines worksheet will be mailed to both parties.
10. In the event of an appeal by one or both parties, the Family Division will schedule the telephonic appeal hearing before a Judge for the same day, if possible, or make suitable arrangements when the appeal cannot be heard the same day.
11. When scheduling telephonic hearings in modification of child support in domestic violence cases (Standard 7) and FM post-judgment motions to modify support (Standard 9), the screening requirements still apply.

12. Polycom equipment, when available, shall be used for the telephonic hearing. If it is not available and the equipment used (e.g. speaker phone) is not adequate, malfunctions, or an outside telephone line is not available after several attempts, the hearing officer may discontinue the telephonic hearing and reschedule the matter to allow parties to appear. If the party appearing telephonically is not available to take the call or fails to call the court, the hearing officer shall proceed with the hearing and treat the case as he or she would any other non-appearance and, on the record, dismiss the case without prejudice if the party appearing telephonically is the moving party or proceed with a default order if appropriate.

Commentary:

The advancement of technology and the current use of telephone and electronic communication for court hearings provide authority and a basis for allowing the Child Support Hearing Officer to conduct expedited hearings where a party may testify by telephone. Under the *Uniform Interstate Family Support Act (UIFSA)*, N.J.S.A. 2A; 4:30.65 *et. seq.* telephonic hearings are a recognized means of conducting hearings; all proceedings brought under *UIFSA*, including long-arm cases, may proceed by telephonic hearings. Rule 5:5-7 allows for Family case management conferences to be by telephone. Rule 5:7A(b) allows TROs to issue based on sworn testimony to the judge using telephone, radio or other means of electronic communication. It is logical to extend this method to the summary proceedings conducted by the CSHO and further enhance expedited process.

May 4, 2000

MEMORANDUM TO: Assignment Judges
Family Presiding Judges
Family Division Managers

FROM: Richard J. Williams

**RE: Procedures for the Registration of Out of state
Domestic Violence Restraining Orders**

The Conference of Family Division Managers, the Family Practice Division and the Automated Trial Court Systems Unit have developed procedures to implement the registration of out of state domestic violence orders in the Family Division and the DV central registry. The Information Systems Division has completed the programming of this procedure in FACTS. This process is scheduled to become active in FACTS on 5/8/00. These procedures have been reviewed by the State Domestic Violence Working Group and the Conference of Family Division Managers, and approved by the Conference of Family Division Presiding Judges. The procedures were included, in draft form, in the New Jersey presentation to the Mid-Atlantic VAWA conference on Full Faith and Credit issues.

This memorandum includes:

- ! Procedures for Family Division staff to follow in the registration of the orders;
- ! FACTS codes and procedures. (part of the FACTS FV Docket users guide distributed by the Automated Trial Court Systems Unit);
- ! Certification forms for incoming orders and for outgoing New Jersey orders.

The attached procedure has been modified from prior drafts in order to better accommodate the out of state order 's expiration date in FACTS and recent discussions with other Mid Atlantic states concerning the practice of certification for Restraining Orders. The Automated Trial court Systems Unit conducted training in April to implement this process. The trainees from each vicinage were provided the updated FV Docket users guide. Please advise Mary M. DeLeo if you have any questions concerning this procedure.

These procedures are labeled as interim pending the development of a complete Foreign order process within the FACTS system, and eventually every state 's inclusion of their Restraining Orders in a National Central Registry which is anticipated by July, 2002. These procedures will allow for out of state Domestic violence orders to be placed on to the system, with a minimum of

system changes.

The primary benefit to registration for the victim is that the order will be on the statewide DV registry to which police throughout the state will have access on an immediate, round-the-clock basis.

These procedures will:

- ! Establish these registered cases without adding new cases to the Family Division statistical report;
- ! Accommodate the expiration date of out of state orders;
- ! Identify out of state orders to users, particularly law enforcement users of the DV registry;
- ! Not permit an out of state order to be reopened or modified;
- ! Still require that Full Faith and Credit be honored by Law Enforcement and the Courts on those orders which have not been registered.

Procedures

1. The victim (plaintiff) who elects to register an out of state restraining order will present the order at a county Family Division intake or domestic violence unit. The victim/plaintiff will complete a Victim Information Form and complete an Out of State certification form (attached).
2. The Family Division DV or central reception staff member will review the order, certification and victim information form. The staff member will call the issuing court, immediately, or within one business day. The staff member will fax the order and certification form to the issuing court and request confirmation of the order as presented by return fax. The Family Division Manager, or if so designated by the Division Manager, the FV Team Leader, may review the contact with the issuing court to resolve questions concerning confirmation.
3. Upon confirmation, the staff member will complete the confirmation form, which will allow for the establishment and docketing of the case on FACTS.
4. The establishment process will include:
 - ! A new initiating document, the OUT OF STATE DV RO, entered in the initiating document field, will be combined with a case status reason code that identifies the case as an Out of State Order;
 - ! The field MUNICIPALITY OF OFFENSE becomes a required field with a change from numeric to alphanumeric to allow the state to be identified, e.g. 9901 for an Out of State Order from Pennsylvania (attached FACTS procedure-1a);
 - ! All OUT OF STATE DV RO initiating document cases would be ignored in the statistical count, and cannot be reopened.
5. The expiration date will be identified in the system, and appear on the registry based on the use of a Relief code that is unique to this case type. The expiration date will be entered by the user and appear in the registry in the COMMENTS field (attached 2c).
6. Upon completion of case establishment, the order will be stamped with a statement confirming that it has been verified and registered as of the case establishment date and providing the NJ docket number. The victim/plaintiff should be provided with the order, a copy faxed to the police departments identified by the victim/plaintiff, and a copy placed in

the Family Division file that was created when the system assigned the New Jersey number as part of the registration process.

7. The Attorney General's Guidelines to Law Enforcement Officers state that the registration of an order is not required in order to enforce the order. We have been assured by the Division of Criminal Justice that Full Faith and Credit will be emphasized in all police training to continue protection of all victims, regardless of whether they have sought the additional assurance of recording their out of state order with New Jersey

Outgoing Orders

All Final and Temporary restraining orders contain language concerning the Full Faith and Credit qualification of those orders under the Federal VAWA statute. As a further aid to victims, the federal VAWA office has promulgated a form of Certification, which, if completed by the issuing court, is intended to encourage the enforcement of these orders in all states. Attached is a form of this certification with the New Jersey Family Part caption. At this time, it is not a recommended practice to provide this certification for orders issued on a routine basis. Rather, the form should be completed upon the request of a victim, or another state's court or law enforcement agency that has requested verification of the New Jersey FRO.

The recommended practice is for the court to provide the victim with a certified true copy of the FRO, with a raised seal, upon request of the victim.

- c: Chief Justice Deborah T. Poritz
John J. Farmer, Attorney General
Paul H. Zoubek, Director, Division of Criminal Justice
AOC Directors and Assistant Directors
Trial Court Administrators

E:\CASSIDY\FVREG_.PRO



NEW JERSEY JUDICIARY

VERIFICATION AND CERTIFICATION DOMESTIC VIOLENCE RESTRAINING ORDER

SUPERIOR COURT OF
_____ **COUNTY**

ADDRESS

ADDRESS

TELEPHONE NUMBER

☐ Temporary Restraining Order

☐ Final Restraining Order

TO: STATE OF

CONTACT PERSON

TELEPHONE NUMBER

()

FAX NUMBER

()

ADDRESS

CITY

STATE

ZIP CODE

PLAINTIFF'S LAST NAME

FIRST NAME

DEFENDANT'S LAST NAME

FIRST NAME

DATE OF ORDER

EXPIRATION DATE

NONE

JURISDICTION (COUNTY / CITY)

ISSUING COURT DOCKET / CASE NUMBER

CERTIFICATION

I _____ certify that the above identified Order granted by the New Jersey Superior Court,

Chancery Division, Family Part, County of _____ **OR** Municipal Court of _____,

County of _____, represents a true copy of the original Order issued on _____ (date).

This Order represents the last Order issued in this matter. This Order has not be modified by any subsequent Order(s).

I am aware that if any statements made by me are willfully false I am subject to punishment.

FAMILY COURT STAFF NAME AND TITLE

DATE

The signatory is authorized by the Superior Court noted above to certify that the attached Order is a true copy of a valid New Jersey Domestic Violence Restraining Order.

PROOF OF SERVICE INFORMATION

☐ The defendant was provided with notice and the opportunity to be heard (Proof of Service Attached).

☐ There is no Proof of Service that the defendant has been served with a copy of this Order as of this date.

☐ Other: _____



NEW JERSEY JUDICIARY

CERTIFICATION OUT-OF-STATE DOMESTIC VIOLENCE RESTRAINING ORDER

YOUR LAST NAME		FIRST NAME	DEFENDANT'S LAST NAME	FIRST NAME
DATE OF ORDER	EXPIRATION DATE	ISSUING STATE	JURISDICTION (COUNTY / CITY)	
ISSUING COURT DOCKET / CASE NUMBER			ISSUING COURT PHONE NUMBER ()	

CERTIFICATION

I _____ certify that the above identified Order presented to the New Jersey Superior Court, Chancery Division, Family Part, County of _____ represents a true copy of the original Order issued by _____ (state / local jurisdiction) on _____ (date). This Order represents the last Order issued in this matter to the best of my knowledge. I am aware that if any statements made by me are willfully false I am subject to punishment.

SIGNATURE	DATE
-----------	------

TO BE COMPLETED BY AUTHORIZED PERSON FROM THE ISSUING COURT

NAME / TITLE

TELEPHONE NUMBER

()

FAX NUMBER

()

This certifies that the Order identified above and dated _____ has been reviewed and represents a true copy of our court's original Order. The defendant in this case was provided with the notice and the opportunity to be heard (Proof of Service attached) prior to the entry of this Order. The terms and conditions of the Order have not be modified by any subsequent Court Order(s).

SIGNATURE

DATE

PLEASE RETURN THIS STATEMENT TO _____ VIA FAX NUMBER _____

TO BE COMPLETED BY NEW JERSEY FAMILY DIVISION STAFF (ATTACH CERTIFICATION AND PLACE IN FILE)

STAFF MEMBER NAME

DATE ORDER PRESENTED

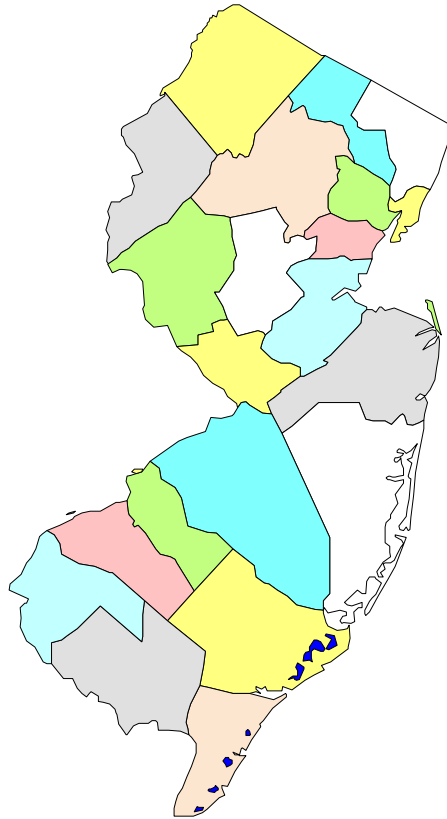
DATE CASE ESTABLISHED ON FACTS

DISTRIBUTION TO (identify)

NJ DOCKET NUMBER

SUPERVISOR NAME / COMMENTS

STATE OF NEW JERSEY FAMILY AUTOMATED CASE TRACKING SYSTEM (FACTS)



DVCR

INQUIRY GUIDE

DRAFT

TABLE OF CONTENTS

INTRODUCTION	1
I LOGGING ON	3
II DVCR DEFENDANT AND VICTIM SEARCH.....	8
III DOMESTIC VIOLENCE INFORMATION	12
A VICTIM SEARCH	13
B DEFENDANT SEARCH	14
C UNDOCKETED TRO SEARCH.....	16
D FV CASE INFORMATION	18
E FO CASE INFORMATION.....	20
F P/G AND ACS HISTORY	22
APPENDIX.....	24
TIPS FOR SEARCHING NAMES IN FACTS	25
CONTACTS	26
COUNTY CODES	27

<p style="text-align: center;">ADMINISTRATIVE OFFICE OF THE COURTS DVCR INQUIRY GUIDE</p>

INTRODUCTION - DVCR

The Domestic Violence Central Registry (DVCR) is a computerized inquiry system that allows law enforcement to access information about Domestic Violence cases. Prior to the existence of the Registry, officers needing information about DV cases had to request this information from the Family Court DV units in their county, who would then look up the case in question on the Family Automated Case Tracking System (FACTS). Access to the information was available only during the court's operating hours. The Central Registry permits direct access at any time to the DV information in FACTS.

The Central Registry displays information about cases in which a restraining order was requested (FV docket type), and cases in which a violation of a restraining order is alleged to have occurred (FO docket type). Law Enforcement personnel are using this information to help determine what action to take when a Restraining Order is allegedly violated, to help determine bail amounts, to decide if applications for weapons permits should be granted, and for general information in handling DV cases.

ONGOING ENHANCEMENTS

Enhancements to the Domestic Violence Central Registry are being developed on an ongoing basis. In anticipation of these enhancements, the text of this manual covers their use. If you find that you are unable to perform a function described in this manual, you may be trying to access a feature that has not yet been installed. Please phone the Judicial Problem Reporting Desk at 1-800-343-7002 and an analyst will contact you with further details.

<p style="text-align: center;">ADMINISTRATIVE OFFICE OF THE COURTS DVCR INQUIRY GUIDE</p>

INTRODUCTION – Juvenile Central Registry

This section deleted

ONGOING ENHANCEMENTS

Enhancements to the system are being developed on an ongoing basis. If you find that you are unable to perform a function described in this manual, please phone the Judicial Problem Reporting Desk at 1-800-343-7002. An analyst will contact you about your problem.

A NOTE ABOUT USING THIS GUIDE

To help you use this guide more effectively, remember that:

- CAPITALS - indicate names of Screens and Fields
- **BOLDED CAPITALS** - indicate some action that you must take (entering data or pressing keys).

NAVIGATING IN FACTS

- CLEAR** - return to the previous screen
- PA1** - return to FACTS Main Menu from anywhere in FACTS
- PF7** - page backward on screen or list
- PF8** - page forward on screen or list

**ADMINISTRATIVE OFFICE OF THE COURTS
DVCR GUIDE**

I

LOGGING ON

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

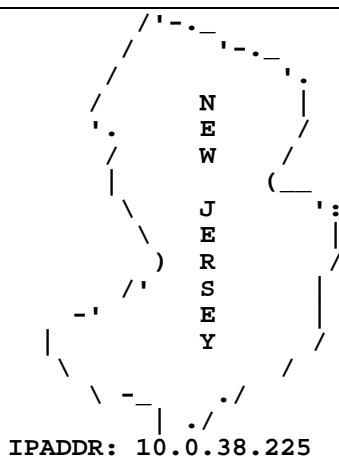
I. LOGGING ON

1) At the Office of Telecommunications and Information System (OTIS) screen, **TYPE AOCTELE** and **PRESS ENTER**.

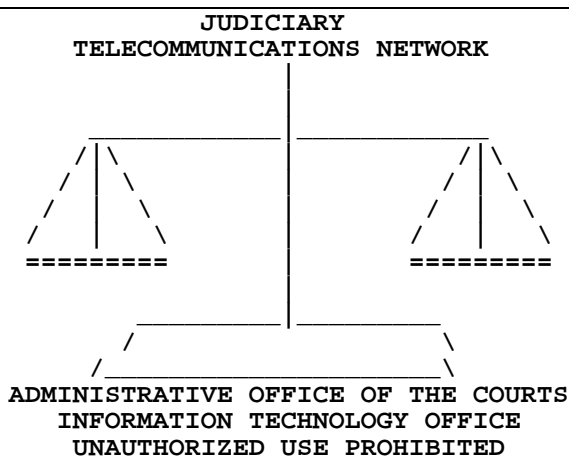
STATE OF NEW JERSEY OFFICE OF TELECOMMUNICATIONS
AND INFORMATION SYSTEM
YOUR NETWORK TERMINAL IS xxxxxxxx
UNAUTHORIZED ACCESS ILLEGAL

PLEASE ENTER APPLICATION REQUEST: **AOCTELE**

2) At the ADMINISTRATIVE OFFICE OF THE COURTS “scale” screen, **TYPE NJ** and **PRESS ENTER**.

A logo of the State of New Jersey, consisting of a dashed outline of the state with the words "NEW JERSEY" written vertically inside.

IPADDR: 10.0.38.225

A diagram showing a network structure. At the top is "JUDICIARY TELECOMMUNICATIONS NETWORK". Below it is a horizontal line connecting two vertical lines, each with a triangle above it. Below this is another horizontal line connecting two vertical lines, each with a triangle above it. At the bottom is a horizontal line connecting two vertical lines, each with a triangle above it. The text "ADMINISTRATIVE OFFICE OF THE COURTS INFORMATION TECHNOLOGY OFFICE UNAUTHORIZED USE PROHIBITED" is centered below the diagram.

JUDICIARY
TELECOMMUNICATIONS NETWORK

ADMINISTRATIVE OFFICE OF THE COURTS
INFORMATION TECHNOLOGY OFFICE
UNAUTHORIZED USE PROHIBITED

PROBLEM REPORTING DESK - 800-343-7002
609-633-2275

,ENTER "NJ" TO ACCESS:

3) At the TELEVIEW SESSION MANAGER screen, **TYPE** your **USERID ID**, **PRESS** the **TAB** Key, **TYPE** in your **PASSWORD**, and **PRESS ENTER**.
(The password will not be visible on the screen.)

ADMINISTRATIVE OFFICE OF THE COURTS

DVCR GUIDE

JUDICIARY
NEW
JERSEY

JUDICIARY

JUDICIARY DATA CENTER
ADMINISTRATIVE OFFICE OF THE COURTS
INFORMATION TECHNOLOGY OFFICE

TELEVIEW SESSION MANAGER

USERID Your User Id (PDxxx)
PASSWORD Your Password
NEW PASSWORD
VERIFY NEW PASSWORD

ENTER = PROCESS
PF2 = TIME AND DATE
PF3 OR PA1 = EXIT
PF4 = DISPLAY TERMINAL ID
PF5 = REFRESH SCREEN

HELP DESK
=====

1-800-343-7002
1-609-633-2275

5

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

- 4) At the TELEVIEW SESSION MANAGER screen, look for “FACTS, DVCR & JUV REG” and **PRESS** the appropriate key to select the option.

(Note: The option may be a different number on your menu.)

1/28/02 MON 03:42:52 PM	JUDICIARY DATA CENTER TELEVIEW SESSION MANAGER	NETID: TNB00345 USRID: PDTRN10

MODEL: 3270-2/2E	ESC: ATTN CMDCHR: .	REGID: 019F
CHOOSE SYSTEM NUMBER OR PFKEY FOR VIEWING:		
SYSTEM	APPLICATION STATUS	REMARKS / DESCRIPTION

1 IDMS CV1	AVAILABLE	CV1 - TRAINING RELEASE 12
2 EMAIL	AVAILABLE	ELECTRONIC MAIL
3 RMDS/FM	AVAILABLE	FACTS REPORTS
4 IDMS V17	AVAILABLE	FACTS, DVCR & JUV REG
PA1 = UP PA2 = DOWN CLEAR = MSG LOGOFF ALL = EXIT		

- 5) The Central Registry Menu will display.
PRESS PF1 to access the DOMESTIC VIOLENCE CENTRAL REGISTRY

FMM1920	FAMILY AUTOMATED CASE TRACKING SYSTEM CENTRAL REGISTRY MENU	01/28/02 15:13 PF
USER ID:		
PF1 - DOMESTIC VIOLENCE CENTRAL REGISTRY		
PF2 - JUVENILE CENTRAL REGISTRY		
FM905739 PLEASE DEPRESS PF KEY TO PROCESS FUNCTION		

NOTE: Please be aware that the FACTS installation dates for the counties varied. Cases that occurred before 1992 may not be in the system. Many cases with active orders prior to 1992 have been entered by county DV staff.

**ADMINISTRATIVE OFFICE OF THE COURTS
DVCR GUIDE**

**II
DEFENDANT AND VICTIM
SEARCH**

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

II. DEFENDANT AND VICTIM SEARCH

The following procedure describes how to search for a Defendant or Victim in the Central Registry.

1) On the PARTY NAME SEARCH screen choose the most accurate information you have on the party and use it for the search:

NAME (Primary method of searching) Full or partial last name may be used. (If a partial last name is used, no first name may be used.) Full or partial first name may be used with a full last name.

SBI #	State Police Bureau of Identification #.
SSN	Social Security Number. (See note below)
CDR #	Warrant # or Summons #.
PARTY ID	FACTS-generated Identifying Number.

(See Appendix I for tips on searching names).

FMM1900	DOMESTIC VIOLENCE CENTRAL REGISTRY	05/01/01
PAGE: 0001	PARTY NAME SEARCH	16:19
		PF
LAST NAME:	FIRST NAME:	MIDDLE INIT:
SBI #:	SSN:	CDR #: 0000 000000 0000 PTY ID:
S	PARTY NAME	DV PARTY ID BIRTH DATE RACE SEX CTY ALIAS
FM906738 ENTER SEARCH INFORMATION AND PRESS PF1		
PF1=PARTY SEARCH		
PF11=REFRESH		

NOTE: Social Security Number (SSN) searches will return ALL parties that claimed to be associated with that social security number who have had contact with the Family Court. A party or parties may display that have NO domestic violence record. Conversely, a party may have a domestic violence record and not display in a SSN search. SSN and SBI numbers must not be the primary or sole method of searching. Parties that display after an SSN search can not be assumed to be a party to any incident unless they show a D and/or V indication and can be selected.

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

2) Enter the search criteria and **PRESS PF1 PARTY SEARCH.**

A list of names that meet the search criteria will be displayed.

FMM1900	DOMESTIC VIOLENCE CENTRAL REGISTRY	08/16/00
PAGE: 0001	PARTY NAME SEARCH	13:37
		PF
LAST NAME: MARINNIA	FIRST NAME:	MIDDLE INIT:
SBI #: SSN:	CDR #:	PTY ID:

S	PARTY NAME	DV	PARTY ID	BIRTH DATE	RACE	SEX	CTY	ALIAS
	MARINNIA ABRAHAM	D	M 0133530	10 17 1981	HISPANIC	M	MER	***
	MARINNIA CINDI							MAIDE
	SMITH CINDI	V	S 0108609	07 23 1988	CAUCASIAN	M	ATL	***
	MARINNIA EBONEY	V	M 0028203	09 23 1978	CAUCASIAN	F	BUR	
	MARINNIA EBONEY	V	M 0028203	09 23 1978	CAUCASIAN	F	CAM	
	MARINNIA ELANOR	D	M 0095140	08 17 1950	BLACK	F	MER	
	MARINNIA JON	D	M 0021419	03 09 1970	BLACK	M	MON	
	MARINNIA JON	D	M 0020817	03 09 1970	BLACK	M	ATL	
	MARINNIA KURT L							NICKN
	MARRINIA LUKES K	V	M 0185816	03 20 1974		F	MER	***
	MARINNIA MARKUS	D	M 0097333	06 07 1964	CAUCASIAN	M	HUD	
	MARINNIA MARLONE	V	M 0097343	01 10 1989	UNKNOWN	M	PAS	

PF2=CASE LIST	PF3=VICTIM SEARCH	PF4=ACTIVE ORDER CHECK
PF5=UNDOCKETED TRO SEARCH	PF7=BACKWARD	PF8=FORWARD
	PF9=ALIAS	PF11=REFRESH

3) Party Information.

a) *Dockets In More Than One County.* The Party's name will be listed once for each county in which they have a case. The Party ID, (a FACTS generated ID number) should be the same for each listing. Selecting any of the entries will yield a list of all cases in all counties for that party. (e.g., Eboney Marinnia above.)
If the party has different Party IDs each will display separate information. You must check the party's information under the extra Party ID number. (e.g. Jon Marinnia above)

b) *Defendant or Victim?* Each party will have one of the following under the DV column indicating whether they were a Defendant, Victim, or both.

D Defendant
V Victim
DV Both Victim and Defendant.

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

c) *Alias Indicator.* If the party has an alias in FACTS, one of the following indicators will display:

***	Indicates the Party has one or more alias (see PF9 below.)
AKA	Name is an Also Known As. True name is listed on next line.
NICKN	Name is a Nickname. True name is listed on next line
MAIDE	Name is a Maiden Name. True name is listed on next line
MISSP	Name was misspelled at some point in the records.
RESUM	Party has resumed a Maiden Name.
COURT	Court Misspelling of Name.

4) *To view the additional Alias listing,* select a name with *** indicator and **PRESS PF9 ALIAS.**

All other alias names in FACTS attached to this party will be displayed with VENUE and DESCRIPTION OF ALIAS. **PRESS CLEAR** to exit this window.

FMM1900 PAGE: 0001	DOMESTIC VIOLENCE CENTRAL REGISTRY PARTY NAME SEARCH	02/14/01 10:58 PF																																				
<div style="border: 1px dashed black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> LAS FMM1907 FAMILY AUTOMATED CASE TRACKING SYSTEM PAGE: 1 </div> <div style="text-align: center; margin-top: 5px;">ALIAS LISTING</div> <table border="0" style="width: 100%;"> <tr> <td style="width: 5%;">S</td> <td style="width: 45%;">NAME: SMITH CINDI</td> <td style="width: 30%;">PARTY ID: S0108609</td> <td style="width: 20%;">CTY ALIAS</td> </tr> <tr> <td></td> <td>VEN ALIAS</td> <td>DESCRIPTION</td> <td>ATL</td> </tr> <tr> <td>s</td> <td>ATL MARGOLIS CINDI</td> <td>NICKNAME</td> <td>ATL ***</td> </tr> <tr> <td></td> <td>ATL MARINNIA CINDI</td> <td>MAIDEN NAME</td> <td>ATL</td> </tr> <tr> <td></td> <td>ATL MULGREW KATE</td> <td>A/K/A</td> <td>ATL</td> </tr> <tr> <td></td> <td>ATL MARINNIA CINDY</td> <td>COURT SPELLI</td> <td>ATL</td> </tr> <tr> <td></td> <td>ATL MARRANA SINDY</td> <td>MISSPELLING</td> <td>CAM</td> </tr> <tr> <td></td> <td>BUR MUDRUCKER CINDI</td> <td>RESUME MAIDE</td> <td></td> </tr> <tr> <td></td> <td>BUR MUDRUCKER SINDEE</td> <td>A/K/A</td> <td></td> </tr> </table> <div style="text-align: center; margin-top: 10px;">PF7=BWD PF8=FWD CLEAR=EXIT</div> </div>			S	NAME: SMITH CINDI	PARTY ID: S0108609	CTY ALIAS		VEN ALIAS	DESCRIPTION	ATL	s	ATL MARGOLIS CINDI	NICKNAME	ATL ***		ATL MARINNIA CINDI	MAIDEN NAME	ATL		ATL MULGREW KATE	A/K/A	ATL		ATL MARINNIA CINDY	COURT SPELLI	ATL		ATL MARRANA SINDY	MISSPELLING	CAM		BUR MUDRUCKER CINDI	RESUME MAIDE			BUR MUDRUCKER SINDEE	A/K/A	
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5) *To search another name,* **PRESS CLEAR** to exit window, and **PRESS PF11 REFRESH** to reset screen and proceed as above.

**ADMINISTRATIVE OFFICE OF THE COURTS
DVCR GUIDE**

III

DOMESTIC VIOLENCE INFORMATION

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

III. DOMESTIC VIOLENCE INFORMATION

A. VICTIM SEARCH

Displays a list of cases in which the party was a victim, with the name of the defendant for each docket.

1) From the PARTY NAME SEARCH screen, **SELECT (S)** a Victim (V) and **PRESS PF3 VICTIM SEARCH.**

FMM1900	DOMESTIC VIOLENCE CENTRAL REGISTRY	08/16/00																																																																																
PAGE: 0001	PARTY NAME SEARCH	13:37																																																																																
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ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

The VICTIM-DEFENDANT NAME LIST screen displays.

FMM1905	DOMESTIC VIOLENCE CENTRAL REGISTRY	8/16/00
PAGE: 0001	VICTIM - DEFENDANT NAME LIST	13:16
		PF

VICTIM LAST NAME: SMITH FIRST NAME: CINDY MIDDLE INIT:

S	DEFENDANT NAME	DOCKET NUMBER	PARTY ID	BIRTH DATE	RACE	SEX
S	MARINNIA JON	MER FV 001677 94	M 0020817	03 09 1970	BLACK	M

PF2=CASE LIST

2) *To access the Defendant Case List, **SELECT** (S) the Defendant and **PRESS PF2 CASE LIST.***

More information about the defendant case list follows.

<p style="text-align: center;">ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE</p>

B. DEFENDANT SEARCH

Use the Defendant's information to quickly check for any active restraining orders or to go to the Defendant's case list to see a history of their DV cases.

- 1) *To check for active Restraining orders:* From the PARTY NAME SEARCH screen **SELECT (S)** the Defendant (D) and **PRESS PF4 ACTIVE ORDER CHECK.**

Several messages may be displayed:

The messages "ACTIVE RESTRAINING ORDER EXISTS - SEE CASE LIST" or "NO ACTIVE RESTRAINING ORDERS" will display for NJ orders.

If an Out of State DV Order has been registered, the message will read "REGISTERED ORDER EXISTS (EXPIRATION XX/XX/XXXX) - SEE CASE LIST".

If the Out of State DV Order has no expiration date, the message "REGISTERED ORDER EXISTS (NO EXPIRATION DATE) - SEE CASE LIST" will display.

If more than one Out of State Order has been registered, the message "MULTIPLE REGISTERED ORDERS EXIST - SEE CASE LIST FOR DETAILS" will display.

If both NJ and Out of State Orders are found, the message "ACTIVE AND REGISTERED ORDERS EXIST - SEE CASE LIST" will display.

NOTE: This function is not a full look-up, but a quick check of the defendant. If an active or registered order is found, the user must then continue the process by pressing PF2 to view the case list. If a Victim (V) is selected, this function will not return restraining order information on the defendant. The Defendant (D) must be selected.

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

3) *To view the Case List for the Defendant:* From the PARTY NAME SEARCH screen,
SELECT (S) the Defendant (D) and **PRESS PF2 CASE LIST**.

If the person does not appear on the list, check a list of TROs that have been entered in the on-line system, but have not yet been docketed by Family Court.

FMM1900		DOMESTIC VIOLENCE CENTRAL REGISTRY				08/16/00		
PAGE: 0001		PARTY NAME SEARCH				13:37		
						PF		
LAST NAME: MARINNIA		FIRST NAME:		MIDDLE INIT:				
SBI #: SSN:		CDR #:		PTY ID:				
S	PARTY NAME	DV	PARTY ID	BIRTH DATE	RACE	SEX	CTY	ALIAS
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ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

C. UNDOCKETED TRO SEARCH

Many police agencies including the State Police now use e-TRO to record complaints and TROs granted after hours, weekends and holidays. The PARTY LIST screen displays the ability to search these TROs using the function key, **PF5 - UNDOCKETED TRO SEARCH**.

1) **PRESS PF5**, without selecting a person from the party name search list to perform this search. The system will use the criteria already entered and search for a TRO for the person. If any TROs are found with that name as plaintiff or defendant, the names will appear on this screen.

FMM1908	DOMESTIC VIOLENCE CENTRAL REGISTRY	02/27/02																																																												
PAGE: 0001	UNDOCKETED TRO LIST	15:31																																																												
		PF																																																												
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<p style="text-align: center;">TRO FOUND FOR DEFENDANT NAME ENTERED</p> <p>* = TRO DENIED PF7=BACKWARD PF8=FORWARD</p>																																																														

If an asterisk (*) appears in front of the defendant name, the TRO was denied by the municipal court judge on duty at the time of complaint.

The purpose of this screen is to prevent duplicate TRO entry by law enforcement. It will not show any granted reliefs.

If a defendant is selected from the party search list and PF2 is pressed,

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

the DEFENDANT CASE LIST screen displays.

FMM1901	DOMESTIC VIOLENCE CENTRAL REGISTRY	03/13/07
PAGE: 0002	FACTS DEFENDANT CASE LIST	13:18
		PF
PARTY ID: M 0020817	DEFENDANT NAME: MARINNIA	JON
SBI#: 113000A	DOB: 03 09 1960	SSN: 111-11-1111 DL#: :
JAIL STATUS: IN JAIL	COMMITMENT DATE: 11/23/07	OCEAN
DOCKET NUMBER: OCN FO 000946 99	FP: Y	CASE STATUS/DATE: GUILTY 11 23 1999
IND#: 990600544I		ORIGINAL DOCKET #:
VICTIM: JOYNER	TRACI	FV-03-001668-99
DOCKET NUMBER: ATL FO 000319 99	FP:	CASE STATUS/DATE: DISMISSED 10 31 1999
CDR#: W 1999 001598 0101		ORIGINAL DOCKET #:
VICTIM: JOYNER	TRACI	FV-03-001668-99
DOCKET NUMBER: ATL FO 000046 99	FP:	CASE STATUS/DATE: DISMISSED 05 23 1999
CDR#: MULTIPLE CDR		ORIGINAL DOCKET #:
VICTIM: JOYNER	TRACI	FV-03-001668-99
DOCKET NUMBER: ATL FV 001668 99	FP:	ORDER STATUS/DATE: ACTIVE/FRO
MUNI: 0101 ABSECON TOWNSHIP		TRO ISS/SERVED: 04 18 1999 /
VICTIM: JOYNER	TRACI	FRO ISS/SERVED: 05 08 1999 / 05 11 1999
PF1=P/G SBI SEARCH PF3=JAIL HELP PF7=BACKWARD PF8=FORWARD PF10=CASE DETAIL		

Defendant Information:

PARTY ID	FACTS Identifying ID Number.
SBI #	State Police Bureau of Identification #
DOB	Date of Birth
SSN	Social Security #
DL#	Drivers License # with state
JAIL STATUS	In Jail or Discharged.*
COMMITMENT/DISCHARGE DATE	Date Committed to/Discharged from County Jail
COUNTY	County Jail where Committed/Discharged.

(* Jail Status will display only for those parties whose County Jail and Family records have been linked using the FAMJAIL system.)

ADMINISTRATIVE OFFICE OF THE COURTS

DVCR GUIDE

D. FV CASE INFORMATION

FV cases are created when a victim asks for a DV Restraining Order or registers an Out of State Restraining Order.

1) On the DEFENDANT CASE LIST, the following information displays for FV cases:

DOCKET NUMBER	County, Docket Type, Number, Court Year
FP	Fingerprint Indicator, Y or blank
ORDER STATUS/DATE	Case Status and Status Date
MUNI	Municipality where act of DV took place (State will display for Registered Foreign Orders)
TRO ISS/SERVED	TRO issued date / Proof of Service date
FRO ISS/SERVED	FRO issued date / Proof of Service date
VICTIM	Victim Name

The most important information is the Order Status. Orders with a Status of "ACTIVE" are in effect and enforceable. A Status of "DISMISSED" indicates the order is no longer in effect and the provisions of the order are no longer enforceable. An Order Status of "REGISTERED" indicates a Restraining Order from another state which has been registered in New Jersey. Whereas NJ orders do not expire, the orders from most other states are not permanent and have an expiration date. You must check the expiration date to determine if the expiration date has passed, which would make the order void.

```

FMM1901                DOMESTIC VIOLENCE CENTRAL REGISTRY                03/13/07
PAGE: 0002                FACTS DEFENDANT CASE LIST                        13:18
PARTY ID: M 0020817      DEFENDANT NAME: MARINNIA                JON
SBI#: 113000A  DOB: 03 09 1960  SSN: 111-11-1111 DL#:   :
      JAIL STATUS:IN JAIL                COMMITMENT DATE: 11/23/07    OCN
DOCKET NUMBER: OCN FO 000946 99  FP:Y  CASE STATUS/DATE: GUILTY    11 23 1999
      IND#: 990600544I                ORIGINAL DOCKET #:
      VICTIM: JOYNER                TRACI                FV-03-001668-96
DOCKET NUMBER: ATL FO 000319 99  FP:   CASE STATUS/DATE: DISMISSED 10 31 1999
      CDR#: W 1999 001598 0101        ORIGINAL DOCKET #:
      VICTIM: JOYNER                TRACI                FV-03-001668-96
DOCKET NUMBER: ATL FO 000046 99  FP:   CASE STATUS/DATE: DISMISSED 05 23 1999
      CDR#: MULTIPLE CDR            ORIGINAL DOCKET #:
      VICTIM: JOYNER                TRACI                FV-03-001668-96
S DOCKET NUMBER: ATL FV 001668 99  FP:   ORDER STATUS/DATE: ACTIVE/FRO
      MUNI: 0325 MOUNT LAUREL TOWNSHI  TRO ISS/SERVED: 04 18 1999 /
      VICTIM: JOYNER                TRACI                FRO ISS/SERVED: 05 08 1999 / 05 11 1999

PF1=P/G SBI SEARCH  PF3=JAIL HELP  PF7=BACKWARD  PF8=FORWARD  PF10=CASE DETAIL
  
```

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

2) *To see a list of reliefs granted for the case, **SELECT (S)** the case and **PRESS PF10 CASE DETAIL.***

A list of reliefs addressed by the order is displayed.

Reliefs for TRO's are preceded by an E (Emergent).

Reliefs for FRO's preceded by an F (Final).

Example of a New Jersey Final Restraining Order:

```
FMM1911      DOMESTIC VIOLENCE CENTRAL REGISTRY      PAGE: 0001
              RESTRAINING ORDER RELIEFS GRANTED
F - PROHIBITION AGAINST FUTURE ACT OF DV
F - EXCL POSS RESIDENCE TO PLA / ALT HOUSEHOLD
F - PROHIBITION AGAINST CONTACT W/ VICTIM
F - PROHIB AGAINST CONTACT W/ FAMILY HOUSEHOLD
F - PROHIB AGAINST HARASSING COMMUNICATIONS
F - LAW ENF ACCOMPANIMENT TO SCENE / RESIDENCE
F - IN HOUSE RESTRAINTS
```

PF7/BWD PF8/FWD CLEAR/PREV

Example of a Registered Out of State Order:

```
FMM1911      DOMESTIC VIOLENCE CENTRAL REGISTRY      PAGE: 0001
              RESTRAINING ORDER RELIEFS GRANTED
RO EXPIRES 12 MONTHS
EXPIRATION DATE 03/16/2001
F - PROHIBITION AGAINST FUTURE ACT OF DV
F - EXCL POSS RESIDENCE TO PLA / ALT HOUSEHOLD
F - PROHIBITION AGAINST CONTACT W/ VICTIM
F - PROHIB AGAINST CONTACT W/ FAMILY HOUSEHOLD
F - PROHIB AGAINST HARASSING COMMUNICATIONS
F - LAW ENF ACCOMPANIMENT TO SCENE / RESIDENCE
F - IN HOUSE RESTRAINTS
```

PF7/BWD PF8/FWD CLEAR/PREV

ADMINISTRATIVE OFFICE OF THE COURTS

DVCR GUIDE

E. FO CASE INFORMATION

FO docket type cases arise from allegations that a DV restraining order (TRO or FRO) has been violated.

1) On the DEFENDANT CASE LIST the following information displays for FO cases:

DOCKET NUMBER	County, Docket Type, Number, Court Year
CASE STATUS/DATE	Case Status and Status Date
CDR #	Complaint # - Summons or Warrant
IND#	Indictment Number
ORIGINAL DOCKET #	Docket # for originating FV case
VICTIM	Victim's name

A Case Status of "GUILTY" indicates that the Defendant was found or pled guilty to violating the restraining order. A Case Status of "DISMISSED" indicates the Defendant was found Not Guilty of having violated the order or the case was dropped. "PENDING" cases are cases that have not yet gone to trial. See Appendix II for a list of possible Case Statuses.

FMM1901	DOMESTIC VIOLENCE CENTRAL REGISTRY	03/13/07
PAGE: 0002	FACTS DEFENDANT CASE LIST	13:18
		PF
PARTY ID: M 0020817	DEFENDANT NAME: MARINNIA	JON
SBI#: 113000A	DOB: 03 09 1960	SSN: 111-11-1111 DL#: :
JAIL STATUS: IN JAIL	COMMITMENT DATE: 11/23/07	OCN
DOCKET NUMBER: OCN FO 000946	99 FP: CASE STATUS/DATE: GUILTY	11 23 1999
IND#: 990600544I	ORIGINAL DOCKET #:	
VICTIM: JOYNER	TRACI	FV-03-001668-96
DOCKET NUMBER: ATL FO 000319	99 FP: CASE STATUS/DATE: DISMISSED	10 31 1999
CDR#: W 1999 001598 0101	ORIGINAL DOCKET #:	
VICTIM: JOYNER	TRACI	FV-03-001668-96
S DOCKET NUMBER: ATL FO 000046	99 FP: CASE STATUS/DATE: GUILTY	05 23 1999
CDR#: MULTIPLE CDR	ORIGINAL DOCKET #:	
VICTIM: JOYNER	TRACI	FV-03-001668-96
DOCKET NUMBER: ATL FV 001668	96 FP: ORDER STATUS/DATE: ACTIVE/FRO	
MUNI: 0325 MOUNT LAUREL TOWNSHI	TRO ISS/SERVED: 04 18 1999 /	
VICTIM: JOYNER	TRACI	FRO ISS/SERVED: 05 08 1999 / 05 11 1999
PF1=P/G SBI SEARCH PF3=JAIL HELP PF7=BACKWARD PF8=FORWARD PF10=CASE DETAIL		

ADMINISTRATIVE OFFICE OF THE COURTS

DVCR GUIDE

2) To see a list of the charges in case: **Select (S)** the FO case and **PRESS PF10 CASE DETAIL.**

A list of charges displays. The result for each charge displays directly below the charge.

FMM1912	DOMESTIC VIOLENCE CENTRAL REGISTRY	PAGE: 0001
	CONTEMPT CHARGES LIST	
CDR#:W 1999 001227 0101		
PRIMARY STATUTE-DESCRIPT	/ AUX. STATUTE DESCR	DEGR DATE
2C:29-9B-CONTEMPT-DV	/	D 05 23 99
JAIL TERM 006 MONTH	TO BE SERVED	
2C:12-1B(8)-AGGRAVATED ASSAULT /		3 05 23 99
DISMISSED		
2C:14-2A-AGGRAVATED SEXUAL ASS /		1 05 23 99
JAIL TERM 006 MONTH	TO BE SERVED	
2C:14-2B-SEXUAL ASSAULT /		2 05 23 99
COUNSELING		
	PF8=FWD CLEAR=PREV	

If the case has multiple CDR #s or multiple IND #s, a notation displays showing which CDR or IND you are viewing. **PRESS PF6** to view the next CDR/IND.

FMM1912	DOMESTIC VIOLENCE CENTRAL REGISTRY	PAGE: 0001
	CONTEMPT CHARGES LIST	
CDR#: W 1999 001228 0101		
PRIMARY STATUTE-DESCRIPT	/ AUX. STATUTE DESCR	DEGR DATE
2C:29-9B-CONTEMPT-DV	/	D 05 23 99
PENDING 006 MONTH	TO BE SERVED	
2C:12-1A-SIMPLE ASSAULT /		D 05 23 99
FINE		
2C:33-4C-HARASSMENT-PHYSICAL/V /		P 05 23 99
CHARGE DISMISSED		
PF6=N CDR	CLEAR=PREV	MULT CDR 01 OF 02

If the case has an indictment number, that number will appear at the top of the screen.

FMM1912	DOMESTIC VIOLENCE CENTRAL REGISTRY	PAGE: 0001
	CONTEMPT CHARGES LIST	
IND#:990900544I		
PRIMARY STATUTE-DESCRIPT	/ AUX. STATUTE DESCR	DEGR DATE
2C:29-9B-CONTEMPT-DV	/	4 09 21 99
JAIL TERM 006 MONTH	TO BE SERVED	
2C:12-1B(8)-AGGRAVATED ASSAULT /		3 09 21 99
DISMISSED		
2C:14-2B-SEXUAL ASSAULT /		2 09 21 99
COUNSELING		
	PF8=FWD CLEAR=PREV	

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

F. P/G AND ACS HISTORY

Displays the Defendant's court history from P/G (Promis/Gavel - the Superior Court Criminal information system) and ACS (Automated Complaint System- the Municipal Court Criminal information system). The cases displayed give general information about a party's court record and may or may not be related to their DV cases. This function will only work when SBI # is displayed on the defendant case list.

1) From the DEFENDANT CASE LIST screen **PRESS PF1 P/G HISTORY.**

(Note if no Promis/Gavel information is found, the system will skip to the ACS display)

The following information displays:

DEFENDANT NAME	Name of Defendant
SBI#	State Police Bureau of ID #
FP IND	"Y" or blank. Indicates SBI# was approved by State Police.
COUNTY	County where case originated
CASE #	PG case number
CRIME TYPE	Description of charge
IND/ACC #	Indictment/Accusation #
DEFN STATUS/DATE	Case Status and Date
SENT DATE	Date Sentenced
DISP DATE	Date case was disposed
ACTION	Sentence
REASON	Reason for Sentence

```

FMM1903                                DOMESTIC VIOLENCE CENTRAL REGISTRY
PAGE:                                  PROMIS/GAVEL DEFENDANT CASE LIST

DEFENDANT NAME: MARINNIA      JON
      SBI #:113000A      FP IND: Y      D-O-B: 03 09 1960      RACE: W      SEX:M
COUNTY CASE #:9800051      CRIME TYPE: ASSAULT      IND/ACC #: 98-12-0015-I
      ATL DEFN STATUS/DATE:ACTIVE/NON-FUGITIVE 02 10 1998 SENT DATE:
      DISP DATE:03 09 1998      ACTION:GT      REASON: GUILTY PLEA AS CHARGED

DEFENDANT NAME: MARINNIA      JON      K
      SBI #:113000A      FP IND: Y      D-O-B: 03 09 1960      RACE: W      SEX:M
COUNTY CASE #:9700265      CRIME TYPE: NARCOTICS      IND/ACC #: 97-06-00132-I
      OCN DEFN STATUS/DATE:PTI DIVERSION      02 01 1997 SENT DATE:
      DISP DATE:08 10 1997      ACTION:DM      REASON:PTI COMPLETION

PF1=ACS SBI SEARCH      PF7=BACKWARD      PF8=FORWARD
  
```

For more detailed information refer to the P/G Inquiry Guide.

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

2) From the PROMIS/GAVEL DEFENDANT CASE LIST **PRESS PF1 MUNICIPAL HISTORY** to see the Defendant's Municipal Court History in the Automated Complaint System (ACS),

The following information displays:

SBI#	State Police Bureau of ID #
DV IND	"Y" or blank. Domestic Violence Indicator
# CHRGS	Number of Charges on the CDR.
DESC	Description of the Most Severe Charge
STATUS/FINDING	Status of Complaint/Finding of Court
OFFN DATE	Date of Alleged Crime
DISP DATE	Date disposition of case was determined.

FMM1904	DOMESTIC VIOLENCE CENTRAL REGISTRY	03/19/07
PAGE: 0001	ACS DEFENDANT COMPLAINT LIST	14:47
DEFENDANT NAME: MARINNIA JON		
SBI #:113000A	FP: DV IND: Y	DOB: 03 09 1960 RACE: W SEX: M
COMPLAINT NO.:W 2001 000036 0104 # CHRGS: 002 DESC: AGGRAVATED ASSAULT		
COMPL STATUS/FINDING: WARRANT /		
OFFN DATE: 02 02 2001 DISP DATE: ** OUTSTANDING WARRANT **		
DEFENDANT NAME: MARINNIA JON		
SBI #:113000A	FP: DV IND: Y	DOB: 03 09 1960 RACE: W SEX: M
COMPLAINT NO.:W 2000 001163 0104 # CHRGS: 002 DESC: CRIMINAL MISFEASANCE		
COMPL STATUS/FINDING: DISPOSED / GUILTY		
OFFN DATE: 06 07 2000 DISP DATE: 08 09 2000		
DEFENDANT NAME: MARINNIA JON		
SBI #:113000A	FP:Y DV IND: Y	DOB: 03 09 1960 RACE:W SEX:M
COMPLAINT NO.:W 1999 980325 0104 # CHRGS: 006 DESC: ASSAULT W/ INTENT		
COMPL STATUS/FINDING: TRANSFERRED / DISPOSED AT SUPERIOR COURT		
OFFN DATE:01 02 1999 DISP DATE:10 13 1999		
DEFENDANT NAME: MARINNIA JON		
SBI #:113000A	FP: DV IND:	DOB: 03 09 1960 RACE:W SEX:M
COMPLAINT NO.:W 1996 380325 0104 # CHRGS: 003 DESC:CAUSING OR RISK OF INJURY		
COMPL STATUS/FINDING: TPAY / COND DISCHARGE		
OFFN DATE:02 07 1996 DISP DATE:07 02 1996		
PF7=BACKWARD PF8=FORWARD CLEAR=PRIOR SCREEN		

For more detailed information, refer to the ACS Inquiry Guide.

**ADMINISTRATIVE OFFICE OF THE COURTS
DVCR GUIDE**

APPENDIX

<p style="text-align: center;">ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE</p>

APPENDIX

TIPS FOR SEARCHING NAMES IN FACTS

- 1) Start with a narrow search. Start the search using a unique identifier or full name.

This narrows the search and will save you time if you find the party.

- SSN # or PARTY ID.
- Full Name.

- 2) Jr, Sr, III, ... at bottom of list. The FACTS database is arranged such that Jr, Sr etc. are listed *after* all names that do not have one of these appendages. (e.g. - Al Smith Jr will be listed below Zeb Smith.)

- 3) Search according to Data Entry Standards

Data Entry Standards specify the correct way to enter data into FACTS.

- No punctuation. Use space where hyphens or apostrophes would be.
- Spaces before capitals in middle of names.

IF THE NAME IS:

William Renn III
Susan Helig-Meyers
Pat O'Brien
Jack McNealy
John A. Smith Jr.

ENTERED AS:

Renn III William
Helig Meyers Susan
O'Brien Pat
McNealy Jack
Smith Jr John A

- 4) Try Variations. The Data Entry Standards may not have been followed or there may have been spelling variations. Even common names sometimes have spelling variations.

If you don't find:

O'Brien

John
Helig Meyers
Smith Jr John

Try:

O'Brien
O'Brien
Jon
Helig-Meyers
Smith John

- 5) Broaden the search.

- Use only partial first name
- Try last name only
- Try partial last name

<p style="text-align: center;">ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE</p>
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APPENDIX II ORDER AND CASE STATUS DESCRIPTIONS

Domestic Violence (FV)

ACTIVE	New Case - no result at this time
DISMISSED	No restraining order in effect
ACTIVE/RO	Restraining order in effect
ACTIVE/FRO	Final Restraining Order in effect
ACTIVE/TRO EXT	Temp Restraining Order in effect - Extended Indefinitely
ACTIVE/AMD TRO	Amended Temporary Restraining Order in effect
ACTIVE/AMD FRO	Amended Final Restraining Order in effect
REGISTERED	A Restraining Order from another state has been registered in NJ. (User must check expiration date to determine if order is still in effect.)
TRANSFER	Case has been transferred to another county. (User must view other county ' s case to determine case status.)

Domestic Violence Contempt (FO)

GUILTY	Defendant found or pleads guilty
DISMISSED	Defendant not found guilty - case dismissed
ON HOLD	Case cannot proceed
PENDING	Case has not yet gone to trial

ADMINISTRATIVE OFFICE OF THE COURTS DVCR GUIDE

CONTACTS

For questions regarding either of the registries, please call the Judiciary Problem Reporting Desk at (609) 633-2275 or (800) 343-7002. They will contact an analyst who will answer your questions and address your needs.

All Law Enforcement officers having access to the Domestic Violence Central Registry will also have access to the Juvenile Central Registry.

Any new requests to access either system will be granted access to both registries.

COUNTY CODES

01	ATLANTIC	11	MERCER
02	BERGEN	12	MIDDLESEX
03	BURLINGTON	13	MONMOUTH
04	CAMDEN	14	MORRIS
05	CAPE MAY	15	OCEAN
06	CUMBERLAND	16	PASSAIC
07	ESSEX	17	SALEM
08	GLOUCESTER	18	SOMERSET
09	HUDSON	19	SUSSEX
10	HUNTERDON	20	UNION
		21	WARREN

APPENDIX

DOMESTIC VIOLENCE CHECK LIST FOR LAW ENFORCEMENT OFFICERS

Primary Investigation Guidelines

Obtaining TRO's

1. *Upon Arrival at Scene*

- | | |
|---|--|
| ' Determine location and condition of victim | ' Note and record any excited utterances by any party |
| ' Determine if suspect is still at scene | ' Note any evidence of substance/chemical abuse |
| ' Check well being, physical condition of all parties | ' Advise victim of domestic violence rights |
| ' Determine what, if any, criminal offense has occurred | ' Assist victim in completing Victim Notification Form |
| ' Determine if any weapon was involved | ' Advise victim of available resources |
| ' Summon first aid if injuries require | ' Assist victim in obtaining temporary domestic violence restraining order |

2. *Preliminary Investigation*

- | |
|--|
| ' Interview victim & suspect separately |
| ' Ask victim if there is a history of abuse |
| ' If children at scene, interview them separately |
| ' Distinguish primary aggressor from victim, if both parties injured |
| T Comparative extent of injuries suffered |
| T History of domestic violence |
| T The nature and type of wounds [injury associated with defendant oneself] |
| T Other relevant factors |
| T Keep in mind that a person has a right to defend self if attacked by another |
| ' Note & document emotional & physical condition of parties involved |
| ' Note demeanor of suspect |
| ' Note torn clothing of both parties |
| ' If victim is a woman, note smeared make up |
| ' Note signs of injury on victim |

3. *Court Orders*

- | |
|--|
| ' Determine if victim has restraining order |
| ' Was restraining order served on suspect |
| ' Determine if suspect in violation of court order |

4. *Arrest*

- | |
|--|
| ' If criteria for mandatory arrest present, arrest suspect |
| T Victim shows signs of injury caused by an act of domestic violence |
| T A warrant is in effect |
| T Defendant has violated a restraining order |
| T Defendant used or threatened to use a weapon |
| ' If probable cause not present for arrest by officer, advise victim of right to sign criminal complaint |
| ' Record spontaneous statement of suspect |
| ' Prevent communication between suspect & victim/witness |
| ' Record alibi statement of suspect |

- ' Advise suspect of rights
- ' Record all statements

5. Evidence

- ' Record condition of crime scene
- ' Photograph damaged property
- ' Photograph crime scene
- ' Identify weapons/firearms
- ' Photograph and diagram injuries of
____ victim
____ suspect
- ' Obtain statements of
____ victim
____ children
____ witnesses
- ' Collect, protect and document all physical evidence

6. Medical Treatment

- ' Transport victim to hospital, if necessary
- ' Obtain copy of EMT report
- ' Obtain medical release from victim, if appropriate

7. Completing Incident Report

- ' Maintain objectivity in reporting
- ' Avoid personal opinions
- ' Report details, not conclusions
- T Ensure that elements of all involved criminal offenses are included in report
- T Describe in detail nature of criminal offenses involved
- T Document any injuries suffered by victim
- T Document any injuries suffered by suspect
- T Document past history of violence
- T Record spontaneous statements as stated by parties—do not paraphrase
- T Record reasons why weapons were seized for safekeeping

8. Obtaining TRO When Courts are Closed

- ' Always contact a judge if:
 1. an act of DV is alleged
 2. the victim is a person protected under the DV Act; and
 3. a TRO is requested
- ' If unsure of the above, contact the judge [Do not make a legal determination]
- ' Prior to contacting the judge for a DV Restraining Order, review the following:
 1. Advise victim that she/he has the right to request a TRO and file a criminal complaint.
 2. Confirm if victim is requesting a TRO. Officer cannot request TRO on behalf of victim.
 3. Be sure all victim's rights forms are completed.
 4. When TRO requested, complete DV complaint with victim.
 5. Explain to victim that she/he will have to speak with the judge via telephone. Assist the victim in preparing a statement to be made to the judge.
- ' After administering the oath to the victim, the judge will ask the victim questions about the incident, the TRO and the requested relief.
- ' Contact the assigned judge by radio, telephone or other means of electronic communication. **DO NOT USE** the telephone of one of the parties.
- ' If mandatory arrest situation, have bail information available for the judge. Run CCH on defendant prior to contacting the judge. Check DV Registry.
- ' If not mandatory arrest, judge will decide whether complaint should go on a warrant or a summons.
- ' Run a multi-state record if circumstances warrant. A motor

vehicle check may also be helpful as it may reflect FTA's which could have a bearing on the bail decision. Be prepared to advise the judge of any prior incidents of domestic violence which may not appear on the criminal history [i.e., incident reports, etc.]

Have TRO ready to complete at the direction of the judge after the judge has spoken with the victim. If the judge issues a TRO, the officer will be instructed to print the judge's name and enter the judge's authorization on the TRO.

After the judge issues the TRO, serve the offender.

9. Violations of Restraining Orders

When an officer determines that a party has violated an existing TRO or FRO by committing a new act of domestic violence or by violating the terms of the order, the officer should:

1. arrest the offender
2. Sign a criminal complaint charge, and all related criminal offenses, on a complaint-warrant
3. During regular court hours, telephone the assigned Superior Court judge, assigned prosecutor or bail unit and request bail be set At all other times, follow procedures for each county and vicinage.

10. Enforcing Out-of-State Restraining or Protective Orders

Federal law requires out-of-state restraining and protective orders be recognized and enforced as if they were issued by a NJ court.

To determine if out-of-state order is facially valid the officer should

__Order is considered valid if order contains names of correct parties, and order has not expired [Note: NJ and

WA orders do not have expiration dates], and

__victim states that named defendant appeared in court or had notice of order

11. Enforcing Out-of-State Restraining or Protective Orders in Emergency Situations

If named defendant committed a criminal offense under NJ law against victim and violated an out-of-state court order, officer should:

- __arrest defendant and
- __sign criminal complaint

against defendant for criminal offense committed and cor a violation of a court order, N.J.S.A. 2c:29-9a.

If named defendant committed no criminal offense but violated out-of-state order, officer should

__arrest defendant for a violation of court order and charge N.J.S.A. 2C:29-9a

If victim does not have copy of out-of-state order and officer cannot determine existence of order or if court order contains apparent defect which would cause reasonable officer to question its authenticity, officer should

__arrest actor if criteria of NJ Domestic Violence Act has been committed, and/or

__explain to victim procedures to obtain order in NJ

12. Enforcing Out-of-State Restraining or Protective Orders Non-Emergency Situations

Where no immediate need for police action, officer should refer victim to appropriate court so victim may seek relief in accordance with out-of-state court order

13. Violations of Federal Law

Officer should determine if
defendant violated federal law in
committing act of domestic violence
Interstate Domestic Violence

___Did defendant cross state line or
enter or leave Tribal Lands to
commit domestic violence with
intent to injure, harass, or intimidate
that person's spouse or intimate
partner, and, who, in the course of or
as a result of such travel,
intentionally committed a crime of
violence and caused bodily injury to
such spouse or intimate partner

___Did defendant cause spouse or
intimate partner to cross state lines
or enter or leave tribal lands to
commit any of above offenses?

Interstate violation of Court Order

___Did defendant cross state line or
enter or leave tribal land with intent
to violate domestic violence
restraining or protective order

___Did defendant cause another to
cross state lines or to enter or leave
tribal land by force, coercion,
duress or fraud and in course or as
result of such conduct, intentionally
commit act that injures person's
spouse or intimate partner in
violation of court order

NOTE: If officer concludes that
federal law was violated, officer
must contact designated assistant
county prosecutor in accordance
with departmental procedure.

STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY
SUPPLEMENTARY DOMESTIC VIOLENCE OFFENSE REPORT

(1) CASE NO.

(2) MUNICIPALITY	(3) MUN. CODE NO.	(4) SP STATION	(5) CODE	(6) DEPARTMENT PHONE NUMBER () - EXT.	
(7) OFFENSE DATE / /	(8) DAY CODE (Circle Number) S M T W TH F S 1 2 3 4 5 6 7	(9) MILITARY TIME HRS.	(10) TOTAL TIME SPENT: (Enter Approx. Time If Unknown) HRS. MIN.	(11) WAS ALCOHOL INVOLVED? <input type="checkbox"/> YES	(12) OTHER DRUGS INVOLVED? <input type="checkbox"/> YES

VICTIM INFORMATION *Victim must be involved in a dating relationship or 18+ years old or emancipated.
 (If this is a violation of a domestic violence restraining order ONLY, State of New Jersey is the victim, leave blocks 14 through 20 blank).*

(13) VICTIM'S NAME	(14) AGE Enter Approx. Age if Unknown	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE CODE (Circle One) 1 2 3 4	ETHNICITY <input type="checkbox"/> A - HISPANIC <input type="checkbox"/> B - NON-HISPANIC	(15) IS VICTIM PREGNANT? <input type="checkbox"/> YES
(16) HAVE VICTIM & OFFENDER EVER BEEN INVOLVED IN A DATING RELATIONSHIP? (Applies only to relationships after August 11, 1994.) <input type="checkbox"/> YES	(17) IS VICTIM DISABLED? <input type="checkbox"/> YES If Yes, Check one: <input type="checkbox"/> PSYCHOLOGICAL <input type="checkbox"/> PHYSICAL		(18) IF VICTIM IS DISABLED OR 60 YEARS OLD OR OLDER, WAS CRIMINAL NEGLECT ALSO INVOLVED (2C:24.8)? <input type="checkbox"/> YES		(19) WERE CHILDREN: <input type="checkbox"/> 1. INVOLVED <input type="checkbox"/> 2. PRESENT
(20) RELATIONSHIP OF VICTIM TO OFFENDER: (Check ONLY One.) <input type="checkbox"/> 1. VICTIM IS THE SPOUSE <input type="checkbox"/> 2. VICTIM IS THE EX-SPOUSE <input type="checkbox"/> 3. VICTIM IS A CO-PARENT <input type="checkbox"/> 4. VICTIM IS A RELATIVE (Mother, Father, etc.) <input type="checkbox"/> 5. VICTIM IS A FRIEND/ACQUAINTANCE <input type="checkbox"/> 6. VICTIM IS AN EX-FRIEND					

OFFENDER INFORMATION *Offender must be 18+ years old or emancipated.*

(21) AGE Enter Approx. Age if Unknown	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE CODE (Circle One) 1 2 3 4	ETHNICITY <input type="checkbox"/> A - HISPANIC <input type="checkbox"/> B - NON-HISPANIC	(22) OFFENDER: <input type="checkbox"/> IS A PRESENT HOUSEHOLD MEMBER <input type="checkbox"/> IS A FORMER HOUSEHOLD MEMBER <input type="checkbox"/> NEVER RESIDED WITH VICTIM	
(23) HAS A DOMESTIC VIOLENCE ORDER EVER BEEN ISSUED BETWEEN THE PARTIES INVOLVED? <input type="checkbox"/> YES	(24) DID THIS INCIDENT INVOLVE/ALLEGED A VIOLATION OF A DOMESTIC VIOLENCE RESTRAINING ORDER? <input type="checkbox"/> YES		(25) AS A RESULT OF THIS INCIDENT, WAS A D.V. RESTRAINING ORDER ISSUED FOR ONE OF THE 14 OFFENSES IN BLOCK 27? <input type="checkbox"/> YES		
(26) WAS OFFENDER ARRESTED FOR: (Check ONLY One.) (A) VIOLATION OF A D.V. RESTRAINING ORDER ONLY? <input type="checkbox"/> YES (B) DOMESTIC VIOLENCE OFFENSE ONLY (Block 27)? <input type="checkbox"/> YES (C) BOTH - VIOLATION OF A D.V. RESTRAINING ORDER AND A DOMESTIC VIOLENCE OFFENSE (BLOCK 27)? <input type="checkbox"/> YES					

OFFENSE INFORMATION *Leave section blank if incident is ONLY a violation of a domestic violence restraining order.*

(27) CURRENT DOMESTIC VIOLENCE OFFENSE COMPLAINT: (Check ONLY One.) <input type="checkbox"/> 1. HOMICIDE <input type="checkbox"/> 2. ASSAULT <input type="checkbox"/> 3. TERRORISTIC THREATS* <input type="checkbox"/> 4. KIDNAPPING <input type="checkbox"/> 5. CRIMINAL RESTRAINT <input type="checkbox"/> 6. FALSE IMPRISONMENT <input type="checkbox"/> 7. SEXUAL ASSAULT <input type="checkbox"/> 8. CRIMINAL SEXUAL CONTACT <input type="checkbox"/> 9. LEWDNESS* <input type="checkbox"/> 10. CRIMINAL MISCHIEF* <input type="checkbox"/> 11. BURGLARY* <input type="checkbox"/> 12. CRIMINAL TRESPASS* <input type="checkbox"/> 13. HARASSMENT <input type="checkbox"/> 14. STALKING* <i>* For these offenses check "None" - "No Injury", in Block 30.</i>					
DEGREE OF INJURY FROM WEAPON USED (Check ONLY One.)			(31) WEAPONS SEIZED? (Check if Yes for each weapon.)	(32) ENTER NUMBER OF DEATHS OTHER THAN A HOMICIDE VICTIM. IF NONE, ENTER 0.	
WEAPON	(28) AGGRAVATED SERIOUS INJURY	(29) AGGRAVATED MINOR INJURY	(30) NO INJURY		
1. GUN					
2. KNIFE or cutting instrument					
3. OTHER DANGEROUS					
4. HANDS, FISTS, ETC.					
5. NONE					
				COMPLETE ONLY IF BLOCK 32 IS OTHER THAN ZERO.	
				(33) ENTER NUMBER OF ASSOCIATED ADULT DEATHS MALE <input type="text"/> FEMALE <input type="text"/>	(34) ENTER NUMBER OF ASSOCIATED JUVENILE DEATHS MALE <input type="text"/> FEMALE <input type="text"/>
				(35) DID OFFENDER COMMIT SUICIDE? <input type="checkbox"/> YES	
(36) REMARKS: 					
(37) RANK/NAME:			(38) BADGE NO.:	(39) DATE COMPLETED:	(40) REVIEWED BY:
(41)		(42)		(43)	

STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY
SUPPLEMENTARY DOMESTIC VIOLENCE OFFENSE REPORT

(1) CASE NO. _____

(2) MUNICIPALITY _____	(3) MUN. CODE NO. ____	(4) SP STATION ____	(5) CODE ____	(6) DEPARTMENT PHONE NUMBER (____) _____ - _____ EXT. _____	
(7) OFFENSE DATE ____/____/____	(8) DAY CODE (Circle Number) S M T W TH F S 1 2 3 4 5 6 7	(9) MILITARY TIME ____HRS. ____MIN.	(10) TOTAL TIME SPENT: (Enter Approx. Time If Unknown) ____HRS. ____MIN.	(11) WAS ALCOHOL INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO	(12) OTHER DRUGS INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO

VICTIM INFORMATION *Victim must be involved in a dating relationship or 18+ years old or emancipated.
 (If this is a violation of a domestic violence restraining order ONLY, State of New Jersey is the victim, leave blocks 14 through 20 blank).*

(13) VICTIM'S NAME _____	(14) AGE Enter Approx. Age if Unknown ____	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE CODE (Circle One) 1 2 3 4	ETHNICITY <input type="checkbox"/> A - HISPANIC <input type="checkbox"/> B - NON-HISPANIC	(15) IS VICTIM PREGNANT? <input type="checkbox"/> YES <input type="checkbox"/> NO
(16) HAVE VICTIM & OFFENDER EVER BEEN INVOLVED IN A DATING RELATIONSHIP? (Applies only to relationships after August 11, 1994.) <input type="checkbox"/> YES <input type="checkbox"/> NO	(17) IS VICTIM DISABLED? <input type="checkbox"/> YES If Yes, Check one: <input type="checkbox"/> PSYCHOLOGICAL <input type="checkbox"/> PHYSICAL	(18) IF VICTIM IS DISABLED OR 60 YEARS OLD OR OLDER, WAS CRIMINAL NEGLECT ALSO INVOLVED (2C:24.8)? <input type="checkbox"/> YES <input type="checkbox"/> NO		(19) WERE CHILDREN: <input type="checkbox"/> 1. INVOLVED <input type="checkbox"/> 2. PRESENT	
(20) RELATIONSHIP OF VICTIM TO OFFENDER: (Check ONLY One.) <input type="checkbox"/> 1. VICTIM IS THE SPOUSE <input type="checkbox"/> 2. VICTIM IS THE EX-SPOUSE <input type="checkbox"/> 3. VICTIM IS A CO-PARENT <input type="checkbox"/> 4. VICTIM IS A RELATIVE (Mother, Father, etc.) <input type="checkbox"/> 5. VICTIM IS A FRIEND/ACQUAINTANCE <input type="checkbox"/> 6. VICTIM IS AN EX-FRIEND					

OFFENDER INFORMATION *Offender must be 18+ years old or emancipated.*

(21) AGE Enter Approx. Age if Unknown ____	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE CODE (Circle One) 1 2 3 4	ETHNICITY <input type="checkbox"/> A - HISPANIC <input type="checkbox"/> B - NON-HISPANIC	(22) OFFENDER: <input type="checkbox"/> IS A PRESENT HOUSEHOLD MEMBER <input type="checkbox"/> IS A FORMER HOUSEHOLD MEMBER <input type="checkbox"/> NEVER RESIDED WITH VICTIM	
(23) HAS A DOMESTIC VIOLENCE ORDER EVER BEEN ISSUED BETWEEN THE PARTIES INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO	(24) DID THIS INCIDENT INVOLVE/ALLEGED A VIOLATION OF A DOMESTIC VIOLENCE RESTRAINING ORDER? <input type="checkbox"/> YES <input type="checkbox"/> NO		(25) AS A RESULT OF THIS INCIDENT, WAS A D.V. RESTRAINING ORDER ISSUED FOR ONE OF THE 14 OFFENSES IN BLOCK 27? <input type="checkbox"/> YES <input type="checkbox"/> NO		
(26) WAS OFFENDER ARRESTED FOR: (Check ONLY One.) (A) VIOLATION OF A D.V. RESTRAINING ORDER ONLY? <input type="checkbox"/> YES <input type="checkbox"/> NO (B) DOMESTIC VIOLENCE OFFENSE ONLY (Block 27)? <input type="checkbox"/> YES <input type="checkbox"/> NO (C) BOTH - VIOLATION OF A D.V. RESTRAINING ORDER AND A DOMESTIC VIOLENCE OFFENSE (BLOCK 27)? <input type="checkbox"/> YES <input type="checkbox"/> NO					

OFFENSE INFORMATION *Leave section blank if incident is ONLY a violation of a domestic violence restraining order.*

(27) CURRENT DOMESTIC VIOLENCE OFFENSE COMPLAINT: (Check ONLY One.) <input type="checkbox"/> 1. HOMICIDE <input type="checkbox"/> 5. CRIMINAL RESTRAINT <input type="checkbox"/> 9. LEWDNESS* <input type="checkbox"/> 13. HARASSMENT <input type="checkbox"/> 2. ASSAULT <input type="checkbox"/> 6. FALSE IMPRISONMENT <input type="checkbox"/> 10. CRIMINAL MISCHIEF* <input type="checkbox"/> 14. STALKING* <input type="checkbox"/> 3. TERRORISTIC THREATS* <input type="checkbox"/> 7. SEXUAL ASSAULT <input type="checkbox"/> 11. BURGLARY* <input type="checkbox"/> 4. KIDNAPPING <input type="checkbox"/> 8. CRIMINAL SEXUAL CONTACT <input type="checkbox"/> 12. CRIMINAL TRESPASS* * For these offenses check "None" - "No Injury", in Block 30.					
DEGREE OF INJURY FROM WEAPON USED (Check ONLY One.)			(31) WEAPONS SEIZED? (Check if Yes for each weapon.)	(32) ENTER NUMBER OF DEATHS OTHER THAN A HOMICIDE VICTIM. IF NONE, ENTER 0.	
WEAPON	(28) AGGRAVATED SERIOUS INJURY	(29) AGGRAVATED MINOR INJURY	(30) NO INJURY		
1. GUN					
2. KNIFE or cutting instrument					
3. OTHER DANGEROUS					
4. HANDS, FISTS, ETC.					
5. NONE					
				COMPLETE ONLY IF BLOCK 32 IS OTHER THAN ZERO.	
				(33) ENTER NUMBER OF ASSOCIATED ADULT DEATHS MALE <input type="text"/> FEMALE <input type="text"/>	(34) ENTER NUMBER OF ASSOCIATED JUVENILE DEATHS MALE <input type="text"/> FEMALE <input type="text"/>
				(35) DID OFFENDER COMMIT SUICIDE? <input type="checkbox"/> YES <input type="checkbox"/> NO	
(36) REMARKS: _____ _____ _____					
(37) RANK/NAME: _____			(38) BADGE NO.: _____	(39) DATE COMPLETED: _____	(40) REVIEWED BY: _____
(41) _____		(42) _____		(43) _____	

STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY
SUPPLEMENTARY DOMESTIC VIOLENCE OFFENSE REPORT

(1) CASE NO. _____

(2) MUNICIPALITY _____	(3) MUN. CODE NO. ____	(4) SP STATION ____	(5) CODE ____	(6) DEPARTMENT PHONE NUMBER (____) _____ - _____ EXT. _____	
(7) OFFENSE DATE ____/____/____	(8) DAY CODE (Circle Number) S M T W TH F S 1 2 3 4 5 6 7	(9) MILITARY TIME ____:____ HRS.	(10) TOTAL TIME SPENT: (Enter Approx. Time If Unknown) ____ HRS. ____ MIN.		(11) WAS ALCOHOL INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO
(12) OTHER DRUGS INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO					

VICTIM INFORMATION *Victim must be involved in a dating relationship or 18+ years old or emancipated.
 (If this is a violation of a domestic violence restraining order ONLY, State of New Jersey is the victim, leave blocks 14 through 20 blank.)*

(13) VICTIM'S NAME _____	(14) AGE Enter Approx. Age if Unknown ____	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE CODE (Circle One) 1 2 3 4	ETHNICITY <input type="checkbox"/> A - HISPANIC <input type="checkbox"/> B - NON-HISPANIC	(15) IS VICTIM PREGNANT? <input type="checkbox"/> YES <input type="checkbox"/> NO
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(20) RELATIONSHIP OF VICTIM TO OFFENDER: (Check ONLY One.) <input type="checkbox"/> 1. VICTIM IS THE SPOUSE <input type="checkbox"/> 2. VICTIM IS THE EX-SPOUSE <input type="checkbox"/> 3. VICTIM IS A CO-PARENT <input type="checkbox"/> 4. VICTIM IS A RELATIVE (Mother, Father, etc.) <input type="checkbox"/> 5. VICTIM IS A FRIEND/ACQUAINTANCE <input type="checkbox"/> 6. VICTIM IS AN EX-FRIEND					

OFFENDER INFORMATION *Offender must be 18+ years old or emancipated.*

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(23) HAS A DOMESTIC VIOLENCE ORDER EVER BEEN ISSUED BETWEEN THE PARTIES INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO				(26) WAS OFFENDER ARRESTED FOR: (Check ONLY One.) (A) VIOLATION OF A D.V. RESTRAINING ORDER ONLY? <input type="checkbox"/> YES <input type="checkbox"/> NO (B) DOMESTIC VIOLENCE OFFENSE ONLY (Block 27)? <input type="checkbox"/> YES <input type="checkbox"/> NO (C) BOTH - VIOLATION OF A D.V. RESTRAINING ORDER AND A DOMESTIC VIOLENCE OFFENSE (BLOCK 27)? <input type="checkbox"/> YES <input type="checkbox"/> NO	
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OFFENSE INFORMATION *Leave section blank if incident is ONLY a violation of a domestic violence restraining order.*

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WEAPON	(28) AGGRAVATED SERIOUS INJURY	(29) AGGRAVATED MINOR INJURY	(30) NO INJURY		
1. GUN					COMPLETE ONLY IF BLOCK 32 IS OTHER THAN ZERO. (33) ENTER NUMBER OF ASSOCIATED ADULT DEATHS MALE <input type="text"/> FEMALE <input type="text"/>
2. KNIFE or cutting instrument					
3. OTHER DANGEROUS					
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					(34) ENTER NUMBER OF ASSOCIATED JUVENILE DEATHS MALE <input type="text"/> FEMALE <input type="text"/>
					(35) DID OFFENDER COMMIT SUICIDE? <input type="checkbox"/> YES <input type="checkbox"/> NO
(36) REMARKS: _____ _____ _____					
(37) RANK/NAME: _____			(38) BADGE NO.: _____	(39) DATE COMPLETED: ____/____/____	(40) REVIEWED BY: _____
(41) _____		(42) _____		(43) _____	

STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY
SUPPLEMENTARY DOMESTIC VIOLENCE OFFENSE REPORT

(1) CASE NO. _____

(2) MUNICIPALITY	(3) MUN. CODE NO. S M T W TH F S 1 2 3 4 5 6 7	(4) SP STATION	(5) CODE	(6) DEPARTMENT PHONE NUMBER () - EXT. _____	
(7) OFFENSE DATE / /	(8) DAY CODE (Circle Number) S M T W TH F S 1 2 3 4 5 6 7	(9) MILITARY TIME _____ HRS.	(10) TOTAL TIME SPENT: (Enter Approx. Time If Unknown) _____ HRS. _____ MIN.		(11) WAS ALCOHOL INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO
(12) OTHER DRUGS INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO					

VICTIM INFORMATION *Victim must be involved in a dating relationship or 18+ years old or emancipated.
 (If this is a violation of a domestic violence restraining order ONLY, State of New Jersey is the victim, leave blocks 14 through 20 blank.)*

(13) VICTIM'S NAME	(14) AGE Enter Approx. Age if Unknown _____	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE CODE (Circle One) 1 2 3 4	ETHNICITY <input type="checkbox"/> A - HISPANIC <input type="checkbox"/> B - NON-HISPANIC	(15) IS VICTIM PREGNANT? <input type="checkbox"/> YES <input type="checkbox"/> NO
(16) HAVE VICTIM & OFFENDER EVER BEEN INVOLVED IN A DATING RELATIONSHIP? (Applies only to relationships after August 11, 1994.) <input type="checkbox"/> YES <input type="checkbox"/> NO	(17) IS VICTIM DISABLED? <input type="checkbox"/> YES If Yes, Check one: <input type="checkbox"/> PSYCHOLOGICAL <input type="checkbox"/> PHYSICAL		(18) IF VICTIM IS DISABLED OR 60 YEARS OLD OR OLDER, WAS CRIMINAL NEGLECT ALSO INVOLVED (2C:24.8)? <input type="checkbox"/> YES <input type="checkbox"/> NO		(19) WERE CHILDREN: <input type="checkbox"/> 1. INVOLVED <input type="checkbox"/> 2. PRESENT
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(23) HAS A DOMESTIC VIOLENCE ORDER EVER BEEN ISSUED BETWEEN THE PARTIES INVOLVED? <input type="checkbox"/> YES <input type="checkbox"/> NO	(24) DID THIS INCIDENT INVOLVE/ALLEGED A VIOLATION OF A DOMESTIC VIOLENCE RESTRAINING ORDER? <input type="checkbox"/> YES <input type="checkbox"/> NO			(25) AS A RESULT OF THIS INCIDENT, WAS A D.V. RESTRAINING ORDER ISSUED FOR ONE OF THE 14 OFFENSES IN BLOCK 27? <input type="checkbox"/> YES <input type="checkbox"/> NO	
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OFFENSE INFORMATION *Leave section blank if incident is ONLY a violation of a domestic violence restraining order.*

(27) CURRENT DOMESTIC VIOLENCE OFFENSE COMPLAINT: (Check ONLY One.) <input type="checkbox"/> 1. HOMICIDE <input type="checkbox"/> 2. ASSAULT <input type="checkbox"/> 3. TERRORISTIC THREATS* <input type="checkbox"/> 4. KIDNAPPING <input type="checkbox"/> 5. CRIMINAL RESTRAINT <input type="checkbox"/> 6. FALSE IMPRISONMENT <input type="checkbox"/> 7. SEXUAL ASSAULT <input type="checkbox"/> 8. CRIMINAL SEXUAL CONTACT <input type="checkbox"/> 9. LEWDNESS* <input type="checkbox"/> 10. CRIMINAL MISCHIEF* <input type="checkbox"/> 11. BURGLARY* <input type="checkbox"/> 12. CRIMINAL TRESPASS* <input type="checkbox"/> 13. HARASSMENT <input type="checkbox"/> 14. STALKING* <i>* For these offenses check "None" - "No Injury", in Block 30.</i>					
DEGREE OF INJURY FROM WEAPON USED (Check ONLY One.)			(31) WEAPONS SEIZED? (Check if Yes for each weapon.)	(32) ENTER NUMBER OF DEATHS OTHER THAN A HOMICIDE VICTIM. IF NONE, ENTER 0.	
WEAPON	(28) AGGRAVATED SERIOUS INJURY	(29) AGGRAVATED MINOR INJURY	(30) NO INJURY		
1. GUN					
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3. OTHER DANGEROUS					
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				(35) DID OFFENDER COMMIT SUICIDE? <input type="checkbox"/> YES <input type="checkbox"/> NO	
(36) REMARKS: _____ _____ _____					
(37) RANK/NAME:			(38) BADGE NO.:	(39) DATE COMPLETED:	(40) REVIEWED BY:
(41)		(42)		(43)	

SUPPLEMENTARY DOMESTIC VIOLENCE OFFENSE REPORT GUIDE

A. PURPOSE OF THE REPORT:

The Supplementary Domestic Violence Offense Report shall be used to report (a) any of the fourteen listed acts of domestic violence and/or (b) any allegation of a domestic violence court order. N.J.S.A. 2C:25-1 et. seq. It will be the responsibility of a law enforcement officer who responds to a domestic violence call and/or an allegation of a violation of a Domestic Violence Court Order, to complete this report.

- a. The report will be completed when one or more of the following acts are inflicted **by an adult or emancipated minor** upon a person protected under this act. A victim of domestic violence includes any person 18 years of age or older or who is an emancipated minor and has been subjected to domestic violence **by** a spouse, former spouse, or any other person who is a present or former household member. A victim also includes any person, regardless of age, who has been subjected to domestic violence **by** a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. A victim of domestic violence also includes any person who has been subjected to domestic violence **by** a person with whom the victim has had a dating relationship. **Child abuse complaints are not to be reported on this form.**

NOTE: "Emancipated minor" means a person who is less than 18 years of age but who has been married, entered in the military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

The acts of domestic violence are:

- | | | | | |
|------------------------|-----------------------|----------------------------|-----------------------|----------------|
| 1. Homicide | 4. Kidnapping | 7. Sexual Assault | 10. Criminal Mischief | 13. Harassment |
| 2. Assault | 5. Criminal Restraint | 8. Criminal Sexual Contact | 11. Burglary | 14. Stalking |
| 3. Terroristic Threats | 6. False Imprisonment | 9. Lewdness | 12. Criminal Trespass | |

B. MECHANICS:

1. This report may be ball pointed (block printed) or typed.
2. Routing:
 - a. Original-First Copy (**NOTE: Do not forward copies of court orders or other documents to the New Jersey State Police.**):
New Jersey State Police, UCR Unit, Box 7068, River Road, West Trenton, NJ 08628-0068, (609) 882-2000, Ext. 2870.
 - b. Second Copy: County Bureau of Identification (Forward directly to the County Bureau of Identification.)
 - c. Third Copy: Municipal/Superior Court (Forward directly to the Municipal or Superior Court.)
 - d. Fourth Copy: Contributor's Copy
3. Reports will be submitted immediately upon completion. DO NOT wait for the end of the month to forward the forms.

C. INSTRUCTIONS FOR PREPARATION OF THE SUPPLEMENTARY DOMESTIC VIOLENCE OFFENSE REPORT:

This report shall be accurate, factual, clear, concise, complete and free of errors in spelling and grammar. Appropriate abbreviations are acceptable. Complete all applicable boxes. Note: Logical edits have been written for the state's data entry programs. Illogical responses will be corrected by the program. No notice will be provided to the reporting agency (e.g., Criminal Trespass, offense with injury). Blocks requiring an affirmative answer must be checked "Yes" otherwise a "No" response will be recorded.

1. CASE NO. - Enter investigation report number; if none, enter operations report number or other available identifying number.
2. MUNICIPALITY - Enter name of the municipality where offense occurred.
3. MUNICIPALITY CODE - Enter four digit municipality identifier code.
4. SP STATION - Enter State Police station reporting offense (for State Police use only).
5. SP STATION CODE - Enter State Police station code number (for State Police use only).
6. PHONE NUMBER - Enter the reporting agency's complete phone number and extension.
7. OFFENSE DATE - Enter the date of offense. Example: 01 / 01 / 2000.
8. DAY CODE - Circle appropriate numerical code. 1. Sunday 2. Monday 3. Tuesday 4. Wednesday 5. Thursday 6. Friday 7. Saturday
9. MILITARY TIME - Enter time of offense - e.g. 0001 HRS.
10. TOTAL TIME SPENT - Enter the total time spent on this investigation. **IF UNKNOWN, ENTER APPROXIMATE TIME.**
11. ALCOHOL INVOLVED - Check yes to indicate if the victim or the offender had been drinking.
12. OTHER DRUGS INVOLVED - Check yes to indicate if the victim or offender used drugs other than alcohol.
13. VICTIM'S NAME - Enter full name of the victim (first, middle, and last name). **ONE REPORT WILL BE COMPLETED FOR EACH VICTIM.** If incident involves a violation of a domestic violence order **only**, victim is the State of New Jersey, (leave blocks 14 thru 20 blank).
14. VICTIM'S AGE, SEX, RACE CODE AND ETHNICITY - Enter the Victim's:
AGE - If unknown, enter approximate age. RACE CODE - Circle numerical code for victim's race (using numbers 1 through 4).
SEX - Check male or female. 1 — White 2 — Black 3 — Asian or Pacific Islander 4 — American Indian or Alaskan Native
ETHNICITY - Check the appropriate box.
15. IS VICTIM PREGNANT? - Check yes to indicate if the victim is pregnant at the time of the incident.
16. WERE VICTIM AND OFFENDER INVOLVED IN A DATING RELATIONSHIP? - Check yes, if applicable; otherwise, leave blank.
17. IS VICTIM DISABLED? - Check yes if the victim is disabled, then check the appropriate box.
18. IF VICTIM IS DISABLED OR 60 YEARS OF AGE OR OLDER, WAS CRIMINAL NEGLECT ALSO INVOLVED (2C:24-8)? - Check yes, if applicable.
19. CHILDREN WERE INVOLVED, PRESENT - Check the appropriate box.
20. RELATIONSHIP OF VICTIM TO OFFENDER - Check to indicate relationship at time of incident (only check one block).
21. OFFENDER'S AGE, SEX, RACE CODE AND ETHNICITY - Enter offender's age, sex, race code, and ethnic origin using the instructions listed in block 14.
22. OFFENDER - Check the appropriate block.
23. PRIOR COURT ORDERS - Check yes if a Domestic Violence court order has ever been issued between the parties involved.
24. DID THIS INCIDENT INVOLVE/ALLEGED A VIOLATION OF A DOMESTIC VIOLENCE RESTRAINING ORDER? - Check yes if this incident involved or alleged a violation of a Domestic Violence Restraining Order.
25. AS A RESULT OF THIS INCIDENT, WAS A RESTRAINING ORDER ISSUED FOR ONE OF THE 14 OFFENSES LISTED IN BLOCK 27? - Check yes if so.
26. WAS OFFENDER ARRESTED? - Check **ONLY** One.
- OFFENSE INFORMATION - If incident is a violation of a domestic violence restraining order ONLY, leave blocks 27 through 35 blank.**
27. CURRENT OFFENSE/COMPLAINT - Check only one block with regard to current offense. Mark the most serious crime. **For offenses with an asterisk, check "NONE" in Block 30.**
- 28., 29., 30. DEGREE OF INJURY FROM WEAPON USED - Locate weapon used, then check the appropriate block on horizontal line indicating degree of injury. - Check **ONLY** One.
EXAMPLE: Aggravated/serious - is when injury is sufficient to cause broken bones, internal injuries, or when stitches are required.
Non-Aggravated/minor - includes any lesser injury. Check only one weapon, by going down the list from 1 to 5.
31. WEAPONS SEIZED - **NOTE:** Include weapons seized even if not used to commit the domestic violence offense. Check yes for each weapon category (gun, knife, and other dangerous) to indicate if weapon(s) were seized. If no weapon(s) seized, leave blank.
32. ENTER NUMBER OF DEATHS OTHER THAN A HOMICIDE VICTIM - Enter the total number of associated deaths, e.g., accidental, suicide, etc.
NOTE: If the victim's cause of death was suicide, accidental, etc., include in this box.
33. ENTER NUMBER OF ASSOCIATED ADULT DEATHS - enter appropriate number of adult male/female deceased.
34. ENTER NUMBER OF ASSOCIATED JUVENILE DEATHS - enter appropriate number of juvenile male/female deceased.
35. DID OFFENDER COMMIT SUICIDE? - If applicable, check yes. **NOTE:** If yes, then the offender should be counted in block 30 as an associated death.
36. REMARKS - Enter additional information as needed.
37. RANK/NAME - Enter rank and name of investigating officer with signature.
38. BADGE NUMBER - Enter badge number of the officer preparing report.
39. DATE COMPLETED - Enter the date report is prepared.
40. REVIEWED BY - Enter initials and badge number of immediate supervisor who reviewed and approved the report.
41. BLANK BLOCK. 42. BLANK BLOCK. 43. BLANK BLOCK.

Atlantic County

ATLANTIC COUNTY WOMEN'S CENTER Violence Intervention Program (VIP)

PO Box 311, Northfield, NJ 08225

Emergency Shelter

24 Hr. Hotline:	(609) 646-6767
Tollfree:	1-800-286-4184
TTY:	(609) 645-2909
Office:	(609) 646-4376
Fax:	(609) 645-8877
Email:	acwc@bellatlantic.net
Web:	www.acwc.org

Outreach

Ph:	(609) 646-6768
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Displaced Homemakers Services

Home To Work

Ph:	(609) 601-9925
Fax:	(609) 601-2975

Unified Child Care Services

Child Care Network

Ph:	(609) 646-1180
Fax:	(609) 645-8877

Sexual Assault

24 Hr. Hotline:	(609) 646-6767
Tollfree:	1-800-286-4184

Batterers Services

Alternatives To Violence (ATV)

Ph:	(609) 646-6775
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Bergen County

SHELTER OUR SISTERS

PO Box 217, Hackensack, NJ 07602

Office: 405 State Street Hackensack, NJ 07601

Emergency Shelter

24 Hr. Hotline: (201) 944-9600

TTY: (201) 836-3071

Shelter: (201) 836-1075

Fax/Shelter: (201) 836-7029

Office: (201) 498-9247

Fax/Office: (201) 498-9256

Email: sos@shelteroursisters.org

Web: www.shelteroursisters.org

-TRANSITIONAL HOUSING AVAILABLE

ALTERNATIVES TO DOMESTIC VIOLENCE

Bergen County Department of Human Services

One Bergen County Plaza, 2nd Floor

Hackensack, NJ 07601

Non-Residential Services/Outreach

24 Hr. Hotline: (201) 336-7575

TTY: (201) 336-7525

Fax: (201) 336-7555

Email: adv@co.bergen.nj.us

Web: www.co.bergen.nj.us/ADV

Batterers Services

Alternatives to Domestic Violence

24 Hr. Hotline: (201) 336-7575

Fax: (201) 336-7555

Burlington County

PROVIDENCE HOUSE/WILLINGBORO SHELTER

PO Box 496 Willingboro, NJ 08046

Emergency Shelter

24 Hr. Hotline: (609) 871-7551

TTY: (609) 871-7551

Office: (856) 824-0599

Fax/Office: (856) 824-9340

Fax/Shelter: (609) 871-0360

Web: www.catholiccharities.org

Outreach

950A Chester Ave. Delran, NJ 08075

Ph: (856) 824-0599

Fax: (856) 824-9340

Camden County

CAMDEN COUNTY WOMEN'S CENTER

PO Box 1459 Blackwood, NJ 08012

Emergency Shelter

24 Hr. Hotline: (856)227-1234

TTY: (856) 227-9264

Office: (856) 227-1800

Fax: (856) 227-1261

Outreach Center

415 Cooper Street, Camden, NJ 08102

Ph: (856) 963-5668

Fax: (856) 964-4998

VOLUNTEERS OF AMERICA DELAWARE VALLEY

235 White Horse Pike, Collingswood, New Jersey 08107

Office: (856) 854-4660

Fax: (856) 854-0651

Email: lengstrom@voadv.org

Batterers Services

Volunteers of America, Family Violence Prevention Program

525 Cooper Street, 3rd Floor

Camden, New Jersey 08101

Ph: (856) 668-2065

Fax: (856) 338-9017

Cape May County

CARA, INC. (COALITION AGAINST RAPE & ABUSE, INC.)

PO Box 774, Cape May Court House, NJ 08210-0774

Emergency Shelter

24 Hr. Hotline: (609) 522-6489

Tollfree: 1-877-294-2272 (CARA)

TTY: (609) 463-0818

Office: (609) 522-6489

Fax: (609) 463-0967

Email: carasafe1@verizon.net

Men's Non Violence Group Services

MEND (Men Explore New Directions)

24 Hr. Hotline: (609) 522-6489

Tollfree: 1-877-294-2272 (CARA)

Cumberland County

CUMBERLAND COUNTY WOMEN'S CENTER

PO Box 921, Vineland, NJ 08362

Emergency Shelter

24 Hr. Hotline: (856) 691-3713

Tollfree: 1-800-286-4353

TTY: (856) 691-6024

Office: (856) 691-3713

Fax: (856) 691-9774

Batterers Services

A.C.T. (Abuse Ceases Today)

Ph: (856) 691-3713

Essex County

FAMILY VIOLENCE PROGRAM

755 South Orange Avenue, Newark, NJ 07106

Emergency Shelter

24 Hr. Hotline: (973) 484-4446

Office: (973) 484-1704

Fax: (973) 484-7682

Web: www.babyland.org

Outreach

Family Violence Outreach

755 South Orange Ave, Newark , NJ 07106

Ph: (973) 484-1704

Batterers Services

Men for Peace

Ph: (973) 399-3400

Fax: (973) 399-2076

THE SAFE HOUSE

PO Box 1877, Bloomfield, NJ 07003

Emergency Shelter

24 Hr. Hotline: (973) 759-2154

Office: (973) 759-2378

Fax: (973) 844-4950

THE RACHEL COALITION c/o JEWISH FAMILY SERVICE

570 West Mt. Pleasant Ave, Suite 203

Livingston, NJ 07039

Emergency Safehouse

24 Hr. Emergency Paging Service: (973) 740-1233

Outreach

Office: (973) 740-1233

Fax: (973) 740-1590

Website: www.rachelcoalition.org

TRANSITIONAL HOUSING (one unit)

Batterers Services

RESPECT

Office: (973) 765-9050 ext. 259 (intake)

LINDA & RUDY SLUCKER

NATIONAL COUNCIL OF JEWISH WOMEN

CENTER FOR WOMEN

513 W. Mt. Pleasant Ave., Suite 325, Livingston, NJ 07039

Outreach

Teen Dating Abuse Program

Office: (973) 994-4994

Fax: (973) 994-7412

Email: centerforwomen@ncjwessex.org

Web: www.CENTERFORWOMENnj.org

Gloucester County

SERVICES EMPOWERING THE RIGHTS OF VICTIMS (SERV)

PO Box 566, Glassboro, NJ 08028

Emergency Shelter

24 Hr. Hotline: (856) 881-3335
Tollfree: (866) 295-7378
TTY: (856) 881-9365
Office: (856) 881-9337
Fax: (856) 881-1297
Email: gcdvs@centerffs.org

Hudson County

WOMENRISING, INC.

270 Fairmount Avenue, Jersey City, NJ 07306

Emergency Shelter

24 Hr. Hotline: (201) 333-5700
TTY: (201) 333-0547
Fax: (201) 333-9305
Email: womenrising@aol.com

Outreach

270 Fairmount Ave, Jersey City, NJ 07306

Ph: (201) 333-5700

Hunterdon County

WOMEN'S CRISIS SERVICES

47 E. Main Street, Flemington, NJ 08822

Emergency Shelter

24 Hr. Hotline: (908) 788-4044

Tollfree: 1-888-988-4033

TTY: 1-866-954-0100

Office: (908) 806-8605

Fax: (908) 788-7263

Email: agencyinfo@womenscrisiservices.org

Web: www.womenscrisiservices.org

Outreach

Ph: (908) 788-7666

TTY: (908) 788-7666

Fax: (908) 806-4725 or (908) 788-2799

Sexual Assault/Rape/Incest

Ph: (908) 788-7666

Batterers Services

Men's Group

Ph: (908) 788-7666

TRANSITIONAL HOUSING AVAILABLE

Ph: (908) 806-0073

Mercer County

WOMANSPACE, INC.

1212 Stuyvesant Avenue, Trenton, NJ 08618

Emergency Shelter (609) 394-9000
24-Hr. Hotline: 1-800-572-SAFE (7233)
State Hotline:

V/TTY: (609) 394-9000 or
1-888-252-7233
Office: (609) 394-0136
Fax: (609) 396-1093
Email: pmh@womanspace.org
Web: www.womanspace.org

Sexual Assault Support Services

24 Hr. Hotline : **(609) 394-9000**

Outreach

1860 Brunswick Avenue, Lawrenceville, NJ, 08648

Ph: (609) 394-2532
TTY: (609) 394-5417

TRANSITIONAL HOUSING AVAILABLE

Batterers Services

Family Growth Program

39 N. Clinton Avenue, Trenton, NJ 08609

Ph: (609) 394-5157
Fax: (609) 394-3010

Middlesex County

WOMEN AWARE, INC.

PO Box 312, New Brunswick, NJ 08903

Emergency Shelter

24-Hr. Hotline: (732) 249-4504

TTY: (732) 249-0600

Office: (732) 249-4900

Fax: (732) 249-4901

Shelter Fax: (732) 249-0010

Email: womenaware@aol.com

Outreach

96 Paterson Street, New Brunswick, NJ, 08901

Ph: (732) 937-9525

Fax: (732) 249-6942

Web: www.womenaware.net

MANAVI, INC. (An organization for South Asian Women)

PO Box 3101, New Brunswick, NJ 08903-3103

Transitional Housing Available

(Office Hours 9:30 - 5:30)

Office: (732) 435-1414

Fax: (732) 435-1411

Email: Manavi@att.net

Website: www.manavi.org

Monmouth County

180 Turning Lives Around Inc.

One Bethany Road, Bldg. 3, Suite 42, Hazlet, NJ 07730

Emergency Shelter

24-Hr. Hotline: (732) 264-4111
TTY: (732) 203-0862
Office: (732) 264-4360
Fax: (732) 264-8655
Email: wcmcmmain@aol.com
Web: www.180nj.org

Outreach Counseling

Ph: (732) 264-4111

Rape Care Program

24 Hr. Hotline: (732) 264-7273
Toll free: 1-888-264- RAPE (7273)

Batterers Services: Alternatives to Abuse

Ph: (732) 264-4360, Ext. 252

Transitional Housing Available

Transitional Living Program: Families in Transition

Ph: (732) 886-5144
Fax: (732) 886-5141

Asbury/Neptune Outreach

Ph: (732) 988-5200 ext. 510

School Based Violence Prevention Group

Ph: (732) 264-4360 ext. 118

Youth Helpline

Toll free: 888-222-2228

Morris County

JERSEY BATTERED WOMEN'S SERVICES, INC. (JBWS)

PO Box 1437, Morristown, NJ 07962-1437

Emergency Shelter

24 Hr. Hotline: (973) 267-4763
TTY: (973) 285-9095
Office: (973) 455-1256
Fax: (973) 605-5898
Email: info@jbws.org
Web: www.jbws.org

Batterers Services

Abuse Ceases Today (ACT)

Ph: (973) 539-7801
Fax: (973) 539-4068

Transitional Housing Available

Ocean County

PROVIDENCE HOUSE - OCEAN

PO Box 4344, Brick, NJ 08723

Emergency Shelter

24 Hr. Hotline: (732) 244-8259

Tollfree: 1-800-246-8910

TTY: (732) 244-8259

Office: (732) 262-3143

Fax: (732) 262-1787

Shelter Fax: (732) 244-3064

Web: www.catholiccharities.org

Outreach

35 Beaverson Blvd., Bldg #6, Brick, NJ 07823

Ph: (732) 262-3143

Passaic County

PASSAIC COUNTY WOMEN'S CENTER

Domestic Violence Program

PO Box 244, Paterson, NJ 07513

Emergency Shelter

24-Hr. Hotline: (973) 881-1450

TTY: (973) 278-8630

Office: (973) 881-1450

Fax: (973) 881-0617

Outreach

1027 Madison Avenue, Paterson, NJ 07513

Ph: (973) 881-0725

Fax: (973) 881-0938

Rape Crisis Program

1027 Madison Avenue, Paterson, NJ 07513

24-Hr. Hotline: (973) 881-1450

Ph: (973) 881-0725

Fax: (973) 881-0938

Project S.A.R.A.H.

199 Scales Ave., Clifton, NJ 07102

24-Hr. Tollfree Hotline: 1-888-883-2323

Ph: (973) 777-7638

Fax: (973) 777-9311

Strengthen Our Sisters

PO Box U, Hewitt, NJ 07421

Office: (973) 657-0251

Fax: (973) 728-0618

Email: info@strengthenoursisters.org

Website: www.strengthenoursisters.org

Salem County

SALEM COUNTY WOMEN'S SERVICES

PO Box 125, Salem, NJ 08079-0125

Emergency Shelter

24-Hr. Hotline: (856) 935-6655
Tollfree: 1-888-632-9511
TTY: (856) 935-7118
Office: (856) 935-8012
Fax: (856) 935-6165
Email: scws125@comcast.net

Sexual Assault/Rape Crisis

24-Hr. Hotline: (856) 935-6655
Tollfree: 1-888-632-9511

Batterers Services

Alternatives to Violence

24-Hr. Hotline: (856) 935-6655
Tollfree: 1-888-632-9511

Somerset County

RESOURCE CENTER FOR WOMEN AND THEIR FAMILIES

427 Homestead Road, Hillsborough, NJ 08844

Emergency Shelter

24-Hr. Hotline: 1-866-685-1122
TTY: (908) 359-8604
Office: (908) 359-0003
Fax: (908) 359-8881
Email: info@rcwtf.org
Web: www.rcwtf.org

Outreach

Ph: (908) 359-0003

Batterers Services

Batterer's Referral Line

Ph: 1-866-685-1122

Transitional Housing Available

Sussex County

DOMESTIC ABUSE SERVICES, INC.

PO Box 805, Newton, NJ 07860

Emergency Shelter

24 Hr. Hotline:

(Collect Calls Accepted) (973) 875-1211
TTY: (973) 875-6369
Office: (973) 579-2386
Fax: (973) 579-3277
Email: dasi@nac.net
Web: www.dasi.org

Outreach

Ph: (973) 579-2386
TTY: (973) 579-6593
Fax: (973) 579-3277

Sexual Trauma Resource Center

PO Box 805, Newton, NJ 07860

24 Hr. Hotline (973) 875-1211
Ph: (973) 300-5609
TTY (973) 875-6369
Fax: (973) 579-3277

Batterers Services

DECIDE Program

PO Box 295, Newton, NJ 07860

Ph: (973) 579-2500
Fax: (973) 579-1273

Domestic Violence Assessment Center of Sussex County

PO Box 295, Newton, NJ 07860

Ph: (973) 579-9666
Fax: (973) 579-1273

Union County

PROJECT: PROTECT

c/o YWCA of Eastern Union County
1131 East Jersey Street, Elizabeth, NJ 07201

Emergency Shelter

24-Hr. Hotline: (908) 355-4357
TTY: (908) 355-1023
Office: (908) 355-1500
Fax: (908) 355-0534
Email: info@ywcamail.com

Outreach

Ph: (908) 355-1995

Batterers Services

Men Against Violence, c/o YWCA

Ph: (908) 355-1995

ALTERNATIVES FOR MEN - BATTERERS SERVICES

Mental Health Association
23 North Avenue East, Cranford, NJ 07016

Ph: (908) 272-0304
Fax: (908) 272-5696

Warren County

DOMESTIC ABUSE & RAPE CRISIS CENTER (DARCC)

PO Box 423, Belvidere, NJ 07823

Emergency Shelter

24-Hr. Hotline: (908) 475-8408
Tollfree: 1-866-6BE-SAFE (1-866-623-7233)
TTY: (908) 453-2553
Office: (908) 453-4121
Fax: (908) 453-3706
Web: www.darcc.org

Outreach Services

78 South Main St, Phillipsburg, NJ 08865

Ph: (908) 475-8408

Batterers Services

Ph: (908) 813-8820

Updated January 2006

S:\Domestic Violence\New DV Manual Issues\25 Guide to Services for Victims of Domestic Violence.doc

Domestic violence, or battering, is a pattern of abusive behaviors that some individuals use to control their intimate partners. Battering can include physical, sexual and emotional abuse, and other controlling behaviors. The following questions may help you decide whether you are being abused.

Does your partner ever:

- Hit, kick, shove or injure you?
- Use weapons/objects against you or threaten to use them?
- Force or coerce you to engage in unwanted sexual acts?
- Threaten to hurt you or others, or to disclose your sexual orientation or other personal information?
- Control what you do and who you see in a way that interferes with your work, education or other personal activities?
- Steal or destroy your belongings?
- Constantly criticize you, call you names or put you down? Make you feel afraid?
- Deny your basic needs such as food, housing, clothing, or medical and physical assistance?



If you answered “yes” to any of the above, it may be time to think about your safety.

Help is Available

Many places offer 24-hour support, emergency shelter, advocacy and information about resources and safe options for you and your children. For assistance, call:

National Domestic Violence Hotline
(assistance available in over 140 languages)
1-800-799-SAFE (7233)
1-800-787-3224 TTY

Or access your local resources:

NJ Statewide Domestic Violence Hotline
(Translators available in any language)
1-800-572-SAFE (7233)
609-392-2990 TTY

NJ Coalition for Battered Women
(609) 584-8107
(609) 584-0027 TTY

Division on Women
(609) 292-8840
(609) 777-0799 TTY

Women's Referral Central
1-800-322-8092

This brochure is part of a series developed by the **Public Education Technical Assistance Project of the National Resource Center on Domestic Violence**. It can be freely reproduced. For more information, call 1-800-537-2238 / 1-800-553-2508 TTY.



Domestic Violence...
*Putting the Pieces
Together*

Finding Safety and Support



NJ Department of Community Affairs
Division on Women
101 South Broad Street - PO Box 801
Trenton, NJ 08625-0801

609-292-8840 • TTY 609-777-0799
dow@dca.state.nj.us • www.nj.gov/dca/dow

It Can Happen to Anyone

Domestic violence is a serious problem that has been happening for centuries. In the U.S. each year, it affects millions of people, most often women. Domestic violence can happen to anyone regardless of employment or educational level, race or ethnic background, religion, marital status, physical ability, age or sexual orientation.

It is NOT Your Fault

If you are being abused by your partner, you may feel confused, afraid, angry or trapped. All of these emotions are normal responses to abuse. You may also blame yourself for what is happening. No matter what others might say, you are never responsible for your partner's abusive actions. Batters choose to be abusive.



Identifying Support

Developing a support network can be very helpful to you as you plan for safety. There are many places to turn for assistance.

Community Support

Friends, family, women's and community groups, churches and service providers (such as legal, health and counseling centers) can provide a variety of resources, support and assistance.

Domestic Violence Services

In many communities, there are organizations that provide free and confidential help to individuals who are being battered. Information about finding and using these services is on the back of this brochure.

Legal Options

Criminal Charges

If you or other loved ones have been physically injured, threatened, raped, harassed or stalked, you can report these crimes to the police. Criminal charges may lead to the abuser being arrested and possibly imprisoned.

Restraining/Protective Orders

Even if you don't want to press criminal charges, you can file for a civil court order that directs your partner to stay away from you. In many states, restraining/protective orders can also evict your partner from your home, grant support or child custody, or ban him/her from having weapons.

Planning for Safety

Without help, domestic violence often continues to get more severe over time. It sometimes can become deadly.

To Increase Your Safety:

- Tell others you trust, such as friends, family, neighbors and co-workers, what is happening and talk about ways they might be able to help.
- Memorize emergency numbers for the local police (such as 911), support persons and crisis hotlines.
- Identify escape routes and places to go if you need to flee from an unsafe situation quickly.
- Talk with your children about what they should do if a violent incident occurs or if they are afraid.
- Put together an emergency bag with money/checkbooks, extra car keys, medicine, and important papers such as birth certificates, social security cards, immigration documents, and medical cards. Keep it somewhere safe and accessible, such as with a trusted friend.
- Trust your instincts – if you think you are in immediate danger, you probably are. Get to a safe place as soon as you can.



NO ONE deserves to be battered.

NJ COALITION FOR BATTERED WOMEN

Batterers Intervention Program Standards

The following standards were developed by the New Jersey Coalition for Battered Women in 1998 in conjunction with its Batterers Intervention Programs (BIP's) and BIP's outside of the Coalition membership. The Coalition considers these standards to be very basic minimum standards. The Coalition will be developing more detailed standards in the future.

- I. Goals of Batterers Intervention Programs
- II. Program Structure and Operation
- III. Staffing
- IV. Victim Confidentiality

I. Goals of Batterers Intervention Programs

- 1) To protect victims and their children.
- 2) To hold perpetrators accountable for their violent and abusive behaviors towards family/community and self.
- 3) To empower batterers to make nonviolent choices.

II. Program Structure and Operations

- 1) Group format is preferred to individual intervention. Couples counseling is contraindicated where domestic violence exists in a relationship. Couples counseling is not considered a form of BIP.
- 2) Length of the program is ideally 52 weeks or longer; 26 weeks is the

NJ COALITION FOR BATTERED WOMEN

minimum.

- 3) Each group should run from 1.5 to 2.5 hours, once a week.
- 4) Eight to 12 people are the ideal number for a group, particularly with only one facilitator, but even with two facilitators.
- 5) Participants must complete the program within a prescribed length of time.
- 6) Intakes will only be rescheduled once. Batterers are dismissed after missing two scheduled intake appointments. A letter from the referring Judge is required to get the batterer back into the program.
- 7) Where fees are charged, they must be paid in full before a compliance letter goes to the court.
- 8) Batterers may miss four scheduled group sessions, but those sessions must be made up within the program's time frame.
- 10) Programs will contact the referring court regarding compliance/non-compliance with court ordered attendance and participation requirements.

III. Staff

- 1) Co-facilitation is preferred, ideally by a male and female team.
- 2) A Masters level program supervisor with a NJ Domestic Violence Specialist (DVS) certification is preferred; otherwise the supervisor should have the equivalent 180 hours of DV education and 2,000 hours of experience working in the domestic violence field. Experience working with victims and children should be a prerequisite to working with batterers.
- 3) Accountability with people who represent as much of the racial, ethnic, and sexual diversity of society as possible, is encouraged. Batterers groups would ideally be videotaped, audio taped, peer supervised and/or clinically supervised, particularly where only one facilitator conducts the intervention.

NJ COALITION FOR BATTERED WOMEN

IV. Victim Confidentiality

- 1) Batterers Service Providers have a duty to warn victims based on the 1976 Tarasoff decision. (A therapist's duty to warn a victim through notifying both the victim and law enforcement authorities).
- 2) When victim contact occurs, either through outreach by the domestic violence program or by the victim, information about services available for the victim should always be provided. Victims, however, should never be pressured to attend domestic violence programs.
- 3) Service providers receiving information from victims about a batterer's violent behavior are encouraged to use that information carefully to develop specific interventions with the batterer. Service providers are reminded that victim confidentiality and safety are paramount. Victim confidentiality must be maintained unless a written waiver is provided by the victim.
- 4) While victims may be strongly encouraged to report further violence to the batterers program, and certainly to the police and legal system; victims should never be pressured to divulge information which they are not comfortable revealing, or to provide a confidentiality waiver while fearing such actions will put them in further danger from the batterer.
- 5) Service providers must remain cognizant that batterers programs can never promise to protect victims when confidentiality is waived, and should encourage victims to have a safety plan.

Court Checklist for Batterer Intervention Programs

Preferred arrest policies for domestic violence in Ohio have increased the number of batterers seen in criminal courts. When available, Batterer Intervention Programs* (BIPs) offer courts a treatment approach that holds batterers accountable, while striving to change their behavior. Unfortunately, poorly run or improperly constructed BIPs also can pose increased risks to victims of domestic violence. Therefore, it is important that courts understand the critical elements of effective BIPs. This guide was adapted from the Ohio Domestic Violence Network's Self-Evaluation Tool for Batterers Intervention Programs to help Ohio judges consider the quality of existing programs.



Does the program have written procedures for victim safety to:

- ☐ Screen at intake and periodically thereafter for lethality/dangerousness toward partner and children?
- ☐ Warn a victim in cases where a potential risk of harm has been identified by program staff (often referred to as the "duty to warn" policy)?
- ☐ Limit the confidentiality of BIP clients (e.g., authorizations to release information)?
- ☐ Contact victims safely and appropriately according to the procedure developed with assistance from the local domestic violence programs**?



Does the program seek input from the local domestic violence program to:

- ☐ Develop procedures for victim contact?
- ☐ Train BIP providers on domestic violence and victimization in general?
- ☐ Monitor the BIP through observation by skilled staff trained in the dynamics of domestic violence?
- ☐ Provide interventions for women who are arrested for domestic violence, including procedures that determine the primary aggressor and protect victims from being placed in groups with batterers?



Does the BIP have written procedures for providing information to the courts that specify:

- ☐ Information exchange between BIP staff and probation officers, judges, court clerks, or another designated agent?
- ☐ The necessary information to effectively monitor batterers (e.g., attendance, any non-compliance or lack of progress)?
- ☐ Timelines for regular reporting (e.g., weekly or monthly)?
- ☐ Requirements for additional reports in exceptional circumstances?



Does the program work collaboratively within the community? Is the program:

- ☐ Represented on the local domestic violence taskforce or other coordinating efforts?
- ☐ Included in the inter-agency protocols that clarify roles and responsibilities between law enforcement, service providers, and the courts within the community?
- ☐ Involved in collaborative efforts to provide education to other professionals and in the community?
- ☐ Able to clearly explain the process for receiving referral from all possible sources, including appropriate contact persons and the procedural requirements for each agent (e.g., the information required for a referral and timing)?
- ☐ Able to place victim safety as first priority?

- ☒ **Does the program support BIP clients by:**
- ☐ Informing them of program policies and procedures?
 - ☐ Providing or making referrals-for services to address common problems such as substance abuse, mental health, and or physical disability?
 - ☐ Providing outreach to underserved populations by building collaborative relationship with diverse communities?
 - ☐ Ensuring client participation is for a minimum length of 52 weeks with 1.5 hours sessions?
 - ☐ Including group education and intervention strategies?
 - ☐ Ensuring regular oversight of sessions by supervisors experienced in batterer interventions?

- ☒ **Does the program support staff with regular, in-service training:**
- ☐ That includes a core written curriculum that focuses on the behavior of a batterer as a system of oppression, with stopping all forms of abuse and victim safety as the primary goals?
 - ☐ That teaches the power imbalance between men and women?
 - ☐ Based on a male/female, co-facilitator model?
 - ☐ That offers training opportunities for staff to further their knowledge and skills in domestic violence in general as well as in batterer intervention?

- ☒ **Does the program demonstrate its efficacy by:**
- ☐ Basing its practices on accepted clinical interventions and domestic violence research?
 - ☐ Establishing measures to evaluate program effectiveness on clients?
 - ☐ Developing long-term outcome measures on batterer recidivism?
 - ☐ Working closely with the local research community and domestic violence programs?

* Batterer intervention program refers to a program that provides treatment for male domestic violence perpetrators.

** Domestic violence program refers to a community-based program that directly serves victims, including shelters and other agencies that advocates for victims and their children.

About the Ohio Domestic Violence Network (ODVN)

ODVN is a statewide coalition of domestic violence programs, supportive agencies, and concerned individuals organizing to ensure the elimination of domestic violence by: providing technical assistance, resources, information, and training to all who address or are affected by domestic violence; and promoting social and systems change through public policy, public awareness, and education initiatives.

For more detailed information, contact ODVN at (800) 934-9840 or info@odvn.org. The ODVN Standards for Batterers Interventions and an accompanying Self-Evaluation Guide are available online at www.odvn.org.

DOMESTIC VIOLENCE

Guidelines for the Enforcement of Out-of-State Restraining Orders or Orders of Protection in Domestic Violence Cases

Issued April 1996
Revised September 2000

Introduction: The Full Faith and Credit provision of the Violence Against Women Act (VAWA), 18 U.S.C.A. 2265, requires that out-of-state domestic violence restraining orders or orders of protection be recognized and enforced as if they were orders of a New Jersey court. The out-of-state order is to be enforced in this State even if

- A. The victim would not be eligible for a restraining order or an order of protection in this State.
- B. The foreign order grants the named applicant more relief than the person would have received under New Jersey law.

I. Definitions

- A. Out-of-State domestic violence restraining orders (also known as “foreign”) orders of protection include any court order issued by any other state, Indian tribe, territory or possession of the United States, Puerto Rico or the District of Columbia, whether or not the order is similar to a restraining order issued in the State of New Jersey.
- B. Mutual Order of Protection is a single court order entered against both parties and requiring both parties to abide by the conditions of the order. Under the VAWA, mutual orders of protection are discouraged. Under New Jersey law, mutual orders of protection are prohibited. However, each party may obtain a separate restraining order against the other party. This would not be considered a mutual order of protection.
- C. Emergency Situation would include a situation that presents a need for immediate action by the police to protect the victim against violent behavior, threats or violations of a non-contact order.
- D. Non-emergency Situation would include a situation where there is a request for enforcement of child support, changes in visitation or any other modification or enforcement request that does not involve violent behavior, threats or a violation of a non-contact order.

II. Responding Officers Procedures

A. Emergency Situations

In an emergency situation, the restraining order or order of protection should be presumed valid when presented to an officer. The primary responsibility of the officer should be to ensure the safety of the holder of the out-of-state order and, secondarily, to verify the validity of the order.

1. If the named defendant in the court order committed a criminal offense under New Jersey law against the victim and appeared to have violated the court order, the officer should arrest the defendant and sign the criminal complaint against the defendant for the criminal offense. The officer also should charge the defendant with contempt, *N.J.S.A. 2C:29-9a*.
2. If the named defendant committed no criminal offense but appears to be in violation of the out-of-state no-contact order, the officer should determine whether the order appears to be facially valid.
 - a. If the court order appears to be facially valid, the officer should arrest the defendant for violating the terms of the court order. The defendant should be charged with contempt, *N.J.S.A. 2C:29-9a*.
 - b. An order will be considered facially valid if:
 - (1) the order contains the names of the correct parties, and,
 - (2) the order has not expired, and,
 - (3) the victim informs the officer that the named defendant appeared at the court hearing or had notice to appear in court when the court order was issued.
 - c. In most states a restraining order or an order of protection has a specified expiration date. The officer must review the court order to determine whether it remains valid. Only New Jersey and Washington State have court orders with no stated expiration dates. In these two states, a final restraining order remains in effect until modified or vacated by a court.

Guidelines for the Enforcement of Out-of-State Restraining Orders

- d. Defects on the face of the order, such as boxes indicating no service checked, do not invalidate the enforcement of the order. In such cases, the officer should ask the victim about the apparent defects to determine whether the defendant had been served with the order or has knowledge that the order was issued.
3. If the victim does not have a copy of the out-of-state court order and the officer cannot determine the existence of the court order or if the court order contains an apparent defect which would cause a reasonable officer to question its authenticity, the officer should
 - a. arrest the actor if the criteria of the New Jersey Domestic Violence Act, *N.J.S.A. 2C:25-17 et seq.*, have been met and if a criminal offense had been committed, and
 - b. assist the victim in obtaining a temporary restraining order in accordance with departmental procedures, or
 - c. if the officer determines that a non-emergency situation exists, explain to the victim the procedure to obtain a domestic violence restraining order in New Jersey.
4. If the responding officer has probable cause to believe that a defendant, who is no longer at the scene, has
 - a. violated the provisions of a valid restraining order and/or
 - b. committed a criminal offense requiring arrest under *N.J.S.A. 2C:25-21a*,

Then the officer should follow standard departmental operating procedure for dealing with a criminal suspect who has fled the scene.

B. Non-Emergency Situations

In a non-emergency situation, the officer should refer the victim to the appropriate court so the victim may seek to obtain appropriate relief in accordance with the foreign restraining order or order of protection. If the victim had moved into New Jersey from another state, the officer should refer the victim to the Family Part of Superior Court in the county where the victim is then located. If the victim is only temporarily in New Jersey, the officer should refer the victim to the court where the victim is then

residing.

C. Mutual Orders of Protection

The plaintiff of a mutual order of protection from another state is entitled to full faith and credit in this State to the same degree as if the order had been issued solely on the plaintiff's behalf. The defendant of a mutual order of protection from another state would be entitled to relief if:

1. The defendant had filed a written pleading seeking this protective order, and
2. The court had made specific findings on the record that the defendant was entitled to the order.

Note: The enforcement of a mutual order of protection by a defendant should be a relatively rare occurrence. In non-emergent situations, the defendant should be referred to the appropriate court for relief.

III. Violations of Federal Law

If the responding officer determines that the defendant in the out-of-state restraining order or order of protection traveled across a state line with the intent to engage in conduct that violates a portion of the court order or to injure, harass, or intimidate the named victim in the court order, the officer should report this fact to the designated Assistant County Prosecutor who will determine whether the case should be referred to the U.S. Attorney's Office for the appropriate action pursuant to 18 *U.S.C.A.* 2261 and 2262.

Note: An officer should not charge a violation of federal law since the officer does not have federal jurisdiction.

IV. Immunity from Civil Liability

N.J.S.A. 2C:25-22 provides that a law enforcement officer shall not be held liable in any civil action brought by any party for an arrest based on probable cause when that officer in good faith enforced a court order. Under the qualified immunity doctrine, a law enforcement officer may also assert immunity to federal actions brought under 42 *U.S.C.A.* sec. 1983.

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S/domestic violence/allstatespolicedeptphone

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Saint Thomas, VI 00804
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APPENDIX XVI – UNIFORM SUMMARY SUPPORT ORDER (R. 5:7-4)

PLAINTIFF VS DEFENDANT <input type="checkbox"/> <i>Obligor</i> <input type="checkbox"/> <i>Obligee</i> <input type="checkbox"/> <i>Obligor</i> <input type="checkbox"/> <i>Obligee</i>		SUPERIOR COURT OF NEW JERSEY <i>Chancery Division-Family Part</i>	
		COUNTY OF _____	CIVIL ACTION ORDER Page 1 of 2
HEARING DATE ____/____/____	WELFARE / U.R.E.S.A.# _____	PROBATION ACCT# CS _____	DOCKET # _____
Attorney for Plaintiff: _____		Attorney for Defendant: _____	

This matter having been opened to the court by: ☐ Plaintiff ☐ Defendant ☐ County Welfare Agency ☐ Probation Division Family Division for an **ORDER**:

IS HEREBY ORDERED THAT: The obligor shall pay support for the spouse named above and/or unallocated support for the child(ren) named below:

CHILD'S NAME	BIRTH DATE	CHILD'S NAME	BIRTH DATE
1. _____	_____	4. _____	_____
2. _____	_____	5. _____	_____
3. _____	_____	6. _____	_____

☐ **PATERNITY** of child(ren) (# above) _____ Is acknowledged by defendant, and an **ORDER** of paternity is entered.

Support shall be paid to the New Jersey Family Support Payment Center by income withholding in the amount of:

	+		+		=		payable		effective	
<i>Child Support</i>		<i>Spousal Support</i>		<i>Arrears Payment</i>		<i>Total</i>		<i>Frequency</i>		<i>Date</i>

☐ **ARREARS:** are to be calculated by the Probation Division based upon amounts and effective date noted above.

☐ **ARREARS:** indicated in the records of the Probation Division, are \$ _____ as of ____/____/____.

☐ **GROSS WEEKLY INCOMES** of the parties, as defined by the Child Support Guidelines, upon which this **ORDER** is based:

PLAINTIFF = \$ _____ DEFENDANT = \$ _____

☐ **INCOME WITHHOLDING** is hereby **ORDERED** on current and future income sources, including:
Name of income source: _____ Address of income source: _____

OBLIGOR SHALL, however, make payments **AT ANY TIME** the full amount of support and/ or arrears are not withheld.

☐ **MEDICAL INSURANCE** coverage for the child(ren) and/or spouse as available at reasonable cost shall be provided by the
Obligor ☐ **Obligee** ☐ **Both** ☐
The parties shall divide extraordinary medical expenses of the child(ren) that are unreimbursed by insurance, as follows:
_____% Obligor _____% Obligee
Proof of Medical Insurance availability shall be provided to the Probation Division by ____/____/____.
If coverage is available, duplicate Medical Insurance I.D. card(s) as proof of coverage for the child(ren)/spouse shall be provided by the
☐ **obligor** ☐ **obligee** immediately upon availability, via the Probation Division.

☐ Health insurance benefits are to be paid directly to the health care provider by the insurer.

☐ **BLOOD/GENETIC TESTING** to assist the court in determining paternity of the child(ren) (#_____) is hereby **ORDERED**.
The county welfare agency in the county of residence of the child shall bear the cost of said testing, without prejudice to final allocation of said costs. If defendant is later adjudicated the father of said child(ren), defendant shall reimburse the welfare agency for the costs of said tests, and pay child support retroactive to ____/____/____.

☐ This matter is hereby **RELISTED** for hearing on ____/____/____ before _____. A copy of this **ORDER** shall serve as the summons for the hearings. No further notice for appearance shall be given. Failure to appear may result in a default order, bench warrant, or dismissal.

☐ **AN EMPLOYMENT SEARCH** MUST BE CONDUCTED BY THE obligor. Written records of at least # _____ employment contacts per week must be presented to the Probation Division. If employed, proof of income and the full name and address of employer must be provided immediately to the Probation Division.

PLAINTIFF

VS

DEFENDANT

PAGE 2 OF 2

DOCKET#

HEARING DATE ____/____/____

☐ THIS ORDER IS ENTERED BY DEFAULT. The obligor was properly served for court appearance on ____/____/____ and failed to appear. (Service noted below).

☐ A BENCH WARRANT for the arrest of the obligor is hereby **ORDERED**. The obligor was properly served with notice for court appearance on ____/____/____, failed to appear, and is in violation of litigant's rights for failure to comply with the support **ORDER** (Service noted below). A payment of \$_____ shall be required to purge the warrant. Said payment shall be applied to the arrears.

☐ SERVICE upon which this order is based:

<input type="checkbox"/> Personal Service	<input type="checkbox"/> Certified Mail:	<input type="checkbox"/> Refused	<input type="checkbox"/> Regular Mail (not returned)
Date: ____/____/____	<input type="checkbox"/> Signed by: _____	<input type="checkbox"/> Returned Unclaimed	<input type="checkbox"/> Other: _____

☐ FUTURE MISSED PAYMENT(S) numbering _____ or more may result in the issuance of a warrant, without further notice or hearing, for the arrest of the obligor.

☐ A LUMP SUM PAYMENT OF \$_____ must be made by the obligor by ____/____/____, or a bench warrant for the arrest of the obligor shall issue.

☐ This complaint is hereby **INACTIVATED**, pending _____.

☐ This complaint/motion is hereby **DISMISSED**, without prejudice, as _____.

☐ Order of Support is hereby **VACATED** effective ____/____/____, as _____. Arrears, if any, as calculated by the Probation Division, prior to the effective date, shall be paid at the rate and frequency noted on page number one of this **ORDER**.

☐ It is further **ORDERED**: _____

☐ Additional Page (s) attached: # _____, # _____.

TAKE NOTICE that all provisions stated on the reverse of page (1) are to be considered part of this **ORDER**.

I hereby declare that I understand all provisions of this **ORDER** and do not wish to appeal this day, to the Superior Court::

PLAINTIFF _____ ATTORNEY _____

DEFENDANT _____ ATTORNEY _____

☐ Copies provided to above at hearing. ☐ Copies to be mailed to the parties.

So **Recommended** to the Court by the Hearing Officer:

Date ____/____/____ H.O. _____ Signature _____

So **Ordered** by the Court::

Date ____/____/____ Judge _____ Signature _____ J.S..C

TAKE NOTICE:

1. **You must continue to make all payments until the Court order is changed.**
2. If your child's status changes (turns 18, moves in with a different relative, marries, gets a full-time job or other changes), **you must continue to make the same payments until the Court changes the amount you must pay.**
3. If your income goes down for reasons you do not control, **YOU WILL BE RESPONSIBLE TO PAY THE AMOUNT ORDERED UNTIL THE COURT CHANGES THE AMOUNT.**
4. **In order for the Court to change the amount that must be paid, YOU must make a WRITTEN request for the order to change. Contact the Probation Division where payments are made to find out how to do this.**
5. The amount you owe (arrearage) can be changed **only** as of the date of your **WRITTEN** request. If you delay making your request, you will have to pay the original amount of support until that date. **IT IS IMPORTANT** that you request a change as soon as possible after your income or your child's status changes (N.J.S.A. 2A:17-56.9).
6. **Changes in employment status and address must be reported in writing** to the Probation Division within 10 days of the change. Not providing this information is a violation of this **ORDER**. The last address you give to Probation will be used to send you notices of future hearings/proceedings. If you fail to appear, an order may be entered against you (default order) or a warrant may be issued for your arrest (R. 5:7-4) (R. 1:5-2) (R. 1:4-1(b)).
7. Payments **must** be made directly to the New Jersey Family Support Payment Center, P.O. Box 4880, Trenton, NJ 08650, unless the court order says to pay someone else. Gifts, other purchases or in-kind payments made directly to the **obligee or child(ren)** will **not** fulfill your obligation. Credit for payments made directly to the obligee or child(ren) **may not** be given.
8. Payments are due even when your child is visiting you **unless** the court orders credit. If both parents agree to credits, it must be approved by the Court. Failure to have visitation is **not** an excuse for not paying.
9. **THIS ORDER** takes priority over payments of debts and other obligations. Payments may not be excused because a party marries or accepts other obligations.
10. Payments are based on annual income. It is the responsibility of a person with seasonal employment to budget income so the payments are made regularly throughout the year.
11. Any payment or installment for child support is a "judgment by operation of law" on the date it is due (N.J.S.A. 2A:17-56,23a). Any non-payment of child support has the effect of a lien against the obligor's real or personal property. This child support lien may affect your ability to obtain credit or sell real property.
12. Judgments that result from failure to comply with the **ORDERS** of this Court are subject to an interest charge at the rate prescribed by Rule 4:42-11(a).
13. If immediate income withholding is **not** required when an order is entered or modified or the order was entered before October 1, 1990, the child support may be required to be paid by income withholding when the amount due becomes equal to the amount of support due for 14 days. Child support orders entered or modified after October 1, 1990 **shall** include a provision for immediate income withholding without regard to the amount of the arrearage **unless** the obligor and obligee agree, in writing, to an alternative arrangement **or** either party demonstrates, **and** the Court finds, good cause for an alternative arrangement (N.J.S.A. 2A:17-56.9).
14. The amount of a Title IV-D child support order is subject to review, by the state IV-D Agency or its designee, and adjustment may be made, as necessary, by the Court at least once every three years (N.J.S.A. 2A:17-56.9a).
15. Child support arrearage of \$1,000 or more **shall** be reported to consumer credit reporting agencies as a debt owed by the obligor (N.J.S.A. 2A:17-56.21).
16. Child support arrearage **may** be reported to the Internal Revenue Service and the State Division of Taxation. Tax refunds/homestead rebates due the obligor may be taken to pay arrears (N.J.S.A. 2A:17-56.16).
17. Any person who willfully and with the intent to deceive, uses a Social Security number obtained on the basis of false information provided to Social Security Administration **or** provides a false or inaccurate Social Security number is subject to a fine or imprisonment (42 U.S.C. 408(7)). Social Security numbers are collected and used in accordance with section 205 of the Social Security Act (42 U.S.C. 405). Disclosure of the individual's Social Security number is mandatory. Social Security numbers are used to obtain income, employment and benefit information on individuals through computer matching programs with federal and State agencies. This information is used to establish and enforce child support under Title IV-D of the Social Security Act, and to record child support judgments.
18. The Custodial parent may choose to have medical insurance benefits paid by the insurance carrier of the non-custodial parent remitted directly to the health care provider. If direct payment to the health care provider is chosen, the custodial parent must provide the insurer with a copy of the relevant section this order (N.J.S.A. 2A:34-23b).
19. **IF** this order contains any provision concerning custody and/or visitation, both parties are advised: Failure to comply with the custody provisions of this court order may subject you to criminal penalties under N.J.S.A. 2c:13-4, **Interference with Custody**. Such criminal penalties include, but are not limited to, imprisonment, probation, and/or fines.

Si usted deja de cumplir con las clausulas de custodia de esta orden del tribunal, puede estar sujeto (sujeta) a castigos criminales conforme a N.J.S.A. 2C:13-4, **Interference with Custody**, (Obstruccion de la Custodia). Dichos castigos criminales incluyen pero no se limitan a encarcelamiento, libertad, multas o una combinacion de los tres.

ADDRESS CONFIDENTIALITY PROGRAM ACT

N.J.S.A. 47:4-1. Short title

This act shall be known and may be cited as the "Address Confidentiality Program Act."

N.J.S.A. 47:4-2. Legislative findings and declarations

The Legislature finds that persons attempting to escape from actual or threatened domestic violence frequently establish new addresses to prevent their assailants from finding them. The purpose of this act is to enable public agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, to enable interagency cooperation with the Secretary of State in providing address confidentiality for victims of domestic violence, and to enable public agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

N.J.S.A. 47:4-3. Definitions

As used in this act:

"Address" means a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant under this act.

"Program participant" means a person certified by the Secretary of State as eligible to participate in the Address Confidentiality Program established by this act.

"Department" means the Department of State.

"Domestic violence" means an act defined in section 3 of P.L.1991, c. 261 (C.2C:25-19), if the act has been reported to a law enforcement agency or court.

"Secretary" means the Secretary of State.

N.J.S.A. 47:4-4. Address Confidentiality Program created

a. There is created in the department a program to be known as the "Address Confidentiality Program." A person 18 years of age or over, a

parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have an address designated by the secretary as the applicant's address. The secretary shall approve an application if it is filed in the manner and on the form prescribed by the secretary and if it contains:

(1) a sworn statement by the applicant that the applicant has good reason to believe:

(a) that the applicant is a victim of domestic violence as defined in this act; and

(b) that the applicant fears further violent acts from the applicant's assailant;

(2) a designation of the secretary as agent for the purpose of receiving process and for the purpose of receipt of mail;

(3) the mailing address where the applicant can be contacted by the secretary, and a telephone number where the applicant can be called;

(4) the new address or addresses that the applicant requests not be disclosed because of the increased risk of domestic violence; and

(5) the signature of the applicant and any person who assisted in the preparation of the application, and the date.

b. An application shall be filed with the secretary.

c. Upon approving a completed application, the secretary shall certify the applicant as a program participant. An applicant shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.

d. A program participant may apply to be recertified every four years thereafter.

e. A program participant may use the address designated by the secretary as his or her work address.

f. Upon receipt of first class mail addressed to a program participant, the secretary or a designee shall forward the mail to the actual address of the participant. The secretary may arrange to receive and forward other kinds and classes of mail for any program participant at the participant's expense.

The actual address of a program participant shall be available only to the secretary and to those employees involved in the operation of the address confidentiality program and to law enforcement officers for law enforcement purposes.

g. The secretary, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act.

N.J.S.A. 47:4-5. Cancellation of program participant's participation

The secretary may cancel a program participant's certification if:

- (1) the program participant obtains a name change through an order of the court;
- (2) the program participant changes the participant's residential address and does not provide seven days' advance notice to the secretary;
- (3) mail forwarded by the secretary to the address or addresses provided by the program participant is returned as undeliverable; or
- (4) any information on the application is false.

The application form shall notify each applicant of the provisions of this section.

N.J.S.A. 47:4-6. Use of address designated by agency

A program participant may request that any State or local agency use the address designated by the secretary as the program participant's address. The agency shall accept the address designated by the secretary as a program participant's address, unless the agency has demonstrated to the satisfaction of the secretary that:

- (1) the agency has a bona fide statutory basis for requiring the program participant to disclose to it the actual location of the program participant; and
- (2) the disclosed confidential address of the program participant will be used only for that statutory purpose and will not be disclosed or made available in any way to any other person or agency.

L.1997, c. 369, § 1, eff. Jan. 19, 1998.