

[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 Judge<sup>1</sup> 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.

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<sup>1</sup> 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**