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DIRECTIVE #23-21

[Questions or comments may be
directed to (609) 815-2900, ext. 55350]

**To: Assignment Judges
Trial Court Administrators**

From: Glenn A. Grant, J.A.D. 

**Subj: Family – Domestic Violence – New Plea Form for Use in Domestic
Violence Contempt Matters**

Date: August 24, 2021

This promulgates for immediate statewide implementation the newly created Domestic Violence Contempt and Related Disorderly Persons and Petty Disorderly Persons Plea Form, CN 12692, as approved by Judicial Council. This plea form is for use when the court accepts a plea in domestic violence contempt matters heard in the Superior Court, Family Division.

Questions regarding this memorandum should be directed to the Family Practice Division at 609-815-2900 ext. 55350.

Attachment: CN 12692 - FO Plea Form

cc: Chief Justice Stuart Rabner
Family Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Special Assistants to the Administrative Director
Amelia Wachter-Smith, Chief, Family Practice
Family Division Managers and Assistant Division Managers
Gina G. Bellucci, Family Practice
Family Division Domestic Violence Team Leaders

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or military status.



New Jersey Judiciary
Family Court Domestic Violence Contempt and Related
Disorderly Persons & Petty Disorderly Persons
Plea Form

County _____
 Prosecutor _____
 File Number _____

(If you are pleading to an indictable offense, please use the standard Criminal Plea Form - CN 10079)

Defendant's Name: _____
 before Judge: _____

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum			VCCO Assmt*
				Time	Fine		
_____	_____	_____	_____	Max	_____	_____	_____
_____	_____	_____	_____	Max	_____	_____	_____
_____	_____	_____	_____	Max	_____	_____	_____
_____	_____	_____	_____	Max	_____	_____	_____
_____	_____	_____	_____	Max	_____	_____	_____
The potential impact of this plea is:				Total	_____	_____	_____

1. a. Did you commit the offense(s) to which you are pleading guilty? ☐ Yes ☐ No
 b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? ☐ Yes ☐ No
2. Do you understand what the charges mean? ☐ Yes ☐ No
3. Do you understand that by pleading guilty you are giving up certain rights? Among these are:
 - a. The right to a bench trial in which the State must prove you guilty beyond a reasonable doubt? ☐ Yes ☐ No
 - b. The right to remain silent? ☐ Yes ☐ No
 - c. The right to confront a witness against you? ☐ Yes ☐ No
 - d. Do you understand that by pleading guilty you are **NOT** waiving your right to an appeal?
 (1) The denial of a motion to suppress physical evidence (R. 3-5-7(d)) or
 (2) The denial of acceptance into a pretrial intervention program (PTI) (R. 3:28-6(d)) ☐ Yes ☐ No
 - e. Do you further understand that by pleading guilty you are waiving your right to appeal the denial of all other pretrial motions except the following? ☐ Yes ☐ No

4. Do you understand if you plead guilty that:
 - a. You will have a criminal record? ☐ Yes ☐ No
 - b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in jail or prison, to pay the maximum fine and to pay the maximum Victims of Compensation Office Assessment Fee? ☐ Yes ☐ No

* Victims of Crime Compensation Office Assessment

4. c. You must pay a minimum Victims of Crime Compensation Office Assessment Fee of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive, \$25 if offense occurred before January 1, 1986.) If you are pleading guilty to a domestic violence offense, you must pay a \$100 Domestic Violence Surcharge. ☐ Yes ☐ No
- d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2 for each occasion when a payment or installment payment is made? ☐ Yes ☐ No
- e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? ☐ Yes ☐ No
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? ☐ Yes ☐ No
- g. You will be required to provide a DNA sample and pay for the cost of testing, which could be used by law enforcement for the investigation of criminal activity? ☐ Yes ☐ No
5. Do you understand that the court could, at its discretion, impose a minimum time in jail or prison to be served before you become eligible for release, and that this period could be as long as one half of the entire sentence imposed? ☐ Yes ☐ No
6. Do you understand that if you plead guilty of a crime or offense involving domestic violence that a condition of the sentence can restrict your ability to have contact with the victim, the victim's friends, co-workers, or relatives, or an animal - owned, possessed, leased, kept, or held by either party or a minor child residing in the household? ☐ Yes ☐ No
7. Do you understand that your guilty plea can result in the court entering an order directing the possession of an animal owned, possessed, leased, kept or held by either party or a minor child residing in the household? ☐ Yes ☐ No
8. Do you understand that when you plead guilty to a crime or offense involving domestic violence, you will be prohibited from purchasing, owning, possessing, or controlling a firearm pursuant to section 6 of P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58-3 under N.J.S.A. 2C; 25-27c(1)? ☐ Yes ☐ No
9. Do you understand that a person convicted of a second or subsequent offense of domestic violence contempt must serve a mandatory minimum sentence of at least 30 days in the County Jail? N.J.S.A. 2C:25-30 ☐ Yes ☐ No
10. Are you currently on probation or parole?
a. Do you realize that a guilty plea can result in a violation of your probation or parole? ☐ Yes ☐ No
11. Are you currently serving a jail or prison sentence on another charge?
a. Do you understand that a guilty plea can affect your parole eligibility? ☐ Yes ☐ No
12. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are currently serving a jail or prison term and the plea agreement doesn't specify otherwise, the court can require that all sentences will run consecutively (one after the other)?

13. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree

14. Specify any sentence the prosecutor has agreed to recommend:

15. Has the prosecutor agreed NOT to speak at sentencing? ☐ Yes ☐ No

16. Do you understand that you might have to pay restitution if the court finds there is a victim who has suffered a loss? ☐ Yes ☐ No

17. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job because of your guilty plea? ☐ Yes ☐ No

18. a. Are you a citizen of the United States? ☐ Yes ☐ No

If "Yes" go to question 19.

If "No", you must answer questions 18b-f.

b. Do you understand that if you are not a citizen of the United States, this guilty plea can result in your removal from the United States and/or stop you from being able to legally enter or re-enter the United States? ☐ Yes ☐ No

c. Do you understand that you have the right to get advice from an attorney about the specific effect your guilty plea will have on your immigration status? ☐ Yes ☐ No

d. Have you discussed the potential immigration consequences of your plea with an attorney? ☐ Yes ☐ No
If "Yes", have you been advised of the possible immigration consequences and of your right to seek individualized legal advice regarding immigration consequences? ☐ Yes ☐ No

If "No", would you like the opportunity to discuss potential immigration consequences with an attorney? ☐ Yes ☐ No

e. Do you still want to plead guilty? ☐ Yes ☐ No

19. a. Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are living outside the State of New Jersey at the time of sentencing, or upon entry of a guilty plea (if a guilty plea is a condition of admission to the Pretrial Intervention Program), that return to your home can be delayed pending acceptance of the transfer of your supervision by your home state? ☐ Yes ☐ No

b. Do you understand that pursuant to the same Interstate Compact, transfer of your supervision to another state can be denied or restricted by that state at any time after sentencing, or upon entry of a guilty plea (if a guilty plea is a condition of admission to the Pretrial Intervention Program), if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender? ☐ Yes ☐ No

20. Have you discussed the legal doctrine of "merger" (when a defendant commits multiple crimes within one incident, they may end up being convicted of only one criminal conviction) with your attorney? ☐ Yes ☐ No

21. Do you understand you are giving up your right at sentencing to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? ☐ Yes ☐ No

22. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else a part of this guilty plea:

23. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? ☐ Yes ☐ No

24. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you can take back your guilty plea? ☐ Yes ☐ No

25. Do you understand that if you are permitted to take back your guilty plea because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? ☐ Yes ☐ No

26. Are you satisfied with the advice you have received from your lawyer? ☐ Yes ☐ No

27. Do you understand if there is a restraining order, or any other order of the court or agreement that prohibits or limits your contact with the victim or any protected party, you MUST abide by the court order or agreement? ☐ Yes ☐ No

28. Do you have any questions about this guilty plea? ☐ Yes ☐ No

Date _____ Defendant s/ _____

Defense Attorney s/ _____

Prosecutor s/ _____

☐ This plea is the result of the judge's confidential indications of the maximum sentence that would be imposed independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.