

DOMESTIC VIOLENCE PROCEDURES MANUAL
APPENDIX LIST

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

Appendix 1

CONFIDENTIAL VICTIM "FORMATION SHEET
(DO NOT GIVE TO DEFENDANT)

Date _____
Your Information (Party Filing-Plaintiff)

Name of Police Department where you reside:

Name _____

Any Prior Names _____

Street Address _____

City _____

Zip _____

Phone(h) _____ (cell) _____

SS# _____

Birth Date _____

M _____ F _____

Race _____

Employment Information

Employer _____

Address _____

Phone _____

Days _____ Hours _____

Emergency Contact

Name _____

Phone _____

Relationship to Defendant

- Married
- Divorced
- Nevermarried
- Currently living together
- Previously lived together
- Have child(ren) with defendant
- Expecting child with the defendant
- Have had a dating relationship
- Family relationship _____ (specify)

Information of Person you're filing against (**Defendant**)

Name of Police Department where defendant resides:

Name/AKA _____

Street Address _____

City _____

Zip _____

Phone (h) _____ (cell) _____

SS# _____

Birth Date _____

M _____ F _____

Race _____

Employment Information

Employer _____

Address _____

Phone _____

Days _____ Hours _____

Other Place(s) Defendant may be reached

Defendant Identifier

Height _____ Eye Color _____
Weight _____ Hair Color _____
Complexion: Light _____ Medium _____ Dark _____
Scars, Tattoos, Glasses, Facial Hair,
Body Piercing _____
Other _____

Defendant's Vehicle (make, model, year, color, license plate#)

CONFIDENTIAL VICTIM INFORMATION SHEET

Do you and the defendant have children together?

Name DOB SS# Resides ~~with~~

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? Yes ___ No ___

Does either party require an interpreter or have other special needs? Yes ___ No ___ Describe _____

Does the defendant have a criminal history? Yes ___ No ___

Do you have a lawyer for this matter? Yes ___ No ___

Name _____ Phone _____

Incident Information

Please explain why you are seeking a restraining order? Describe Where it happened and When it happened (time, month, year)

CONFIDENTIAL VICTIM INFORMATION SHEET

Were you or anyone else injured? If so, how? _____

Were any photographs taken, by whom? _____

Was any property damaged? If so, describe _____

Did police respond? Yes ___ No ___ Which department? _____

Was anyone arrested? Yes ___ No ___ Charges _____

Were weapons used in this incident? Yes ___ No ___

Describe weapons used _____

Were any weapons taken by the police? Yes ___ No ___

Do you know what kinds of weapons were taken? Yes ___ No ___ Describe _____

Does the defendant possess/own/or live with anyone who has guns (hunting included), knives, or any other weapons? If so, what are they and where can they be found?

Any prior incidents of domestic violence, reported or unreported? (Include month, year, time)

Appendix 2

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order

TRO Amended TRO

DOCKET NUMBER **FV -** POLICE CASE #

IN THE MATTER OF PLAINTIFF (VICTIM)						PLAINTIFF'S SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		PLAINTIFF'S DOB
LAST NAME	FIRST NAME	INITIAL	AKA	SS#	DOB			
HOME ADDRESS		CITY	STATE	ZIP	HOME PHONE # ()		WORK PHONE # ()	
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.			

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	AT	BY

which constitute(s) the following criminal offenses(s): (Check all applicable boxes. Law Enforcement Officer: Attach N.J.S.P. UCRDV1 offense report(s)):

HOMICIDE TERRORISTIC THREATS CRIMINAL RESTRAINT SEXUAL ASSAULT LEWDNESS BURGLARY HARASSMENT
 ASSAULT KIDNAPPING FALSE IMPRISONMENT CRIMINAL SEXUAL CONTACT CRIMINAL MISCHIEF CRIMINAL TRESPASS STALKING

1. ANY PRIOR HISTORY OF DOMESTIC VIOLENCE REPORTED OR UNREPORTED? IF YES, EXPLAIN: YES NO

2. DOES DEFENDANT HAVE A CRIMINAL HISTORY? (IF YES, ATTACH CCH SUMMARY) YES NO

3. ANY PRIOR OR PENDING COURT PROCEEDINGS INVOLVING PARTIES? (IF YES, ENTER DOCKET NUMBER, COURT, COUNTY, STATE) YES NO

4. HAS A CRIMINAL COMPLAINT BEEN FILED IN THIS MATTER? (IF YES, ENTER DATE, DOCKET NUMBER, COURT, COUNTY, STATE) YES NO

5. IF LAW ENFORCEMENT OFFICERS RESPONDED TO A DOMESTIC VIOLENCE CALL: WERE WE AWNSSEIZED? IF YES, DESCRIBE YES NO WAS DEFENDANT ARRESTED? IF YES, DESCRIBE YES NO

6. (A) THE PLAINTIFF AND DEFENDANT ARE 18 YEARS OLD OR OLDER OR EMANCIPATED AND ARE MARRIED DIVORCED OR PRESENT HOUSEHOLD MEMBER FORMER HOUSEHOLD MEMBER OR

(B) THE DEFENDANT IS 18 YEARS OLD OR OLDER OR EMANCIPATED AND PLAINTIFF AND DEFENDANT ARE UNMARRIED CO-PARENTS EXPECTANT PARENTS OR 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: PRESENTLY; PREVIOUSLY; NEVER: RESIDED TOGETHER 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: _____
 DEPENDENT(S): _____
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: _____
 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:

- 1. TRO FRO GRANTED 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); Ongoing support for plaintiff; For dependent(s); Compensatory damages to plaintiff; Punitive damages to plaintiff; 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

- TRO denied. Complaint dismissed by Family Part.
- 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.
- TRO granted. The Court has established jurisdiction over the subject matter and the parties pursuant to N.J.S.A. 2C:25-17 et seq., 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 R. 5:7A(b) and N.J.S.A. 2C:25-28 to prevent the occurrence or recurrence of domestic violence and to search for and seize firearms and other weapons as indicated in this order.

DATE/TIME VIA TELEPHONE HONORABLE COURT / COUNTY

ALL LAW ENFORCEMENT OFFICERS WILL SERVE AND FULLY ENFORCE THIS ORDER

This ex parte 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 USCA 2265 & 2266

THIS ORDER SHALL REMAIN IN EFFECT UNTIL FURTHER ORDER OF THE COURT AND SERVICE OF SAID ORDER ON THE DEFENDANT

NOTICE TO APPEAR TO PLAINTIFF AND DEFENDANT

- 1. 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. a The final hearing in this matter shall not be scheduled until: _____

- 3. 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

4 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 N.J.S.A. 2C:29-9(b), 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.

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.

RETURN OF SERVICE

Plaintiff was given a copy of the Complaint/ TRO by:

 PRINT NAME TIME AND DATE SIGNATURE! BADGE NUMBER/ DEPARTMENT

hereby certify that I served the within Complaint ITRO by delivering a copy to the defendant personally:

 PRINT NAME TIME AND DATE SIGNATURE/ BADGE NUMBER/ DEPARTMENT

hereby certify that I served the within Complaint ITRO by use of substituted service as follows:

 PRINT NAME TIME AND DATE SIGNATURE/ BADGE NUMBER/ DEPARTMENT

Defendant could not be served (explain): _____

 PRINT NAME TIME AND DATE SIGNATURE / BADGE NUMBER/ DEPARTMENT

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.

SIGNATURE OF DEFENDANT TIME AND DATE

THE COURTHOUSE IS ACCESSIBLE TO THOSE WITH DISABILITIES. PLEASE NOTIFY THE COURT IF YOU REQUIRE ASSISTANCE.

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

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 (**"ON"**) and the time ("**AT**"), the offense and what Def. did (the "**BY**")

- EX: "ON**5/18/01**, A T 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, "6/99, **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 "mother/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 "plaintiffs 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 "TRO 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 re-fax page 4 later with service info whenever **Def** is served. TRO must also be faxed to the town where Defendant lives for service, if different.

NOTE: SERVICE OF FRO - 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)

Appendix 3

Family – Domestic Violence Hearing Officer Program Standards

Directive #16-01
Issued by:

December 14, 2001
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

VH 1 r # 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 t a i r # 3: l i m i t e

- 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 d #4: F: and S ff 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

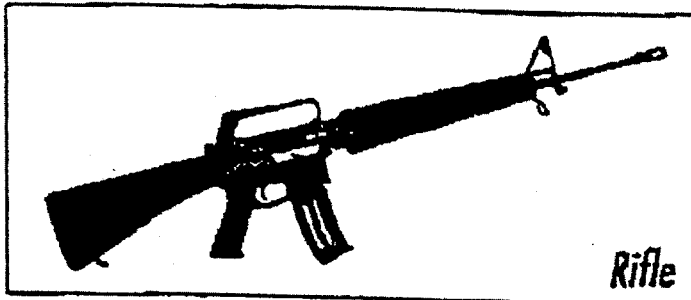
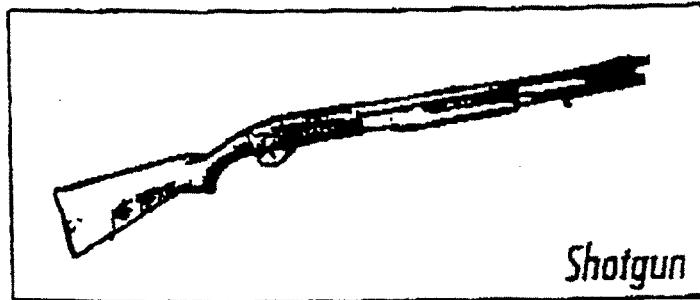
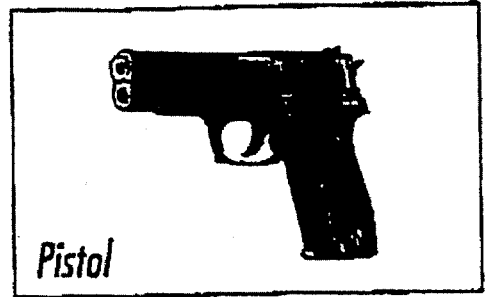
Oath administered and witnessed by:

Hearing Officer

Date: _____

Appendix 4

AID IN IDENTIFYING FIREARMS



Appendix 5



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> <input type="checkbox"/> Victim cannot be identified or is a government agency <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 <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 <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. <input type="checkbox"/> Time & date of court hearing, if applicable, in which court may consider defendant's bail status: _____

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

- **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.

*Procedure when
victim cannot be
immediately
located*

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 (RC/ERCO) domestic violence. *(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)

Appendix 6

SUMMARY OF ELECTRONIC FILING OF
DOMESTIC VIOLENCE COMPLAINTS
AND TEMPORARY RESTRAINING
ORDERS PILOT PROGRAM

The goal of the pilot program is to increase efficiency in the filing of Domestic Violence complaints and temporary restraining orders (TROs) after court hours. In municipalities not operating under the pilot project, a complainant may seek the assistance of a police officer at a police station to file a domestic violence complaint and request a TRO after court hours. Once the complaint is drafted and signed by the complainant, the police officer contacts the Municipal Court or Superior Court Judge via telephone. The judge swears in the complainant, directs the police officer to draft the TRO and authorizes the police officer to print the judge's name on the TRO. The complaint and TRO are faxed to the family Division manager's office, and the police station retains the original copy of the documents. The court, upon receipt of the faxed complaint and TRO, must manually enter the information in the Judiciary's Family Automated Case Tracking System (FACTS).

The pilot program modifies the preceding procedure for filing domestic violence complaints and TROs after court hours at a police station. Under the pilot program, the complaint and TRO is entered electronically into a personal computer at the police station by a police officer. The police officer enters the complainant's name electronically on the complaint in lieu of the complainant's signature. In addition, after taking sworn testimony via telephone, the judge may direct the police officer to electronically enter his name in lieu of the judge's signature on the TRO. The electronic complaint and TRO are immediately enforceable. The police station prints out and retains a copy of the complaint and TRO and transmits the documents to a server that is interfaced with the Judiciary's mainframe computer. The interface allows the complaint and TRO to be automatically entered into FACTS, including the automatic update of the Domestic Violence Central Registry. The Municipal Court or Superior Court judge must subsequently sign a confirmatory order.

Thus, the electronic transmission of the complaint and TRO eliminates the need for the police officers to fax the documents to the Family Division manager's office, which is otherwise required by the D V Procedures Manual. It also eliminates the need for Family Division staff to enter the faxed information into FACTS. The expected pilot program results will be increased efficiency and staff convenience in processing complaints and TROs.

Appendix 7

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

DOCKET NO.:FV - ____ - _____

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

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

Appendix 8

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

DOCKET NO.: FV-____ - _____

Plaintiff
:
Vs.
:
:
:
:

Defendant
:

APPLICATION FOR APPEAL
AND ORDER

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

Defendant signature

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 _____, 200__ 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

Appendix 9

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

DOCKET NO.: FV- _____ - _____

Plaintiff	:	
	:	CONTINUANCE ORDER
	:	
Vs.	:	
	:	
	:	
	:	
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.

The Temporary Restraining Order is further amended as follows:

_____, 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
------------	---------------	-------------------------------

Appendix 10



STATE OF NEW JERSEY
PREVENTION OF DOMESTIC VIOLENCE ACT

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 SSN#

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
3. You are prohibited from having any oral, written, personal, electronic, or other form of contact or communication with: Plaintiff Others
4. You are prohibited from making or causing anyone else to make harassing communications to: Plaintiff Others
5. You are prohibited from stalking, following, or threatening to harm, to stalk or to follow: Plaintiff Others
6. You must pay plaintiff dependant(s) emergent monetary relief (describe amount and method):
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

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

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 VCCB, 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.**

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:
I hereby certify that I served the within Order by delivering a copy to the defendant personally:
I hereby certify that I served the within Order by use of substituted service as follows:
Defendant could not be served (explain):

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

Appendix 11

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.

Appendix 12

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.**

Appendix 13

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

Appendix 14

VICINAGE

DOCKET NO. FV-

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 must be dismissed in municipal 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
 - The Court having determined that the plaintiff's allegation of domestic violence has not been substantiated.
 - 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

Appendix 15



VISITATION RISK ASSESSMENT INTERVIEW SHEET

TRACKING INFORMATION

PERSON INTERVIEWED		DATE	ASSESSOR
<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT <input type="checkbox"/> CHILD(REN)			
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: _____

Large empty rectangular area for additional notes or details.



VISITATION RISK ASSESSMENT SUMMARY SHEET

CASE NAME					
DOCKET NUMBER	YES	NO	UNDET.*	DOCUMENTS	
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

CASE NAME	DOCUMENTS				
DOCKET NUMBER	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

Appendix 16

PREPARED BY THE COURT

-----:
:
:
Plaintiff, :
:
vs. :
:
:
Defendant. :
:
:
-----:

SUPERIOR COURT OF NEW JERSEY
Chancery Division – Family Part
County of _____

Docket No.:

Civil Action
PROTECTIVE ORDER

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:

- Home Inspection Report
Social Investigation Report
Psychological Report
Psychiatric Report
Risk Assessment
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.

Appendix 17



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.

Seizure of Weapons from Municipal and County Law Enforcement Officers

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.

Seizure of Weapons from Municipal and County Law Enforcement Officers

- 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 recommendation 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

Seizure of Weapons from State Law Enforcement Officers

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
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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.