

**4<sup>TH</sup> Edition**

ow do I know if I am a victim of domestic violence under this law? Should I call the police? Will anyone be arrested? What if a weapon was used during an act of domestic violence? What should I do if I have a restraining order and my abuser still doesn't leave me alone? What if the police don't come fast enough or the other party is not detained? What legal remedies can I seek if I have been a victim of domestic violence? What is a civil complaint? How can I get a temporary restraining order? How long will I have to wait to see a judge? Will I have to go back to the court at any time? How do I file a criminal complaint? Will I have to testify? Will I need a lawyer to handle these procedures? How do I know if I am a victim of domestic violence under this law? Should I call the police? Will anyone be arrested? What if a weapon was used during an act of domestic violence? What should I do if I have a restraining order and my abuser still doesn't leave me alone? What if the police don't come fast enough or the other party is not detained? What legal remedies can I seek if I have been a victim of domestic violence? What is a civil complaint? How can I get a temporary restraining order? How long will I have to wait to see a judge? Will I have to go back to the court at any time? How do I file a criminal complaint? Will I have to testify? Will I need a lawyer to handle these procedures? How do I know if I am a victim of domestic violence under this law?

# **DOMESTIC VIOLENCE**

## **THE LAW AND YOU**



**A New Jersey State Bar Foundation Publication**

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Publications geared for the public include *Law Points for Senior Citizens, Consumer's*

*Guide to New Jersey Law, AIDS and the Law in New Jersey, Disability Law: A Legal Primer, Avoiding Notario Fraud in New Jersey, and Residential Construction and Renovation: A Legal Guide for New Jersey Homeowners*. School-based publications available through the Bar Foundation include *The Bill of Rights Up Close, Beyond the Bill of Rights*, as well as our subscription-based publications—*The Legal Eagle*, a legal newspaper for kids, and *Respect*, a diversity newsletter. Some publications are available in Spanish, and all are available in alternative formats for the visually impaired.

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*Domestic Violence: The Law and You* is intended as a guide for victims of domestic violence and does not constitute legal advice. The booklet was reviewed in 2021 and reflects laws in effect at that time.

You have a legal right to be free from physical harm, abuse and threats in your personal domestic life. The New Jersey law that offers you this protection is called The Prevention of Domestic Violence Act, which was last amended in 2016 and is considered to be the strongest in the country. If you live in fear for your personal safety, you should know what actions you can take and what legal remedies are available to you. This booklet is designed to give you that information.

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# THE LAW: THE PREVENTION OF DOMESTIC VIOLENCE ACT

The Prevention of Domestic Violence Act applies to a person 18 years of age or older or a person who is an emancipated minor\* that has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member. A “victim of domestic violence” also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child, or with whom the victim anticipates having a child. “Victim of domestic violence” also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

This means you are a victim of domestic violence if you or the abuser are the parents of any children, whether or not you have ever lived together; you are pregnant with the abuser’s child; you and the abuser now live together or have lived together in the past; or you and the abuser now have or did have at one time, a dating relationship.

You and the abuser do not have to be married or be in a romantic relationship. An abuser can be a family member, your gay or lesbian partner, your roommate, your caretaker, or any other adult who lives with you now or has lived with you.

You can also be a victim of domestic violence if you are an elderly or disabled person and the abuser is a spouse, dating or live-in partner, or any other household member, including a caregiver.

*\*Emancipated minor is a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.*

## How do I know if I am a victim of domestic violence under this law?

You are a victim of domestic violence if you have experienced any of the following from a person who is over the age of 18 or an emancipated minor:

1. beatings or physical attacks such as kicking, slapping, punching, pushing, hair pulling, or any other physical attack in any other way that causes you harm or fear of harm;
2. threats that make you fear serious injury to yourself or your children (example: “When I come home I’m going to kick you, punch the kids, hurt you.”);
3. threats that make you fear for your life (example: “If you don’t do what I tell you to do, I’m going to kill you.”);
4. imprisonment within your own home or at another location (example: A person locks you in your home, in a room, in a closet, in an automobile, for any period of time);
5. kidnapping (example: You are taken against your will from your home, place of business, or anywhere else and not permitted to leave.);
6. sexually assaulted where you are forced to have sexual contact or raped under threats of harm to yourself or someone else. This can also include unwanted sexual touching or if the perpetrator exposes their genitals.;

7. damage to your personal property;
8. forced entry into your home, with or without a weapon with the intention of committing a crime;
9. theft of your personal belongings;
10. threats against you with a weapon such as a gun, knife, machete, baseball bat, or any other object that you feel can harm you;
11. repeated verbal humiliation and attacks (example: A person calls you obscene names, or calls you stupid, ignorant, dumb, ugly, or other disrespectful names);
12. stalking you by actions done more than one time that include maintaining you in their sight, repeatedly being in physical proximity to you, repeatedly conveying verbal or written threats or threats implied by their actions, or all of these actions, and these actions cause you to fear bodily injury to you or a member of your family or to fear the death of you or a member of your family;
13. if the person who chooses violence purposely, knowingly or recklessly causes the death of someone you care about attempts to cause your death;
14. flagrantly lewd or offensive acts such as exposing oneself, which would reasonably be expected to offend, embarrass, or alarm you;
15. with the intent to harass, communicating online to threaten physical harm to you or your property; knowingly sending, posting, commenting, etc., any lewd material to or about you with intent to cause emotional harm; or threatening to commit any crime against you or your property;
16. purposefully or knowingly violating any Domestic Violence Restraining Order.

*\*\*If the person who has committed the above acts against you is a minor and not emancipated, their actions should be reported to the police and a criminal complaint filed.*

### **Do I need a Final Restraining Order for protection against future acts of violence?**

Of course, it is always the decision of the survivor to decide whether or not they need a restraining order for their protection and they can confer with an advocate from a domestic violence service provider. Nevertheless, a Final Restraining Order may be necessary for the protection of the survivor if:

- The person choosing violence has committed acts of domestic violence against you in the past (even if the incidents have not been reported); OR
- The current act of domestic violence is particularly serious; OR
- The facts show that the pattern or substance of the abuser's behavior requires a court order to prevent future abuse.

# THE POLICE

## Should I call the police?

If an act of domestic violence has been committed, you may call your local law enforcement for assistance. Whether the police should be called is entirely up to the survivor.

Domestic violence is a serious crime and if you decide to call the police, they must respond to your calls—no matter how many times you call them. You have the right to be protected by the law and the police are required to provide that protection. Under the Prevention of Domestic Violence Act, it is the primary duty of the police officer who responds to a domestic violence call to enforce the law and to protect the victim. The law requires that all law enforcement officers, and judicial personnel receive training in domestic violence.

The police are required by law to help you and to give you information about your rights. Among other things, the police must write a report. They should advise you of your rights to file a criminal complaint and/or to obtain a restraining order. Be sure to tell the officer all the details and be sure to get the officer's name and badge number. Read the report carefully and correct any mistakes. You can request a copy a few days after reporting the incident.

## Will anyone be arrested?

A police officer must arrest the person you state perpetrated the acts of domestic violence against you, even if you do not want them arrested and even if you do not want to file a complaint against the person who committed these acts, if:

1. you exhibit any signs of injury;
2. the perpetrator has violated a previous Domestic Violence Restraining Order;
3. there is probable cause that a weapon has been involved in the commission of the act of domestic violence; or
4. there is a warrant for the abuser's arrest on any other charge.

Police officers may arrest the person who committed the act of domestic violence against you if you exhibit no visible signs of injury, but you have told them what happened and have advised them that an injury has occurred. The injuries could be internal and painful, or the injury could be on an area of your body that you do not feel comfortable exposing to an officer.

If you act with reasonable force to protect yourself from the attacker, and you and the attacker both show signs of injury, you should not be arrested or charged with a domestic violence offense. The officer at the scene should consider the nature and extent of the injuries, along with any previous history of reported domestic violence incidents.

It is very important for you to tell the police officer if weapons were used to injure you or threaten you, and where the weapons are located. Even if weapons were not used in this incident, it is important to tell the police about any weapons the abuser may have.

It is very important for you to tell the police officer what happened, what your injuries are

and if there were previous acts of domestic violence against you by your attacker or previous reports of attacks, or if there is a Domestic Violence Restraining Order already in place.

### **What if a weapon was used during an act of domestic violence?**

If a police officer at the scene has reason to believe a weapon was used during an act of domestic violence, the officer must arrest the suspect and seize any weapons on the premises that could expose you to further harm. The officer must also sign a criminal complaint in this instance.

Seized weapons are turned over to the county prosecutor's office. If the prosecutor does not institute a legal action within 45 days to retain the weapon(s) seized, they may be returned to the owner.

### **What should I do if I have a restraining order and my abuser still doesn't leave me alone?**

If you have a Domestic Violence Restraining Order and your abuser violates the terms (example: mails a letter to you or has someone else deliver a letter to you; calls you on the phone; appears at your place of work, home, school or restaurant where you are eating, and does not immediately leave upon seeing you), call the police immediately. Have your copy of the restraining order ready to show the police. Your abuser can be arrested and jailed. You have the right to call the police as many times as you need to when you are in danger from your attacker, whether or not you have a Domestic Violence Restraining Order.

If you do have a Domestic Violence Restraining Order, it is very important for you to have a copy of it and always keep it with you.

### **What if the police don't come fast enough or the other party is not detained?**

You should develop a safety plan when dealing with a violent person. You should have access to a phone at all times. Carry a cell phone if possible. If you don't have a phone, try to establish a relationship with a neighbor or relative who will call the police for you when you need help. Consider setting up a code word with them to alert them that you need help in case the police do not respond quickly enough. Remember you are not alone. It is imperative that you tell a neighbor or relative about the violence for your protection and the protection of your children in the event that the police do not come or do not come fast enough.

If the police are taking too much time to respond and you remain in danger, call your local domestic violence hotline (1-800-572-SAFE). A worker for the domestic violence hotline can put you on hold while someone calls the police and advocates on your behalf to respond quickly to your situation.

You should have a safety plan in the event that the police do not come quickly or the harm doer is not detained. A domestic violence organization would be able to provide specific safety plans. If all else fails, draw on your own resourcefulness either to escape the danger or attract attention by screaming for help or setting off the security alarm.

**Remember:** You have the right to be protected by the law and the police are required to provide that protection. These provisions of the law are designed to prevent further acts of domestic violence.

# THE LEGAL PROCESS

## What legal remedies can I seek if I have been a victim of domestic violence?

You have the right to file a civil complaint under the Prevention of Domestic Violence Act, along with a criminal complaint. Both complaints should be filed for your protection since the civil complaint is designed to protect you and the criminal complaint is designed to punish the abuser.

**Remember:** It is the decision of the survivor as to what remedies, if any, they would like to pursue.

## What is a civil complaint?

In a civil action you are asking the court to resolve a conflict between you and the person abusing you. You are not asking the court to punish that person for breaking the law. One of the protections available to you in a civil action is a civil restraining order.

## What is a civil restraining order?

A civil restraining order is a legally enforceable document that, among other things, limits the physical contact between you and the person abusing you. When you first sign a complaint for a restraining order, and if you meet all the criteria under the Prevention of Domestic Violence Act, you will receive a Temporary Restraining Order (TRO). The abuser will not have to be present for you to obtain the TRO. Within approximately 10 days of obtaining the TRO you will be required to appear for court at a hearing, either virtually or in-person, and tell the judge what happened to cause you to sign the complaint against your abuser. The judge will decide whether or not to grant you a Final Restraining Order. The abuser will be present during this hearing, but sheriff's officers will protect you.

## How can I get a temporary restraining order (TRO)?

Between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday, call or go to the court clerk in the Family Part of your county's Superior Court at a county courthouse and tell a court employee that you are there to file a TRO. Prior to the Covid-19 Pandemic, temporary restraining orders could only be obtained in person. During the pandemic and for the foreseeable future, you can call your local courthouse domestic violence unit and file for a temporary restraining order over the telephone during regular business hours (M-F 8:30 a.m.–3:30 p.m.). After business hours and during weekends the police departments can assist with filing for a temporary restraining order. If in person, a family court intake employee will give you papers to fill out and ask you to describe what happened during the most recent domestic violence incident. You can ask if there is someone there who can assist you in preparing the papers, which contain a complaint and statement against your abuser. Ask the intake person to explain what will happen when you go into the courtroom.

If the courthouse is closed (after hours, weekends or holidays) you must go to your police department to obtain a TRO through a municipal court judge. Make sure that the police officer calls a Domestic Violence Response Team (DVRT) to meet you at the

police station. The DVRT member will provide you with resources and information to help you begin the process of getting a restraining order, clinical services, or other help you may need. The police usually take the information for the complaint and call the judge to advise what has occurred. The judge may wish to speak to you on the phone. The judge will then issue a TRO if they think you are in danger.

*NOTE: The procedures outlined in the above two questions were put in place during the COVID-19 pandemic. These procedures may or may not be made permanent by the courts.*

### **Who issues a temporary restraining order?**

A TRO must be issued by a Domestic Violence Hearing Officer or by a judge from the municipal court or a judge from the Family Part of a Superior Court.

If you are denied a TRO by a municipal court judge, you may immediately reapply (8:30 a.m. to 3:30 p.m., Monday through Friday) to the Family Part of the Superior Court based upon the same incident of domestic violence.

### **Where must I file for a temporary restraining order?**

You may file in the county where the domestic violence occurred, where you live, where the abuser lives or where you are sheltered.

### **What do I put in the complaint?**

It is very important that you carefully read each part of the complaint before completing it. You must list all facts of the incident that happened that made you file the complaint. For example, facts like: “hit; punched; threatened to kill me; cursed; pulled hair; burned with cigarettes; threw chair, knife, fork at me; followed me to work, home, school, store” should be included, if they happened.

If the abuser used a weapon to hurt, or attempt to hurt, you include this in the complaint.

It is also very important to include previous acts of violence/abuse against you in the complaint. Something else to include is if the abuser has a criminal history or if they have been arrested previously.

Under the section marked “Relief” read the requests carefully and then check or tell the intake worker to check the box that states what you want from the court. For example:

- That the abuser’s weapons be seized.
- That the abuser is temporarily forbidden to have contact with you, your children, your relatives, and other people you identify as being at risk.
- That the abuser is temporarily forbidden to enter the location where the violence happened and the home you share with them.
- That you are granted sole possession of the home you shared with the abuser. That you are granted temporary sole custody of the children.
- That the abuser temporarily supports you and your children.

- That you have temporary possession of a car, a key to the car and residence, a health insurance card, a checkbook, passport for yourself and your children, immigration documents, birth certificates, or other things you might need.
- That the abuser has either no visitation with the children or supervised visitation.
- That a risk evaluation be conducted before any visitation is ordered by the court if the children have been abused by the abuser.
- That the abuser pays you for any losses, such as moving expenses, lawyer's fees, medical bills, lost wages, or money spent to repair damage to your property.
- That the abuser pays for your pain and suffering.
- That the abuser be ordered to go to psychological counseling, counseling for substance abuse (alcohol/drugs) with a counselor who is a certified domestic violence counselor.

The intake worker or domestic violence advocate will assist you in completing the complaint. If there is no one to help you, you can fill it out yourself, but read it carefully to make sure you don't miss anything.

You will need the name and address of the abuser, and a description, along with his date of birth, social security number and the name and address of his employer if you know them. This information is necessary so the complaint can be served to the abuser.

#### **Can I get a restraining order if I am sick and confined to bed, or if I have a physical or mental disability?**

Yes. A judge may issue a TRO upon sworn testimony over the phone or a complaint of a legal guardian for a person who is physically or mentally incapable of filing.

#### **How long will I have to wait to see a judge?**

There is no way to tell how long it will take for you to see a judge on any particular day. Go to the courthouse as early as possible. You may have to spend an entire work day at the courthouse, so notify your employer beforehand. Be prepared in the event your wait is a long one. Arrange for a safe place for your children to stay while you are in court.

#### **What will I have to do when I file for my TRO through the police?**

The police will help you file a written complaint that explains what happened. The police officer will call a judge and read your complaint. The judge should speak with you, and perhaps ask you a few more questions, before he or she decides whether or not to issue a TRO on your behalf.

If your TRO is denied, call the hotline of your local domestic violence program for other options that are available to you. You are entitled to a review of this denial by a Superior Court judge. If you are denied a TRO and continue to feel unsafe at home, the domestic hotline can help make arrangements for you to stay in a safe place.

#### **What happens if I receive a temporary restraining order at the courthouse or through the police and the municipal judge?**

A TRO is a legal document. It will contain the orders of the judge. You will receive

either a paper copy or an electronic copy that you are to keep in your possession at all times. The police department receives a copy, the court receives a copy, and the defendant must be served with notice that they are not allowed to have contact with you until the court schedules another hearing, usually within 10 days. At this second hearing, you and the abuser will have a chance to testify. The judge will consider both testimonies before issuing a Final Restraining Order.

### **What happens after I file the complaint and papers with the court and get a TRO?**

The sheriff of your county will attempt to serve the abuser at the places you have indicated they will be. The abuser must be served with papers so they know to stay away from you and your children and others you have included in your complaint.

### **Will I have to go back to the court at any time?**

Within 10 days of the date of the TRO you will have to appear in court for the final hearing. The abuser may also be in court at this time, and the judge will give them a chance to tell their side of the story. There will be protection for you in the courtroom and in the courthouse. If you are fearful because the abuser is there, tell the court officer. If you need an escort out of the courthouse because you are afraid of the defendant, ask the court officer to get a sheriff's officer to escort you.

If the abuser does not appear in court at the final hearing, the judge may still grant the Final Restraining Order (FRO) after hearing the survivor's testimony, as long as there is proof that the abuser has been served notice of the hearing. If there is no proof that the abuser has been served, then the judge may issue an Indefinite TRO. An Indefinite TRO gives you as much protection as an FRO. If the abuser is ever served with the TRO, the court will notify you to appear for an FRO hearing and you must go to court.

### **Do I have to go back to court if I choose to dismiss the civil complaint?**

YES. If you want to dismiss the civil complaint, you must go to court, whether in person or virtually, [due to COVID restrictions] on the scheduled hearing date. You will be asked to explain your reasons for wanting to dismiss the complaint. The judge will want to know that you are doing this without threats or pressure from someone else. If the judge is convinced that this is your own decision, the complaint will be dismissed.

### **What will I need to bring with me to court?**

At the time of the final hearing, you should bring proof of the amount of money you need from the defendant as support if they have an obligation to support you. Proof includes: cancelled checks or a lease or other documents that show the amount of your rent or mortgage, utility bills, the latest income tax returns or pay stubs and any other information to prove how much money you need from the abuser.

### **Do I have to speak at the hearing?**

At the final hearing you will tell the judge what the abuser did to you that caused you to file for a TRO. You will tell the judge if the abuser hit you, punched you, kicked you,

pushed you, etc. If you are afraid of the abuser, you will tell the judge this and why you are fearful. You will tell the judge about other times when the abuser hurt you or made you afraid or threatened you in any way. You must not be afraid of the judge because they are there to help you and to keep you safe from harm.

You will also tell the judge how much money you will need for support from the abuser if they have an obligation to support you and your children. You will show the judge the proof of how much you need for housing and food and other things for you and your children. Other items that might be mentioned are health maintenance and auto insurance.

### **What steps do I take after I receive a final restraining order?**

You will receive a copy of the Final Restraining Order (FRO) after the hearing. It is important to keep a copy of the FRO with you at all times. It is important that you also do the following:

- Review the order before you leave the courtroom. If something is wrong or missing ask the court clerk to correct the order before you leave.
- Make several copies of the order to leave in safe places in case you need them. Keep one at your job, one at your home, one at your children's school, babysitter or day care program.
- Give a copy to a neighbor that you trust.
- Give a copy to friends or relatives who are named and protected in the order.
- Make sure your local police have a copy of the order.
- Give a copy to the security guard where you live or work.
- Change your locks as soon as possible.
- Change your phone number if possible, or block the defendant.

### **Do I also have the right to file a criminal complaint if I choose?**

YES. A criminal complaint accuses the abuser of committing a crime. The New Jersey Prevention of Domestic Violence Act lists acts that are considered to be crimes against the victim. They are:

1. Homicide
2. Assault (both simple assault and aggravated assault)
3. Terroristic Threats
4. Kidnapping
5. Criminal Restraint
6. False Imprisonment
7. Sexual Assault
8. Criminal Sexual Contact
9. Lewdness
10. Criminal Mischief
11. Burglary
12. Criminal Trespass

13. Harassment
14. Stalking
15. Cyber-harassment
16. Criminal Coercion
17. Robbery
18. Contempt
19. Other crimes involving risk of death or serious bodily injury

*NOTE: The police also have the right to file criminal charges against the abuser, even if it is against the survivor's wishes. The purpose of criminal charges is to hold the abuser criminally liable for the abuse, thus if the police observe that a survivor has been injured, they should arrest the abuser regardless of the wishes of the survivor.*

### **Should I file criminal charges if I have already filed for a restraining order and received this protection?**

You can discuss the issue of whether to file a criminal complaint against your abuser with a domestic violence advocate; however, you should make your own decision. You have been the victim of a criminal act by someone with whom you have or once had a relationship. Regardless of their relationship to each other, no person is permitted to commit a criminal act against the other. The Prevention of Domestic Violence Act was enacted to protect you. It is your right to use the law.

### **How do I file a criminal complaint?**

You usually begin the process at your police department or your local municipal court. From this point, the process is different, depending on the crime and the county where the crime has taken place. In some cases, the police will issue a warrant for arrest. In other cases, a court summons will be issued.

The case will either proceed through the municipal court system or be handed over to the county prosecutor's office. A case screening may be scheduled. If you receive notice about a case screening, make sure you call the phone number on the notice the day before the scheduled screening to find out what has happened to your charges. Sometimes charges will be reduced, depending upon the evidence in the case. It is important to keep in touch with the prosecutor's office or municipal court and provide whatever they need to resolve your case.

**REMINDER:** Criminal complaints and violations of a restraining order complaints must be filed and prosecuted in the county where the offense took place. This is different than the filing for a civil restraining order. Civil restraining orders can be filed in several different places: where you live or are sheltered, where the abuser lives or where the domestic violence took place.

### **Is there anything I need to do if I file a criminal complaint?**

All criminal cases require evidence. That is why it is important for you to document any physical or emotional injuries you have suffered at the hands of the attacker. For example,

if the attacker has given you a black eye, take a photograph of your black eye. It would also help if you tell a medical professional, either your private doctor or someone in a hospital clinic or emergency room, how you received this injury or why you have become so emotionally upset. If you receive welfare assistance, or if your family is working with the Division of Youth and Family Services, tell your social worker what happened. You can also call your local domestic violence hotline if you need help and support. (See the Helpful Contact Information section listed in this booklet.)

**REMINDER:** If you are physically injured, ask the doctor or nurse to document your injury, how it happened, and to include photos of your injury in your medical record. These records may be useful to you if you choose to take legal action. Even if you choose not to file criminal charges at that time, it is still important to have a record of what was done to you.

### **If I file criminal charges, what can I expect before the case goes to trial?**

After you have filed criminal charges, the abuser will probably be released from custody depending on the severity of the charges. In 2017, the state of New Jersey shifted from a system that relies principally on bail as a condition of release to a risk-based system. This new system has created a presumption of release as opposed to detention. According to the law, if the court releases the abuser (the defendant) the court may require them to follow certain rules such as a curfew, house arrest, restriction on travel, and no contact with the survivor.

This also includes prohibiting the defendant from entering your home, place of work or school, or harassing you or your relatives.

If you and the abuser are living together, the judge releasing the defendant may allow them to return home to pick up personal belongings. Ask the judge to limit the time the defendant can stay and ask that a police escort supervise them while there. The court clerk, or your lawyer if you have one, must give you a copy of this bail order. Keep it in a safe place. You may need it if the defendant does not obey the bail order. If the abuser is released on bail, you have the right to be notified of this release. Law enforcement authorities will attempt to notify you of the release.

### **Will I have to testify?**

Most likely you will have to testify. A court hearing will be scheduled as soon as possible on your charges. If the defendant is found guilty, the judge will sentence them. This is called a sentencing order. The sentence will depend on the facts in the case. In addition, as part of the sentencing order, the judge may require the defendant to get professional counseling.

### **What happens if a bail order or sentencing order is not obeyed?**

If the abuser does not obey the terms of the sentencing order, they will be held in contempt of that order and can be arrested. Call the police if a violation occurs. Have your copy ready to show the police when they arrive.

## **Will I need a lawyer to handle these procedures?**

The New Jersey Prevention of Domestic Violence Act was written so you can do everything yourself, which is called “pro se” in legal terms, however, legal representation will assist you in presenting your case. Legal representation is particularly important if you are considering a divorce because of an abusive and threatening marital relationship. You may contact a lawyer through your county legal services office or county bar association lawyer referral service. Also, your local domestic violence program may know of lawyers with particular expertise in domestic violence.

## **BE PREPARED FOR EMERGENCIES**

If you have experienced abuse, or if you fear the threat of abuse, you may want to be prepared in case it is necessary for you and your children, to leave home quickly. Here are some basic steps you can take beforehand:

- Pack a suitcase with a change of clothes for yourself and your children, along with some personal articles such as a comb, toothbrush, etc. Also include an extra set of car keys, money, personal papers such as Social Security cards or numbers, your driver’s license, marriage certificate, any restraining orders, documentation of car ownership, plus any savings and checking account books. Store the suitcase in the home of a friend or neighbor, at work, or hide it in your house where it won’t be found by anyone and where you can get to it easily.
- Make a list of names and telephone numbers of police, friends, family, local shelters or your employer in case your phone is lost, stolen or broken during an incident. Keep this list at work and in the suitcase.
- Plan for transportation to a safe place.
- PLAN AHEAD. You can get advice and counseling from the domestic violence program nearest you. (Numbers for shelters in all 21 counties are listed in this booklet.) You may also call 1-800 572-SAFE for a toll-free hotline, which is bilingual and accessible for people who are deaf or hearing impaired. This hotline is accessible 24 hours a day, 7 days a week. It is also TDD accessible.
- Domestic violence programs offer various services, including emergency shelter, court advocacy, counseling, crisis hotlines, children’s programs, support groups, short and long-term housing and referrals. Make sure you are in a safe place when you call for help and guidance.
- Sometimes the abuse and the violence will get worse after you take some protective action like calling the police or going to a shelter. Be aware that this can happen. Proceed with safety in mind, whatever you choose to do.
- IF YOU NEED IMMEDIATE HELP, CALL THE POLICE OR 911. (911 calls are recorded and can be used as irrefutable evidence in trials.)
- If you would like to consult a lawyer and don’t know how to find one, contact your local county bar association’s lawyer referral service. Look under “Lawyer Referral

Service” in the yellow pages of your phone book. They may charge a small fee for a short consultation. You can also contact your county’s legal services office or the LSNJ legal hotline at [LSNJLAWHOTLINE.org](http://LSNJLAWHOTLINE.org) or 1-888-576-5529. It is a good idea to obtain these numbers in advance. Keep them with you in your wallet or in a small address book.

### **Address Confidentiality Program (ACP)**

New Jersey has established a statewide program for domestic violence survivors whereby they can use as their address a PO box that is maintained by the state. Survivors can contact their county’s domestic violence program to complete an application. The ACP will review the application and issue an ACP authorization card. For more information, please contact the ACP at 877-218-9133 or you can find information about this program by visiting the New Jersey Coalition to End Domestic Violence online at [njcedv.org/privacy-confidentiality](http://njcedv.org/privacy-confidentiality).

# HELPFUL CONTACT INFORMATION

**Domestic Violence Hotline:** 800-572-SAFE (7233)—(statewide, confidential, bilingual, TDD-accessible) | Website: nj.gov/dcf/women/hotlines

**Women's Referral Center Hotline:** 800-322-8092 (24 hours)  
Website: nj.gov/dca/divisions/dow/programs/wrch.html

**Victim of Crimes Compensation Board Hotline:** 800-242-0804

**New Jersey Coalition to End Domestic Violence:** 609-584-8107  
Website: njcedv.org

**New Jersey Coalition Against Sexual Assault (NJCASA) Sexual Assault Hotline:** 800-601-7200 or 609-631-4450 | Website: njcasa.org

**New Jersey Division on Women:** 609-888-7164 | Website: nj.gov/dcf/women

**State Office of Victim Witness Advocacy (SOVWA):** 866-326-7207 or 609-376-2438  
Website: njvw.org

**Division on Civil Rights:** 609-292-4605

**Office on the Prevention of Violence Against Women (OPVAW):** 609-292-8840  
Website: state.nj.us/dca/divisions/dow/offices/opvaw.html

**Legal Services of New Jersey (LSNJ):** 888-576-5529 | Website: lsnj.org

**Partners (formerly Partners for Women and Justice):** 973-233-0111 or 732-535-6318  
Website: partnersnj.org | Email: gethelp@pfwj.org

# DOMESTIC VIOLENCE SERVICES (by County)

## **Atlantic County**

Atlantic County Women's Center  
Violence Intervention Program (VIP)  
24-hour hotline: 609-646-6767  
Tollfree: 800-286-4184  
Hearing Impaired: 609-569-5437

## **Bergen County**

Center for Hope and Safety  
24-hour hotline: 201-944-9600  
Hearing Impaired: 201-836-3071  
Alternatives to Domestic Violence  
24-hour hotline: 201-336-7575

## **Burlington County**

Providence House  
24-hour hotline: 609-871-7551  
Toll Free: 877-871-7551

## **Camden County**

Camden County Women's Center  
24-hour hotline: 856-227-1234

## **Cape May County**

CARA, Inc.  
(Coalition Against Rape & Abuse, Inc.)  
24-hour hotline: 609-522-6489  
Tollfree: 877-294-CARA (2272)

## **Cumberland County**

SERV/CCWC  
24-hour hotline: 800-225-0196

## **Essex County**

Babyland Family Violence Program  
24-hour hotline: 862-438-8045  
Hearing Impaired: 862-438-8999

## The Safe House

24-hour hotline: 973-759-2154

## The Rachel Coalition of Jewish Family Service

24-hour hotline: 973-740-1233

## **Gloucester County**

SERV  
24-hour hotline: 856-881-3335  
866-295-7378

## **Hudson County**

Women Rising, Inc.  
Battered Women's Program  
24-hour hotline: 201-333-5700

## **Hunterdon County**

SAFE in Hunterdon  
24-hour hotline: 908-788-4044  
Tollfree: 888-988-4033

## **Mercer County**

Womanspace, Inc.  
24-hour hotline: 609-394-9000  
Hearing Impaired: 609-619-1888  
State hotline: 800-572-SAFE (7233)

## **Middlesex County**

Women Aware, Inc.  
24-hour hotline: 732-249-4504

## Manavi, Inc.

Phone: 732-435-1414

**Monmouth County**

180 Turning Lives Around  
24-hour hotline: 732-264-4111  
Tollfree: 888-The-WCMC (888-843-9262)  
Hearing Impaired: 732-264-3089

**Morris County**

Jersey Battered Women's Services, Inc.  
(JBWS)  
24-hour hotline: 973-267-4763  
Hearing Impaired: 973-314-4192

**Ocean County**

Providence House-Ocean  
24-hour hotline: 732-244-8259  
Tollfree: 800-246-8910

**Passaic County**

Passaic County Women's Center  
Domestic Violence Program  
24-hour hotline: 973-881-1450

**Project S.A.R.A.H.**

24-hour hotline: 973-777-7638

**WAFA House**

Tollfree: 800-930-9232

**Salem County**

Salem County Women's Services  
24-hour hotline: 856-935-6655  
Tollfree: 888-632-9511  
Hearing Impaired: 856-935-7118

**Somerset County**

Safe and Sound in Somerset  
Phone: 908-359-0003  
24-hour hotline: 866-685-1122

**Sussex County**

Domestic Abuse & Sexual Assault  
Intervention Services  
24-hour hotline: 973-875-1211  
Hearing Impaired: 973-876-6369

Domestic Violence Assessment Center  
of Sussex County  
Batterers Intervention Program  
Phone: 973-579-9666

**Union County**

Project: Protect  
c/o YWCA Eastern Union County  
24-hour hotline: 908-355-HELP (4357)

Batterers Services, Men Against Violence  
Phone: 908-355-1500

Alternatives for Men-Batterers Services  
Phone: 908-272-0304

**Warren County**

Domestic Abuse and Sexual Assault  
Crisis Center (DASACC)  
24-hour hotline: 908-453-4181  
Tollfree: 866-6BE-SAFE (866-623-7233)

# CHECKLIST FOR VICTIMS OF DOMESTIC VIOLENCE

Domestic violence is not limited to physical abuse. It also includes emotional and sexual abuse. Following are examples of common forms of domestic violence, but this is by no means a complete list. Use this information to help you document the abuse for legal purposes, such as restraining orders or divorce, or to remind you of the realities of the relationship in order to help you assess your safety.

## **Physical Abuse**

Has the abuser ever:

- Spit at you?
- Thrown things at you?
- Pulled your hair?
- Bitten or scratched you?
- Burned you?
- Cut you?
- Pushed, shoved or grabbed you?
- Kicked or thrown you down?
- Slapped you with an open hand?
- Punched you with a closed fist?
- Tried to choke/strangle you?
- Assaulted you with a weapon?
- Beaten you while you were pregnant?
- Been violent toward the children?
- Physically abused family pets?

## **Sexual Abuse**

Has the abuser ever:

- Forced you to have sex when you didn't want to?
- Forced you to perform unwanted sexual acts, or to have sex with other people or to use objects?
- Forced you to have sex after abusing you physically or emotionally?

Has the abuse gotten worse or become more frequent in the past year?

## **Threats**

Has the abuser ever:

- Threatened to hurt you?
- Threatened to kill you?

- Threatened to hurt or kill a member of your family?
- Threatened to hurt or kill a family pet?
- Driven recklessly when you were in the car knowing that it scared you?
- Threatened to flee with the children?
- Threatened to commit suicide, or made a suicide attempt?

Has the abuser ever been treated for a mental health condition?

Have the threats gotten worse or more frequent in the past year?

### **Other Abusive Behavior**

Has the abuser ever:

- Threatened to prevent you from leaving?
- Physically kept you from leaving by doing such things as blocking a doorway, taking your car keys, or disabling your car?
- Locked you in a room?
- Forced you to go anywhere against your will?
- Purposely or repeatedly followed or stalked you by doing things such as staking out your home or place of employment?
- Came to your home uninvited, or after being told not to?
- Broken into your home with the intention of assaulting you or stealing from you?
- Purposely or recklessly damaged your property or possessions by doing such things as punching holes in the walls, ripping up personal journals, tearing your clothing?
- Harassed you by purposely and repeatedly annoying or alarming you by making hang-up calls, calling your home or place of employment, or deliberately preventing you from sleeping?

### **Emotional Abuse**

Has the abuser ever:

- Called you humiliating or demeaning names?
- Treated you like a household servant?
- Withheld money, the checkbook, credit cards?
- Tried to control your daily activities such as:
  - Where you go?
  - What you do?
  - Who your friends are?
- Isolated you from family and friends?

Is the abuser especially possessive or jealous, saying things such as, “If I can’t have you, no one can?”

Has the abuse gotten worse or become more frequent in the past year?

## **Substance Abuse**

How often does the abuser drink alcohol?

- daily
- weekly
- once a month or less

Does the abuser's alcohol use affect your daily life?

Does the abuser ever abuse prescription drugs?

Does the abuser use illegal drugs?

Did any of the abusive incidents occur when the abuser was drunk or high?

Has the substance abuse worsened in the past year?

*This checklist was provided courtesy of the New Jersey State Division on Women.*



# INFORMED CITIZENS ARE BETTER CITIZENS

Help the New Jersey State Bar Foundation make better informed citizens and reach more people.

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New Brunswick, NJ 08901-1520  
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