



New Jersey Division of Criminal Justice

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***Completing  
The  
Domestic Violence  
Complaint and Application  
For A  
Temporary Restraining Order***

In-Service Training  
For  
Police Officers

# Note

**Note:** This training guide is for law enforcement use only. It is intended to serve as a summary of legal concepts. It does not constitute the creation of a prescribed legal standard. It should not be construed as evidential in any criminal or civil proceedings.

As with all training material that is date sensitive, the reviewer should ensure that the most current training material is being used.

This training guide has been revised to incorporate the latest revision to the Domestic Violence Complaint and Application for a Temporary Restraining Order. No revisions have been made to the text of this training guide.

If you have any questions regarding this teaching material, please contact the Prosecutors Supervision and Coordination Bureau, Division of Criminal Justice, Trenton, New Jersey, at 609 984-6500.

The Division of Criminal Justice has prepared the following domestic violence training programs, with both instructor and student manuals:

- ◆ *Dynamics of Domestic Violence*, Module 1
- ◆ *Legal Aspects of Domestic Violence*, Module 2
- ◆ *Enforcement of Out-of-State Restraining Orders or Orders of Protection in Domestic Violence Cases*, Module 3
- ◆ *Interviewing Techniques in Domestic Violence Cases*, Module 4
- ◆ *Handling a Domestic Violence Call, In-Service Training for Police Dispatchers*
- ◆ Training Guide for Completing the Victim Notification Form (Training Guide only)
- ◆ Training Guide for Completing the Domestic Violence Complaint and Application for a Temporary Restraining Order (Training Guide only)

## Completing the Temporary Restraining Order

The police officer, who responds to a domestic violence call, must keep in mind that the victim of domestic violence may be experiencing a very emotional and traumatic time in her<sup>1</sup> life, especially if the private abuse that she has suffered has now become public.

The police officer has an important function to perform when a victim of domestic violence wants an emergent temporary restraining order when the courts are closed. This training guide will discuss the various provisions of the Domestic Violence Complaint/Restraining Order so that the responding officer can provide the assistance the victim is entitled to under the laws of New Jersey.

The officer should inform the victim of her rights under the New Jersey Domestic Violence Act.<sup>2</sup> The officer should explain to the victim that a purpose of the temporary restraining order is to protect her from more abuse by her attacker. The officer also should explain to the victim that if a crime had been committed, such as an assault, the officer must arrest the batterer.<sup>3</sup>

The officer should explain to the victim what will take place when a restraining order is obtained by her and what will take place if criminal charges are filed against her abuser by the officer. The officer should keep in mind that not many private citizens are familiar with the criminal justice process.

The officer must keep in mind that how an officer initially responds to a victim is critical in determining how a victim copes, first with the immediate crisis and later, with her recovery from the incident. The first response also can strongly influence the victim's later participation in the criminal justice process.<sup>4</sup>

If the victim informs the police that she wants a restraining order, the officer should explain to her that the officer will contact the on-call judge who will ultimately determine whether she comes within the protection of the act; this is not a decision that the officer should make.

A complete set of the domestic violence complaint/temporary restraining order form is attached to this training guide

The complaint/temporary restraining order form is available on a CD-ROM from the Administrative Office of the Courts. The form can be filled out on a computer and then printed



him so that he has an opportunity to prepare a proper defense.

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

ON	AT	BY

Details, not conclusions, are important here. For example, if the victim said that she was assaulted, this does not explain what happened. But if the victim said that she was punched twice in the mouth by her husband's fist on 2/15/03, this provides the necessary details.

The narrative portion that was just completed by the officer should provide the officer with sufficient information to determine what criminal offenses occurred which may constitute acts of domestic violence under State law. Additional pages may be appended to the complaint if necessary to explain what had occurred.

The officer should check all appropriate boxes for which there is probable cause to substantiate the charges.

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

<input type="checkbox"/> HOMICIDE	<input type="checkbox"/> TERRORISTIC THREATS	<input type="checkbox"/> CRIMINAL RESTRAINT	<input type="checkbox"/> SEXUAL ASSAULT	<input type="checkbox"/> LEWDNESS	<input type="checkbox"/> BURGLARY	<input type="checkbox"/> HARASSMENT
<input type="checkbox"/> ASSAULT	<input type="checkbox"/> KIDNAPPING	<input type="checkbox"/> FALSE IMPRISONMENT	<input type="checkbox"/> CRIMINAL SEXUAL CONTACT	<input type="checkbox"/> CRIMINAL MISCHIEF	<input type="checkbox"/> CRIMINAL TRESPASS	<input type="checkbox"/> STALKING

The conclusion that the defendant had committed one of the enumerated offenses<sup>5</sup> listed below does not automatically mean that a temporary restraining order will be issued.

The commission of a criminal offense will be evaluated by the judge in light of the previous history of the relationship including previous threats, harassment and physical abuse and whether immediate danger to the person or property is present.<sup>6</sup>

These factors will be considered by the on-call judge in determining whether a temporary restraining order should be issued. This information will be included in the complaint in other blocks.

**Block 1.**

The officer must ask the victim if there had been any prior acts of domestic violence and whether they were reported or unreported. The officer must keep in mind that domestic violence is not a singular event; it is a continuing event. A history of abuse is a strong indicator of future abuse.<sup>7</sup> A history of

abuse also can demonstrate a pattern of abuse.

Knowing about prior acts of violence is important for the judge in determining whether to issue a restraining order and important for the prosecutor who will prosecute any criminal charges in criminal court.

The officer should note in the officer's incident report any prior acts of domestic violence as reported by the victim. The officer must write in Block 1 a description of what prior abuse had occurred.

2. DOES DEFENDANT HAVE A CRIMINAL HISTORY? (IF YES, ATTACH OCH SUMMARY)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
3. ANY PRIOR OR PENDING COURT PROCEEDINGS INVOLVING PARTIES? (IF YES, ENTER DOCKET NUMBER, COURT, COUNTY, STATE)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
4. HAS A CRIMINAL COMPLAINT BEEN FILED IN THIS MATTER? (IF YES, ENTER DATE, DOCKET NUMBER, COURT, COUNTY, STATE)	<input type="checkbox"/> YES	<input type="checkbox"/> NO

The officer must review with the victim each and every block on the temporary restraining order form. The officer also should ask the victim if she has any questions regarding the types of relief that are available under the domestic violence laws. All of this information is important for the court to determine whether a restraining order will be issued.

### **Blocks 2, 3 & 4.**

The next several blocks also provide the judge with important background information regarding this incident. For example, a defendant's criminal history and the issuance of prior or pending court proceedings or if a criminal complaint is being filed in this matter are important indicators to the judge in determining whether the defendant presents a risk of injury to the victim

The officer should check the Domestic Violence Central Registry to determine if there are any restraining orders against the defendant or if any restraining orders had been issued in the past but were later dismissed.

This history of past restraining orders is extremely important for the judge in determining whether a restraining order should or should not be issued.

2. DOES DEFENDANT HAVE A CRIMINAL HISTORY? (IF YES, ATTACH OCH SUMMARY)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
3. ANY PRIOR OR PENDING COURT PROCEEDINGS INVOLVING PARTIES? (IF YES, ENTER DOCKET NUMBER, COURT, COUNTY, STATE)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
4. HAS A CRIMINAL COMPLAINT BEEN FILED IN THIS MATTER? (IF YES, ENTER DATE, DOCKET NUMBER, COURT, COUNTY, STATE)	<input type="checkbox"/> YES	<input type="checkbox"/> NO

**Block 5.**

Information in this block informs the judge whether the police had responded to a domestic violence call or whether the victim had come to police headquarters to obtain a domestic violence restraining order.

Where police had responded to the scene of domestic violence, the officer must report whether the defendant had been arrested, on what charges and whether weapons had been seized.

State law does not require that a victim file criminal charges in order to obtain a restraining order. In some cases, a victim may only want a restraining order and will go to the police when the courts are closed.<sup>8</sup>

5. IF LAW ENFORCEMENT OFFICERS RESPONDED TO A DOMESTIC VIOLENCE CALL:	
WERE WEAPONS SEIZED? IF YES, DESCRIBE	<input type="checkbox"/> YES <input type="checkbox"/> NO
WAS DEFENDANT ARRESTED? IF YES, DESCRIBE	<input type="checkbox"/> YES <input type="checkbox"/> NO

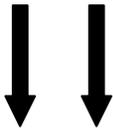
**Blocks 6, 7, & 8.**

These blocks establish the threshold criteria for determining whether the person qualifies as a victim for relief under the State's domestic violence laws. The qualifying criteria should be liberally construed. Even an out of state resident may qualify for a restraining order.<sup>9</sup>

6. (A) THE PLAINTIFF AND DEFENDANT ARE 18 YEARS OLD OR OLDER OR EMANCIPATED AND ARE	<input type="checkbox"/> MARRIED	<input type="checkbox"/> DIVORCED OR
<input type="checkbox"/> PRESENT HOUSEHOLD MEMBER	<input type="checkbox"/> FORMER HOUSEHOLD MEMBER	OR
(B) THE DEFENDANT IS 18 YEARS OLD OR OLDER OR EMANCIPATED AND PLAINTIFF AND DEFENDANT ARE	<input type="checkbox"/> UNMARRIED	<input type="checkbox"/> CO-PARENTS
<input type="checkbox"/> EXPECTANT PARENTS	OR	<input type="checkbox"/> PLAINTIFF AND DEFENDANT HAVE HAD A DATING RELATIONSHIP
7. WHERE APPROPRIATE LIST CHILDREN, IF ANY (INCLUDE NAME, SEX, DATE OF BIRTH, PERSON WITH WHOM CHILD RESIDES)		
8. THE PLAINTIFF AND DEFENDANT: <input type="checkbox"/> PRESENTLY; <input type="checkbox"/> PREVIOUSLY; <input type="checkbox"/> NEVER; RESIDED TOGETHER		
<input type="checkbox"/> FAMILY RELATIONSHIP: _____ (SPECIFY)		

## Page 2 of the Temporary Restraining Order Form

The police officer should review with the victim the proposed relief in Part I and II that she may be entitled to under the Domestic Violence Act for both the issuance of a temporary restraining order and for a final restraining order.



The officer checks the appropriate boxes in these two columns if the victim wants this relief now or in the final hearing

PART 1 - RELIEF - Instructions: (to be completed by the officer)

DEFENDANT: \_\_\_\_\_

TRO	FRO	GRANTED	
1. <input type="checkbox"/>	N/A	<input type="checkbox"/>	You are prohibited from re-entrance to the scene of violence.
2. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	You are prohibited from future acts of violence.
3. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	You are barred from the following locations: <input type="checkbox"/> RESIDENCE OF PLAINTIFF
<input type="checkbox"/> OTHER (ONLY LIST ADDRESSES KNOWN TO DEFENDANT): _____			

The officer checks the "granted" box if the judge grants this relief

Once the judge has granted the requested relief, the police officer cannot add or change the relief as granted by the judge. Many judges will complete a temporary restraining order form and will check the appropriate boxes where relief had been granted while on the telephone with the officer. The judges will later compare the telephonic order they filled out with the order completed by the officer.

If an officer had neglected to mention a specific form of relief while on the telephone with the judge, the officer must contact the judge again for approval regarding that item.

### Blocks 1 - 9.

The officer should stress to the victim that if the defendant violates any of the no contact provisions or if the defendant has some other person contact the victim in violation of the court order that the victim should immediately contact the police.

The officer also should explain to the victim that if the court issues the restraining order prohibiting the defendant from having any contact with her that she should not invite or

encourage the defendant to have contact with her because the defendant would be in violation of the court order and the victim may be in danger from the defendant.

The restraining order is issued to protect the victim from the defendant and must be strictly enforced by the police. The officer should inform the victim that only a court has the authority to change the terms of the court order.

PART 1 - RELIEF - Instructions: Relief sought by plaintiff		
DEFENDANT:		
TRO	FRO	GRANTED
1. <input type="checkbox"/>	<input type="checkbox"/> N/A	<input type="checkbox"/> You are prohibited from returning to the scene of violence.
2. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You are prohibited from future acts of domestic violence.
3. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You are barred from the following locations: <input type="checkbox"/> RESIDENCE(S) OF PLAINTIFF <input type="checkbox"/> PLACE(S) OF EMPLOYMENT OF PLAINTIFF <input type="checkbox"/> OTHER (ONLY LIST ADDRESSES KNOWN TO DEFENDANT): _____
4. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You are prohibited from having <u>any</u> oral, written, personal, electronic, or other form of contact or communication with Plaintiff. <input type="checkbox"/> OTHER(S): _____
5. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You are prohibited from making or causing anyone else to make harassing communications to: Plaintiff <input type="checkbox"/> OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____
6. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You are prohibited from stalking, following or threatening to harm, stalk or follow: Plaintiff <input type="checkbox"/> OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____
7. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You must pay emergent monetary relief to (describe amount and method): <input type="checkbox"/> PLAINTIFF: _____ <input type="checkbox"/> DEPENDENT(S): _____
8. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You must be subject to intake monitoring of conditions and restraints: _____ <input type="checkbox"/> Other (evaluations or treatment - describe): _____
9. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Psychiatric evaluation: _____

## Block 10

The officer should ask the plaintiff if the defendant has any firearms or weapons which she believes present a risk of serious bodily injury to her by the defendant. The officer should explain to the victim that the judge can order that the abuser not be allowed to possess any firearms or other weapons to protect her.

The officer should explain to the victim that under State law<sup>10</sup>, a police officer may seize weapons that are in plain view or weapons that the victim can consent to the seizure of if the officer reasonably believes that the weapons place the victim at risk of serious bodily injury or death.

The officer should explain to the victim that the purpose of seizing the weapons is to protect her and her children from any harm which could result in a highly emotional incident and which the parties involved would later regret. The officer also should explain to the victim that the defendant would not be in trouble with the law for having weapons unless the weapons are expressly prohibited by law.

The officer should inform the victim that she can discuss her concerns about the seizure of the weapons later with a member of the crisis response team in municipalities that have crisis response teams and later with the prosecutor.

The prosecutor will decide whether the weapons should be returned to the owner or whether there will be a court hearing to determine if the weapons should be forfeited to the State or the batterer ordered to dispose of the weapons or if the weapons will be returned to the batterer.

If there are weapons, other than firearms, the officer must describe them in detail on the form and not just list “any and all weapons” which is overly broad and ambiguous. This ambiguous term does not provide any guidance as to what is prohibited to the officer who serves the restraining order.

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 loss of your license to carry a firearm.

Officer must describe in details “other weapons” that defendant is prohibited from possessing

When the restraining order is served on the defendant, the officer should explain to the defendant that he is not permitted to possess any of these weapons or firearms or firearms identification card or permit to carry a firearm and that the person should immediately surrender the named firearms or weapons or permits to the officer for safe keeping.

The officer should explain to the defendant that the county Prosecutor can file a petition with the court within 45 days to obtain title to the seized weapons or to revoke any and all permits, licenses and other authorizations for the use, possession or ownership of the weapons.

The defendant will have an opportunity to explain to the court why the petition should not be granted<sup>11</sup> and why the weapons should be returned to the defendant. The officer should also

explain to the defendant that if the prosecutor does not file for forfeiture that the weapons may be returned if there are no other legal prohibitions.

The officer should advise the defendant that failure to surrender the named firearms and weapons could result in the defendant being charged with contempt of court.

If the firearms and weapons are not within the marital home or at a location where both the victim and defendant share access and where the plaintiff can consent to a search for them, the officer should ask the judge for a search warrant, which is on page 3 of the temporary restraining order form.

This search warrant would permit the officer to enter the named location and to search for and to seize the named firearms or weapons. This search warrant provision will be discussed in greater detail later in this training guide.

### **Blocks 11, 12, & 13.**

The Domestic Violence Restraining Order not only prohibits the defendant from certain activities but it also provides a means for providing the victim with shelter, custody of the children and means of support and other means while the matter is pending in court. Under the law, a court may authorize the victim to reside in the marital residence and to exclude the defendant from the premises while this case is pending in court.

PLAINTIFF:			
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You are granted exclusive possession of (list residence or alternate housing only if specifically known to defendant): _____
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You are granted temporary custody of: _____ _____
13.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Other relief for - Plaintiff: _____ _____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Children: _____ _____

In some cases, the court may require a police officer to either accompany the plaintiff or the defendant to a named place so that either person can obtain his or her personal property which remains in the shared location.

The officer should not accompany the defendant to a specific place to retrieve specific property unless it is authorized by the court.

The officer is not authorized to amend this provision to accommodate either party; only a court has the authority to revise or to add to this provision.

<b>LAW ENFORCEMENT OFFICER:</b>			
You are to accompany to scene, residence, shared place of business, other (indicate address, time, duration and purpose):			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Plaintiff: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Defendant: _____

**Page 3 of the Temporary Restraining Order Form -  
Search Warrant**

If the judge authorizes the search for and seizure of weapons, the search warrant portion of the temporary restraining order must be completed in detail to meet the requirements of the Fourth Amendment.

The officer should ask the victim to describe in detail the places the officer wants to search and the objects which are to be seized. For example, if the victim says that the defendant has firearms, the officer should attempt to identify the type of firearms. Simply saying that the officer wants to seize “all weapons” or “all firearms” may be considered overly broad if challenged in court.

The officer should ask the victim to describe the type of firearms the batterer has. For example, identification of firearms as being handguns or long guns would meet the Constitutional standard. It is not necessary that the victim be able to identify the firearm by caliber or type of firearm, such as revolver or pistol or rifle or shotgun.

<b>WARRANT TO SEARCH FOR AND TO SEIZE WEAPONS FOR SAFEKEEPING</b>	
<input type="checkbox"/>	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):
_____	

Weapons must be described in detail so that police know exactly what is to be seized. It is not sufficient to simply write “any and all weapons.” The description should, at least, describe the type of weapon, such as a “handgun.”

It is not necessary that the victim identify the exact location of the firearm under the defendant’s control. A general location would be sufficient. For example, stating that the handgun is

believed to be in the defendant’s residence is sufficient. If the officer were to have stated that the handgun was believed to be in the defendant’s bedroom, that would be the only location that could be searched by police.

The officer should obtain from the victim a detailed description of the place or object to be searched. If the firearm is believed to be in the defendant’s residence, the officer must obtain from the victim a detailed description of the residence.

For example, stating that the officer wanted to search the premises at 10 Main Street may not be adequate. The officer should state that the place to be searched is 10 Main Street, more specifically described as being a white two-story colonial house with red shutters and with a white picket fence surrounding the property.

If the officer believes that the firearm is in the defendant’s vehicle, the officer must describe the vehicle and, if possible, include the car’s plate number.

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:

\_\_\_\_\_

\_\_\_\_\_

Location to be searched must be in sufficient detail so police know where to search

The officer also should ask the plaintiff whether the defendant resides alone or with others. This information will assist the judge in determining when the warrant should be executed.

Search warrant generally are executed during normal business or daylight hours and at the time period specified in the warrant. If an officer wants to execute a search warrant at night time or early morning hours or at anytime, the officer must explain to the issuing judge a reason for this request.

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.

After the officer seizes the named firearms or weapons from the places described in the warrant, the officer must give the defendant a receipt for the weapons that were seized and must file with the court a written inventory of the objected seized. This is the same procedure that an officer would follow after the

execution of a criminal search warrant.

**Page 3 - Part II Relief**

The officer should explain to the victim that in this section of the temporary restraining order, the court can, among other things, order that the defendant have no or specified hours for visitation with their children. The court also can order the defendant to provide emergent support for the victim and their children. The officer should review with the victim each form of relief that can be granted in this section.

PART II - RELIEF			DEFENDANT:
TRO	FRO	GRANTED	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> No parenting time / visitation until further ordered;
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Parenting time / visitation pursuant to F _____ suspended until further order:
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Parenting time / visitation permitted as follows: _____
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Risk assessment ordered (specify by whom, any requirements, dates): _____
3.			You must provide compensation as follows:
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Emergent support for plaintiff: _____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> For dependent(s): _____
	N/A	<input type="checkbox"/>	<input type="checkbox"/> Ongoing support for plaintiff: _____
	N/A	<input type="checkbox"/>	<input type="checkbox"/> For dependent(s): _____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Compensatory damages to plaintiff: _____
	N/A	<input type="checkbox"/>	<input type="checkbox"/> Punitive damages to plaintiff: _____
	N/A	<input type="checkbox"/>	<input type="checkbox"/> To Third Party(ies) (describe): _____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Medical coverage for plaintiff: _____
			For dependent(s): _____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rent <input type="checkbox"/> Mortgage payments (specify amount(s) and recipient(s)): _____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You must participate in a batterers intervention program: _____
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> You are granted temporary possession of the following personal property (describe): _____

A victim may request that she be granted possession of certain personal property, both on a temporary basis and later when the matter is heard in court for a final restraining order. Personal property could include such property as the car, computer, etc.

PART II - RELIEF			PLAINTIFF:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	You are granted temporary possession of the following personal property (describe): _____

**Page 4 of the Temporary Restraining Order Form**

The police officer must complete the notice to appear section.

The court must set a specific date, not just the next court date.

NOTICE TO APPEAR TO PLAINTIFF AND DEFENDANT		
1. <input type="checkbox"/>	Both the plaintiff and defendant are ordered to appear for a final hearing on (date) _____ at (time) _____ at the Superior Court, Chancery Division, Family Part, _____ County, located at (address) _____	

The judge will provide the officer with this date for the court appearance

After the officer reviewed the various types of relief the plaintiff may be entitled to for a temporary restraining order and what she may request at the final hearing, the officer should have the plaintiff sign the certification which is contained on page one.

The officer should have the victim sign the certification on the bottom of page one **before** the officer contacts the on call judge. This certification is important because it emphasizes to the victim that all the information in the complaint is true to the best of her knowledge and that a willful falsehood subjects the victim to the possibility of punishment under the law.

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 _____
NEW JERSEY DOMESTIC VIOLENCE COURT ORDER	

The victim must sign this certification before the officer contacts the on-call judge who will place the victim under oath and review the matter with her.

After the temporary restraining order has been approved by the court, the officer must check off the box indicating that the Temporary Restraining Order has been granted and the officer will sign the judge's name on the form. The officer should give a copy of that order to the victim and note on the return of service the time and date that this occurred.

When the order is served on the defendant or if the order could not have been served, the officer must complete the appropriate section in the Return of Service

RETURN OF SERVICE		
<input type="checkbox"/>	Plaintiff was given a copy of the Complaint / TRO by:	
_____ PRINT NAME _____	_____ TIME AND DATE _____	_____ SIGNATURE / BADGE NUMBER / DEPARTMENT _____
<input type="checkbox"/>	I hereby certify that I served the within Complaint / TRO by delivering a copy to the defendant personally:	
_____ PRINT NAME _____	_____ TIME AND DATE _____	_____ SIGNATURE / BADGE NUMBER / DEPARTMENT _____
<input type="checkbox"/>	I hereby certify that I served the within Complaint / TRO by use of substituted service as follows:	
_____ PRINT NAME _____	_____ TIME AND DATE _____	_____ SIGNATURE / BADGE NUMBER / DEPARTMENT _____
<input type="checkbox"/>	Defendant could not be served (explain): _____	
_____ PRINT NAME _____	_____ TIME AND DATE _____	_____ SIGNATURE / BADGE NUMBER / DEPARTMENT _____

When the defendant is served with a copy of the restraining order, the officer should have the defendant sign the statement acknowledging that he had been informed that he is not to have any contact with the victim unless it had been authorized by a court and that he may be arrested and prosecuted if he violates this order of the court.

If the defendant refuses to sign this acknowledgement, the officer should so note on the form and in the officer's incident report that the defendant refused to sign the form but had been advised by the officer that he is not to have any contact with the victim.

<p><b>DEFENDANT MUST SIGN THIS STATEMENT:</b> 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.</p>
<p>_____ SIGNATURE OF DEFENDANT</p>

The defendant must sign this statement

If the on-call municipal court judge denies the victim's request for a temporary restraining order, the officer should explain to the victim that she can refile the domestic violence complaint in Family Part based on this incident and can receive an emergent hearing before the Family Part judge when court is in session.<sup>12</sup>

The officer must check off the box on the last page of the restraining order form showing that the temporary restraining order was denied. The entire temporary restraining order form should be forwarded to the Family Court immediately.

### **Victim's Compensation Board**

While not part of the State's domestic violence laws, compensation may be available to victims of domestic violence through the State's Victims of Crime Compensation Board.

Victims of domestic violence may be entitled to compensation for

- ✓ Relocation
- ✓ Loss of support from the offender
- ✓ Domestic help/child care/day care

The officer should inform the victim of domestic violence to consider contacting the Victims of Crime Compensation Board to

determine if she is eligible for compensation. The first statutory requirement for eligibility is that a police report be filed within 90 days of the incident. The victim must cooperate with police and prosecutor if criminal charges are filed.

The officer should provide the victim with a referral sheet, available from the Victims of Crime Compensation Board, which contains the board's addresses and telephone number.

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<sup>1</sup> In this training guide, the victim of domestic violence will be referred to as a woman because in the majority of domestic violence cases, the injured party is a woman. Men can be and are victims of domestic violence and are entitled to the same protections as women under the domestic violence laws of this nation and State.

<sup>2</sup> *N.J.S.A. 2C: 25-23*

<sup>3</sup> *N.J.S.A. 2C:25-21a(1)*

<sup>4</sup> *First Response to Victims of Crime*, Message from the Director, Office for Victims of Crime, U.S. Department of Justice

<sup>5</sup> *N.J.S.A. 2C:25-19*

<sup>6</sup> *Bittner v. Harleysville Ins. Co.*, 338 *N.J.Super.* 447 (App. Div. 2001)

<sup>7</sup> See *Cruz-Foster v. Foster*, 597 A.2d 927 (D.C. 1991)

<sup>8</sup> *N.J.S.A. 2C:25-23*

<sup>9</sup> See *State v. Reyes*, 172 *N.J.* 154 (2002)

<sup>10</sup> *N.J.S.A. 2C:25-21d(1)(b)*

<sup>11</sup> *N.J.S.A. 2C:25-21d(3)*

<sup>12</sup> *N.J.S.A. 2C:25-28i*

**New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order**

TRO  Amended TRO

N.J.S.A. 2C:25-17 et seq.

Superior Court, Chancery Division, Family Part, \_\_\_\_\_ County  Municipal Court of \_\_\_\_\_

DOCKET NUMBER **FV -** POLICE CASE # \_\_\_\_\_

IN THE MATTER OF PLAINTIFF (VICTIM) PLAINTIFF'S SEX  MALE  FEMALE PLAINTIFF'S DOB \_\_\_\_\_

<b>DEFENDANT INFORMATION</b>	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. UCR DV1 offense report(s)):

- |                                   |  |   |  |  |  |                                     |
|-----------------------------------|--|---|--|--|--|-------------------------------------|
| <input type="checkbox"/> HOMICIDE | <input type="checkbox"/> TERRORISTIC THREATS | <input type="checkbox"/> CRIMINAL RESTRAINT | <input type="checkbox"/> SEXUAL ASSAULT          | <input type="checkbox"/> LEWDNESS          | <input type="checkbox"/> BURGLARY          | <input type="checkbox"/> HARASSMENT |
| <input type="checkbox"/> ASSAULT  | <input type="checkbox"/> KIDNAPPING          | <input type="checkbox"/> FALSE IMPRISONMENT | <input type="checkbox"/> CRIMINAL SEXUAL CONTACT | <input type="checkbox"/> CRIMINAL MISCHIEF | <input type="checkbox"/> CRIMINAL TRESPASS | <input type="checkbox"/> 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 WEAPONS SEIZED? 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. <input type="checkbox"/>  | N / A                    | <input type="checkbox"/> | You are prohibited from returning to the scene of violence.   |
| 2. <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | You are prohibited from future acts of domestic violence.   |
| 3. <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | You are barred from the following locations: <input type="checkbox"/> RESIDENCE(S) OF PLAINTIFF <input type="checkbox"/> PLACE(S) OF EMPLOYMENT OF PLAINTIFF<br><input type="checkbox"/> OTHER (ONLY LIST ADDRESSES KNOWN TO DEFENDANT): _____  |
| 4. <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | You are prohibited from having <b>any</b> oral, written, personal, electronic, or other form of contact or communication with Plaintiff.<br><input type="checkbox"/> OTHER(S): _____  |
| 5. <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | You are prohibited from making or causing anyone else to make harassing communications to: Plaintiff<br><input type="checkbox"/> OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____   |
| 6. <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | You are prohibited from stalking, following or threatening to harm, stalk or follow: Plaintiff<br><input type="checkbox"/> OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____   |
| 7. <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | You must pay emergent monetary relief to (describe amount and method):<br><input type="checkbox"/> PLAINTIFF: _____<br><input type="checkbox"/> DEPENDENT(S): _____   |
| 8. <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | You must be subject to intake monitoring of conditions and restraints: _____<br><input type="checkbox"/> Other (evaluations or treatment - describe): _____   |
| 9. <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | Psychiatric evaluation: _____   |
| 10. <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <b>Prohibition Against Possession of Weapons:</b> You are prohibited from possessing <b>any and all firearms or other weapons</b> 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. <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | You are granted exclusive possession of (list residence or alternate housing only if specifically known to defendant):<br>_____ |
| 12. <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | You are granted temporary custody of: _____   |
| 13. <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other relief for - Plaintiff: _____   |
| <input type="checkbox"/>     | <input type="checkbox"/> | <input type="checkbox"/> | Children: _____   |

**LAW ENFORCEMENT OFFICER:**

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

- |                          |                          |                          |                  |
|--------------------------|--------------------------|--------------------------|------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Plaintiff: _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Defendant: _____ |

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

DOCKET NUMBER

FV -

DEFENDANT'S NAME

WARRANT TO SEARCH FOR AND TO SEIZE WEAPONS FOR SAFEKEEPING

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

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

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

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

ANYTIME OTHER:

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

PART II - RELIEF DEFENDANT:

TRO FRO GRANTED

1. No parenting time / visitation until further ordered; Parenting time / visitation pursuant to F suspended until further order; Parenting time / visitation permitted as follows:

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

3. You must provide compensation as follows:

Emergent support for plaintiff:

For dependent(s):

N/A Ongoing support for plaintiff:

N/A For dependent(s):

Compensatory damages to plaintiff:

N/A Punitive damages to plaintiff:

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

Medical coverage for plaintiff:

For dependent(s):

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

You must participate in a batterers intervention program:

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

PART II - RELIEF PLAINTIFF:

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

COMMENTS:

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

