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Administrative Office of the Courts

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

Richard J. Hughes Justice Complex • P.O. Box 037 • Trenton, NJ 08625-0037 njcourts.gov • Tel: 609-376-3000 • Fax: 609-376-3002

TO: **Assignment Judges**
Trial Court Administrators

FROM: **Glenn A. Grant, J.A.D.**

DIRECTIVE #19-20
[Questions or comments may be directed to (609) 815-2900, ext. 55350]

SUBJ: **Family – Domestic Violence Temporary Restraining Orders – Procedure for Taking Applications Remotely**

DATE: **July 27, 2020**

The New Jersey courts are continuing to support comprehensive court services during the COVID-19 pandemic, including for individuals seeking protection from domestic violence. Consistent with the Supreme Court's July 24, 2020 Seventh Omnibus Order, domestic violence temporary restraining order (TRO) applications will be accepted in person with or without a prior appointment. Effective August 3, 2020, plaintiffs also can contact the Family Division by telephone during normal court hours to apply for the entry of a TRO.

Plaintiffs who contact their local police department after Superior Court hours will continue to be assisted by law enforcement with the filing of their TRO application and be heard by a Municipal Court judge. Additionally, if law enforcement issues a complaint-summons to a domestic violence defendant, or contacts the Municipal Court to request a complaint-warrant, plaintiffs should be afforded the opportunity to apply for a TRO at the same time, with the assistance of law enforcement, even if this occurred when the Superior Court is open. **These TRO applications that are submitted with a complaint-warrant or a complaint-summons should be heard by a Municipal Court judge, even during Superior Court hours.**

A plaintiff who wishes to apply for a TRO remotely, without going to a courthouse, can call the Family Division during Superior Court hours. The plaintiff can apply telephonically for a TRO in the county where they live, where the defendant lives, where the incident took place, or where they are seeking shelter. The Family Division in each vicinage will have a telephone number posted on their web page for plaintiffs to contact the court to apply for a TRO. Court staff should be available to accept phone calls from TRO plainitiffs during Superior Court hours; however, if staff are unable to speak with the plaintiff immediately, the outgoing message should provide detailed information to call 9-1-1 if it is an emergency or they need police assistance. Plaintiffs wishing to continue with processing their application for a TRO will be afforded an

opportunity to leave their name, phone number, and the safest time for the court to contact the plaintiff during Superior Court hours. These cases must be treated as priority and court staff should make every effort to return the plaintiff's call as soon as possible or at the safest time as designated by the plaintiff. Also included in the outgoing message should be information advising the plaintiff that for messages left during the week after 4:00 p.m., on weekends, or holidays, court staff will contact them on the next business day.

Family court staff will speak with the plaintiff to gather all pertinent information needed to file and docket a domestic violence complaint. The information obtained should include demographic information concerning both the plaintiff and defendant including email addresses, cell phone numbers, information regarding why the plaintiff is seeking the restraining order, and any prior history of domestic violence. Before affixing the plaintiff's signature and to ensure the information provided is accurately reflected on the TRO complaint, court staff will read, verbatim to the plaintiff, what has been captured on the document. Court staff will arrange to have the TRO heard remotely by either a domestic violence hearing officer (DVHO) or a Superior Court judge. The hearing for a TRO should be conducted using appropriate available video or telephone system technology.

If a DVHO or judge is not immediately available, court staff will advise the plaintiff that it will be necessary to call them back to have their application heard by the court. This call should be made at a safe time as designated by the plaintiff. Again, these cases are priority and every effort should be made to expedite these proceedings. The goal should be to have these remote proceedings conducted within one hour of completing the application, provided the plaintiff is available, pursuant to Domestic Violence Procedures Manual Section 4.5.1.

If the Superior Court judge issues a TRO, court staff will immediately email a copy of the TRO to the plaintiff, along with the Domestic Violence Remote Hearing Instruction Sheet for Litigants which can be found at njcourts.gov. If the plaintiff does not have an email address, the TRO should be sent to law enforcement for service. As is normal business practice, the TRO should electronically be sent to local law enforcement to effectuate service on the defendant. Law enforcement should be advised if the parties reside in the same home so that they take any precautions necessary when serving the TRO on the defendant. Once the defendant is served with the TRO, the Domestic Violence Remote Hearing Instruction Sheet for Litigants should be provided by court staff to the defendant via mail or email.

The hearing on the final restraining order (FRO) should be scheduled within ten days of entry of the temporary order. These proceedings for a FRO also should be handled remotely using appropriate available video technology. There may be instances where, for particular reasons, the matter may have to proceed with in-person appearances. In those circumstances, the judge, in deciding as to whether to proceed

remotely, should consider the interest of justice, input from the parties, and whether conducting the proceeding remotely would unduly prejudice a party.

Each County Domestic Violence Working Group should have the issue of remote TROs as a standing agenda item for discussion. The Working Groups should specifically discuss and plan how to communicate emergent issues to law enforcement, how to advise law enforcement that a defendant is being removed from their home, and safety planning for the plaintiff. In addition, the Working Group should plan how to best connect plaintiffs with domestic violence advocates and local support services. Questions regarding this memorandum should be directed to the Family Practice Division at 609-815-2900 ext. 55350.

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