

How To Fill Out The New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order

Presented by:
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New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order

TRO Amended TRO

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 DATE OF BIRTH

A

DEFENDANT INFORMATION

LAST NAME

FIRST NAME

INITIAL

DATE OF BIRTH

AKA _____ DEFENDANT'S SOCIAL SECURITY NUMBER _____

HOME ADDRESS _____ CITY _____ STATE _____ ZIP _____ HOME PHONE NUMBER () _____ WORK PHONE NUMBER () _____

EMPLOYER _____ WORK ADDRESS _____ DEFENDANT'S SEX MALE 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 _____

B

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)):

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

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

1

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

2

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

3

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

4

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

5

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

6

7. WHERE APPROPRIATE LIST CHILDREN, IF ANY (INCLUDE NAME, SEX, DATE OF BIRTH, PERSON WITH WHOM CHILD RESIDES)

7

8. THE PLAINTIFF AND DEFENDANT: PRESENTLY; PREVIOUSLY; NEVER: RESIDED TOGETHER FAMILY RELATIONSHIP: _____ (SPECIFY)

8

CERTIFICATION

I certify that the foregoing responses made by me are true. I am aware that if any of the foregoing responses made by me are willfully false, I am subject to punishment.

DATE

SIGNATURE OF PLAINTIFF

DOCKET NUMBER

FV -

DEFENDANT'S NAME

PART 1 - RELIEF - Instructions: Relief sought by plaintiff

DEFENDANT:

TRO FRO GRANTED

- 1. N/A You are prohibited from returning to the scene of violence.
- 2. You are prohibited from future acts of domestic violence.
- 3. You are barred from the following locations: RESIDENCE(S) OF PLAINTIFF PLACE(S) OF EMPLOYMENT OF PLAINTIFF **#3**
 OTHER (ONLY LIST ADDRESSES KNOWN TO DEFENDANT): _____
- 4. You are prohibited from having any oral, written, personal, electronic, or other form of contact or communication with Plaintiff.
 OTHER(S): _____
- 5. You are prohibited from making or causing anyone else to make harassing communications to: Plaintiff **#4, 5, 6**
 OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____
- 6. You are prohibited from stalking, following or threatening to harm, stalk or follow: Plaintiff
 OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____
- 7. You must pay emergent monetary relief to (describe amount and method): **#7**
 PLAINTIFF: _____
 DEPENDANTS: _____
- 8. You must be subject to intake monitoring of conditions and restraints: _____ **#8, 9**
 Other (evaluations or treatment - describe): _____
- 9. Psychiatric evaluation: _____
- 10. **Prohibition Against Possession of Weapons:** You are prohibited from possessing **any and all firearms or other weapons** and must immediately surrender these firearms, weapons, permit(s) to carry, application(s) to purchase firearms and firearms purchaser ID card to the officer serving this Court Order. Failure to do so may result in your arrest and incarceration. **#10**

PLAINTIFF:

- 11. You are granted exclusive possession of (list residence or alternate housing only if specifically known to defendant) **#11**
- 12. You are granted temporary custody of: _____ **#12**
- 13. Other relief for - Plaintiff: _____ **#13**
 Other relief for - Children: _____

LAW ENFORCEMENT OFFICER:

You are to accompany this complaint to the police station and file of this in the court house. (list address, time of day and purpose).

- Plaintiff: _____
- Defendant: _____

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

Part I - Relief

Law Enforcement Officer Section

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...
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.

Warrant

PART II - RELIEF DEFENDANT:

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

#1 Parenting Time

#2 Risk Assessment

#3 Compensation

PART II - RELIEF PLAINTIFF:

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

Part I - Relief - Plaintiff:

COMMENTS:

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.

Part II - Relief - Defendant:

DOCKET NUMBER

FV -

DEFENDANT'S NAME

Misc Info that will be filled out by the Court

- TRO denied.** Complaint dismissed by Family Part.
- TRO denied by Municipal Court,** forwarded to Family Part for administrative dismissal, and plaintiff advised of right to file new complaint in Superior Court, Family Division.
- TRO granted.** The Court has established jurisdiction over the subject matter and the parties pursuant to *N.J.S.A. 2C:25-17 et seq.*, and has found good cause that a prima facie act of domestic violence has been established; that an immediate danger of domestic violence exists and that plaintiffs life, health and well being are endangered; that an emergency restraining Order is necessary pursuant to *R. 5:7A(b)* and *N.J.S.A. 2C:25-28* to prevent the occurrence or recurrence of domestic violence and to search for and seize firearms and other weapons as indicated in this order.

DATE / TIME VIA TELEPHONE HONORABLE COURT / COUNTY

ALL LAW ENFORCEMENT OFFICERS WILL SERVE AND FULLY ENFORCE THIS ORDER

This ex parte Domestic Violence Complaint and Temporary Restraining Order meets the criteria of the federal Violence Against Women Act for enforcement outside of the State of New Jersey upon verification of service of defendant. 18 U.S.C.A. 2265 & 2266

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

NOTICE TO APPEAR TO PLAINTIFF AND DEFENDANT

1. Both the plaintiff and defendant are ordered to appear for a final hearing on (date) _____ at (time) _____ at the Superior Court, Chancery Division, Family Part, _____ County, located at (address) _____

Note: You must bring financial information including pay stubs, insurance information, bills and mortgage receipts with you to Court.

2. The final hearing in this matter shall not be scheduled until: _____

3. Interpreter needed. Language: _____

Upon satisfaction of the above-noted conditions notify the Court immediately so that a final hearing date may be set.

IMPORTANT: The parties cannot themselves change the terms of this Order on their own. This Order may only be changed or dismissed by the Superior Court. The named defendant cannot have any contact with the plaintiff without permission of the Court.

NOTICE TO DEFENDANT

A violation of any of the provisions listed in this Order or a failure to comply with the directive to surrender all weapons, firearm permits, applications or identification cards may constitute criminal contempt pursuant to N.J.S.A. 2C:29-9(b), and may also constitute violations of other state and federal laws which may result in your arrest and/or criminal prosecution. This may result in a jail sentence.

You have the right to immediately file an appeal of this temporary Order before the Superior Court, Chancery Division, Family Part, as indicated above and a hearing may be scheduled.

RETURN OF SERVICE

Plaintiff was given a copy of the Complaint / TRO by:
PRINT NAME TIME AND DATE SIGNATURE / BADGE NUMBER / DEPARTMENT

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

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

Defendant could not be served (explain):
PRINT NAME TIME AND DATE SIGNATURE / BADGE NUMBER / DEPARTMENT

DEFENDANT MUST SIGN THIS STATEMENT: I hereby acknowledge the receipt of the restraining Order. I understand that pursuant to this Court Order, I am not to have any contact with the named plaintiff even if the plaintiff agrees to the contact or invites me onto the premises and that I may be arrested and prosecuted if I violate this Order.

SIGNATURE OF DEFENDANT TIME AND DATE

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

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

How To Fill Out The New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order:

PAGE 1 OF SAMPLE TRO FORM:

Section A of the TRO sample:

First Row – TRO (Temporary Restraining Order) should be checked off by court or police personnel. An Amended TRO is checked off when there have been changes to a TRO that is already in place.

Second Row – The court or police personnel will check off the forum issuing the TRO, whether it is the Superior Court of the county or the municipal court of the town where the victim lives.

PLEASE Note: This matter can be filed where you, the victim, resides, where defendant resides, where you are living or where incident took place.

Defendant Information – Give as much information as possible, since the police will have to serve the defendant with the TRO.

TIP: If you have a photograph of defendant, it should be provided to the personnel filling out the information.

Section B of the TRO sample:

Your Story – In this section, “On” refers to the date the current incident took place, “At” refers to the time of the incident that took place and “By” refers to what defendant did to you on the date and time you specified. .

- Ex: “On 9/20/11, at 8:00 p.m., defendant struck plaintiff *by* hitting her in the face with his fist”.
- Please understand that when you give your information to the personnel completing the form, they will substitute your name with the term Plaintiff and the person who you are seeking to obtain a TRO against with the term Defendant.
- You should provide as much detail as possible about the incident and note specific injuries and pain. The court will use this information to determine if an assault has taken place, therefore, be as detailed as possible. For example, if there is a stinging sensation from a slap across your face, you should note it on the form.
- Criminal Offense Boxes – Check off all that apply.
 - It is necessary to categorize what action the defendant took against you and to supply the defendant with due process of the offenses he/she is being accused of committing. Most offenses are self-explanatory.
 - In our experience, the most confusing offenses for a victim to determine if they have occurred are usually assault, harassment and stalking. The law is constantly changing on these offenses and they are determined

on a case by case basis. What might be considered harassment in one situation is not necessarily harassment in another. Therefore, the best suggestion we can offer is to make sure you are as specific as possible about the facts because that is the only way to determine if what transpired is in fact one or more of the criminal offenses listed below.

- a. **Homicide** – See N.J.S.A. 2C:11-1, et seq. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/11-1.html>)
- b. **Assault** – See N.J.S.A. 2C:12-1. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/12-1.html>)
- c. **Terroristic Threats** – See N.J.S.A. 2C:12-3. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/12-3.html>)
- d. **Kidnapping** – See N.J.S.A. 2C:13-1. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/13-1.html>)
- e. **Criminal restraint** – See N.J.S.A. 2C:13-2. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/13-2.html>)
- f. **False Imprisonment** – See N.J.S.A. 2C:13-3. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/13-3.html>)
- g. **Sexual Assault** – See N.J.S.A. 2C:14-2. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/14-2.html>)
- h. **Criminal Sexual Conduct** – See N.J.S.A. 2C:14-3. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/14-3.html>)
- i. **Lewdness** – See N.J.S.A. 2C:14-4. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/14-4.html>)
- j. **Criminal mischief** – See N.J.S.A. 2C:17-3. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/17-3.html>)
- k. **Burglary** – See N.J.S.A. 2C:18-2. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/18-2.html>)
- l. **Criminal Trespass** – See N.J.S.A. 2C:18-3. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/18-3.html>)
- m. **Harassment** – See N.J.S.A. 2C:33-4. (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/33-4.html>)
- n. **Stalking** – See N.J.S.A. 2C:12-10 (<http://law.onecle.com/new-jersey/2c-the-new-jersey-code-of-criminal-justice/12-10.html>)

Note: Be careful to properly understand the specifics and different considerations for each of the possible criminal offense category choices above. Some have more complex areas within them as relate to NJ Domestic Violence law.

Section 1 of the TRO Sample:

Prior History – This part is VERY IMPORTANT. You must detail other incidents of domestic violence, even if it was not reported. Be sure to check the box marked “YES” if there have been prior incidents. If this box is not checked and there has been a prior history, reported or unreported, you will not be permitted to testify at the Final Restraining Order hearing about the prior history.

Section 2 of the TRO Sample:

Criminal History of Defendant – If victim is aware of any criminal history of defendant it should be reported to personnel filling out the TRO. The police will, in the normal course of their duties, run a check on the defendant to determine if there has been any prior criminal history as well.

Section 3 of the TRO Sample:

Any prior or pending court proceedings involving the parties – If you are involved in any other legal proceedings with the defendant, the docket number and county of those proceedings should be listed here, including any prior TROs, even if they were dismissed.

Section 4 of the TRO Sample:

Following the act of domestic violence the responding police may ask you if you want to file a municipal charge against the defendant. If you do file a municipal charge(s) against the defendant, then the requisite information regarding the charge must be provided to the police at that time.

There is no right answer as to whether or not to file municipal charges against the defendant. Even if you do not want to press charges against the defendant, if the act is severe enough (i.e. assault) then the police will file a complaint and the county prosecutor will take over whether you wanted to press charges or not. If you choose to press charges then you must be prepared to attend a separate hearing in municipal court and testify against the defendant as to those issues. You can choose to hire a separate criminal lawyer for representation in the municipal court matter, but in order to protect your rights at the Final Restraining Order hearing you should retain an attorney who exclusively practices family law because they have a distinct understanding of the Domestic Violence Statute and all of its nuances.

Section 5 of the TRO Sample:

If police responded to the domestic violence incident then they will ask defendant if there are any weapons in his/her possession or in his home and seize same. If you are aware that the defendant owns any weapons then it should be reported to police. The term “weapon” refers to anything readily capable of lethal use or of inflicting serious bodily injury.

Section 6 of the TRO Sample:

Relationship of Parties - The appropriate relationship between you and the defendant must be checked off, such as: married, divorced, present household member, unmarried, co-parents, expectant parents or dating relationship.

Section 7 of the TRO Sample:

If there are any children in common between you and the defendant, children's names, sex, date of birth and with whom child resides must be listed. If in **Section 6** of the TRO "co-parents" is checked off as the relationship between victim and defendant, then all unemancipated children (are to be listed, no matter their age or where they live).

Section 8 of the TRO Sample:

Indicate if you and the defendant have ever resided together and if so, what was the relationship (i.e. husband/wife, civil union partner, boyfriend/girlfriend, domestic partnership, mother/child, father/child, etc.). Even if you have not resided together the relationship still needs to be described.

Certification:

You must read the TRO for accuracy and once any corrections are made, then sign and date this section of the form, which states that all your statements are true and that you are subject to punishment if your statements are false.

PAGE 2 OF SAMPLE TRO FORM:

cont: How To Fill Out the New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order (TRO)

Part I – Relief – This is relief sought by you as the Plaintiff.

For statements #1 through #13 – There are three columns on the left side of the Order

The TRO (Temporary Restraining Order) column shows what is REQUESTED by you in the TRO.

The FRO (Final Restraining Order) column shows what is REQUESTED at the Final Restraining Order hearing.

The GRANTED column shows what is GRANTED in the TRO ONLY. The GRANTED column must be checked for the TRO to be enforceable. Please understand that a judge will make the determination regarding what he is granting after carefully reviewing the complaint and possibly after having spoken to you.

All appropriate boxes should be checked by the appropriate personnel handling the Order. IF THE DEFENDANT VIOLATES ANY OF THE CONDITIONS IN #1 THROUGH #13 BETWEEN THE TIME THE TRO IS ENTERED AND THE FRO HEARING, THEN DEFENDANT CAN BE ARRESTED. Please understand that if

the TRO is violated by the defendant, you should contact the local police department immediately, provide a copy of the TRO and explain the violation that occurred. The police will then take the necessary steps to apprehend the defendant, if necessary.

When reviewing sections #1 through #13, pay attention to the following:

#3 Places – Check off residence box and place of employment if you are employed. Your actual address should only be filled in if the defendant already knows the location of your home, if not, then it should say “Confidential”.

#4,5,6 Others – Fill in the names and relationships of other people known to the defendant in which you believe the defendant would want to have contact with or if you are afraid defendant may try and harm prior to the FRO hearing.

#7 Emergent monetary relief - If you require financial assistance from defendant, then this must be checked off and specific details provided to the personnel handling the Order. You should come to the FRO hearing prepared with an itemized list of expenses incurred on a monthly basis and be prepared to submit same to the Court. These include but are not limited to, bills/receipts for groceries, rent or mortgage payments, clothing, utilities, food, child care expenses and health related expenses. Additionally, you must bring with you the last three paystubs, W-2 and/or 1099 forms and the prior year’s tax return to permit the Court to make a finding as to your income and will help determine if support from the defendant is necessary.

#8, 9 Evaluations and Treatment - This must be very specific as to who requires the treatment, how often and who is paying for the treatment. Typical examples are asking for anger management classes or substance abuse treatment for the defendant.

#10 Possession of Weapons – This section precludes defendant from POSSESSING weapons only. (Note that ammunition is not a weapon pursuant to the NJ statute.) This includes firearms and weapons, purchasing card and identification card. Any other weapons that defendant has in his possession that were removed should be listed here as well.

RELIEF GRANTED TO PLAINTIFF:

#11 Exclusive Possession – If this section is checked, then the address must be filled in, but only if defendant is aware of the address. If defendant is not aware then it should state “plaintiff’s residence”. Exclusive possession means that you have the right to remain in the home to the exclusion of the defendant until the date of the Final Restraining Order hearing.

#12 Temporary Custody – List the children in common to you and the Defendant. It is also important to note if you as the victim have any concerns about the Defendant having any parenting time with the children while the TRO is in place. If so, you should make those concerns known, in detail.

#13 Other Relief – This is where the Court can add relief on a case by case, fact sensitive basis. For example, if defendant has keys to your residence, then it should be clarified that these must be removed from him/her. If defendant is in possession of child’s birth certificate or passport, then you should ask for it to be taken from defendant pending the outcome of the FRO. You should ask for defendant to turn over anything that could be used by him/her to gain access to you or could be used by defendant to take control of your children especially if he/she has parenting time with the children

If an FRO is issued there are a variety of ways that parenting time can be addressed. Parenting time is dealt with on a case by case basis but could include any of the following: parenting time could be suspended all together, could be supervised; could occur at a counselor’s office; etc.

Law Enforcement Officer Section – Specify the police department, if known, that is to accompany defendant to a specific place to retrieve clothing and toiletries or other specific items, once, for a limited time (such as 30 minutes).

- After the TRO is granted, the police will allow the Defendant to come to the home to gather some of their possessions. They will contact you and advise you that they are bringing the Defendant by to get some of their things. Please understand that the Defendant has the right to do this even if you are not home. If the Defendant has keys, the police will accompany him/her into the home.
-

PAGE 3 OF SAMPLE TRO FORM:

cont: How To Fill Out the New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order (TRO)

WARRANT – This section requires the police to search and seize any permits, applications and id cards that may have been issued to defendant for firearms at the locations listed on the TRO. It is important for you to give to the Court any and all information you may have as to where defendant may keep any known firearms or permits, etc. If the police do seize any of the aforementioned items then a WRITTEN INVENTORY of the items seized must be sent to family court so it is available for the FRO hearing.

PART II RELIEF - Defendant

In this section it is important to indicate to the personnel handling the Order what relief you want at the FRO so that defendant has his/her due process rights and can prepare for the FRO hearing.

#1 Parenting Time. When issuing the TRO the Court will make a temporary determination if defendant’s parenting time with the children is to continue or not. This is done on a case by case basis and is fact sensitive. You should inform the court of any current parenting schedule whether it is by agreement or current or prior court order, and any concerns you may have about defendant exercising parenting time between the TRO and the FRO hearing.

#2 Risk Assessment. This must be specific. Again, if you have concerns about defendant's ability to parent or if they are abusing drugs and alcohol, you can ask for a risk assessment to be taken of the defendant.

#3 Compensation. If you need monetary support, then it must be specifically outlined, this includes rent, mortgage payments, health insurance, etc. You should also elect to pursue damages against the defendant if you are successful in obtaining an FRO. These damages usually are in the form of the defendant paying for any legal fees or other necessary costs that were incurred as a result of the defendant's acts of domestic violence.

PART II RELIEF - Plaintiff

As to personal property, you should be thinking about possessions like a car, house, a pet, etc.

Comments Section: This area can be used to continue the **Story Section** from Page 1 of the TRO or advise the Court of special circumstances, such as a special needs child. You are not allowed to attach any of your notes to this document because it will become part of the TRO. However if extra space is needed for the story section, the personnel completing the form has additional specific pages that are utilized for just such an event. Your handwritten notes cannot become part of the Order itself, but if you made a statement to the police (if they were responding to a Domestic Violence call from you), then that statement will be included in the file which is submitted to the Court and utilized by the Court when making a decision regarding a Final Restraining Order.

PAGE 4 OF SAMPLE TRO FORM:

cont: How To Fill Out the New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order (TRO)

DISPOSTION OF TRO REQUEST.

- If the **TRO is DENIED**, then this box will be checked off. If a municipal court has denied the TRO then the Order must be signed and sent to Family Court immediately. You can then go to the Superior Court the next day, if you wish, and renew your request for a TRO.
- If the **TRO is GRANTED**, then this box will be checked off, the Order is signed and dated.

NOTICE TO APPEAR. This information will be filled in with the date, time and place of the FRO hearing. If an interpreter is needed for either party this should be brought to the Court's attention and the appropriate box checked off.

NOTICE TO DEFENDANT. This section informs defendant of the result of any violations of the TRO and the right to appeal the TRO.

RETURN OF SERVICE. Proof that both parties have received the executed TRO is entered here by the personnel handling the service of same.

DEFENDANT ACKNOWLEDGMENT OF RECEIPT OF TRO. The Defendant will be served in person with the TRO by the police after it is signed by the Court and will be required to sign this Certification section.

The TRO keeps the defendant away from your house, place of employment, or any other place you have indicated to the Court if the Court believes it is reasonable to do so. If you think Defendant is violating the TRO after it is entered, then the police should be contacted immediately.

Once you have the TRO it will serve as your protection until the Final Restraining Order hearing. At the FRO hearing it is strongly advisable that you hire a family law attorney who is extremely familiar with the Domestic Violence Act and has experience with these types of hearings, so that you can be assured your rights are being protected.

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order

TRO Amended TRO

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 DATE OF BIRTH _____

DEFENDANT INFORMATION		LAST NAME	FIRST NAME	INITIAL	DATE OF BIRTH
AKA					DEFENDANT'S SOCIAL SECURITY NUMBER
HOME ADDRESS			CITY	STATE	ZIP
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)):

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

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

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

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

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

5. IF LAW ENFORCEMENT OFFICERS RESPONDED TO A DOMESTIC VIOLENCE CALL:
 WERE 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. N/A You are prohibited from returning to the scene of violence.
- 2. You are prohibited from future acts of domestic violence.
- 3. You are barred from the following locations: RESIDENCE(S) OF PLAINTIFF PLACE(S) OF EMPLOYMENT OF PLAINTIFF
 OTHER (ONLY LIST ADDRESSES KNOWN TO DEFENDANT): _____
- 4. You are prohibited from having any oral, written, personal, electronic, or other form of contact or communication with Plaintiff.
 OTHER(S): _____
- 5. You are prohibited from making or causing anyone else to make harassing communications to: Plaintiff
 OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____
- 6. You are prohibited from stalking, following or threatening to harm, stalk or follow: Plaintiff
 OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES: _____
- 7. You must pay emergent monetary relief to (describe amount and method):
 PLAINTIFF: _____
 DEPENDANTS: _____
- 8. You must be subject to intake monitoring of conditions and restraints: _____
 Other (evaluations or treatment - describe): _____
- 9. Psychiatric evaluation: _____
- 10. **Prohibition Against Possession of Weapons:** You are prohibited from possessing **any and all firearms or other weapons** and must immediately surrender these firearms, weapons, permit(s) to carry, application(s) to purchase firearms and firearms purchaser ID card to the officer serving this Court Order: Failure to do so may result in your arrest and incarceration.

PLAINTIFF:

- 11. You are granted exclusive possession of (list residence or alternate housing only if specifically known to defendant): _____
- 12. You are granted temporary custody of: _____
- 13. Other relief for - Plaintiff: _____
 Other relief for - Children: _____

LAW ENFORCEMENT OFFICER:

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

- Plaintiff: _____
- Defendant: _____

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

DOCKET NUMBER

FV -

DEFENDANT'S NAME

WARRANT TO SEARCH FOR AND TO SEIZE WEAPONS FOR SAFEKEEPING

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

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

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

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

ANYTIME

OTHER:

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

PART II - RELIEF DEFENDANT:

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.

DOCKET NUMBER FV -	DEFENDANT'S NAME _____
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- TRO denied.** Complaint dismissed by Family Part.
- TRO denied by Municipal Court,** forwarded to Family Part for administrative dismissal, and plaintiff advised of right to file new complaint in Superior Court, Family Division.
- TRO granted.** The Court has established jurisdiction over the subject matter and the parties pursuant to *N.J.S.A. 2C:25-17* et seq., and has found good cause that a prima facie act of domestic violence has been established; that an immediate danger of domestic violence exists and that plaintiffs life, health and well being are endangered; that an emergency restraining Order is necessary pursuant to *R. 5:7A(b)* and *N.J.S.A. 2C:25-28* to prevent the occurrence or recurrence of domestic violence and to search for and seize firearms and other weapons as indicated in this order.

DATE / TIME VIA TELEPHONE HONORABLE _____ COURT / COUNTY _____

ALL LAW ENFORCEMENT OFFICERS WILL SERVE AND FULLY ENFORCE THIS ORDER

This *ex parte* Domestic Violence Complaint and Temporary Restraining Order meets the criteria of the federal Violence Against Women Act for enforcement outside of the State of New Jersey upon verification of service of defendant. 18 U.S.C.A. 2265 & 2266

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

NOTICE TO APPEAR TO PLAINTIFF AND DEFENDANT

1. Both the plaintiff and defendant are ordered to appear for a final hearing on (date) _____ at (time) _____ at the Superior Court, Chancery Division, Family Part, _____ County, located at (address) _____

Note: You must bring financial information including pay stubs, insurance information, bills and mortgage receipts with you to Court.

2. The final hearing in this matter shall not be scheduled until: _____
3. Interpreter needed. Language: _____

Upon satisfaction of the above-noted conditions notify the Court immediately so that a final hearing date may be set.

IMPORTANT: The parties cannot themselves change the terms of this Order on their own. This Order may only be changed or dismissed by the Superior Court. The named defendant cannot have any contact with the plaintiff without permission of the Court.

NOTICE TO DEFENDANT

A violation of any of the provisions listed in this Order or a failure to comply with the directive to surrender all weapons, firearm permits, applications or identification cards may constitute criminal contempt pursuant to *N.J.S.A. 2C:29-9(b)*, and may also constitute violations of other state and federal laws which may result in your arrest and/or criminal prosecution. This may result in a jail sentence.

You have the right to immediately file an appeal of this temporary Order before the Superior Court, Chancery Division, Family Part, as indicated above and a hearing may be scheduled.

RETURN OF SERVICE

- Plaintiff was given a copy of the Complaint / TRO by:
- | | | |
|------------|---------------|---------------------------------------|
| | | |
| PRINT NAME | TIME AND DATE | SIGNATURE / BADGE NUMBER / DEPARTMENT |
- 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 |
- 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 |
- Defendant could not be served (explain): _____
- | | | |
|------------|---------------|---------------------------------------|
| | | |
| PRINT NAME | TIME AND DATE | SIGNATURE / BADGE NUMBER / DEPARTMENT |

DEFENDANT MUST SIGN THIS STATEMENT: I hereby acknowledge the receipt of the restraining Order. I understand that pursuant to this Court Order, I am not to have any contact with the named plaintiff even if the plaintiff agrees to the contact or invites me onto the premises and that I may be arrested and prosecuted if I violate this Order.

SIGNATURE OF DEFENDANT	TIME AND DATE

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

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