

Sea Bright Police Department

Domestic Violence

Sergeant Kevin Lovgren
Training Instructor



Why train in Domestic Violence?
Why is Domestic Violence Different from other crimes?
Why is Domestic Violence training important?

- The legislature finds and declares that domestic violence is a serious crime against society; there are thousands of persons in this State who are regularly beaten, tortured, and ...killed...
- The Legislature further finds and declares that even though many of the existing criminal statutes are applicable to acts of domestic violence, prevailing...attitudes have effected the response of our law enforcement...
- It is the intent of the Legislature to stress that the primary duty of a law enforcement officer that responds to a domestic violence call is to enforce the laws allegedly violated and protect the victim.

Evidence Based Prosecution Model:

1. Victims are often unable or unwilling to cooperate with the State.

- - fear of physical violence
- - fear of divorce
- - fear of losing children
- - fear of financial retaliation

2. Response to uncooperative victims

- - assume reluctant victim from the beginning
- - highly detailed report writing
- - physical evidence collection

Civil



Criminal

Definitions Are Critically Important because There are **CRIMINAL** and **CIVIL** processes

Criminal

1. Violation of Criminal Statute
2. Police Investigation
3. Police Reports
4. Enforcement of Orders

Civil

1. Temporary Restraining Order
2. Final Restraining Order
3. Weapons Seizures

The following are the 14 violations of the law, which, if they occur between persons with a statutorily defined “domestic” relationship are considered to be crimes of Domestic Violence:

1. Homicide
2. Assault
3. Terroristic Threats
4. Kidnapping
5. Criminal Restraint
6. False Imprisonment
7. Sexual Assault
8. Sexual Contact
9. Lewdness
10. Criminal Mischief
11. Burglary
12. Criminal Trespass
13. Harassment
14. Stalking

- The Domestic Violence Act does not define “defendant.” Instead, the Act defines “victim” in terms of the relationship between the parties.

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Victim is: 18 years or older or Emancipated Minor
and

Been subjected to Domestic Violence by

1. Spouse
2. Former Spouse
3. Any Present or former household member
4. Person with a child in-common
5. Person anticipated having child in common
6. Person in a dating relationship

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2. Former Spouse - *Common sense, if they are married, then they are spouses*
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Common sense definition, if they are currently married, then they are spouses

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Again, Common Sense, people who are divorced

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If they currently share, or have shared a residence: Consider: (1) Length of time (2) location of personal items (3) Common areas (4) lease or deed (5) Mail

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As long as the victim has a child with the abuser, she can be a victim of domestic violence and he can be a defendant-

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If the woman is pregnant she can be a victim of domestic violence, even if she is less than 18 years old

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A dating relationship can give rise to a domestic violence relationship. The extent of the dating relationship is fact sensitive.

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LAW ENFORCEMENT SHOULD NOT DENY A VICTIM RELIEF BECAUSE
THEY FEEL A VICTIM DOESN'T MEET THE DEFINITION

DEFENDANT

(All Defendant's must be 18 years of age or older, **or**, under 18 and emancipated)

Note: A male is not emancipated because he gets a female pregnant

	Defendant is a spouse	Defendant is former Spouse	Defendant is household member	Defendant is former household member	Defendant has dating relationship with victim	Defendant has child in common with victim	Victim is pregnant with defendant's child	
Victim is 18 or older	YES	YES	YES	YES	YES	YES	YES	
Victim is under 18 and emancipated	YES	YES	YES	YES	YES	YES	YES	
Victim is under 18 and <u>not</u> emancipated			NO	NO	YES		YES	

DEFINITIONS: THE FINAL WORD

The definitions apply to both the criminal issues and civil issues of Domestic Violence. The purpose of training on the definitions is to assist law enforcement when determining the applicability of the Domestic Violence Act. Without an understanding of the definitions, the Law cannot be appropriately applied.

Law enforcement when applying the definitions involved in a domestic violence case should not be a filter for the Court. If a victim applying for a restraining order meets the threshold definition, allow them to apply for a restraining order and if appropriate, the Court will either grant or deny the application for the restraining order.

The Court has immunity for decision made during the Course of deciding domestic violence, issues. The police do not. Better safe than sorry.

CRIMINAL ISSUES

-INVESTIGATION-



Criminal Issues

Because of the the *pro-prosecution* policy for domestic violence, police officers involved in domestic violence investigations actually have less discretion than they would in another type of case. There exists a statutory rule of **mandatory arrest** for certain domestic violence incidents:

Mandatory Arrest: Law enforcement officer **must** make and arrest and sign a criminal complaint when the officer finds probable cause to believe that a crime of domestic violence has occurred under the following circumstances:

1. Visible Sign of Injury
2. A warrant is in effect
3. A weapon is used
4. A violation of a restraining order

NOTE: MANDATORY ARREST IS ALSO MANDATORY FINGERPRINTING

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These cases require special attention

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Since injury is defined as “physical pain,” any indication that the victim suffered pain or physical impairment is sufficient.

?? Both parties have sign of injury??

- comparative extent of injury
- history between the parties
- fear of future harm and use of force
- did self defense result in the injury

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Warrants for crimes/ offenses of domestic violence must be executed immediately.

?? Can the defendant be told to turn himself in??

- No, defendant must be arrested

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When a weapon is used the police no longer have discretion and must initiate a mandatory arrest.

?? Does the type of weapon matter??

No

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The existence of probable cause for a restraining order violation requires an immediate arrest.

?? What if I don't have probable cause??

- Is the investigation complete
- Has physical evidence been examined
- Is there corroboration
- Check Service of TRO in Central Registry

INVESTIGATING THE RESTRAINING ORDER VIOLATION:

N.J.S.A. 2C:29-9

a. A person is guilty of a crime of the fourth degree if he purposely or knowingly disobeys a judicial order or hinders or obstructs or impedes the effectuation of a judicial order or the exercise of jurisdiction over any person, thing or controversy by a court, administrative body or investigative agency.

b. Except as provided below, a person is guilty of a crime of the fourth degree if that person purposely or knowingly violates any provision in an order entered under the “Prevention of domestic violence act of 1990” when the conduct which constitutes the violation would also constitute a crime or a disorderly persons offense. In all other cases a person is guilty of a disorderly persons offense if that person knowingly violates an order entered under the provisions of this act.

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What does this mean?

INVESTIGATING THE RESTRAINING ORDER VIOLATION:

N.J.S.A. 2C:29-9

1

TRANSLATION:

2

3

4

DP

Charge the substantive offense,
ie. Burglary, Terroristic Threats,
Sexual Assault, Simple assault,
etc **AND** 4th degree contempt

pdp

Charge the substantive offense,
ie. Harassment or defiant
trespass **AND** DP contempt

N.J.S.A. 2C:25-22 provides that an officer shall not be civilly liable for an arrest when an officer acts in good faith to enforce a restraining order.

Criminal Issues

Because of the the *pro-prosecution* policy for domestic violence, police officers involved in domestic violence investigations actually have less discretion than they would in another type of case. There exists a statutory rule of mandatory arrest for certain domestic violence incidents: In all other cases the arrest is discretionary.

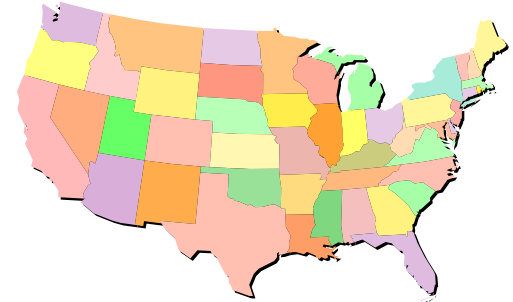
Discretionary Arrest: Law enforcement officer **may** make and arrest and sign a criminal complaint when the officer finds probable cause to believe that a crime of domestic violence has occurred and none of the mandatory situations apply.

- Investigating officer should be complainant
- Victim should only sign if police officer does not have P.C.
- Municipal Courts will no longer have Probable Cause Hearings

Enforcement of Out-of-State Restraining Orders



New Jersey



All 50 States

Out-of-State Restraining Orders are to be enforced as if they were New Jersey Restraining Orders

1. May be known as “order of protection”, issued by another State, Territory, or Possession of the U.S.
2. V.A.W.A., 18 *U.S.C.* 2265 provides for enforcement under the Full faith and credit clause.
3. Order is to be enforced even if victim was not eligible for NJ TRO or FRO or even if it grants greater relief than NJ order.

Enforcement of Out-of-State Restraining Orders

Areas of Concern

1. Mutual Orders Of Protection, while not proper in N.J. do exist in other jurisdictions. They are to be enforced and both parties are to abide by the conditions
2. Safety of Victim is Primary Responsibility. Charge the crime or offense and the violation of no-contact.
3. A new incident in NJ may allow Victim to pursue DVC and TRO in NJ.
4. When enforcing out-of-state order:
 - a. Charge 2C:29-9a if it is facially valid
 - b. Check for expiration date
 - c. Contact foreign jurisdiction if victim claims to have an order, but cannot locate it.
 - d. Crossing State line to commit a DV crime is a violation of Federal Law, contact on-call Assistant Prosecutor

Shall a Warrant or Summons issue for a Domestic Violence incident?

Court Rule R.7:2-2 provides:

Warrant shall issue when:

1. When defendant has failed to respond to a summons
2. There is an outstanding warrant
3. Defendant's address is unknown
4. Crimes charged are first or second degree or:
Murder, kidnapping, aggravated manslaughter,
manslaughter, robbery, aggravated sexual assault, sexual
assault, aggravated criminal sexual contact, criminal sexual
contact, second degree aggravated assault, aggravated
arson, arson, burglary, or any crime involving a firearm.
5. There is reason to believe the defendant is dangerous to himself or
herself, others or property

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Law enforcement will rely on this 5th category to issue a warrant because "domestic violence" is alleged in the complaint and by its very nature there is a danger the victim.

Where does the criminal complaint get filed?

General Rule: Criminal complaint should be filed in the Municipality where the incident occurs.

Exception: A criminal complaint may be filed with the municipal court of any jurisdiction where the victim could seek a restraining order:

Where victim resides,
Is sheltered
Where defendant resides
Where act occurs

Police Options:

1. Complete investigation where victim reports crime, sign complaint, forward complaint to municipality where crime occurred
2. Complete investigation and have police officer go to municipality where incident occurred and sign complaint in that municipal court.
3. Complete Investigation and forward all paperwork to municipality where crime occurred for local police to file the complaint.
4. Provide transportation for victim to Police Department where incident occurred for investigation to be completed
- ~~5. Send victim to police department where it took place~~

Criminal Issues

The initial investigation:

1. Determine the relationship of the parties.
2. Detail the type and extent of victim's injuries
3. Determine the use of any weapons
4. Detail injuries, if any, to defendant
5. Document all injuries with photographs
6. Document crime scene with photos
7. Note spontaneous statements of parties with quotation marks
*including children
8. 911 Tapes
9. Statements of victims/ witnesses
10. Written or sound recordings of defendants
11. Names and contact information for first responding medical treatment

Criminal Issues

The initial investigation:

1. Determine the relationship of the parties.

Police reports should begin with description of crime and the relationship of the parties.

- do not start with “responded to a domestic”
- begin the report with description of the crime
- Use “boyfriend/girlfriend” , “husband/wife”

Criminal Issues

The initial investigation:

2. Detail the type and extent of victim's injuries.
 - photographs
 - physical descriptions in police reports

Criminal Issues

The initial investigation:

3. Determine the use of any weapons
 - seize weapons if used
 - log into evidence, fill out property report
 - describe use of weapon
 - discussed more fully under “weapons seizures”

Criminal Issues

The initial investigation:

4. Detail Injuries to the defendant
 - “no injuries” are significant as well
 - defendant’s injuries will assist prosecutor and court

Criminal Issues

The initial investigation:

5. Photograph injuries to both parties
 - defendant may claim fake injuries later
 - picture is worth 1,000 words
 - copies of photos can be provided to victim to support TRO application
 - follow-up photos after the event
 - injuries often appear later
 - victim may not follow up on their own

Criminal Issues

The initial investigation:

6. Photograph and description of crime scene

- photographs are always preferred
- physical description in reports is required when there are no photos
 - phone was pulled out of the wall
 - mirror was broken
 - screen door was damaged

09/24/2003 13:21 [REDACTED] [REDACTED] PAGE 04/06
MONMOUTH COUNTY AEGIS PUBLIC SAFETY S. JEM PAGE 2
DATE 09/09/2003 INCIDENT REPORT PL1190
TIME 16:27:27 [REDACTED]

VROGAN CHANGED INCIDENT TYPE FROM DOM P 14:52:02
INCIDENT

UPON ARRIVAL AT 544 [REDACTED] UNDERSIGNED SPOKE WITH RESIDENT
YESENIA GONZALEZ WHO STATED HER EX-BOYFRIEND ANTONIO RODRIGUEZ HAD
FOLLOWED HER INTO HER APT AND THROWN FOOD AROUND AND PULLED HER PHONE
OFF THE WALL. SHE FURTHER STATED THAT SHE HAD AN ACTIVE PRO SIGNED ON
11/9/01 BY JUDGE LOCASIO IN FREEHOLD. MS GONZALEZ FILED AFFIDAVIT AT
HDQTS, UNDERSIGNED CHARGED MR RODRIGUEZ ON WARRANT W2003-000525 FOR
VIOL TRO AND CRIMINAL MISCHIEF. BAIL TO BE SET UPON LOCATING MR
RODRIGUEZ, WHO HAD FLED THE AREA PRIOR TO ARRIVAL OF POLICE.

NAMES:

Accused : RODRIGUEZ, ANTONIO, ,
Victim : GONZALEZ, YESENIA, ,

*Note failure to indicate officers
observations!

Criminal Issues

The initial investigation:

7. Statements of Victims and Defendants in “quotes.”

- Court rules allow excited utterances

_____ - victim's statements when still under stress
- very powerful evidence in the Courtroom

- Admissions by defendant are anything he says:

- “I knew about the order, but I didn't call her”
- “I thought I was allowed to...”

- Statements of Children

- Children should be interviewed away from parents
- Excited utterance of child is very powerful use “quotes”

Criminal Issues

The initial investigation:

8. Tapes - 911 Tapes are Critical for Pro-prosecution policy
 - 911 Tapes should be preserved in every domestic violence case
 - Dispatcher should be instructed to preserve tape or contact County
 - Victim can be confronted with their own words
 - Tapes can be admissible even if victim changes her story

Recordings: Answering Machine and Voice Mail

- Answering Machine Tape original should always be evidence
- Voice Mails cell/home phone should be accessed and recorded
- Officer should photograph caller ID or document observations

Criminal Issues

The initial investigation:

9. Written/ Signed statements of victim and defendant
 - Formal Statements are preferred, however, handwritten is OK
 - Victim Statements should be from Police, not on Court form.
 - Statement should be reviewed by officer, follow-up questions asked.
 - Statement should also be dated and signed
 - Not only indictable cases but ALL DV cases should have statements
 - Defendant's Statements should be written
 - Miranda warnings documented
 - Note, custody issue in DV cases for purposes of Miranda

Criminal Issues

The initial investigation:

10. Sound recordings defendant.

- Defendant's statements on taped line should be preserved
- Miranda warning are not necessary when defendant is on the phone

Criminal Issues

The initial investigation:

11. Names and contact information for first responding medical treatment
 - Name of medical personnel and company
 - Volunteer medical personnel are often reluctant to come to court
 - Obtain copies of reports, if possible, and provide to prosecutor

Criminal Issues

The initial investigation:

12. Proof of Service should be documented for restraining order violation
 - Every department has access to DV central registry
 - When service is confirmed document in police report
 - If service is from other jurisdiction, note jurisdiction in form

CRIMINAL ISSUES

-Arrest Procedures-



Arrest Procedure - Bail

POLICE CASE NO. _____		The State of New Jersey vs.		W530362	
COURT _____		Defendant / Alias _____			
COUNTY OF _____ N.J.		Address _____		SS No. _____	
COURT CODE NUMBER _____		City, State _____		_____	
DEPT. CODE / NUMBER _____		Date of birth _____		Date of arrest _____	
C-_____					
Number of co-defendants _____		Dr. Lic. # _____		SSI No. _____	

COMPLAINT
 of _____
 (JOSEPH DEPARTMENT CRIMINAL RECORDS)

Complainant: _____
 Residing at _____
 _____ day of _____, 19____, in the _____ of _____ N.J.
 did: _____

Upon oath says that, to the best of (his) (her) knowledge, information and belief, the named defendant on or about the _____ day of _____, 19____, did: _____

Charge Number 1 N.J.S. _____	Charge Number 2 N.J.S. _____	Charge Number 3 N.J.S. _____
Charge Number 1 As Amended N.J.S. _____	Charge Number 2 As Amended N.J.S. _____	Charge Number 3 As Amended N.J.S. _____

Subscribed and sworn to before me this _____ day of _____, 19____.

Signed _____
 (Jurat: I am a Notary Public in and for the State of New Jersey)

Signed _____
 (Complainant)

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him) (her) forthwith before this court to answer the foregoing complaint.

WARRANT

Not True (see Entry) _____
 (Notary Public in and for the State of New Jersey)

Date of Arrest: _____
 (Notary Public in and for the State of New Jersey)

DATE OF FIRST APPEARANCE		COURT ACTION (Wherein judgment or Conditional Discharge is entered in this court)												
CHARGES	ARRESTED	FILED	DATE OF FILE	ARRESTED	DATE	DATE	DISCHARGE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
Number 1														
Number 2														
Number 3														

OTHER COURT ACTION		Total DEDR Penalty Amount: _____		Total Violent Crimes Penalty Amount: _____	
DATE	APPOINTMENT ORIGINATED BY	Total Lab Fee	Resolution	DL. Susp.	Institution to Which Sentenced
DATE	COMPLAINT ORIGINATED BY	Community Service	Conditional Disch. Fee		JAIL TIME CREDIT

Other (specify) _____

BAIL INFORMATION					
DATE	EXEMPT BAIL SET	PAID ON BAIL	PAID IN	EXEMPTED BAIL	EXEMPTED BAIL

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION									
PROSECUTING ATTORNEY	NAME	DATE	COUNTY	MUNICIPAL	OTHER	DEFENSE COUNSEL	NAME	DATE	OTHER

MISCELLANEOUS INFORMATION
 List Companion CDR numbers (including Co-defendants): _____

SUPERIOR COURT COPY

Who can set bail?

Court Hours:
Superior Court Judge

After Hours:
Emergent Superior
Court Judge

Any relief available to a victim in a restraining order is available as a condition of bail:

1. No stalking victim or relatives
2. No contact Order (home, work, etc.)
3. No Harassment (victim, relative, friend)
4. Prohibition against Firearms
5. Search and Seizure of Weapons
6. Psych. Evaluation of defendant

- All conditions to be in writing on CDR “Other Court Action”•

Number														
--------	--	--	--	--	--	--	--	--	--	--	--	--	--	--

OTHER COURT ACTION		Total DEDR Penalty Amount:		Total Violent Crimes Penalty Amount:	
DATE	DEFENDANT DISCHARGED AS TO PROBABLE CAUSE PROSECUTION GIVEN PRIOR NOTICE	Total Lab Fee	Restitution	DL. Susp.	Institution to Which Sentenced
DATE	COMPLAINT REFERRED TO PROSECUTOR	Community Service	Conditional Disch. Fee		JAIL TIME CREDIT
Other (specify) No victim contact, no return to scene, surrender weapons					

BAIL INFORMATION						
DATE	BAILOUT BY/DATE	REL. ON BAIL	R - C - H	COMMITTED DEFAULT	COMMITTED WITHOUT BAIL	PLACE COMMITTED
		1	2	3	4	
SURETY COMPANY - PERSON POSTING BAIL - RELEASED BY COURT OR IF - ADDRESS						

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION											
PROSECUTING ATTORNEY	NAME	STATE	COUNTY	MUNICIPAL	OTHER	DEFENSE COUNSEL	NAME	RETURNED	FILED/DEFENDER	ASSIGNED	OTHER
	1	2	3	4	5		1	2	3	4	5

MISCELLANEOUS INFORMATION
List Companion CDR numbers (including Co-defendants):

Criminal Issues

Arrest Procedure - Bail

Release on Bail

POLICE CASE NO.	The State of New Jersey		W530362
COURT	vs.		
COUNTY OF	Defendant / Alias		
COURT CODE NUMBER	Address	SS No.	
ESSENTIAL IDENTIFICATION	City, State		
C—	Date of birth	Date of arrest	

Number of co-defendants _____ Dr. Lic. # _____ SBI No. _____

COMPLAINT

Complainant: _____ of _____
 (NAME OF COMPLAINANT) (JUDICIAL DEPARTMENT AGENCY NUMBERED)
 Residing at _____
 (ADDRESS OF PRIVATE OR OTHER COMPLAINANT)
 _____ day of _____, 19____, in the _____ of _____ County of _____ N.J.
 did:

Charge Number 1 N.J.S.	Charge Number 2 N.J.S.	Charge Number 3 N.J.S.
Charge Number 1 As Amended N.J.S.	Charge Number 2 As Amended N.J.S.	Charge Number 3 As Amended N.J.S.

Subscribed and sworn to before me this _____ day of _____, 19____.

Signed _____ Signed _____
 (JUDICIAL TITLE OR PUBLIC ADMINISTRATIVE OFFICE) (COMPLAINANT)

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring him/her forthwith before this court to answer the foregoing complaint.

Has been found by _____ in the amount of \$ _____ (JUDICIAL OFFICIAL OR JUDGE, N.J.S. 2A:61)

WARRANT RETURNED _____ (JUDICIAL OFFICIAL OR JUDGE, N.J.S. 2A:61)

Exact Amount of Bail _____ (JUDICIAL OFFICIAL OR JUDGE, N.J.S. 2A:61)

DATE OF FIRST APPEARANCE _____ COURT ACTION (Wherein judgment or Conditional Discharge is entered in this court)

CHARGE	ARREST	PLEA	DATE OF PLEA	ARREST ON	DATE	ARRESTED	JAIL TIME	SUB.	FIN.	SUB.	DATE	SUB.	FIN.	SUB.	FIN.
Number 1															
Number 2															
Number 3															

OTHER COURT ACTION Total DEDR Penalty Amount: _____ Total Violent Crimes Penalty Amount: _____

DATE _____ Total Lab Fee _____ Resitution _____ DL Susp. _____ Institution to Which Sentenced _____

DATE _____ Community Service _____ Conditional Disch. Fee _____ JAIL TIME CREDIT _____

Other (specify) _____

BAIL INFORMATION

DATE _____ RELEASED BY _____ RELEASED BY _____ RELEASED BY _____
 (JUDICIAL OFFICIAL OR JUDGE, N.J.S. 2A:61) (JUDICIAL OFFICIAL OR JUDGE, N.J.S. 2A:61) (JUDICIAL OFFICIAL OR JUDGE, N.J.S. 2A:61)

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION

PROSECUTOR ATTORNEY _____ DEFENSE COUNSEL _____
 (NAME) (NAME)

MISCELLANEOUS INFORMATION

List Comparison CDR numbers (including Co-defendants): _____

From Municipality: Local police department must contact victim to advise of defendant's release.

From County Jail: V.I.N.E. system will notify victim or Prosecutor will notify victim.

CIVIL ISSUES

-Court Orders-



Domestic Violence Complaint



New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order

Case No. _____ Date: _____

Complainant: _____

Defendant: _____

Relationship: _____

Allegation: _____

Signature: _____

Notarization: _____

Judge: _____

County: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Email: _____

Web: _____

Signature: _____

Notarization: _____

Judge: _____

County: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Email: _____

Web: _____



Temporary Restraining Order



New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order

Case No. _____ Date: _____

Complainant: _____

Defendant: _____

Relationship: _____

Allegation: _____

Signature: _____

Notarization: _____

Judge: _____

County: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Email: _____

Web: _____

Signature: _____

Notarization: _____

Judge: _____

County: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Email: _____

Web: _____



New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order

Case No. _____ Date: _____

Complainant: _____

Defendant: _____

Relationship: _____

Allegation: _____

Signature: _____

Notarization: _____

Judge: _____

County: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Email: _____

Web: _____

Signature: _____

Notarization: _____

Judge: _____

County: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Email: _____

Web: _____



New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order

Case No. _____ Date: _____

Complainant: _____

Defendant: _____

Relationship: _____

Allegation: _____

Signature: _____

Notarization: _____

Judge: _____

County: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Email: _____

Web: _____

Signature: _____

Notarization: _____

Judge: _____

County: _____

City: _____

State: _____

Zip: _____

Phone: _____

Fax: _____

Email: _____

Web: _____

Domestic Violence Complaint

The “DVC” alleges that the defendant committed one of the prohibited crimes/offenses against the victim.

1. The DVC initiates the Lawsuit between the parties
2. The DVC requests that the Court issue the relief of a Temporary Restraining Order.

Domestic Violence Complaint

The “DVC” alleges that the defendant committed one of the prohibited crimes/offenses against the victim.

1. The **DVC** initiates the lawsuit between the parties
2. The DVC requests that the Court issue the relief of a Temporary Restraining Order.

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order										Page 1 of 4	
☒ TRO ☐ Amended TRO										<i>N.J.S.A. 2C:25-17 et seq.</i>	
☐ Superior Court, Chancery Division, Family Part, _____ County ☐ Municipal Court of _____											
DOCKET NUMBER		FV -		POLICE CASE #							
IN THE MATTER OF:		LAST NAME		FIRST NAME		INITIAL		PLAINTIFF'S SEX		PLAINTIFF'S DOB	
								☐ MALE ☐ FEMALE			
DEFENDANT INFORMATION				LAST NAME		FIRST NAME		INITIAL			
AKA						SSN		DOB			
HOME ADDRESS				CITY		STATE		ZIP		HOME PHONE #	
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 _____											
Which constitute(s) the following criminal offense(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 COH 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					

Domestic Violence Complaint

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order										Page 1 of 4	
☒ 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:		LAST NAME		FIRST NAME		INITIAL		PLAINTIFF'S SEX		PLAINTIFF'S DOB	
								☐ MALE ☐ FEMALE			
DEFENDANT INFORMATION		LAST NAME		FIRST NAME		INITIAL					
AKA				SSN		DOB					
HOME ADDRESS		CITY		STATE		ZIP		HOME PHONE #		WORK PHONE #	
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 _____											
Which constitute(s) the following criminal offense(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 ☐ HARBORING											
☐ ASSAULT ☐ KIDNAPPING ☐ FALSE IMPRISONMENT ☐ CRIMINAL SEXUAL CONTACT ☐ CRIMINAL MISFEIT ☐ 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 COH 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 _____											

The “DVC” alleges that the defendant committed one of the prohibited crimes/offenses against the victim.

1. The DVC initiates the lawsuit between the parties
2. The DVC requests that the Court issue the relief of a **Temporary Restraining Order**.

Domestic Violence Complaint

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order Page 1 of 4									
☒ TRO ☐ Amended TRO Superior Court, Chancery Division, Family Part, _____ County ☐ Municipal Court of _____									
DOCKET NUMBER FV -					POLICE CASE # _____				
IN THE MATTER OF PLAINTIFF (ACTIV)		LAST NAME		FIRST NAME		INITIAL		PLAINTIFF'S SEX ☐ MALE ☐ FEMALE	
PLAINTIFF'S DOB		LAST NAME		FIRST NAME		INITIAL			
DEFENDANT INFORMATION									
AKA _____					SSN _____		DOB _____		
HOME ADDRESS _____			CITY _____		STATE _____		ZIP _____		WORK PHONE # _____
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 _____									
Which constitute(s) the following criminal offenses(s)? (Check all applicable boxes. Law Enforcement Officer: Atch N.J.S.P. UCR DV1 offense report(s))									
☐ HOMICIDE ☐ TERRORISTIC THREATS ☐ CRIMINAL RESTRAINT ☐ SEXUAL ASSAULT ☐ LEVINESS ☐ BURGLARY ☐ HARBORING ☐ 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 COH 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 _____				

- 3. The DVC can be filed in the Municipal Court, after hours, or the Superior Court during the day
 - After Hours: after 3:30 pm
 - weekends/ holidays
- Court should determine emergency, not the police
- Nobody should be turned away from applying for a TRO

Domestic Violence Complaint

POLICE SHOULD:

- A. Assist the victims in filling out the DVC
- B. Explain to the victim that the Judge will speak to you
- C. Fill out the DVC and TRO if granted by the Judge
- D. Arrange for service of the TRO
- E. Advise victim of hearing within 10 days
- F. Advise victim that denial of TRO in municipal Court still allows application in Freehold.

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order										Page 1 of 4 <i>N.J.S.A. 2C:25-17 et seq.</i>	
☒ TRO ☐ Amended TRO											
☐ Superior Court, Chancery Division, Family Part, _____ County ☐ Municipal Court of _____											
DOCKET NUMBER FV -		POLICE CASE # _____									
IN THE MATTER OF PLAINTIFF (VICTIM)		LAST NAME		FIRST NAME		INITIAL		PLAINTIFF'S SEX ☐ MALE ☐ FEMALE		PLAINTIFF'S DOB	
DEFENDANT INFORMATION											
LAST NAME		FIRST NAME		INITIAL		DOB		SSN		DOB	
HOME ADDRESS				CITY		STATE		ZIP		HOME PHONE #	
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 _____											
which constitute(s) the following criminal offense(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 MISDEMEANOR ☐ 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					

Domestic Violence Complaint

-Top-

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order										Page 1 of 4	
☒ TRO ☐ Amended TRO										N.J.S.A. 2C:25-17 et seq.	
☐ Superior Court, Chancery Division, Family Part, _____ County										☐ Municipal Court of <u>Bedrock</u>	
DOCKET NUMBER FV -					POLICE CASE # <u>04-1234</u>						
IN THE MATTER OF PLAINTIFF (VICTIM)		LAST NAME <u>Flintstone</u>		FIRST NAME <u>Wilma</u>		INITIAL <u>J</u>		PLAINTIFF'S SEX ☒ MALE ☐ FEMALE		PLAINTIFF'S DOB <u>1/10/57</u>	
DEFENDANT INFORMATION			LAST NAME <u>Flintstone</u>			FIRST NAME <u>Fred</u>			INITIAL <u>B</u>		
AKA _____						SSN <u>146-51-1234</u>			DOB <u>2/12/60</u>		
HOME ADDRESS <u>124 BOULDER Ct</u>			CITY <u>Bedrock</u>		STATE <u>NJ</u>	ZIP <u>07777</u>	HOME PHONE # <u>732-555-9876</u>		WORK PHONE # <u>732-555-2345</u>		
EMPLOYER <u>Slate Rock and Gravel</u>			WORK ADDRESS <u>123 Main St</u>						DEFENDANT'S SEX ☒ MALE ☐ FEMALE		
HAIR COLOR <u>BR</u>		EYE COLOR <u>BR</u>		HEIGHT <u>5'11"</u>	WEIGHT <u>195</u>	RACE <u>Cau</u>		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 _____							
<u>1/10/04</u>		<u>7:25 PM</u>		<u>The defendant did assault the plaintiff by punching and kicking her</u>							
<u>1/11/04</u>		<u>11:02 AM</u>		<u>Threaten to kill the plaintiff by stabbing her in the heart with a knife</u>							
Which constitute(s) the following criminal offense(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	
☒ 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	

	☐ 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 On Prior occasions the defendant has assaulted the plaintiff. She has gone to the hospital due to an assault. He has threatened her in the past and driven by her home at night						
2. DOES DEFENDANT HAVE A CRIMINAL HISTORY? (IF YES, ATTACH COH 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 W1234						
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			

NEW JERSEY DOMESTIC VIOLENCE COURT ORDER

CID-09-10017-117 (Rev. 09/01)

DOMESTIC VIOLENCE COMPLAINT
-BOTTOM-

Domestic Violence Complaint

*Where can the victim apply
For a TRO?*

1. Where the act of
domestic violence
occurs



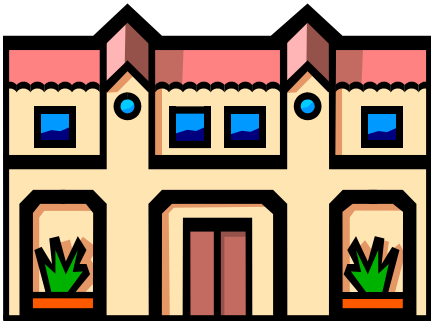
2. Where the
defendant resides



3. Where the victim is
sheltered



4. Where the victim resides



Domestic Violence Complaint

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order										Page 1 of 4 N.J.S.A. 2C:25-17 et seq.	
☒ TRO ☐ Amended TRO ☐ Superior Court, Chancery Division, Family Part, _____ County ☐ Municipal Court of _____											
DOCKET NUMBER FV -		POLICE CASE # _____									
IN THE MATTER OF: _____		LAST NAME		FIRST NAME		INITIAL		PLAINTIFF'S SEX ☐ MALE ☐ FEMALE		PLAINTIFF'S DOB	
PLAINTIFF (VICTIM)		LAST NAME		FIRST NAME		INITIAL					
DEFENDANT INFORMATION											
AKA		SSN		DOB							
HOME ADDRESS		CITY		STATE		ZIP		HOME PHONE #		WORK PHONE #	
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 _____											
Which constitute(s) the following criminal offense(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 MISDEMEANOR ☐ 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 _____					

NEW JERSEY DOMESTIC VIOLENCE COURT ORDER

CD-27-10317-127 (Rev. 09/01)

SERVICE ISSUES

1. Escort victim to residence
2. Provide copy of order to defendant and read order to him
3. Allow defendant to obtain personal belongings- while officer remains on scene.
4. Arrest defendant if he fails to leave
5. Advise defendant he can appeal order with the court
6. Serve Defendant

Domestic Violence Complaint

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order		Page 1 of 4	
☒ 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)	LAST NAME	FIRST NAME	INITIAL
			PLAINTIFF'S SEX ☐ MALE ☐ FEMALE
			PLAINTIFF'S DOB
DEFENDANT INFORMATION		LAST NAME	FIRST NAME
			INITIAL
AKA		SSN	DOB
HOME ADDRESS	CITY	STATE	ZIP
		HOME PHONE #	WORK PHONE #
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 _____			
Which constitute(s) the following criminal offense(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			
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8. THE PLAINTIFF AND DEFENDANT: ☐ PRESENTLY, ☐ PREVIOUSLY, ☐ NEVER, RESIDED TOGETHER (SPECIFY) ☐ FAMILY RELATIONSHIP: _____			
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 _____			

SERVICE ISSUES

IF DEFENDANT CAN BE SERVED

1. Read and Explain DVC and TRO
2. Fax Copies of DVC, TRO and Proof of Service To Family Court: [FAX (732) 677-4366]
3. If service cannot be made before the next business day, FAX copies of DVC and TRO to Superior Court, Freehold for service by MCSD.
4. P.O.S. to be filed in town where TRO obtained.

Temporary Restraining Order

-Bottom of Page 4-

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 _____		

Temporary Restraining Order

-Bottom of Page 4-

RETURN OF SERVICE		
☒	Plaintiff was given a copy of the Complaint / TRO by: <u>Ptl M. Smith</u>	<u>2/27/04- 1:27pm</u> <u>Ptl. Michael Smith, #34</u>
	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
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	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 _____		

NEW JERSEY DOMESTIC VIOLENCE COURT ORDER

4.23.8

Temporary Restraining Order

-Bottom of Page 4-

RETURN OF SERVICE		
☒	Plaintiff was given a copy of the Complaint / TRO by: <u>Ptl M. Smith</u>	<u>2/27/04- 1:27pm</u> <u>Ptl. Michael Smith, #34</u> 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: <u>Order given to</u> <u>Ptl M. Smith</u> <u>2/27/04- 1:27pm</u> <u>Ptl. Michael Smith, #34</u> 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 _____		

Temporary Restraining Order

-Bottom of Page 4-

RETURN OF SERVICE		
☒	Plaintiff was given a copy of the Complaint / TRO by: <u>Ptl M. Smith</u>	<u>2/27/04- 1:27pm</u> <u>Ptl. Michael Smith, #34</u>
	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:	
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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 _____		

NEW JERSEY DOMESTIC VIOLENCE COURT ORDER

CJD:CV-1001F-1.2P (Rev. 05/01)

Domestic Violence Complaint

New Jersey Domestic Violence Civil Complaint and Temporary Restraining Order										Page 1 of 4	
☒ 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)		LAST NAME		FIRST NAME		INITIAL		PLAINTIFF'S SEX ☐ MALE ☐ FEMALE		PLAINTIFF'S DOB	
DEFENDANT INFORMATION		LAST NAME		FIRST NAME		INITIAL					
AKA				SSN		DOB					
HOME ADDRESS		CITY		STATE		ZIP		HOME PHONE #		WORK PHONE #	
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 _____											
Which constitute(s) the following criminal offense(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 ☐ BUNGLARY ☐ 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											
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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 (SPECIFY) ☐ FAMILY RELATIONSHIP: _____											
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

CD-27-10317-127 (Rev. 09/01)

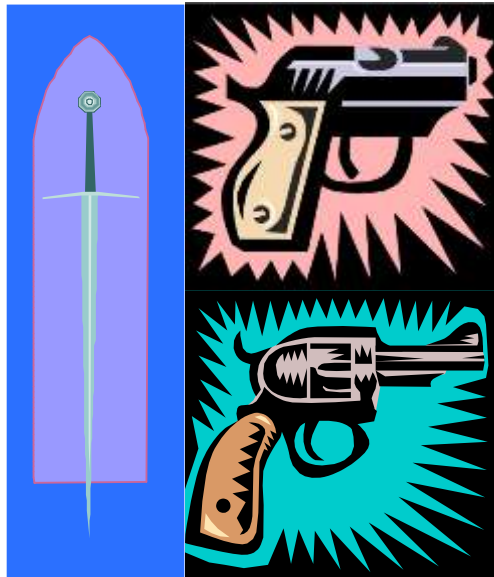
SERVICE ISSUES

IF DEFENDANT **CANNOT** BE LOCATED

1. Continue to make efforts to locate defendant
2. Fax copy of DVC and TRO to the town in which the defendant resides or works for service - await confirmation
3. If service cannot be made before the next business day, FAX copies of DVC and TRO to Superior Court, Freehold for service by MCSD.

CIVIL ISSUES

-Weapon Seizures-



Time-Line for A Domestic Violence Weapon Seizure

- 1. Seizure of Weapon / Permit(s)*
- 2. Notification to Monmouth County Prosecutor*
- 3. Prosecutor will review case to file motion to forfeit within 45 days of receipt of notice.*
- 4. Motion is filed, requesting Court set a hearing date to determine if weapons shall be returned to defendant.*
- 5. Hearing before Family Court Judge*
- 6. Conclusion of the hearing*

Time-Line for A Domestic Violence Weapon Seizure

1. *Seizure of Weapon / Permit(s)*
 - a. *Response to Scene*
 - b. *Pursuant to TRO/FRO, order to surrender*
 - c. *Pursuant to TRO/FRO, search warrant*
 - d. *Condition of Bail*

Time-Line for A Domestic Violence Weapon Seizure

1. *Seizure of Weapon / Permit(s)*
 - a. *Response to Scene*
 - b. *Pursuant to TRO/FRO, order to surrender*
 - c. *Pursuant to TRO/FRO, search warrant*
 - d. *Condition of Bail*

Response to Scene

When a police officer has probable cause to believe an act of domestic violence has occurred, whether or not a firearm was used the officer shall:

- 1- Question persons present to determine existence of weapons on scene
- 2- Upon learning or observing weapons present, officer shall seize all weapons which could expose victim to risk of serious bodily injury
- 3- Seize FPID and permits to purchase/ carry

Time-Line for A Domestic Violence Weapon Seizure

1. *Seizure of Weapon / Permit(s)*
 - a. *Response to Scene*
 - b. *Pursuant to TRO/FRO, order to surrender*
 - c. *Pursuant to TRO/FRO, search warrant*
 - d. *Condition of Bail*

Pursuant to TRO / FRO - order to surrender

When a police officer serves a TRO/FRO which directs seizure of weapons, the officer shall:

- 1- Direct defendant turn over any/all weapons/firearms specifically described or not
- 2- Seize FPID and permits to purchase/ carry
- 3- If defendant is not present, request any person with access to weapons turn them over
- 4- Failure of defendant to turn over weapons will result in charge for violation of order

Time-Line for A Domestic Violence Weapon Seizure

1. *Seizure of Weapon / Permit(s)*
 - a. *Response to Scene*
 - b. *Pursuant to TRO/FRO, order to surrender*
 - c. *Pursuant to TRO/FRO, search warrant*
 - d. *Condition of Bail*

Pursuant to TRO / FRO - search warrant

When a police officer serves a TRO/FRO which contains a search warrant, the officer shall:

- 1- Execute the warrant by searching for and seizing the weapons located in the specific area described in the warrant.
- 2- Execute the warrant even if it describes property owned/ possessed other than by the defendant
- 3- In the event the officer learns weapons are located in an area other than described in the warrant, attempt to obtain consent to search.

Time-Line for A Domestic Violence Weapon Seizure

1. *Seizure of Weapon / Permit(s)*
 - a. *Response to Scene*
 - b. *Pursuant to TRO/FRO, order to surrender*
 - c. *Pursuant to TRO/FRO, search warrant*
 - d. *Condition of Bail*

Condition of Bail

When a defendant is arrested and charged on a warrant, a Police Officer should request as a condition of bail that the defendant be ORDERED to (a)surrender any weapons and (b) request authorization from the Judge to search for weapons as a condition of bail.

1- Weapons seizure is often a condition of bail when a victim is reluctant to request a TRO and there is a concern for victim's safety

2- When a condition of bail, defendant will be incarcerated for failing to comply with the condition

Time-Line for A Domestic Violence Weapon Seizure

2. *Notification to Monmouth County Prosecutor*
 - a. *Fax all reports to Barry Serebnick (732)866-3644*
 - *fax reports, even if already sent to intake*
 - b. *Make sure all property reports are sent*
 - c. *Seized weapons may only be returned upon written authorization of the MCPO, or Court Order.*

Storage of Weapons pending decision by MCPO

1- Weapons seized within Monmouth County

Weapons seized by Law Enforcement within Monmouth County shall Remain in the custody of the law enforcement agency which seized the weapons. Such weapons shall be delivered to the MCPO upon request only. Local evidence procedures shall apply.

2- Weapons seized outside Monmouth County

Weapons seized outside Monmouth pursuant to a Monmouth County Order shall be retained by seizing agency. If he agency cannot hold weapon appropriate arrangements should be made

Time-Line for A Domestic Violence Weapon Seizure

3. *Prosecutor will review case to file motion to forfeit within 45 days of receipt of notice.*
 - *nature of offense*
 - *types of weapons*
 - *Existence of TRO, FRO, Dismissal*
 - *Criminal Charges? Dismissal?*
 - *If no motion is filed, M.C.P.O. will await request from Defendant or P.D. to return the weapon*

Time-Line for A Domestic Violence Weapon Seizure

4. *Motion is filed, requesting Court set a hearing date to determine if weapons shall be returned to defendant.*
 - *Once motion is filed, weapons can only be returned with a Court order, after a hearing*
 - *Statute now requires a hearing within 45 days*
 - *M.C.P.O. will subpoena witnesses to determine current status of defendant to posses weapons, firearms*
 - *Proofs can be expansive, history of D.V. is relevant*

Time-Line for A Domestic Violence Weapon Seizure

5. Hearing before Family Court Judge

- State will bring multiple proofs before the Court:*

N.J.S.A. 2C:25-21d(3)

The State may [forfeit the weapons and permits] on the grounds as are provided for in [N.J.S.A. 2C:58-3] or on the grounds that the owner is unfit or that the person poses a threat to the public or person or persons in particular.

- This statute allows the State to show a Judge that the person would not qualify for a current FPID, therefore, the current weapons and permits should not be returned*

Time-Line for A Domestic Violence Weapon Seizure

6. Conclusion of the hearing

- *Weapons are returned on Court Order,*
Local P.D. and Defendant will receive copy of Order
- *Weapons are forfeited*
Local P.D. will receive forfeiture order,
Weapons should be submitted for destruction with a
copy of the order.

Time-Line for A Domestic Violence Weapon Seizure

- 1. Seizure of Weapon / Permit(s)*
- 2. Notification to Monmouth County Prosecutor*
- 3. Prosecutor will review case to file motion to forfeit within 45 days of receipt of notice.*
- 4. Motion is filed, requesting Court set a hearing date to determine if weapons shall be returned to defendant.*
- 5. Hearing before Family Court Judge*
- 6. Conclusion of the hearing*

CIVIL ISSUES

*-Weapon Seizures from Law
Enforcement-*



All Procedures for weapons forfeitures also apply to law enforcement:

1. Seizure of duty weapon
2. Seizure of off-duty weapon
3. Seizure of Personal weapons
4. Notification must be made to Supervising Officer.
5. Notification must be made to MCPO

Return of Weapons to Law Enforcement can only be Authorized by Monmouth County Prosecutor's Office

1. Even dismissal of a restraining order will not automatically return the firearm.
2. Permission for law enforcement to carry weapon on duty may be authorized.
3. Attorney General Guidelines are controlling.

NEW FIREARMS LAWS:

1. An applicant for a FPID, shall be ineligible for a FPID as long as the restraining order exists, or two years after its dismissal, whichever is greater.
 - Exception: On duty law enforcement personnel.
2. New penalties for domestic violence defendant's who possess or acquire firearms:• "certain persons" offenses now include crimes of domestic violence
3. Firearms applicants who have a conviction for Disorderly Persons Domestic Violence Offense cannot receive a FPID