

Domestic Violence

Domestic Violence is a serious crime. In order to help victims of domestic violence get the help they need and deserve, the Glen Ridge Police Department has created this web page.

This web page provides information to victims about the legal process and organizations whose mission is to assist victims of domestic violence. The Glen Ridge Police Department recognizes that women and men may be the victims of domestic violence. For convenience, we have referred to the victim as a female and the abuser/defendant as a male.

Common Questions and Topics Concerning Domestic Violence

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Who does The Prevention of Domestic Violence Act apply to?

- a. Any person who is 18 years of age and older; OR
- b. Any person who is an emancipated minor, that is, a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or who has been previously declared by a court or an administrative agency to be emancipated;

AND

Has been subjected to domestic violence by any of the following people:

- a. A spouse; OR
- b. A former spouse; OR
- c. Any other person who is a present or former household member; OR
- d. Any person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant.

Note: The law applies if you are subjected to domestic violence within a dating relationship, regardless of your age (over or under 18 years of age). You do not have to be married or living with the abuser to be protected.

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What is domestic violence?

The Prevention of Domestic Violence Act defines "domestic violence" as the occurrence of one or more of the following acts:

- a. Homicide
- b. Assault
- c. Terroristic Threats
- d. Kidnapping
- e. Criminal Restraint
- f. False Imprisonment
- g. Sexual Assault
- h. Criminal Sexual Contact
- i. Lewdness
- j. Criminal Mischief
- k. Burglary
- l. Criminal Trespass
- m. Harassment
- n. Stalking

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Determining if you are the victim of domestic violence

A person is a victim of domestic violence if he or she has experienced one or more of the following:

1. Beatings or physical attacks such as slapping, punching, biting, kicking, pinching, pushing, shaking or hair pulling;
2. Threats that make you fear serious injury to yourself or your children;
3. Threats that make you fear for your life;
4. Imprisonment within your home or another location;
5. Forced sexual contact or rape under threats of harm to yourself or someone you care about;
6. Embarrassment or alarm because of lewd or shocking behavior;
7. Damage to your personal property;
8. Forced entry into your home, with or without a weapon;
9. Threats with a weapon such as a gun or knife;
10. Repeated verbal humiliation and attacks inside or outside your home.

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What should I do if I am a victim of domestic violence?

Report The Crime To The Police

Domestic Violence is a serious crime. The police must respond to your calls. If you are the victim of domestic abuse, you should call the police. If you need immediate help you can call the police or **dial 911**. Make sure you tell the police all the details regarding the domestic violence incident and inform the police about any prior incidents of domestic violence, regardless of whether you reported the incident. If you are on welfare or your family is working

with the Division of Youth and Family Services (DYFS), tell your social worker what happened. You can also call your local domestic violence hotline for help and support.

Seek Medical Assistance

If you have physical or emotional injuries, you should seek treatment for those injuries. Tell the medical professional, your private doctor or someone in the hospital clinic or emergency room, how you received the injury or why you are emotionally upset. Ask the medical professional to document your injury, how it happened, and to include photographs of your injury in your medical record.

Document Your Injury

If you have been the victim of domestic violence it is helpful to law enforcement for you to document the injury. For instance, if you have physical injuries, you should take photographs of your injuries.

File A Complaint

If you are the victim of domestic violence, you may file a civil complaint, a criminal complaint, or both. The main difference between a civil and criminal complaint is the remedy available.

Civil Complaint: When a civil complaint is filed, the court does not punish the person who committed the act of domestic violence. The court may prohibit physical contact between the victim and the abuser. A civil complaint is signed by someone other than a police officer, usually the victim. A civil domestic violence complaint is heard by a Family Court Judge in Superior Court.

Criminal Complaint: When a criminal complaint is filed, the court can punish the person who committed the act of domestic violence by requiring him to perform community service or serve time in jail. The court may also prohibit physical contact between the victim and the abuser. Frequently, criminal complaints are signed by police officers although victims can also sign criminal complaints. Once a criminal complaint is signed, the State, not the person who signed the complaint, prosecutes the case. In Essex County, criminal complaints are prosecuted by the Essex County Prosecutor's Office or sometimes the Attorney General's Office. Criminal complaints are heard in the Criminal Division of the Superior Court.

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What is a Temporary Restraining Order?

A Temporary Restraining Order (TRO) is a legally enforceable document that limits, among other things, physical contact between the victim and abuser. When filing for a TRO, a victim may request one or more of the following provisions. This list is not exhaustive. These are the most common provisions that victims of domestic violence may request:

1. Prohibit the defendant (abuser) from having contact with the victim, victim's children and relatives. The term "contact" includes physical, verbal (including telephone) and written contact between the defendant and victim. The defendant may also be prohibited from contacting a victim through a third party.

2. Prohibit the defendant from harassing the victim, victim's children and relatives.
3. Prohibit the defendant from entering the victim's residence, property, place of employment and/or school.
4. Prohibit the defendant from following, stalking, or threatening to harm, stalk or follow the victim.
5. Grant temporary custody of any children to the victim or provide that the victim will retain custody of any children.
6. Set forth a visitation schedule with the children. The order may specify the day, time, and circumstances of visitation. The judge can also order that no visitation be granted.
7. Provide for the defendant to pay temporary child support or support for the victim.
8. Provide for the defendant to reimburse the victim for medical treatment or repairs because of the violence.

Once a TRO has been issued, the defendant will be served with notice that a TRO has been issued. The victim will also get a copy of the TRO. The victim should keep a copy of the TRO with her at all times. She should also give a copy to the police department in the town where she resides and works. The TRO remains in effect until there is a hearing to determine if the TRO should become a final restraining order.

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How do I obtain a Temporary Restraining Order?

A Temporary Restraining Order (TRO) may be issued by the local Municipal Court Judge or a Superior Court Judge. If the Municipal Court Judge denies the request for a TRO, the victim may reapply for a TRO at the Family Part of the Superior Court. The application for a TRO will be heard by either a Superior Court Judge or a Municipal Court Judge depending on when the application for a TRO is made. An application for a TRO may be filed in the county where the domestic violence occurred, where the victim lives, where the abuser lives or where the victim is sheltered.

1. Between the hours of 8:30 AM and 3:30 PM on weekdays, the victim must go to the Family Part of the Superior Court and apply for a TRO. A Superior Court Judge will decide whether a TRO should be issued. In Essex County, the Superior Court is located in Newark.
2. After business hours on weekdays, on weekends or on holidays, the victim must go to the local police department to obtain a TRO through a Municipal Court Judge. The police will assist the victim with applying for the TRO. This is usually handled with a telephone call from a police officer to a Municipal Court Judge. If the application for a TRO is denied, the victim may apply for a TRO in the Family Court of the Superior Court on the next business day.

Final Restraining Orders

A Temporary Restraining Order (TRO) will remain in effect until there is a hearing to determine if the TRO should become a final restraining order. The hearing is usually held within 10 days after the issuance of the TRO. A Family Court Judge in Superior Court determines whether the TRO should be dismissed or converted to a final restraining order. In New Jersey, if a final restraining order is issued, it remains in effect for life or until a Judge of the Superior Court dismisses the order.

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What should I do if a defendant does not obey the terms of the restraining order?

If the defendant does not obey the terms of the restraining order, the victim should immediately call the police. The victim should have her copy of the restraining order ready to show the police. If the police determine that the defendant violated the order, he can be arrested and put in jail.

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Organizations that help victims of domestic violence

There are many organizations that provide assistance to victims of domestic violence. Below is a list of some of those organizations. These organizations will help a victim access the legal system, find shelter and obtain counseling.

Department of Health, Rape Care Program	(609) 984-6137
Division on Civil Rights	(609) 292-4605
Division on Women, Office on the Prevention of Violence Against Women	(609) 292-8840
Domestic Violence Hotline	(800) 572-SAFE
Jersey Battered Women's Service Hotline (Morris County)	(973) 267-4763
Legal Services of New Jersey (LSNJ)	(973) 285-6911
New Jersey Coalition Against Sexual Assault	(609) 631-4450
New Jersey Coalition for Battered Women	(609) 584-8107
New Jersey Office of Victim-Witness Advocacy	(609) 896-8855
New Jersey Victims of Crime Compensation Board Hotline	(800) 242-0804
Statewide Women's Referral Hotline	(800) 322-8092
A Guide to the Legal Rights of Domestic Violence Victims in New Jersey	

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