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FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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'Bar Report – March 20, 2023', *New Jersey Law Journal*, 20 Mar 2023

'Bar Report – June 19, 2023', *New Jersey Law Journal*, 19 June 2023

CL/MM

P.L. 2023, CHAPTER 234, *approved January 8, 2024*
Assembly No. 1704 (*First Reprint*)

1 AN ACT concerning certain domestic violence orders and amending
2 P.L.1991, c.261.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 7 of P.L.1991, c.261 (C.2C:25-23) is amended to read
8 as follows:

9 7. A law enforcement officer shall disseminate and explain to the
10 victim the following notice, which shall be ¹**["written"] prepared¹** **["in**
11 **both English and Spanish"]** ¹**[".]¹** by the ¹**["Administrative Office of the**
12 **Courts,"]** ¹**Attorney General¹** in English, Spanish, and ¹**up to¹ 10**
13 **additional** ¹**high demand¹** languages ¹**["commonly"]¹** spoken in the
14 State:

15 "You have the right to go to court to get an order called a
16 temporary restraining order, also called a TRO, which may protect you
17 from more abuse by your attacker. The officer who handed you this
18 card can tell you how to get a TRO.

19 The kinds of things a judge can order in a TRO may include:

20 (1) That your attacker is temporarily forbidden from entering the
21 home you live in;

22 (2) That your attacker is temporarily forbidden from having
23 contact with you or your relatives;

24 (3) That your attacker is temporarily forbidden from bothering you
25 at work;

26 (4) That your attacker has to pay temporary child support or
27 support for you;

28 (5) That you be given temporary custody of your children;

29 (6) That your attacker pay you back any money you have to spend
30 for medical treatment or repairs because of the violence. There are
31 other things the court can order, and the court clerk will explain the
32 procedure to you and will help you fill out the papers for a TRO.

33 You also have the right to file a criminal complaint against your
34 attacker. The police officer who gave you this paper will tell you how
35 to file a criminal complaint.

36 On weekends, holidays and other times when the courts are closed,
37 you still have a right to get a TRO. The police officer who gave you
38 this paper can help you get in touch with a judge who can give you a
39 TRO."

40 (cf: P.L.1991, c.261, s.7)

EXPLANATION – Matter enclosed in bold-faced brackets **["thus"]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted March 9, 2023.

1 2. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to read
2 as follows:

3 12. a. A victim may file a complaint alleging the commission of
4 an act of domestic violence with the Family Part of the Chancery
5 Division of the Superior Court in conformity with the Rules of Court.
6 The court shall not dismiss any complaint or delay disposition of a
7 case because the victim has left the residence to avoid further incidents
8 of domestic violence. Filing a complaint pursuant to this section shall
9 not prevent the filing of a criminal complaint for the same act.

10 On weekends, holidays and other times when the court is closed, a
11 victim may file a complaint before a judge of the Family Part of the
12 Chancery Division of the Superior Court or a municipal court judge
13 who shall be assigned to accept complaints and issue emergency, ex
14 parte relief in the form of temporary restraining orders pursuant to this
15 act.

16 A plaintiff may apply for relief under this section in a court having
17 jurisdiction over the place where the alleged act of domestic violence
18 occurred, where the defendant resides, or where the plaintiff resides or
19 is sheltered, and the court shall follow the same procedures applicable
20 to other emergency applications. Criminal complaints filed pursuant
21 to this act shall be investigated and prosecuted in the jurisdiction
22 where the offense is alleged to have occurred. Contempt complaints
23 filed pursuant to N.J.S.2C:29-9 shall be prosecuted in the county
24 where the contempt is alleged to have been committed and a copy of
25 the contempt complaint shall be forwarded to the court that issued the
26 order alleged to have been violated.

27 b. The court shall waive any requirement that the petitioner's
28 place of residence appear on the complaint.

29 c. (1) The clerk of the court, or other person designated by the
30 court, shall assist the parties in completing any forms necessary for the
31 filing of a summons, complaint, answer or other pleading.

32 (2) The plaintiff may provide information concerning firearms to
33 which the defendant has access, including the location of these
34 firearms, if known, on a form to be prescribed by the Administrative
35 Director of the Courts.

36 (3) Information provided by the plaintiff concerning firearms to
37 which the defendant has access shall be kept confidential and shall not
38 be disseminated or disclosed, provided that nothing in this subsection
39 shall prohibit dissemination or disclosure of this information in a
40 manner consistent with and in furtherance of the purpose for which the
41 information was provided.

42 d. Summons and complaint forms shall be readily available at the
43 clerk's office, at the municipal courts and at municipal and State police
44 stations.

45 e. As soon as the domestic violence complaint is filed, both the
46 victim and the abuser shall be advised of any programs or services
47 available for advice and counseling.

1 f. A plaintiff may seek emergency, ex parte relief in the nature of
2 a temporary restraining order. A municipal court judge or a judge of
3 the Family Part of the Chancery Division of the Superior Court may
4 enter an ex parte order when necessary to protect the life, health or
5 well-being of a victim on whose behalf the relief is sought.

6 g. If it appears that the plaintiff is in danger of domestic violence,
7 the judge shall, upon consideration of the plaintiff's domestic violence
8 complaint, order emergency ex parte relief, in the nature of a
9 temporary restraining order. A decision shall be made by the judge
10 regarding the emergency relief forthwith.

11 h. (1) A judge may issue a temporary restraining order upon
12 sworn testimony or complaint of an applicant who is not physically
13 present, pursuant to court rules, or by a person who represents a person
14 who is physically or mentally incapable of filing personally. A
15 temporary restraining order may be issued if the judge is satisfied that
16 exigent circumstances exist sufficient to excuse the failure of the
17 applicant to appear personally and that sufficient grounds for granting
18 the application have been shown.

19 (2) Any temporary restraining order shall be issued in the
20 primary language or languages used by both the plaintiff and the
21 defendant The Administrative Office of the Court shall prepare
22 standard templates for temporary restraining orders in English,
23 Spanish, and the other high demand languages identified in its
24 Language Access Plan as approved by the Supreme Court. These
25 templates shall be available for law enforcement, judges of the
26 Municipal Court, and judges and staff of the Superior Court to
27 provide to the victim and defendant when issuing temporary
28 restraining orders pursuant to this section¹ .

29 i. An order for emergency, ex parte relief shall be granted upon
30 good cause shown and shall remain in effect until a judge of the
31 Family Part issues a further order. Any temporary order hereunder is
32 immediately appealable for a plenary hearing de novo not on the
33 record before any judge of the Family Part of the county in which the
34 plaintiff resides or is sheltered if that judge issued the temporary order
35 or has access to the reasons for the issuance of the temporary order and
36 sets forth in the record the reasons for the modification or dissolution.
37 The denial of a temporary restraining order by a municipal court judge
38 and subsequent administrative dismissal of the complaint shall not bar
39 the victim from refileing a complaint in the Family Part based on the
40 same incident and receiving an emergency, ex parte hearing de novo
41 not on the record before a Family Part judge, and every denial of relief
42 by a municipal court judge shall so state.

43 j. Emergency relief may include forbidding the defendant from
44 returning to the scene of the domestic violence, forbidding the
45 defendant from possessing any firearm or other weapon enumerated in
46 subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of
47 any firearm or other weapon at any location where the judge has

1 reasonable cause to believe the weapon is located and the seizure of
2 any firearms purchaser identification card or permit to purchase a
3 handgun issued to the defendant and any other appropriate relief.

4 If the order requires the surrender of any firearm or other weapon,
5 a law enforcement officer shall accompany the defendant, or may
6 proceed without the defendant if necessary, to the scene of the
7 domestic violence or any other location where the judge has
8 reasonable cause to believe any firearm or other weapon belonging to
9 the defendant is located, to ensure that the defendant does not gain
10 access to any firearm or other weapon, and that the firearm or other
11 weapon is appropriately surrendered in accordance with the order. If
12 the order prohibits the defendant from returning to the scene of
13 domestic violence or any other location where the judge has
14 reasonable cause to believe any firearm or other weapon belonging to
15 the defendant is located, any firearm or other weapon located there
16 shall be seized by a law enforcement officer. The order shall include
17 notice to the defendant of the penalties for a violation of any provision
18 of the order, including but not limited to the penalties for contempt of
19 court and unlawful possession of a firearm or other weapon pursuant
20 to N.J.S.2C:39-5. Other appropriate relief may include but is not
21 limited to an order directing the possession of any animal owned,
22 possessed, leased, kept, or held by either party or a minor child
23 residing in the household and providing that the animal shall not be
24 disposed of prior to entry of a final order pursuant to section 13 of
25 P.L.1991, c.261 (C.2C:25-29).

26 The judge shall state with specificity the reasons for and scope of
27 any search and seizure authorized by the order. The provisions of this
28 subsection prohibiting a defendant from possessing a firearm or other
29 weapon shall not apply to any law enforcement officer while actually
30 on duty, or to any member of the Armed Forces of the United States or
31 member of the National Guard while actually on duty or traveling to or
32 from an authorized place of duty.

33 k. The judge may permit the defendant to return to the scene of
34 the domestic violence to pick up personal belongings and effects but
35 shall, in the order granting relief, restrict the time and duration of such
36 permission and provide for police supervision of such visit.

37 l. An order granting emergency relief, together with the
38 complaint or complaints, shall immediately be forwarded to the
39 appropriate law enforcement agency for service on the defendant, and
40 to the police of the municipality in which the plaintiff resides or is
41 sheltered, and shall immediately be served upon the defendant along
42 with a copy of the translated order, if applicable, by the police, except
43 that an order issued during regular court hours may be forwarded to
44 the sheriff for immediate service upon the defendant in accordance
45 with the Rules of Court. If personal service cannot be effected upon
46 the defendant, the court may order other appropriate substituted

1 service. At no time shall the plaintiff be asked or required to serve any
2 order on the defendant.

3 m. (Deleted by amendment, P.L.1994, c.94.)

4 n. Notice of temporary restraining orders issued pursuant to this
5 section shall be sent by the clerk of the court or other person
6 designated by the court to the appropriate chiefs of police, members of
7 the State Police and any other appropriate law enforcement agency or
8 court.

9 o. (Deleted by amendment, P.L.1994, c.94.)

10 p. Any temporary or final restraining order issued pursuant to this
11 act shall be in effect throughout the State, and shall be enforced by all
12 law enforcement officers.

13 q. Prior to the issuance of any temporary or final restraining order
14 issued pursuant to this section, the court shall order that a search be
15 made of the domestic violence central registry with regard to the
16 defendant's record.

17 (cf: P.L.2016, c.91, s.2)

18

19 3. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to read
20 as follows:

21 13. a. A hearing shall be held in the Family Part of the Chancery
22 Division of the Superior Court within 10 days of the filing of a
23 complaint pursuant to section 12 of P.L.1991, c.261 (C.2C:25-28) in
24 the county where the ex parte restraints were ordered, unless good
25 cause is shown for the hearing to be held elsewhere. A copy of the
26 complaint shall be served on the defendant in conformity with the
27 Rules of Court. If a criminal complaint arising out of the same incident
28 which is the subject matter of a complaint brought under P.L.1981,
29 c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has
30 been filed, testimony given by the plaintiff or defendant in the
31 domestic violence matter shall not be used in the simultaneous or
32 subsequent criminal proceeding against the defendant, other than
33 domestic violence contempt matters and where it would otherwise be
34 admissible hearsay under the rules of evidence that govern where a
35 party is unavailable. At the hearing the standard for proving the
36 allegations in the complaint shall be by a preponderance of the
37 evidence. The court shall consider but not be limited to the following
38 factors:

39 (1) The previous history of domestic violence between the plaintiff
40 and defendant, including threats, harassment and physical abuse;

41 (2) The existence of immediate danger to person or property;

42 (3) The financial circumstances of the plaintiff and defendant;

43 (4) The best interests of the victim and any child;

44 (5) In determining custody and parenting time the protection of the
45 victim's safety; and

46 (6) The existence of a verifiable order of protection from another
47 jurisdiction.

1 An order issued under this act shall only restrain or provide
2 damages payable from a person against whom a complaint has been
3 filed under this act and only after a finding or an admission is made
4 that an act of domestic violence was committed by that person. The
5 issue of whether or not a violation of this act occurred, including an act
6 of contempt under this act, shall not be subject to mediation or
7 negotiation in any form. In addition, where a temporary or final order
8 has been issued pursuant to this act, no party shall be ordered to
9 participate in mediation on the issue of custody or parenting time.

10 ¹ [An order issued under this section shall be issued in the primary
11 language or languages used by both the plaintiff and the defendant]
12 The Administrative Office of the Courts shall prepare standard
13 templates for final restraining orders in English, Spanish and the other
14 high demand languages identified in its Language Access Plan as
15 approved by the Supreme Court. These templates shall be available
16 for judges and staff of the Superior Court Family Part to provide to the
17 victim and defendant when issuing final restraining orders pursuant to
18 this section¹.

19 b. In proceedings in which complaints for restraining orders have
20 been filed, the court shall grant any relief necessary to prevent further
21 abuse. In addition to any other provisions, any restraining order issued
22 by the court shall bar the defendant from purchasing, owning,
23 possessing or controlling a firearm and from receiving or retaining a
24 firearms purchaser identification card or permit to purchase a handgun
25 pursuant to N.J.S.2C:58-3 during the period in which the restraining
26 order is in effect or two years, whichever is greater. The order shall
27 require the immediate surrender of any firearm or other weapon
28 belonging to the defendant. The order shall include notice to the
29 defendant of the penalties for a violation of any provision of the order,
30 including but not limited to the penalties for contempt of court and
31 unlawful possession of a firearm or other weapon pursuant to
32 N.J.S.2C:39-5.

33 A law enforcement officer shall accompany the defendant, or may
34 proceed without the defendant if necessary, to any place where any
35 firearm or other weapon belonging to the defendant is located to
36 ensure that the defendant does not gain access to any firearm or other
37 weapon, and a law enforcement officer shall take custody of any
38 firearm or other weapon belonging to the defendant. If the order
39 prohibits the defendant from returning to the scene of domestic
40 violence or other place where firearms or other weapons belonging to
41 the defendant are located, any firearm or other weapon located there
42 shall be seized by a law enforcement officer. The provisions of this
43 subsection requiring the surrender or removal of a firearm, card, or
44 permit shall not apply to any law enforcement officer while actually on
45 duty, or to any member of the Armed Forces of the United States or
46 member of the National Guard while actually on duty or traveling to or
47 from an authorized place of duty. At the hearing the judge of the

1 Family Part of the Chancery Division of the Superior Court may issue
2 an order granting any or all of the following relief:

3 (1) An order restraining the defendant from subjecting the victim
4 to domestic violence, as defined in this act.

5 (2) An order granting exclusive possession to the plaintiff of the
6 residence or household regardless of whether the residence or
7 household is jointly or solely owned by the parties or jointly or solely
8 leased by the parties. This order shall not in any manner affect title or
9 interest to any real property held by either party or both jointly. If it is
10 not possible for the victim to remain in the residence, the court may
11 order the defendant to pay the victim's rent at a residence other than
12 the one previously shared by the parties if the defendant is found to
13 have a duty to support the victim and the victim requires alternative
14 housing.

15 (3) An order providing for parenting time. The order shall protect
16 the safety and well-being of the plaintiff and minor children and shall
17 specify the place and frequency of parenting time. Parenting time
18 arrangements shall not compromise any other remedy provided by the
19 court by requiring or encouraging contact between the plaintiff and
20 defendant. Orders for parenting time may include a designation of a
21 place of parenting time away from the plaintiff, the participation of a
22 third party, or supervised parenting time.

23 (a) The court shall consider a request by a custodial parent who
24 has been subjected to domestic violence by a person with parenting
25 time rights to a child in the parent's custody for an investigation or
26 evaluation by the appropriate agency to assess the risk of harm to the
27 child prior to the entry of a parenting time order. Any denial of such a
28 request must be on the record and shall only be made if the judge finds
29 the request to be arbitrary or capricious.

30 (b) The court shall consider suspension of the parenting time order
31 and hold an emergency hearing upon an application made by the
32 plaintiff certifying under oath that the defendant's access to the child
33 pursuant to the parenting time order has threatened the safety and well-
34 being of the child.

35 (4) An order requiring the defendant to pay to the victim monetary
36 compensation for losses suffered as a direct result of the act of
37 domestic violence. The order may require the defendant to pay the
38 victim directly, to reimburse the Victims of Crime Compensation
39 Office for any and all compensation paid by the Victims of Crime
40 Compensation Office directly to or on behalf of the victim, and may
41 require that the defendant reimburse any parties that may have
42 compensated the victim, as the court may determine. Compensatory
43 losses shall include, but not be limited to, loss of earnings or other
44 support, including child or spousal support, out-of-pocket losses for
45 injuries sustained, cost of repair or replacement of real or personal
46 property damaged or destroyed or taken by the defendant, cost of
47 counseling for the victim, moving or other travel expenses, reasonable

1 attorney's fees, court costs, and compensation for pain and suffering.
2 Where appropriate, punitive damages may be awarded in addition to
3 compensatory damages.

4 (5) An order requiring the defendant to receive professional
5 domestic violence counseling from either a private source or a source
6 appointed by the court and, in that event, requiring the defendant to
7 provide the court at specified intervals with documentation of
8 attendance at the professional counseling. The court may order the
9 defendant to pay for the professional counseling. No application by
10 the defendant to dissolve a final order which contains a requirement
11 for attendance at professional counseling pursuant to this paragraph
12 shall be granted by the court unless, in addition to any other provisions
13 required by law or conditions ordered by the court, the defendant has
14 completed all required attendance at such counseling.

15 (6) An order restraining the defendant from entering the residence,
16 property, school, or place of employment of the victim or of other
17 family or household members of the victim and requiring the
18 defendant to stay away from any specified place that is named in the
19 order and is frequented regularly by the victim or other family or
20 household members.

21 (7) An order restraining the defendant from making contact with
22 the plaintiff or others, including an order forbidding the defendant
23 from personally or through an agent initiating any communication
24 likely to cause annoyance or alarm including, but not limited to,
25 personal, written, or telephone contact with the victim or other family
26 members, or their employers, employees, or fellow workers, or others
27 with whom communication would be likely to cause annoyance or
28 alarm to the victim.

29 (8) An order requiring that the defendant make or continue to
30 make rent or mortgage payments on the residence occupied by the
31 victim if the defendant is found to have a duty to support the victim or
32 other dependent household members; provided that this issue has not
33 been resolved or is not being litigated between the parties in another
34 action.

35 (9) An order granting either party temporary possession of
36 specified personal property, such as an automobile, checkbook,
37 documentation of health insurance, an identification document, a key,
38 and other personal effects.

39 (10) An order awarding emergency monetary relief, including
40 emergency support for minor children, to the victim and other
41 dependents, if any. An ongoing obligation of support shall be
42 determined at a later date pursuant to applicable law.

43 (11) An order awarding temporary custody of a minor child. The
44 court shall presume that the best interests of the child are served by an
45 award of custody to the non-abusive parent.

46 (12) An order requiring that a law enforcement officer accompany
47 either party to the residence or any shared business premises to

1 supervise the removal of personal belongings in order to ensure the
2 personal safety of the plaintiff when a restraining order has been
3 issued. This order shall be restricted in duration.

4 (13) (Deleted by amendment, P.L.1995, c.242).

5 (14) An order granting any other appropriate relief for the plaintiff
6 and dependent children, provided that the plaintiff consents to such
7 relief, including relief requested by the plaintiff at the final hearing,
8 whether or not the plaintiff requested such relief at the time of the
9 granting of the initial emergency order.

10 (15) An order that requires that the defendant report to the intake
11 unit of the Family Part of the Chancery Division of the Superior Court
12 for monitoring of any other provision of the order.

13 (16) In addition to the order required by this subsection
14 prohibiting the defendant from possessing any firearm, the court may
15 also issue an order prohibiting the defendant from possessing any other
16 weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the
17 search for and seizure of any firearm or other weapon at any location
18 where the judge has reasonable cause to believe the weapon is located.
19 The judge shall state with specificity the reasons for and scope of the
20 search and seizure authorized by the order.

21 (17) An order prohibiting the defendant from stalking or
22 following, or threatening to harm, to stalk or to follow, the
23 complainant or any other person named in the order in a manner that,
24 taken in the context of past actions of the defendant, would put the
25 complainant in reasonable fear that the defendant would cause the
26 death or injury of the complainant or any other person. Behavior
27 prohibited under this act includes, but is not limited to, behavior
28 prohibited under the provisions of P.L.1992, c.209 (C.2C:12-10).

29 (18) An order requiring the defendant to undergo a psychiatric
30 evaluation.

31 (19) An order directing the possession of any animal owned,
32 possessed, leased, kept, or held by either party or a minor child
33 residing in the household. Where a person has abused or threatened to
34 abuse such animal, there shall be a presumption that possession of the
35 animal shall be awarded to the non-abusive party.

36 c. Notice of orders issued pursuant to this section shall be sent by
37 the clerk of the Family Part of the Chancery Division of the Superior
38 Court or other person designated by the court to the appropriate chiefs
39 of police, members of the State Police and any other appropriate law
40 enforcement agency.

41 d. Upon good cause shown, any final order may be dissolved or
42 modified upon application to the Family Part of the Chancery Division
43 of the Superior Court, but only if the judge who dissolves or modifies
44 the order is the same judge who entered the order, or has available a
45 complete record of the hearing or hearings on which the order was
46 based.

1 e. Prior to the issuance of any order pursuant to this section, the
2 court shall order that a search be made of the domestic violence central
3 registry.

4 (cf: P.L.2016, c.91, s.3)

5

6 4. This act shall take effect on the 120th day following
7 enactment.

8

9

10

11 Requires domestic violence orders to be issued in other
12 languages in addition to English under certain circumstances.

ASSEMBLY, No. 1704

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Assemblywomen Timberlake, Jimenez, Lopez, Tucker, Assemblyman Mejjia, Assemblywomen Chaparro, Jasey, Haider, Park, Assemblymen Stanley and Karabinchak

SYNOPSIS

Requires domestic violence orders to be issued in other languages in addition to English under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/23/2023)

1 AN ACT concerning certain domestic violence orders and amending
2 P.L.1991, c.261.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 7 of P.L.1991, c.261 (C.2C:25-23) is amended to
8 read as follows:

9 7. A law enforcement officer shall disseminate and explain to
10 the victim the following notice, which shall be written **[in both**
11 **English and Spanish]** , by the Administrative Office of the Courts,
12 in English, Spanish, and 10 additional languages commonly spoken
13 in the State:

14 "You have the right to go to court to get an order called a
15 temporary restraining order, also called a TRO, which may protect
16 you from more abuse by your attacker. The officer who handed you
17 this card can tell you how to get a TRO.

18 The kinds of things a judge can order in a TRO may include:

19 (1) That your attacker is temporarily forbidden from entering
20 the home you live in;

21 (2) That your attacker is temporarily forbidden from having
22 contact with you or your relatives;

23 (3) That your attacker is temporarily forbidden from bothering
24 you at work;

25 (4) That your attacker has to pay temporary child support or
26 support for you;

27 (5) That you be given temporary custody of your children;

28 (6) That your attacker pay you back any money you have to
29 spend for medical treatment or repairs because of the violence.
30 There are other things the court can order, and the court clerk will
31 explain the procedure to you and will help you fill out the papers
32 for a TRO.

33 You also have the right to file a criminal complaint against your
34 attacker. The police officer who gave you this paper will tell you
35 how to file a criminal complaint.

36 On weekends, holidays and other times when the courts are
37 closed, you still have a right to get a TRO. The police officer who
38 gave you this paper can help you get in touch with a judge who can
39 give you a TRO."

40 (cf: P.L.1991, c.261, s.7)

41

42 2. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to
43 read as follows:

44 12. a. A victim may file a complaint alleging the commission of
45 an act of domestic violence with the Family Part of the Chancery

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Division of the Superior Court in conformity with the Rules of
2 Court. The court shall not dismiss any complaint or delay
3 disposition of a case because the victim has left the residence to
4 avoid further incidents of domestic violence. Filing a complaint
5 pursuant to this section shall not prevent the filing of a criminal
6 complaint for the same act.

7 On weekends, holidays and other times when the court is closed,
8 a victim may file a complaint before a judge of the Family Part of
9 the Chancery Division of the Superior Court or a municipal court
10 judge who shall be assigned to accept complaints and issue
11 emergency, ex parte relief in the form of temporary restraining
12 orders pursuant to this act.

13 A plaintiff may apply for relief under this section in a court
14 having jurisdiction over the place where the alleged act of domestic
15 violence occurred, where the defendant resides, or where the
16 plaintiff resides or is sheltered, and the court shall follow the same
17 procedures applicable to other emergency applications. Criminal
18 complaints filed pursuant to this act shall be investigated and
19 prosecuted in the jurisdiction where the offense is alleged to have
20 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
21 shall be prosecuted in the county where the contempt is alleged to
22 have been committed and a copy of the contempt complaint shall be
23 forwarded to the court that issued the order alleged to have been
24 violated.

25 b. The court shall waive any requirement that the petitioner's
26 place of residence appear on the complaint.

27 c. (1) The clerk of the court, or other person designated by the
28 court, shall assist the parties in completing any forms necessary for
29 the filing of a summons, complaint, answer or other pleading.

30 (2) The plaintiff may provide information concerning firearms
31 to which the defendant has access, including the location of these
32 firearms, if known, on a form to be prescribed by the
33 Administrative Director of the Courts.

34 (3) Information provided by the plaintiff concerning firearms to
35 which the defendant has access shall be kept confidential and shall
36 not be disseminated or disclosed, provided that nothing in this
37 subsection shall prohibit dissemination or disclosure of this
38 information in a manner consistent with and in furtherance of the
39 purpose for which the information was provided.

40 d. Summons and complaint forms shall be readily available at
41 the clerk's office, at the municipal courts and at municipal and State
42 police stations.

43 e. As soon as the domestic violence complaint is filed, both the
44 victim and the abuser shall be advised of any programs or services
45 available for advice and counseling.

46 f. A plaintiff may seek emergency, ex parte relief in the nature
47 of a temporary restraining order. A municipal court judge or a
48 judge of the Family Part of the Chancery Division of the Superior

1 Court may enter an ex parte order when necessary to protect the
2 life, health or well-being of a victim on whose behalf the relief is
3 sought.

4 g. If it appears that the plaintiff is in danger of domestic
5 violence, the judge shall, upon consideration of the plaintiff's
6 domestic violence complaint, order emergency ex parte relief, in the
7 nature of a temporary restraining order. A decision shall be made
8 by the judge regarding the emergency relief forthwith.

9 h. (1) A judge may issue a temporary restraining order upon
10 sworn testimony or complaint of an applicant who is not physically
11 present, pursuant to court rules, or by a person who represents a
12 person who is physically or mentally incapable of filing personally.
13 A temporary restraining order may be issued if the judge is satisfied
14 that exigent circumstances exist sufficient to excuse the failure of
15 the applicant to appear personally and that sufficient grounds for
16 granting the application have been shown.

17 (2) Any temporary restraining order shall be issued in the
18 primary language or languages used by both the plaintiff and the
19 defendant.

20 i. An order for emergency, ex parte relief shall be granted
21 upon good cause shown and shall remain in effect until a judge of
22 the Family Part issues a further order. Any temporary order
23 hereunder is immediately appealable for a plenary hearing de novo
24 not on the record before any judge of the Family Part of the county
25 in which the plaintiff resides or is sheltered if that judge issued the
26 temporary order or has access to the reasons for the issuance of the
27 temporary order and sets forth in the record the reasons for the
28 modification or dissolution. The denial of a temporary restraining
29 order by a municipal court judge and subsequent administrative
30 dismissal of the complaint shall not bar the victim from refileing a
31 complaint in the Family Part based on the same incident and
32 receiving an emergency, ex parte hearing de novo not on the record
33 before a Family Part judge, and every denial of relief by a
34 municipal court judge shall so state.

35 j. Emergency relief may include forbidding the defendant from
36 returning to the scene of the domestic violence, forbidding the
37 defendant from possessing any firearm or other weapon enumerated
38 in subsection r. of N.J.S.2C:39-1, ordering the search for and
39 seizure of any firearm or other weapon at any location where the
40 judge has reasonable cause to believe the weapon is located and the
41 seizure of any firearms purchaser identification card or permit to
42 purchase a handgun issued to the defendant and any other
43 appropriate relief.

44 If the order requires the surrender of any firearm or other
45 weapon, a law enforcement officer shall accompany the defendant,
46 or may proceed without the defendant if necessary, to the scene of
47 the domestic violence or any other location where the judge has
48 reasonable cause to believe any firearm or other weapon belonging

1 to the defendant is located, to ensure that the defendant does not
2 gain access to any firearm or other weapon, and that the firearm or
3 other weapon is appropriately surrendered in accordance with the
4 order. If the order prohibits the defendant from returning to the
5 scene of domestic violence or any other location where the judge
6 has reasonable cause to believe any firearm or other weapon
7 belonging to the defendant is located, any firearm or other weapon
8 located there shall be seized by a law enforcement officer. The
9 order shall include notice to the defendant of the penalties for a
10 violation of any provision of the order, including but not limited to
11 the penalties for contempt of court and unlawful possession of a
12 firearm or other weapon pursuant to N.J.S.2C:39-5. Other
13 appropriate relief may include but is not limited to an order
14 directing the possession of any animal owned, possessed, leased,
15 kept, or held by either party or a minor child residing in the
16 household and providing that the animal shall not be disposed of
17 prior to entry of a final order pursuant to section 13 of P.L.1991,
18 c.261 (C.2C:25-29).

19 The judge shall state with specificity the reasons for and scope of
20 any search and seizure authorized by the order. The provisions of
21 this subsection prohibiting a defendant from possessing a firearm or
22 other weapon shall not apply to any law enforcement officer while
23 actually on duty, or to any member of the Armed Forces of the
24 United States or member of the National Guard while actually on
25 duty or traveling to or from an authorized place of duty.

26 k. The judge may permit the defendant to return to the scene of
27 the domestic violence to pick up personal belongings and effects
28 but shall, in the order granting relief, restrict the time and duration
29 of such permission and provide for police supervision of such visit.

30 l. An order granting emergency relief, together with the
31 complaint or complaints, shall immediately be forwarded to the
32 appropriate law enforcement agency for service on the defendant,
33 and to the police of the municipality in which the plaintiff resides or
34 is sheltered, and shall immediately be served upon the defendant
35 along with a copy of the translated order, if applicable, by the
36 police, except that an order issued during regular court hours may
37 be forwarded to the sheriff for immediate service upon the
38 defendant in accordance with the Rules of Court. If personal
39 service cannot be effected upon the defendant, the court may order
40 other appropriate substituted service. At no time shall the plaintiff
41 be asked or required to serve any order on the defendant.

42 m. (Deleted by amendment, P.L.1994, c.94.)

43 n. Notice of temporary restraining orders issued pursuant to
44 this section shall be sent by the clerk of the court or other person
45 designated by the court to the appropriate chiefs of police, members
46 of the State Police and any other appropriate law enforcement
47 agency or court.

48 o. (Deleted by amendment, P.L.1994, c.94.)

1 p. Any temporary or final restraining order issued pursuant to
2 this act shall be in effect throughout the State, and shall be enforced
3 by all law enforcement officers.

4 q. Prior to the issuance of any temporary or final restraining
5 order issued pursuant to this section, the court shall order that a
6 search be made of the domestic violence central registry with regard
7 to the defendant's record.
8 (cf: P.L.2016, c.91, s.2)

9
10 3. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to
11 read as follows:

12 13. a. A hearing shall be held in the Family Part of the
13 Chancery Division of the Superior Court within 10 days of the
14 filing of a complaint pursuant to section 12 of P.L.1991, c.261
15 (C.2C:25-28) in the county where the ex parte restraints were
16 ordered, unless good cause is shown for the hearing to be held
17 elsewhere. A copy of the complaint shall be served on the defendant
18 in conformity with the Rules of Court. If a criminal complaint
19 arising out of the same incident which is the subject matter of a
20 complaint brought under P.L.1981, c.426 (C.2C:25-1 et seq.) or
21 P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed, testimony
22 given by the plaintiff or defendant in the domestic violence matter
23 shall not be used in the simultaneous or subsequent criminal
24 proceeding against the defendant, other than domestic violence
25 contempt matters and where it would otherwise be admissible
26 hearsay under the rules of evidence that govern where a party is
27 unavailable. At the hearing the standard for proving the allegations
28 in the complaint shall be by a preponderance of the evidence. The
29 court shall consider but not be limited to the following factors:

30 (1) The previous history of domestic violence between the
31 plaintiff and defendant, including threats, harassment and physical
32 abuse;

33 (2) The existence of immediate danger to person or property;

34 (3) The financial circumstances of the plaintiff and defendant;

35 (4) The best interests of the victim and any child;

36 (5) In determining custody and parenting time the protection of
37 the victim's safety; and

38 (6) The existence of a verifiable order of protection from
39 another jurisdiction.

40 An order issued under this act shall only restrain or provide
41 damages payable from a person against whom a complaint has been
42 filed under this act and only after a finding or an admission is made
43 that an act of domestic violence was committed by that person. The
44 issue of whether or not a violation of this act occurred, including an
45 act of contempt under this act, shall not be subject to mediation or
46 negotiation in any form. In addition, where a temporary or final
47 order has been issued pursuant to this act, no party shall be ordered
48 to participate in mediation on the issue of custody or parenting time.

1 An order issued under this section shall be issued in the primary
2 language or languages used by both the plaintiff and the defendant.

3 b. In proceedings in which complaints for restraining orders
4 have been filed, the court shall grant any relief necessary to prevent
5 further abuse. In addition to any other provisions, any restraining
6 order issued by the court shall bar the defendant from purchasing,
7 owning, possessing or controlling a firearm and from receiving or
8 retaining a firearms purchaser identification card or permit to
9 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in
10 which the restraining order is in effect or two years, whichever is
11 greater. The order shall require the immediate surrender of any
12 firearm or other weapon belonging to the defendant. The order
13 shall include notice to the defendant of the penalties for a violation
14 of any provision of the order, including but not limited to the
15 penalties for contempt of court and unlawful possession of a firearm
16 or other weapon pursuant to N.J.S.2C:39-5.

17 A law enforcement officer shall accompany the defendant, or
18 may proceed without the defendant if necessary, to any place where
19 any firearm or other weapon belonging to the defendant is located
20 to ensure that the defendant does not gain access to any firearm or
21 other weapon, and a law enforcement officer shall take custody of
22 any firearm or other weapon belonging to the defendant. If the
23 order prohibits the defendant from returning to the scene of
24 domestic violence or other place where firearms or other weapons
25 belonging to the defendant are located, any firearm or other weapon
26 located there shall be seized by a law enforcement officer. The
27 provisions of this subsection requiring the surrender or removal of a
28 firearm, card, or permit shall not apply to any law enforcement
29 officer while actually on duty, or to any member of the Armed
30 Forces of the United States or member of the National Guard while
31 actually on duty or traveling to or from an authorized place of duty.
32 At the hearing the judge of the Family Part of the Chancery
33 Division of the Superior Court may issue an order granting any or
34 all of the following relief:

35 (1) An order restraining the defendant from subjecting the
36 victim to domestic violence, as defined in this act.

37 (2) An order granting exclusive possession to the plaintiff of the
38 residence or household regardless of whether the residence or
39 household is jointly or solely owned by the parties or jointly or
40 solely leased by the parties. This order shall not in any manner
41 affect title or interest to any real property held by either party or
42 both jointly. If it is not possible for the victim to remain in the
43 residence, the court may order the defendant to pay the victim's rent
44 at a residence other than the one previously shared by the parties if
45 the defendant is found to have a duty to support the victim and the
46 victim requires alternative housing.

47 (3) An order providing for parenting time. The order shall
48 protect the safety and well-being of the plaintiff and minor children

1 and shall specify the place and frequency of parenting time.
2 Parenting time arrangements shall not compromise any other
3 remedy provided by the court by requiring or encouraging contact
4 between the plaintiff and defendant. Orders for parenting time may
5 include a designation of a place of parenting time away from the
6 plaintiff, the participation of a third party, or supervised parenting
7 time.

8 (a) The court shall consider a request by a custodial parent who
9 has been subjected to domestic violence by a person with parenting
10 time rights to a child in the parent's custody for an investigation or
11 evaluation by the appropriate agency to assess the risk of harm to
12 the child prior to the entry of a parenting time order. Any denial of
13 such a request must be on the record and shall only be made if the
14 judge finds the request to be arbitrary or capricious.

15 (b) The court shall consider suspension of the parenting time
16 order and hold an emergency hearing upon an application made by
17 the plaintiff certifying under oath that the defendant's access to the
18 child pursuant to the parenting time order has threatened the safety
19 and well-being of the child.

20 (4) An order requiring the defendant to pay to the victim
21 monetary compensation for losses suffered as a direct result of the
22 act of domestic violence. The order may require the defendant to
23 pay the victim directly, to reimburse the Victims of Crime
24 Compensation Office for any and all compensation paid by the
25 Victims of Crime Compensation Office directly to or on behalf of
26 the victim, and may require that the defendant reimburse any parties
27 that may have compensated the victim, as the court may determine.
28 Compensatory losses shall include, but not be limited to, loss of
29 earnings or other support, including child or spousal support, out-
30 of-pocket losses for injuries sustained, cost of repair or replacement
31 of real or personal property damaged or destroyed or taken by the
32 defendant, cost of counseling for the victim, moving or other travel
33 expenses, reasonable attorney's fees, court costs, and compensation
34 for pain and suffering. Where appropriate, punitive damages may be
35 awarded in addition to compensatory damages.

36 (5) An order requiring the defendant to receive professional
37 domestic violence counseling from either a private source or a
38 source appointed by the court and, in that event, requiring the
39 defendant to provide the court at specified intervals with
40 documentation of attendance at the professional counseling. The
41 court may order the defendant to pay for the professional
42 counseling. No application by the defendant to dissolve a final
43 order which contains a requirement for attendance at professional
44 counseling pursuant to this paragraph shall be granted by the court
45 unless, in addition to any other provisions required by law or
46 conditions ordered by the court, the defendant has completed all
47 required attendance at such counseling.

1 (6) An order restraining the defendant from entering the
2 residence, property, school, or place of employment of the victim or
3 of other family or household members of the victim and requiring
4 the defendant to stay away from any specified place that is named
5 in the order and is frequented regularly by the victim or other
6 family or household members.

7 (7) An order restraining the defendant from making contact with
8 the plaintiff or others, including an order forbidding the defendant
9 from personally or through an agent initiating any communication
10 likely to cause annoyance or alarm including, but not limited to,
11 personal, written, or telephone contact with the victim or other
12 family members, or their employers, employees, or fellow workers,
13 or others with whom communication would be likely to cause
14 annoyance or alarm to the victim.

15 (8) An order requiring that the defendant make or continue to
16 make rent or mortgage payments on the residence occupied by the
17 victim if the defendant is found to have a duty to support the victim
18 or other dependent household members; provided that this issue has
19 not been resolved or is not being litigated between the parties in
20 another action.

21 (9) An order granting either party temporary possession of
22 specified personal property, such as an automobile, checkbook,
23 documentation of health insurance, an identification document, a
24 key, and other personal effects.

25 (10) An order awarding emergency monetary relief, including
26 emergency support for minor children, to the victim and other
27 dependents, if any. An ongoing obligation of support shall be
28 determined at a later date pursuant to applicable law.

29 (11) An order awarding temporary custody of a minor child.
30 The court shall presume that the best interests of the child are
31 served by an award of custody to the non-abusive parent.

32 (12) An order requiring that a law enforcement officer
33 accompany either party to the residence or any shared business
34 premises to supervise the removal of personal belongings in order
35 to ensure the personal safety of the plaintiff when a restraining
36 order has been issued. This order shall be restricted in duration.

37 (13) (Deleted by amendment, P.L.1995, c.242).

38 (14) An order granting any other appropriate relief for the
39 plaintiff and dependent children, provided that the plaintiff consents
40 to such relief, including relief requested by the plaintiff at the final
41 hearing, whether or not the plaintiff requested such relief at the time
42 of the granting of the initial emergency order.

43 (15) An order that requires that the defendant report to the
44 intake unit of the Family Part of the Chancery Division of the
45 Superior Court for monitoring of any other provision of the order.

46 (16) In addition to the order required by this subsection
47 prohibiting the defendant from possessing any firearm, the court
48 may also issue an order prohibiting the defendant from possessing

1 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and
2 ordering the search for and seizure of any firearm or other weapon
3 at any location where the judge has reasonable cause to believe the
4 weapon is located. The judge shall state with specificity the reasons
5 for and scope of the search and seizure authorized by the order.

6 (17) An order prohibiting the defendant from stalking or
7 following, or threatening to harm, to stalk or to follow, the
8 complainant or any other person named in the order in a manner
9 that, taken in the context of past actions of the defendant, would put
10 the complainant in reasonable fear that the defendant would cause
11 the death or injury of the complainant or any other person.
12 Behavior prohibited under this act includes, but is not limited to,
13 behavior prohibited under the provisions of P.L.1992, c.209
14 (C.2C:12-10).

15 (18) An order requiring the defendant to undergo a psychiatric
16 evaluation.

17 (19) An order directing the possession of any animal owned,
18 possessed, leased, kept, or held by either party or a minor child
19 residing in the household. Where a person has abused or threatened
20 to abuse such animal, there shall be a presumption that possession
21 of the animal shall be awarded to the non-abusive party.

22 c. Notice of orders issued pursuant to this section shall be sent
23 by the clerk of the Family Part of the Chancery Division of the
24 Superior Court or other person designated by the court to the
25 appropriate chiefs of police, members of the State Police and any
26 other appropriate law enforcement agency.

27 d. Upon good cause shown, any final order may be dissolved or
28 modified upon application to the Family Part of the Chancery
29 Division of the Superior Court, but only if the judge who dissolves
30 or modifies the order is the same judge who entered the order, or
31 has available a complete record of the hearing or hearings on which
32 the order was based.

33 e. Prior to the issuance of any order pursuant to this section,
34 the court shall order that a search be made of the domestic violence
35 central registry.

36 (cf: P.L.2016, c.91, s.3)

37
38 4. This act shall take effect on the 120th day following
39 enactment.
40
41

42 STATEMENT

43
44 This bill requires that certain domestic violence restraining orders
45 and notices to domestic violence victims be issued in other languages
46 in addition to English.

47 Currently, section 7 of P.L.1991, c.261 (C.2C:25-23) provides that
48 a law enforcement officer must provide a domestic violence victim

1 with a notice of the victim's rights, including the right to go to court to
2 obtain a temporary restraining order and the right to file criminal
3 charges. The statute also provides that the notice must be written in
4 both English and Spanish. This bill provides that the notice be written
5 by the Administrative Office of the Courts (AOC), in English,
6 Spanish, and 10 additional languages commonly spoken in the State.

7 Section 12 of P.L.1991, c.261 (C.2C:25-28) provides that a victim
8 may file a domestic violence complaint with the Family Part of the
9 Chancery Division of the Superior Court (Family Part) or, at times
10 when the Family Part is closed, with a judge of the Family Part or a
11 judge of the municipal court assigned to accept such complaints and
12 issue temporary restraining orders. The statute does not specify
13 whether the order must be issued in a language other than English.

14 This bill provides that any temporary restraining order be issued in
15 the primary language or languages used by both the plaintiff and the
16 defendant.

17 Section 12 of P.L.1991, c.261 (C.2C:25-28) also provides that an
18 order granting emergency relief, together with the complaint or
19 complaints, is to immediately be forwarded to the appropriate law
20 enforcement agency for service on the defendant, and to the police of
21 the municipality in which the plaintiff resides or is sheltered, and
22 immediately be served upon the defendant by the police.

23 This bill provides that the order immediately be served upon the
24 defendant by the police, along with a copy of the translated order, if
25 applicable.

26 Section 13 of P.L.1991, c.261 (C.2C:25-29) provides that within
27 10 days of the filing of a complaint for a temporary restraining order,
28 the Family Part will conduct a hearing to determine whether to issue a
29 permanent restraining order. This bill provides that any permanent
30 restraining order be issued in the primary language or languages used
31 by both the plaintiff and the defendant.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1704

STATE OF NEW JERSEY

DATED: MARCH 9, 2023

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1704 (1R).

As reported by the committee, Assembly Bill No. 1704 (1R) requires that certain domestic violence restraining orders and notices to domestic violence victims be issued in other languages in addition to English.

Currently, the “Prevention of Domestic Violence Act” (P.L.1991, c.261 (C.2C:25-17 et seq.) provides that a law enforcement officer is required to provide a domestic violence victim with a notice of the victim’s rights, including the right to go to court to obtain a temporary restraining order and the right to file criminal charges. The statute also provides that the notice is required to be written in English and Spanish. The bill expands this requirement to provide that the notice be prepared by the Attorney General in English, Spanish, and 10 additional high demand languages spoken in the State.

Under current law, a victim may file a domestic violence complaint with the Family Part of the Chancery Division of the Superior Court (Family Part) or, at times when the Family Part is closed, with a judge of the Family Part or a judge of the municipal court assigned to accept domestic violence complaints and issue temporary restraining orders. The statute does not specify whether the order is required to be issued in a language other than English. Under the bill, the court Administrative Office of the Court (AOC) is required to prepare standard templates for temporary restraining orders in English, Spanish, and the other high demand languages identified in its Language Access Plan as approved by the Supreme Court. The templates will be available for law enforcement, judges of the Municipal Court, and judges and staff of the Superior Court to provide to the victim and defendant when issuing temporary restraining orders.

Current law also provides that an order granting emergency relief, together with the complaint or complaints, is to be forwarded immediately to the appropriate law enforcement agency for immediate service on the defendant and to the law enforcement agency of the municipality in which the plaintiff resides or is sheltered. Under the bill, a member of the law enforcement agency additionally is required to serve the defendant with a copy of the translated order, if applicable.

Current law also provides that within 10 days of the filing of a complaint for a temporary restraining order, the Family Part will conduct a hearing to determine whether to issue a permanent restraining order. The bill requires the AOC to prepare standard templates for permanent restraining orders in English, Spanish, and the other high demand languages identified in the Language Access Plan.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1704

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 9, 2023

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1704.

As amended by the committee, Assembly Bill No. 1704 requires that certain domestic violence restraining orders and notices to domestic violence victims be issued in other languages in addition to English.

Currently, the “Prevention of Domestic Violence Act” (P.L.1991, c.261 (C.2C:25-17 et seq.) provides that a law enforcement officer is required to provide a domestic violence victim with a notice of the victim’s rights, including the right to go to court to obtain a temporary restraining order and the right to file criminal charges. The statute also provides that the notice is required to be written in English and Spanish. The bill expands this requirement to provide that the notice be prepared by the Attorney General in English, Spanish, and 10 additional high demand languages spoken in the State.

Under current law, a victim may file a domestic violence complaint with the Family Part of the Chancery Division of the Superior Court (Family Part) or, at times when the Family Part is closed, with a judge of the Family Part or a judge of the municipal court assigned to accept domestic violence complaints and issue temporary restraining orders. The statute does not specify whether the order is required to be issued in a language other than English. Under the bill, the Administrative Office of the Court (AOC) is required to prepare standard templates for temporary restraining orders in English, Spanish, and the other high demand languages identified in its Language Access Plan as approved by the Supreme Court. The templates will be available for law enforcement, judges of the Municipal Court, and judges and staff of the Superior Court to provide to the victim and defendant when issuing temporary restraining orders.

Current law also provides that an order granting emergency relief, together with the complaint or complaints, is to be forwarded immediately to the appropriate law enforcement agency for immediate service on the defendant and to the law enforcement agency of the municipality in which the plaintiff resides or is sheltered. Under the bill, a member of the law enforcement agency additionally is required to serve the defendant with a copy of the translated order, if applicable.

Current law also provides that within 10 days of the filing of a complaint for a temporary restraining order, the Family Part will conduct a hearing to determine whether to issue a permanent restraining order. The bill requires the AOC to prepare standard templates for permanent restraining orders in English, Spanish, and the other high demand languages identified in the Language Access Plan.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The Committee amended the bill to:

(1) require the Attorney General to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The high demand languages are to be identified by the Administrative Office of the Court (AOC) in its Language Access Plan as approved by the Supreme Court. As introduced, the bill required the AOC to write the notice in English, Spanish, and 10 additional languages commonly spoken in the State; and

(2) require AOC to prepare standard templates for temporary and final restraining orders in English, Spanish, and the 10 additional high demand languages. The templates will be available for law enforcement, judges of the Municipal Court, and judges and staff of the Superior Court to provide to the victim and defendant when issuing temporary and final restraining orders.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1704

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1704 (1R).

This bill requires that certain domestic violence restraining orders and notices to domestic violence victims be issued in other languages in addition to English.

Currently, the “Prevention of Domestic Violence Act” (P.L.1991, c.261 (C.2C:25-17 et seq.) provides that a law enforcement officer is required to provide a domestic violence victim with a notice of the victim’s rights, including the right to go to court to obtain a temporary restraining order and the right to file criminal charges. The statute also provides that the notice is required to be written in English and Spanish. The bill expands this requirement to provide that the notice be prepared by the Attorney General in English, Spanish, and 10 additional high demand languages spoken in the State.

Under current law, a victim may file a domestic violence complaint with the Family Part of the Chancery Division of the Superior Court (Family Part) or, at times when the Family Part is closed, with a judge of the Family Part or a judge of the municipal court assigned to accept domestic violence complaints and issue temporary restraining orders. The statute does not specify whether the order is required to be issued in a language other than English. Under the bill, the Administrative Office of the Court (AOC) is required to prepare standard templates for temporary restraining orders in English, Spanish, and the other high demand languages identified in its Language Access Plan as approved by the Supreme Court. The templates will be available for law enforcement, judges of the Municipal Court, and judges and staff of the Superior Court to provide to the victim and defendant when issuing temporary restraining orders.

Current law also provides that an order granting emergency relief, together with the complaint or complaints, is to be forwarded immediately to the appropriate law enforcement agency for immediate service on the defendant and to the law enforcement agency of the municipality in which the plaintiff resides or is sheltered. Under the bill, a member of the law enforcement agency additionally is required to serve the defendant with a copy of the translated order, if applicable.

Current law also provides that within 10 days of the filing of a complaint for a temporary restraining order, the Family Part will conduct a hearing to determine whether to issue a permanent restraining order. The bill requires the AOC to prepare standard templates for permanent restraining orders in English, Spanish, and the other high demand languages identified in the Language Access Plan.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill will result in annual cost increases for the State. The bill requires the Attorney General's office in the Department of Law and Public Safety to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The Judiciary would be required to prepare standard templates for temporary restraining orders and final restraining orders in English, Spanish, and the other high demand language access plan as approved by the Supreme Court, which templates will be available for law enforcement, municipal court judges, and Superior Court judges and staff to provide the victim and defendant when issuing temporary or final restraining orders.

Regarding the Attorney General's office, the OLS notes the Department of Law and Public Safety would need to have approximately 250 words translated per document and, based on a State contractor's quoted price of \$.15 per word for document translation services, this would result in an estimated cost of approximately \$37 per notice for the first time a document is needed in a language other than English or Spanish. The OLS does not have information on how many such notices would need to be translated in a given fiscal year.

The OLS also notes that the Judiciary provided an estimate on a substantively similar previous version of this bill, in which it anticipated first year expenses exceeding \$15.5 million to address all the requirements of this legislation, and \$6.5 million annually in subsequent fiscal years. The costs of providing domestic violence restraining orders in multiple languages and the Statewide IT system needed to make the various documents available on demand in each required language would necessitate the reprogramming of the electronic temporary restraining order application, as it is written in an older architecture that would need reengineering, according to the Judiciary. The Judiciary added that there would be an increase in court time as a result of the bill.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1704

STATE OF NEW JERSEY

DATED: JUNE 12, 2023

The Senate Judiciary Committee reports favorably Assembly Bill No. 1704 (1R).

This bill would: (1) require law enforcement officers, after responding to a domestic violence incident, to provide information to domestic violence victims in English, Spanish, and up to 10 additional high demand languages spoken in the State, regarding their right to file for temporary restraining orders and to file criminal complaints; and (2) task the Administrative Office of the Courts (AOC) with preparing standard templates for temporary and final restraining orders in English, Spanish, and other identified high demand languages for use by law enforcement, municipal courts, and the Superior Court when issuing such orders.

Under current law, the information disseminated by law enforcement officers is provided in writing in both English and Spanish. The AOC currently implements, via its Directive #10-22 (September 30, 2022), a revised Judiciary Language Access Plan, which plan includes translating into several other languages information contained in restraining orders among other court documents, policies, and standards used when interacting with persons who are limited in their ability to speak or understand English or who are deaf or hard of hearing.

Regarding the dissemination of information in English and Spanish by law enforcement officers, the current law simply states that it “shall be written” in a notice. The bill would specifically assign responsibility for the written materials to the Attorney General and, as previously mentioned, the writing would be made available in English and Spanish, and up to 10 additional “high demand languages spoken in the State.”

Regarding the issuance of restraining orders by courts, a domestic violence victim is currently permitted to file a domestic violence complaint seeking a temporary restraining order with the Superior Court, Chancery Division, Family Part or, at times when the Family Part is closed, with a judge of the Family Part or judge of the municipal court assigned to accept such complaints and issue a temporary order. See section 12 of P.L.1991, c.261 (C.2C:25-28). To assist these courts as well as law enforcement regarding the issuance

of the orders and their service on the alleged abuser, the AOC would prepare standard templates in English, Spanish, and other high demand languages identified in its Language Access Plan, as approved by the Supreme Court, to be provided to the victim and defendant.

As to any subsequently issued permanent restraining orders, which are only issued by judges of the Superior Court, Chancery Division, Family Part upon a finding of abuse by a preponderance of the evidence, see section 13 of P.L.1991, c.261 (C.2C:25-29), multiple standard templates would be prepared by the AOC using the same, above described language criteria to be provided to the victim and defendant.

This bill, as reported, is identical to Senate Bill No. 1000, as amended and also reported today by the committee.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1704

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: APRIL 3, 2023

SUMMARY

- Synopsis:** Requires domestic violence orders to be issued in other languages in addition to English under certain circumstances.
- Type of Impact:** Annual State expenditure increase.
- Agencies Affected:** The Judiciary, Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill will result in annual cost increases for the State. The bill requires the Attorney General’s office in the Department of Law and Public Safety to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The Judiciary would be required to prepare standard templates for temporary restraining orders and final restraining orders in English, Spanish, and the other high demand languages identified in its language access plan as approved by the Supreme Court.
- Regarding the Attorney General’s office, the OLS notes the Department of Law and Public Safety would need to have approximately 250 words translated per document and, based on a State contractor’s quoted price of \$.15 per word for document translation services, this would result in an estimated cost of approximately \$37 per notice for the first time a document is needed in a language other than English or Spanish. The OLS does not have information on how many such notices would need to be translated in a given fiscal year.
- Also in the way of context, the OLS notes that the Judiciary provided an estimate on a substantively similar bill, in which the Administrative Office of the Courts would have to meet all the requirements of the bill, including preparing the notices for domestic violence victims. In that estimate, the Judiciary anticipated first year expenses exceeding \$15.5 million to address all the requirements of this legislation, and \$6.5 million annually in subsequent fiscal years. The costs of providing domestic violence restraining orders in multiple languages and

the Statewide information technology system needed to make the various documents available on demand in each required language would necessitate the reprogramming of the electronic temporary restraining order application, as it is written in an older architecture that would need reengineering, according to the Judiciary. The Judiciary added that there would be an increase in court time as a result of the bill.

- The Judiciary noted that it is unable to estimate with any certainty the number of cases that would require notices and specific orders in other languages; as such, the OLS is unable to confirm or refute the Judiciary's estimate.

BILL DESCRIPTION

The bill requires that certain domestic violence restraining orders and notices to domestic violence victims be issued in other languages in addition to English.

Currently, the Prevention of Domestic Violence Act (P.L.1991, c.261) provides that a law enforcement officer is required to provide a domestic violence victim with a notice of the victim's rights, including the right to go to court to obtain a temporary restraining order and the right to file criminal charges. The statute also provides that the notice is required to be written in English and Spanish. The bill expands this requirement to provide that the notice be prepared by the Attorney General's Office in English, Spanish, and 10 additional high demand languages spoken in the State.

Under the bill, the Administrative Office of the Courts is required to prepare standard templates for temporary restraining orders in English, Spanish, and the other high demand languages identified in its Language Access Plan as approved by the Supreme Court. The templates will be available for law enforcement, judges of the Municipal Court, and judges and staff of the Superior Court to provide to the victim and defendant when issuing temporary restraining orders.

Current law also provides that an order granting emergency relief, together with the complaint or complaints, is to be forwarded immediately to the appropriate law enforcement agency for immediate service on the defendant and to the law enforcement agency of the municipality in which the plaintiff resides or is sheltered. Under the bill, a member of the law enforcement agency additionally is required to serve the defendant with a copy of the translated order, if applicable.

The bill requires the Administrative Office of the Courts to prepare standard templates for permanent restraining orders in English, Spanish, and the other high demand languages identified in the Language Access Plan.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

JUDICIAL BRANCH

The Judiciary provided information on a substantively similar version of this legislation, Senate Bill No. 1000 of the 2022-2023 Session. The OLS emphasizes that in Senate Bill No. 1000 on which the Judiciary provided the estimate, the Administrative Office of the Courts would have

to meet all the requirements of the bill, including preparing the notices for domestic violence victims. The information the Judiciary provided on that substantively similar bill, Senate Bill No. 1000, is summarized below to provide context in terms of the potential cost of the legislation.

The Judiciary indicates that although a full estimate of the bill's fiscal impact is not feasible, it would anticipate incurring expenses exceeding \$15,500,000 to address the requirements of this legislation. In addition, the Judiciary anticipates expenditures exceeding \$6,500,000 will be recurring each fiscal year. The bill would require temporary restraining orders (TRO) and final restraining orders (FRO) be issued in the "primary language or languages used by both the plaintiff and the defendant." The bill provides that the Administrative Office of the Courts is required to prepare standard forms in English, Spanish and 10 additional high demand languages spoken in the State.

A United States Census Bureau report released in 2018 found that the following were the most common languages spoken in NJ other than English, Spanish and ASL: Russian, Arabic, Hindi, Polish, Gujarati, Korean, Filipino, Tagalog, Portuguese and Chinese.

Based on the languages for which the Judiciary most often provides interpreting services, certain form orders and documents are currently available in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese. In addition, general informational documents describing TROs are provided in the aforementioned languages as well as in Arabic.

Although unable to estimate with any certainty the number of cases which would require notices and specific orders in other languages, the Judiciary believes the number of cases the proposed legislation will impact would be substantial. The Judiciary's domestic violence case type operates 24 hours per day, 7 days per week in all 21 county courts and all 500 plus municipal courts. Statistics on the number of TROs and FROs issued between January 1, 2020, and December 31, 2020, indicate that 26,217 TROs were issued Statewide: 19,288 TROs were issued by municipal courts and 6,929 TROs were issued by the Superior Court. In addition, another 3,453 FROs were issued. The Judiciary statistical report for court interpreting services for the fiscal year ending June 30, 2020, shows the Judiciary completed 59,817 interpreting activities in 94 different languages for that fiscal year.

Interpreters render a spoken or signed message in one language to an equivalent spoken or signed message in another language; translators render a written message from one language to an equivalent written message in another language. The Judiciary credentials court interpreters but does not credential translators. The differences between the skill sets, training and credentials needed for the two tasks are substantial. Translation of any Judiciary document from English into another language is a complex task. Inclusion in the Judiciary's Registry of Court Interpreting Resources does not provide any confirmation of the Judiciary's ability to provide accurate translation services. As such, court interpreters translate only short and simple documents. The Language Services Section tests staff interpreters to approve those who pass for vicinage-specific translation work. Certified translation requires significant cost and time. Extreme care must be taken to ensure that no change in meaning, or intent occurs in translation. Significant resources will be required to implement measures that will ensure each provision is translated accurately and continues to reflect the same meaning and intent as the English version.

For each unique document and language, a team of certified consultants will be required to provide an accurate translation. Once completed, the Judiciary will require a multi-review process of each converted document to ensure the translated document's accuracy and that the intent and meaning of the document did not change from the English text. To achieve this, the Judiciary will appoint and support a translation review team (for each individual language and document) which will be tasked with ensuring the accuracy of any translated document. The translation review team will be staffed by both Judiciary staff and certified translators (who will be separate and apart from

those translators completing the actual translation) to ensure that any translation completely and accurately reflects the English version.

For each order to be made available Statewide in each required language, the Judiciary will need to develop, test, implement and support a statewide on-demand information technology system. The system will make the various documents available on demand to court staff Statewide in the each required language. The Judiciary anticipates costs of \$1,400,000 to analyze, develop, integrate, and test such system. These tasks are anticipated to take a minimum of 12 months to complete. The Judiciary will also incur system and hardware costs of approximately \$2,000,000 for the system and an additional \$400,000 will be incurred for annual maintenance-related costs to ensure the system is kept updated, running properly, etc.

There will also be a cost to reprogram the Judiciary's Electronic Temporary Restraining Order application (eTRO) because the eTRO application is written in an older architecture that would need reengineering to accommodate order translation as well as notice and other communication translations. It is estimated that a rewrite of a significant portion of eTRO would cost between \$6 million and \$8 million.

Family Court Staff would also be required to process and disseminate these notices and orders in other languages. This bill could potentially also demand additional court time when a motion is made concerning these orders in other languages. To address these motions would require more staff at every level, including clerical, court staff, sheriff's officers, court hearing officers, and judges.

Recognizing that the Judiciary's domestic violence case type operates 24 hours per day, 7 days per week in all 21 county courts and in all of the more than 500 municipal courts to issue approximately 30,000 restraining orders per year, and that each document has non-standard narrative sections which are unique to each particular case, the Judiciary would incur significant cost to ensure each party is provided with the complete document(s) accurately translated into the appropriate language(s). Annual projected costs to ensure these interpreting services are available 24 hours a day, 7 days a week are approximately \$6,100,000.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill will result in annual cost increases for the State. The bill requires the Attorney General's office in the Department of Law and Public Safety to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The Judiciary would be required to prepare standard templates for temporary restraining orders and final restraining orders in English, Spanish, and the other high demand languages identified in its language access plan as approved by the Supreme Court.

Regarding the Attorney General's office, the OLS notes the Department of Law and Public Safety would need to have approximately 250 words translated per document and, based on a State contractor's quoted price of \$.15 per word for document translation services, this would result in an estimated cost of approximately \$37 per notice for the first time a document is needed in a language other than English or Spanish. The OLS does not have information on how many such notices would need to be translated in a given fiscal year.

Also in the way of context, the OLS notes that the Judiciary provided an estimate on a substantively similar bill, Senate Bill No. 1000 of the 2022-2023 Session, in which the Judiciary would have to meet all the requirements of the bill. As noted above, the Judiciary estimate anticipates first year expenses exceeding \$15.5 million to address all the requirements of this legislation, and \$6.5 million annually in subsequent fiscal years. The costs of providing domestic violence restraining orders in multiple languages and the Statewide information technology system

needed to make the various documents available on demand in each required language would necessitate the reprogramming of the electronic temporary restraining order application, as it is written in an older architecture that would need reengineering, according to the Judiciary. The Judiciary added that there would be an increase in court time as a result of the bill.

As noted above, the Judiciary is unable to estimate with any certainty the number of cases that would require notices and specific orders in other languages. As such, the OLS is unable to confirm or refute the Judiciary's estimate. Since the Judiciary already provides forms in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese, it cannot be said with certainty what other languages would require translation services. In the 2021 court year, there were a total of 35,940 domestic violence filings and 5,054 reopened domestic violence cases, according to the 2020-2021 Judiciary Annual Report.

Section: Judiciary

*Analyst: Anuja Pande Joshi
Senior Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1000

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 31, 2022

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senators Singleton, A.M.Bucco and Stack

SYNOPSIS

Requires domestic violence orders to be issued in other languages in addition to English under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/16/2023)

S1000 RUIZ, GOPAL

2

1 AN ACT concerning certain domestic violence orders and amending
2 P.L.1991, c.261.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 7 of P.L.1991, c.261 (C.2C:25-23) is amended to
8 read as follows:

9 7. A law enforcement officer shall disseminate and explain to
10 the victim the following notice, which shall be written **[in both**
11 **English and Spanish]** , by the Administrative Office of the Courts,
12 in English, Spanish, and up to 10 additional languages commonly
13 spoken in the State:

14 "You have the right to go to court to get an order called a
15 temporary restraining order, also called a TRO, which may protect
16 you from more abuse by your attacker. The officer who handed you
17 this card can tell you how to get a TRO.

18 The kinds of things a judge can order in a TRO may include:

19 (1) That your attacker is temporarily forbidden from entering
20 the home you live in;

21 (2) That your attacker is temporarily forbidden from having
22 contact with you or your relatives;

23 (3) That your attacker is temporarily forbidden from bothering
24 you at work;

25 (4) That your attacker has to pay temporary child support or
26 support for you;

27 (5) That you be given temporary custody of your children;

28 (6) That your attacker pay you back any money you have to
29 spend for medical treatment or repairs because of the violence.

30 There are other things the court can order, and the court clerk will
31 explain the procedure to you and will help you fill out the papers
32 for a TRO.

33 You also have the right to file a criminal complaint against your
34 attacker. The police officer who gave you this paper will tell you
35 how to file a criminal complaint.

36 On weekends, holidays and other times when the courts are
37 closed, you still have a right to get a TRO. The police officer who
38 gave you this paper can help you get in touch with a judge who can
39 give you a TRO."

40 (cf: P.L.1991, c.261, s.7)

41

42 2. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to read
43 as follows:

44 12. a. A victim may file a complaint alleging the commission of
45 an act of domestic violence with the Family Part of the Chancery

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Division of the Superior Court in conformity with the Rules of Court.
2 The court shall not dismiss any complaint or delay disposition of a
3 case because the victim has left the residence to avoid further incidents
4 of domestic violence. Filing a complaint pursuant to this section shall
5 not prevent the filing of a criminal complaint for the same act.

6 On weekends, holidays and other times when the court is closed, a
7 victim may file a complaint before a judge of the Family Part of the
8 Chancery Division of the Superior Court or a municipal court judge
9 who shall be assigned to accept complaints and issue emergency, ex
10 parte relief in the form of temporary restraining orders pursuant to this
11 act.

12 A plaintiff may apply for relief under this section in a court having
13 jurisdiction over the place where the alleged act of domestic violence
14 occurred, where the defendant resides, or where the plaintiff resides or
15 is sheltered, and the court shall follow the same procedures applicable
16 to other emergency applications. Criminal complaints filed pursuant
17 to this act shall be investigated and prosecuted in the jurisdiction
18 where the offense is alleged to have occurred. Contempt complaints
19 filed pursuant to N.J.S.2C:29-9 shall be prosecuted in the county
20 where the contempt is alleged to have been committed and a copy of
21 the contempt complaint shall be forwarded to the court that issued the
22 order alleged to have been violated.

23 b. The court shall waive any requirement that the petitioner's
24 place of residence appear on the complaint.

25 c. (1) The clerk of the court, or other person designated by the
26 court, shall assist the parties in completing any forms necessary for the
27 filing of a summons, complaint, answer or other pleading.

28 (2) The plaintiff may provide information concerning firearms to
29 which the defendant has access, including the location of these
30 firearms, if known, on a form to be prescribed by the Administrative
31 Director of the Courts.

32 (3) Information provided by the plaintiff concerning firearms to
33 which the defendant has access shall be kept confidential and shall not
34 be disseminated or disclosed, provided that nothing in this subsection
35 shall prohibit dissemination or disclosure of this information in a
36 manner consistent with and in furtherance of the purpose for which the
37 information was provided.

38 d. Summons and complaint forms shall be readily available at the
39 clerk's office, at the municipal courts and at municipal and State police
40 stations.

41 e. As soon as the domestic violence complaint is filed, both the
42 victim and the abuser shall be advised of any programs or services
43 available for advice and counseling.

44 f. A plaintiff may seek emergency, ex parte relief in the nature of
45 a temporary restraining order. A municipal court judge or a judge of
46 the Family Part of the Chancery Division of the Superior Court may
47 enter an ex parte order when necessary to protect the life, health or
48 well-being of a victim on whose behalf the relief is sought.

1 g. If it appears that the plaintiff is in danger of domestic violence,
2 the judge shall, upon consideration of the plaintiff's domestic violence
3 complaint, order emergency ex parte relief, in the nature of a
4 temporary restraining order. A decision shall be made by the judge
5 regarding the emergency relief forthwith.

6 h. (1) A judge may issue a temporary restraining order upon
7 sworn testimony or complaint of an applicant who is not physically
8 present, pursuant to court rules, or by a person who represents a person
9 who is physically or mentally incapable of filing personally. A
10 temporary restraining order may be issued if the judge is satisfied that
11 exigent circumstances exist sufficient to excuse the failure of the
12 applicant to appear personally and that sufficient grounds for granting
13 the application have been shown.

14 (2) Any temporary restraining order issued by a municipal court
15 judge shall be issued in the primary language or languages used by
16 both the plaintiff and the defendant. The Administrative Office of the
17 Courts shall prepare standard temporary restraining order forms in
18 English, Spanish, and up to 10 additional languages commonly spoken
19 in the State, for use by municipal court judges in complying with the
20 provisions of this paragraph.

21 i. An order for emergency, ex parte relief shall be granted upon
22 good cause shown and shall remain in effect until a judge of the
23 Family Part issues a further order. Any temporary order hereunder is
24 immediately appealable for a plenary hearing de novo not on the
25 record before any judge of the Family Part of the county in which the
26 plaintiff resides or is sheltered if that judge issued the temporary order
27 or has access to the reasons for the issuance of the temporary order and
28 sets forth in the record the reasons for the modification or dissolution.
29 The denial of a temporary restraining order by a municipal court judge
30 and subsequent administrative dismissal of the complaint shall not bar
31 the victim from refileing a complaint in the Family Part based on the
32 same incident and receiving an emergency, ex parte hearing de novo
33 not on the record before a Family Part judge, and every denial of relief
34 by a municipal court judge shall so state.

35 j. Emergency relief may include forbidding the defendant from
36 returning to the scene of the domestic violence, forbidding the
37 defendant from possessing any firearm or other weapon enumerated in
38 subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of
39 any firearm or other weapon at any location where the judge has
40 reasonable cause to believe the weapon is located and the seizure of
41 any firearms purchaser identification card or permit to purchase a
42 handgun issued to the defendant and any other appropriate relief.

43 If the order requires the surrender of any firearm or other weapon, a
44 law enforcement officer shall accompany the defendant, or may
45 proceed without the defendant if necessary, to the scene of the
46 domestic violence or any other location where the judge has
47 reasonable cause to believe any firearm or other weapon belonging to
48 the defendant is located, to ensure that the defendant does not gain

1 access to any firearm or other weapon, and that the firearm or other
2 weapon is appropriately surrendered in accordance with the order. If
3 the order prohibits the defendant from returning to the scene of
4 domestic violence or any other location where the judge has
5 reasonable cause to believe any firearm or other weapon belonging to
6 the defendant is located, any firearm or other weapon located there
7 shall be seized by a law enforcement officer. The order shall include
8 notice to the defendant of the penalties for a violation of any provision
9 of the order, including but not limited to the penalties for contempt of
10 court and unlawful possession of a firearm or other weapon pursuant
11 to N.J.S.2C:39-5. Other appropriate relief may include but is not
12 limited to an order directing the possession of any animal owned,
13 possessed, leased, kept, or held by either party or a minor child
14 residing in the household and providing that the animal shall not be
15 disposed of prior to entry of a final order pursuant to section 13 of
16 P.L.1991, c.261 (C.2C:25-29).

17 The judge shall state with specificity the reasons for and scope of
18 any search and seizure authorized by the order. The provisions of this
19 subsection prohibiting a defendant from possessing a firearm or other
20 weapon shall not apply to any law enforcement officer while actually
21 on duty, or to any member of the Armed Forces of the United States or
22 member of the National Guard while actually on duty or traveling to or
23 from an authorized place of duty.

24 k. The judge may permit the defendant to return to the scene of
25 the domestic violence to pick up personal belongings and effects but
26 shall, in the order granting relief, restrict the time and duration of such
27 permission and provide for police supervision of such visit.

28 l. An order granting emergency relief, together with the
29 complaint or complaints, shall immediately be forwarded to the
30 appropriate law enforcement agency for service on the defendant, and
31 to the police of the municipality in which the plaintiff resides or is
32 sheltered, and shall immediately be served upon the defendant by the
33 police, except that an order issued during regular court hours may be
34 forwarded to the sheriff for immediate service upon the defendant in
35 accordance with the Rules of Court. If personal service cannot be
36 effected upon the defendant, the court may order other appropriate
37 substituted service. At no time shall the plaintiff be asked or required
38 to serve any order on the defendant.

39 m. (Deleted by amendment, P.L.1994, c.94.)

40 n. Notice of temporary restraining orders issued pursuant to this
41 section shall be sent by the clerk of the court or other person
42 designated by the court to the appropriate chiefs of police, members of
43 the State Police and any other appropriate law enforcement agency or
44 court.

45 o. (Deleted by amendment, P.L.1994, c.94.)

46 p. Any temporary or final restraining order issued pursuant to this
47 act shall be in effect throughout the State, and shall be enforced by all
48 law enforcement officers.

1 q. Prior to the issuance of any temporary or final restraining order
2 issued pursuant to this section, the court shall order that a search be
3 made of the domestic violence central registry with regard to the
4 defendant's record.

5 (cf: P.L.2016, c.91, s.2)

6
7 3. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to read
8 as follows:

9 13. a. A hearing shall be held in the Family Part of the Chancery
10 Division of the Superior Court within 10 days of the filing of a
11 complaint pursuant to section 12 of P.L.1991, c.261 (C.2C:25-28) in
12 the county where the ex parte restraints were ordered, unless good
13 cause is shown for the hearing to be held elsewhere. A copy of the
14 complaint shall be served on the defendant in conformity with the
15 Rules of Court. If a criminal complaint arising out of the same incident
16 which is the subject matter of a complaint brought under P.L.1981,
17 c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has
18 been filed, testimony given by the plaintiff or defendant in the
19 domestic violence matter shall not be used in the simultaneous or
20 subsequent criminal proceeding against the defendant, other than
21 domestic violence contempt matters and where it would otherwise be
22 admissible hearsay under the rules of evidence that govern where a
23 party is unavailable. At the hearing the standard for proving the
24 allegations in the complaint shall be by a preponderance of the
25 evidence. The court shall consider but not be limited to the following
26 factors:

27 (1) The previous history of domestic violence between the plaintiff
28 and defendant, including threats, harassment and physical abuse;

29 (2) The existence of immediate danger to person or property;

30 (3) The financial circumstances of the plaintiff and defendant;

31 (4) The best interests of the victim and any child;

32 (5) In determining custody and parenting time the protection of the
33 victim's safety; and

34 (6) The existence of a verifiable order of protection from another
35 jurisdiction.

36 An order issued under this act shall only restrain or provide
37 damages payable from a person against whom a complaint has been
38 filed under this act and only after a finding or an admission is made
39 that an act of domestic violence was committed by that person. The
40 issue of whether or not a violation of this act occurred, including an act
41 of contempt under this act, shall not be subject to mediation or
42 negotiation in any form. In addition, where a temporary or final order
43 has been issued pursuant to this act, no party shall be ordered to
44 participate in mediation on the issue of custody or parenting time.

45 An order issued under this section shall be issued in the primary
46 language or languages used by both the plaintiff and the defendant.
47 The Administrative Office of the Courts shall prepare standard forms
48 in English, Spanish, and up to 10 additional languages commonly

1 spoken in the State, for use by courts in complying with the provisions
2 of this subsection.

3 b. In proceedings in which complaints for restraining orders have
4 been filed, the court shall grant any relief necessary to prevent further
5 abuse. In addition to any other provisions, any restraining order issued
6 by the court shall bar the defendant from purchasing, owning,
7 possessing or controlling a firearm and from receiving or retaining a
8 firearms purchaser identification card or permit to purchase a handgun
9 pursuant to N.J.S.2C:58-3 during the period in which the restraining
10 order is in effect or two years, whichever is greater. The order shall
11 require the immediate surrender of any firearm or other weapon
12 belonging to the defendant. The order shall include notice to the
13 defendant of the penalties for a violation of any provision of the order,
14 including but not limited to the penalties for contempt of court and
15 unlawful possession of a firearm or other weapon pursuant to
16 N.J.S.2C:39-5.

17 A law enforcement officer shall accompany the defendant, or may
18 proceed without the defendant if necessary, to any place where any
19 firearm or other weapon belonging to the defendant is located to
20 ensure that the defendant does not gain access to any firearm or other
21 weapon, and a law enforcement officer shall take custody of any
22 firearm or other weapon belonging to the defendant. If the order
23 prohibits the defendant from returning to the scene of domestic
24 violence or other place where firearms or other weapons belonging to
25 the defendant are located, any firearm or other weapon located there
26 shall be seized by a law enforcement officer. The provisions of this
27 subsection requiring the surrender or removal of a firearm, card, or
28 permit shall not apply to any law enforcement officer while actually on
29 duty, or to any member of the Armed Forces of the United States or
30 member of the National Guard while actually on duty or traveling to or
31 from an authorized place of duty. At the hearing the judge of the
32 Family Part of the Chancery Division of the Superior Court may issue
33 an order granting any or all of the following relief:

34 (1) An order restraining the defendant from subjecting the victim
35 to domestic violence, as defined in this act.

36 (2) An order granting exclusive possession to the plaintiff of the
37 residence or household regardless of whether the residence or
38 household is jointly or solely owned by the parties or jointly or solely
39 leased by the parties. This order shall not in any manner affect title or
40 interest to any real property held by either party or both jointly. If it is
41 not possible for the victim to remain in the residence, the court may
42 order the defendant to pay the victim's rent at a residence other than
43 the one previously shared by the parties if the defendant is found to
44 have a duty to support the victim and the victim requires alternative
45 housing.

46 (3) An order providing for parenting time. The order shall protect
47 the safety and well-being of the plaintiff and minor children and shall
48 specify the place and frequency of parenting time. Parenting time

1 arrangements shall not compromise any other remedy provided by the
2 court by requiring or encouraging contact between the plaintiff and
3 defendant. Orders for parenting time may include a designation of a
4 place of parenting time away from the plaintiff, the participation of a
5 third party, or supervised parenting time.

6 (a) The court shall consider a request by a custodial parent who
7 has been subjected to domestic violence by a person with parenting
8 time rights to a child in the parent's custody for an investigation or
9 evaluation by the appropriate agency to assess the risk of harm to the
10 child prior to the entry of a parenting time order. Any denial of such a
11 request must be on the record and shall only be made if the judge finds
12 the request to be arbitrary or capricious.

13 (b) The court shall consider suspension of the parenting time order
14 and hold an emergency hearing upon an application made by the
15 plaintiff certifying under oath that the defendant's access to the child
16 pursuant to the parenting time order has threatened the safety and well-
17 being of the child.

18 (4) An order requiring the defendant to pay to the victim monetary
19 compensation for losses suffered as a direct result of the act of
20 domestic violence. The order may require the defendant to pay the
21 victim directly, to reimburse the Victims of Crime Compensation
22 Office for any and all compensation paid by the Victims of Crime
23 Compensation Office directly to or on behalf of the victim, and may
24 require that the defendant reimburse any parties that may have
25 compensated the victim, as the court may determine. Compensatory
26 losses shall include, but not be limited to, loss of earnings or other
27 support, including child or spousal support, out-of-pocket losses for
28 injuries sustained, cost of repair or replacement of real or personal
29 property damaged or destroyed or taken by the defendant, cost of
30 counseling for the victim, moving or other travel expenses, reasonable
31 attorney's fees, court costs, and compensation for pain and suffering.
32 Where appropriate, punitive damages may be awarded in addition to
33 compensatory damages.

34 (5) An order requiring the defendant to receive professional
35 domestic violence counseling from either a private source or a source
36 appointed by the court and, in that event, requiring the defendant to
37 provide the court at specified intervals with documentation of
38 attendance at the professional counseling. The court may order the
39 defendant to pay for the professional counseling. No application by
40 the defendant to dissolve a final order which contains a requirement
41 for attendance at professional counseling pursuant to this paragraph
42 shall be granted by the court unless, in addition to any other provisions
43 required by law or conditions ordered by the court, the defendant has
44 completed all required attendance at such counseling.

45 (6) An order restraining the defendant from entering the residence,
46 property, school, or place of employment of the victim or of other
47 family or household members of the victim and requiring the
48 defendant to stay away from any specified place that is named in the

1 order and is frequented regularly by the victim or other family or
2 household members.

3 (7) An order restraining the defendant from making contact with
4 the plaintiff or others, including an order forbidding the defendant
5 from personally or through an agent initiating any communication
6 likely to cause annoyance or alarm including, but not limited to,
7 personal, written, or telephone contact with the victim or other family
8 members, or their employers, employees, or fellow workers, or others
9 with whom communication would be likely to cause annoyance or
10 alarm to the victim.

11 (8) An order requiring that the defendant make or continue to
12 make rent or mortgage payments on the residence occupied by the
13 victim if the defendant is found to have a duty to support the victim or
14 other dependent household members; provided that this issue has not
15 been resolved or is not being litigated between the parties in another
16 action.

17 (9) An order granting either party temporary possession of
18 specified personal property, such as an automobile, checkbook,
19 documentation of health insurance, an identification document, a key,
20 and other personal effects.

21 (10) An order awarding emergency monetary relief, including
22 emergency support for minor children, to the victim and other
23 dependents, if any. An ongoing obligation of support shall be
24 determined at a later date pursuant to applicable law.

25 (11) An order awarding temporary custody of a minor child. The
26 court shall presume that the best interests of the child are served by an
27 award of custody to the non-abusive parent.

28 (12) An order requiring that a law enforcement officer accompany
29 either party to the residence or any shared business premises to
30 supervise the removal of personal belongings in order to ensure the
31 personal safety of the plaintiff when a restraining order has been
32 issued. This order shall be restricted in duration.

33 (13) (Deleted by amendment, P.L.1995, c.242).

34 (14) An order granting any other appropriate relief for the plaintiff
35 and dependent children, provided that the plaintiff consents to such
36 relief, including relief requested by the plaintiff at the final hearing,
37 whether or not the plaintiff requested such relief at the time of the
38 granting of the initial emergency order.

39 (15) An order that requires that the defendant report to the intake
40 unit of the Family Part of the Chancery Division of the Superior Court
41 for monitoring of any other provision of the order.

42 (16) In addition to the order required by this subsection prohibiting
43 the defendant from possessing any firearm, the court may also issue an
44 order prohibiting the defendant from possessing any other weapon
45 enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search
46 for and seizure of any firearm or other weapon at any location where
47 the judge has reasonable cause to believe the weapon is located. The

1 judge shall state with specificity the reasons for and scope of the
2 search and seizure authorized by the order.

3 (17) An order prohibiting the defendant from stalking or following,
4 or threatening to harm, to stalk or to follow, the complainant or any
5 other person named in the order in a manner that, taken in the context
6 of past actions of the defendant, would put the complainant in
7 reasonable fear that the defendant would cause the death or injury of
8 the complainant or any other person. Behavior prohibited under this
9 act includes, but is not limited to, behavior prohibited under the
10 provisions of P.L.1992, c.209 (C.2C:12-10).

11 (18) An order requiring the defendant to undergo a psychiatric
12 evaluation.

13 (19) An order directing the possession of any animal owned,
14 possessed, leased, kept, or held by either party or a minor child
15 residing in the household. Where a person has abused or threatened to
16 abuse such animal, there shall be a presumption that possession of the
17 animal shall be awarded to the non-abusive party.

18 c. Notice of orders issued pursuant to this section shall be sent by
19 the clerk of the Family Part of the Chancery Division of the Superior
20 Court or other person designated by the court to the appropriate chiefs
21 of police, members of the State Police and any other appropriate law
22 enforcement agency.

23 d. Upon good cause shown, any final order may be dissolved or
24 modified upon application to the Family Part of the Chancery Division
25 of the Superior Court, but only if the judge who dissolves or modifies
26 the order is the same judge who entered the order, or has available a
27 complete record of the hearing or hearings on which the order was
28 based.

29 e. Prior to the issuance of any order pursuant to this section, the
30 court shall order that a search be made of the domestic violence central
31 registry.

32 (cf: P.L.2016, c.91, s.3)

33

34 4. This act shall take effect on the 120th day following
35 enactment.

36

37

38

STATEMENT

39

40 This bill requires that certain domestic violence restraining orders
41 and notices to domestic violence victims would be issued in other
42 languages in addition to English.

43 Currently, section 7 of P.L.1991, c.261 (C.2C:25-23) provides that
44 a law enforcement officer must provide a domestic violence victim
45 with a notice of the victim's rights, including the right to go to court to
46 obtain a temporary restraining order and the right to file criminal
47 charges. The statute currently provides that the notice must be written
48 in both English and Spanish. The bill provides that the notice would be

1 written by the Administrative Office of the Courts, in English,
2 Spanish, and up to 10 additional languages commonly spoken in the
3 State, including English.

4 Section 12 of P.L.1991, c.261 (C.2C:25-28) provides that a victim
5 may file a domestic violence complaint with the Family Part or, at
6 times when the Family Part is closed, with a judge of the Family Part
7 or a judge of the municipal court assigned to accept such complaints
8 and issue temporary restraining orders. This statute does not specify
9 whether the order must be issued in a language other than English.
10 The bill provides that any temporary restraining order would be issued
11 by a municipal court judge in the primary language or languages used
12 by both the plaintiff and the defendant. The Administrative Office of
13 the Courts would prepare standard temporary restraining order forms
14 in English, Spanish, and up to 10 additional languages commonly
15 spoken in the State, for use by municipal court judges in complying
16 with the law.

17 Section 13 of P.L.1991, c.261 (C.2C:25-29) provides that within
18 10 days of the filing of a complaint for a temporary restraining order,
19 the Family Part will conduct a hearing to determine whether to issue a
20 permanent restraining order. The bill provides that any permanent
21 restraining order would be issued in the primary language or languages
22 used by both the plaintiff and the defendant. The Administrative
23 Office of the Courts would prepare standard forms in English, Spanish,
24 and up to 10 additional languages commonly spoken in the State, for
25 use by courts in complying with the provisions of law.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1000

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2023

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1000.

This bill, as amended, would: (1) require law enforcement officers, after responding to a domestic violence incident, to provide information to domestic violence victims in English, Spanish, and up to 10 additional high demand languages spoken in the State, regarding their right to file for temporary restraining orders and to file criminal complaints; and (2) task the Administrative Office of the Courts (AOC) with preparing standard templates for temporary and final restraining orders in English, Spanish, and other identified high demand languages for use by law enforcement, municipal courts, and the Superior Court when issuing such orders.

Under current law, the information disseminated by law enforcement officers is provided in writing in both English and Spanish. The AOC currently implements, via its Directive #10-22 (September 30, 2022), a revised Judiciary Language Access Plan, which plan includes translating into several other languages information contained in restraining orders among other court documents, policies, and standards used when interacting with persons who are limited in their ability to speak or understand English or who are deaf or hard of hearing.

Regarding the dissemination of information in English and Spanish by law enforcement officers, the current law simply states that it “shall be written” in a notice. The bill would specifically assign responsibility for the written materials to the Attorney General and, as previously mentioned, the writing would be made available in English and Spanish, and up to 10 additional “high demand languages spoken in the State.”

Regarding the issuance of restraining orders by courts, a domestic violence victim is currently permitted to file a domestic violence complaint seeking a temporary restraining order with the Superior Court, Chancery Division, Family Part or, at times when the Family Part is closed, with a judge of the Family Part or judge of the municipal court assigned to accept such complaints and issue a temporary order. See section 12 of P.L.1991, c.261 (C.2C:25-28). To assist these courts as well as law enforcement regarding the issuance

of the orders and their service on the alleged abuser, the AOC would prepare standard templates in English, Spanish, and other high demand languages identified in its Language Access Plan, as approved by the Supreme Court, to be provided to the victim and defendant.

As to any subsequently issued permanent restraining orders, which are only issued by judges of the Superior Court, Chancery Division, Family Part upon a finding of abuse by a preponderance of the evidence, see section 13 of P.L.1991, c.261 (C.2C:25-29), multiple standard templates would be prepared by the AOC using the same, above described language criteria to be provided to the victim and defendant.

This bill, as amended and reported, is identical to the First Reprint of Assembly Bill No. 1704, also reported today by the committee.

The committee amendments to the bill:

- require the Attorney General, not the Administrative Office of the Courts (AOC), to prepare the notice used by law enforcement officers to inform domestic violence victims of their rights;

- provide that such law enforcement notice be prepared in up to 10 high demand languages, in addition to English and Spanish, instead of 10 languages “commonly” spoken in the State; and

- task the AOC with preparing standard templates for temporary and final restraining orders in English, Spanish, and other high demand languages identified in its Language Action Plan, as approved by the Supreme Court, for use by law enforcement, municipal courts, and the Superior Court when issuing such orders.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1000

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1000 (1R).

This bill, would: (1) require law enforcement officers, after responding to a domestic violence incident, to provide information to domestic violence victims in English, Spanish, and up to 10 additional high demand languages spoken in the State, regarding their right to file for temporary restraining orders and to file criminal complaints; and (2) task the Administrative Office of the Courts (AOC) with preparing standard templates for temporary and final restraining orders in English, Spanish, and other identified high demand languages for use by law enforcement, municipal courts, and the Superior Court when issuing such orders.

Under current law, the information disseminated by law enforcement officers is provided in writing in both English and Spanish. The AOC currently implements, via its Directive #10-22 (September 30, 2022), a revised Judiciary Language Access Plan, which plan includes translating into several other languages information contained in restraining orders among other court documents, policies, and standards used when interacting with persons who are limited in their ability to speak or understand English or who are deaf or hard of hearing.

Regarding the dissemination of information in English and Spanish by law enforcement officers, the current law simply states that it “shall be written” in a notice. The bill would specifically assign responsibility for the written materials to the Attorney General and, as previously mentioned, the writing would be made available in English and Spanish, and up to 10 additional “high demand languages spoken in the State.”

Regarding the issuance of restraining orders by courts, a domestic violence victim is currently permitted to file a domestic violence complaint seeking a temporary restraining order with the Superior Court, Chancery Division, Family Part or, at times when the Family Part is closed, with a judge of the Family Part or judge of the municipal court assigned to accept such complaints and issue a temporary order. See section 12 of P.L.1991, c.261 (C.2C:25-28). To assist these courts as well as law enforcement regarding the issuance

of the orders and their service on the alleged abuser, the AOC would prepare standard templates in English, Spanish, and other high demand languages identified in its Language Access Plan, as approved by the Supreme Court, to be provided to the victim and defendant.

As to any subsequently issued permanent restraining orders, which are only issued by judges of the Superior Court, Chancery Division, Family Part upon a finding of abuse by a preponderance of the evidence, see section 13 of P.L.1991, c.261 (C.2C:25-29), multiple standard templates would be prepared by the AOC using the same, above described language criteria to be provided to the victim and defendant.

As reported by the committee, Senate Bill No. 1000 (1R) is identical to Assembly Bill No. 1704 (1R), which was also reported by the committee on this date.

FISCAL IMPACT:

The OLS finds that this bill will result in annual cost increases for the State. The bill requires the Attorney General's Office in the Department of Law and Public Safety to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The Judiciary would be required to prepare standard templates for temporary restraining orders and final restraining orders in English, Spanish, and the other high demand languages identified in its language access plan as approved by the Supreme Court.

Regarding the Attorney General's Office, the OLS notes the Department of Law and Public Safety would need to have approximately 250 words translated per document and, based on a State contractor's quoted price of \$.15 per word for document translation services, this would result in an estimated cost of approximately \$37 per notice for the first time a document is needed in a language other than English or Spanish. The OLS does not have information on how many such notices would need to be translated in a given fiscal year.

Also in the way of context, the OLS notes that the Judiciary provided an estimate on a previous version of this bill, Senate Bill No. 1000 of the 2022-2023 Session, in which the Judiciary would have to meet all the requirements of the bill. As noted above, the Judiciary estimate anticipates first year expenses exceeding \$15.5 million to address all the requirements of this legislation, and \$6.5 million annually in subsequent fiscal years. The costs of providing domestic violence restraining orders in multiple languages and the Statewide information technology system needed to make the various documents available on demand in each required language would necessitate the reprogramming of the electronic temporary restraining order application, as it is written in an older architecture that would need reengineering,

according to the Judiciary. The Judiciary added that there would be an increase in court time as a result of the bill.

As noted above, the Judiciary is unable to estimate with any certainty the number of cases that would require notices and specific orders in other languages. As such, the OLS is unable to confirm or refute the Judiciary's estimate. Since the Judiciary already provides forms in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese, it cannot be said with certainty what other languages would require translation services. In the 2022 court year, there were a total of 41,980 domestic violence filings and 6,396 reopened domestic violence cases, according to the 2021-2022 Judiciary Annual Report.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1000 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: AUGUST 17, 2023

SUMMARY

- Synopsis:** Requires domestic violence orders to be issued in other languages in addition to English under certain circumstances.
- Type of Impact:** Annual State expenditure increase.
- Agencies Affected:** The Judiciary; Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill will result in annual cost increases for the State. The bill requires the Attorney General’s Office in the Department of Law and Public Safety to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The Judiciary would be required to prepare standard templates for temporary restraining orders and final restraining orders in English, Spanish, and the other high demand languages identified in its language access plan as approved by the Supreme Court.
- Regarding the Attorney General’s Office, the OLS notes the Department of Law and Public Safety would need to have approximately 250 words translated per document and, based on a State contractor’s quoted price of \$.15 per word for document translation services, this would result in an estimated cost of approximately \$37 per notice for the first time a document is needed in a language other than English or Spanish. The OLS does not have information on how many such notices would need to be translated in a given fiscal year.
- Also in the way of context, the OLS notes that the Judiciary provided an estimate on a previous version of this bill, in which the Administrative Office of the Courts would have to meet all the requirements of the bill, including preparing the notices for domestic violence victims. In that estimate, the Judiciary anticipated first year expenses exceeding \$15.5 million to address all the requirements of this legislation, and \$6.5 million annually in subsequent fiscal

years. The costs of providing domestic violence restraining orders in multiple languages and the Statewide information technology system needed to make the various documents available on demand in each required language would necessitate the reprogramming of the electronic temporary restraining order application, as it is written in an older architecture that would need reengineering, according to the Judiciary. The Judiciary added that there would be an increase in court time as a result of the bill.

- The Judiciary noted that it is unable to estimate with any certainty the number of cases that would require notices and specific orders in other languages; as such, the OLS is unable to confirm or refute the Judiciary's estimate.

BILL DESCRIPTION

The bill requires that certain domestic violence restraining orders and notices to domestic violence victims be issued in other languages in addition to English.

Currently, the Prevention of Domestic Violence Act (P.L.1991, c.261) provides that a law enforcement officer is required to provide a domestic violence victim with a notice of the victim's rights, including the right to go to court to obtain a temporary restraining order and the right to file criminal charges. The statute also provides that the notice is required to be written in English and Spanish. The bill expands this requirement to provide that the notice be prepared by the Attorney General's Office in English, Spanish, and 10 additional high demand languages spoken in the State.

Under the bill, the Administrative Office of the Courts is required to prepare standard templates for temporary restraining orders in English, Spanish, and the other high demand languages identified in its Language Access Plan as approved by the Supreme Court. The templates will be available for law enforcement, judges of the Municipal Court, and judges and staff of the Superior Court to provide to the victim and defendant when issuing temporary restraining orders.

Current law also provides that an order granting emergency relief, together with the complaint or complaints, is to be forwarded immediately to the appropriate law enforcement agency for immediate service on the defendant and to the law enforcement agency of the municipality in which the plaintiff resides or is sheltered. Under the bill, a member of the law enforcement agency additionally is required to serve the defendant with a copy of the translated order, if applicable.

The bill requires the Administrative Office of the Courts to prepare standard templates for permanent restraining orders in English, Spanish, and the other high demand languages identified in the Language Access Plan.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

JUDICIAL BRANCH

The Judiciary provided information on a previous version of this legislation, Senate Bill No. 1000 of the 2022-2023 Session. The OLS emphasizes that in the original version of Senate Bill

No. 1000 on which the Judiciary provided the estimate, the Administrative Office of the Courts would have to meet all the requirements of the bill, including preparing the notices for domestic violence victims. The information the Judiciary provided on the previous version of Senate Bill No. 1000 is reproduced in part and summarized below to provide context in terms of the potential cost of the legislation.

The Judiciary indicated that although a full estimate of the bill's fiscal impact is not feasible, it would anticipate incurring expenses exceeding \$15,500,000 to address the requirements of this legislation. In addition, the Judiciary anticipates expenditures exceeding \$6,500,000 would be recurring each fiscal year. The bill would require temporary restraining orders and final restraining orders be issued in the primary language or languages used by both the plaintiff and the defendant. The bill provides that the Administrative Office of the Courts is required to prepare standard forms in English, Spanish and 10 additional high demand languages spoken in the State.

A United States Census Bureau report released in 2018 found that the following were the most common languages spoken in New Jersey other than English, Spanish, and American Sign Language: Russian, Arabic, Hindi, Polish, Gujarati, Korean, Filipino, Tagalog, Portuguese and Chinese.

Based on the languages for which the Judiciary most often provides interpreting services, certain form orders and documents are currently available in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese. In addition, general informational documents describing temporary restraining orders are provided in the aforementioned languages as well as in Arabic.

Although unable to estimate with any certainty the number of cases which would require notices and specific orders in other languages, the Judiciary believes the number of cases the proposed legislation will impact would be substantial. The Judiciary's domestic violence case type operates 24 hours per day, 7 days per week in all 21 county courts and all 500 plus municipal courts. Statistics on the number of restraining orders issued in calendar year 2020 indicate that 26,217 temporary restraining orders were issued Statewide: 19,288 were issued by municipal courts and 6,929 were issued by the Superior Court. In addition, another 3,453 final restraining orders were issued. The Judiciary statistical report for court interpreting services for FY 2021 shows the Judiciary completed 43,959 interpreting activities in 95 different languages for that fiscal year.

Interpreters render a spoken or signed message in one language to an equivalent spoken or signed message in another language; translators render a written message from one language to an equivalent written message in another language. The Judiciary credentials court interpreters but does not credential translators. The differences between the skill sets, training and credentials needed for the two tasks are substantial. Translation of any Judiciary document from English into another language is a complex task. Inclusion in the Judiciary's Registry of Court Interpreting Resources does not provide any confirmation of the Judiciary's ability to provide accurate translation services. As such, court interpreters translate only short and simple documents. The Language Services Section tests staff interpreters to approve those who pass for vicinage-specific translation work. Certified translation requires significant cost and time. Extreme care must be taken to ensure that no change in meaning, or intent occurs in translation. Significant resources would be required to implement measures that will ensure each provision is translated accurately and continues to reflect the same meaning and intent as the English version.

For each unique document and language, a team of certified consultants would be required to provide an accurate translation. Once completed, the Judiciary would require a multi-review process of each converted document to ensure the translated document's accuracy and that the intent and meaning of the document did not change from the English text. To achieve this, the Judiciary would appoint and support a translation review team (for each individual language and document) which would be tasked with ensuring the accuracy of any translated document. The

translation review team would be staffed by both Judiciary staff and certified translators (who would be separate and apart from those translators completing the actual translation) to ensure that any translation completely and accurately reflects the English version.

For each order to be made available Statewide in each required language, the Judiciary would need to develop, test, implement and support a statewide on-demand information technology system. The system would make the various documents available on demand to court staff Statewide in the each required language. The Judiciary anticipated costs of \$1,400,000 to analyze, develop, integrate, and test such system. These tasks are anticipated to take a minimum of 12 months to complete. The Judiciary would also incur system and hardware costs of approximately \$2,000,000 for the system and an additional \$400,000 would be incurred for annual maintenance-related costs that would ensure, for example, that the system is kept updated and running properly.

There would also be a cost to reprogram the Judiciary's electronic temporary restraining order application because the application is written in an older architecture that would need reengineering to accommodate order translation as well as notice and other communication translations. It is estimated that a rewrite of a significant portion of electronic temporary restraining order application would cost between \$6 million and \$8 million.

Family Court Staff would also be required to process and disseminate these notices and orders in other languages. This bill could potentially also result in additional court time when a motion is made concerning these orders in other languages. To address these motions would require more staff at every level, including clerical, court staff, sheriff's officers, court hearing officers, and judges.

Recognizing that the Judiciary's domestic violence case type operates 24 hours per day, 7 days per week in all 21 county courts and in all of the more than 500 municipal courts to issue approximately 30,000 restraining orders per year, and that each document has non-standard narrative sections which are unique to each particular case, the Judiciary would incur significant cost to ensure each party is provided with the complete document(s) accurately translated into the appropriate language(s). Annual projected costs to ensure these interpreting services are available 24 hours a day, 7 days a week are approximately \$6,100,000.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill will result in annual cost increases for the State. The bill requires the Attorney General's Office in the Department of Law and Public Safety to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The Judiciary would be required to prepare standard templates for temporary restraining orders and final restraining orders in English, Spanish, and the other high demand languages identified in its language access plan as approved by the Supreme Court.

Regarding the Attorney General's Office, the OLS notes the Department of Law and Public Safety would need to have approximately 250 words translated per document and, based on a State contractor's quoted price of \$.15 per word for document translation services, this would result in an estimated cost of approximately \$37 per notice for the first time a document is needed in a language other than English or Spanish. The OLS does not have information on how many such notices would need to be translated in a given fiscal year.

Also in the way of context, the OLS notes that the Judiciary provided an estimate on a previous version of this bill, Senate Bill No. 1000 of the 2022-2023 Session, in which the Judiciary would have to meet all the requirements of the bill. As noted above, the Judiciary estimate anticipates first year expenses exceeding \$15.5 million to address all the requirements of this legislation, and \$6.5 million annually in subsequent fiscal years. The costs of providing domestic violence

restraining orders in multiple languages and the Statewide information technology system needed to make the various documents available on demand in each required language would necessitate the reprogramming of the electronic temporary restraining order application, as it is written in an older architecture that would need reengineering, according to the Judiciary. The Judiciary added that there would be an increase in court time as a result of the bill.

As noted above, the Judiciary is unable to estimate with any certainty the number of cases that would require notices and specific orders in other languages. As such, the OLS is unable to confirm or refute the Judiciary's estimate. Since the Judiciary already provides forms in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese, it cannot be said with certainty what other languages would require translation services. In the 2022 court year, there were a total of 41,980 domestic violence filings and 6,396 reopened domestic violence cases, according to the 2021-2022 Judiciary Annual Report.

Section: Judiciary

*Analyst: Anuja Pande Joshi
Senior Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

01/8/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

- S-530/A-5164 (Ruiz, Turner/Coughlin, Quijano, McKnight, Reynolds-Jackson)** - Requires certain school meal information be provided to public school students' parents and requires school districts to request that families apply for school meals under certain circumstances
- S-553/A-4238 (Zwicker/Conaway, Atkins)** - Adds technology transfer duties to New Jersey Commission on Science, Innovation and Technology
- S-652/A-117 (Oroho, Pou/Space, Calabrese, Wirths)** - Permits governing body of municipalities having population of 30,000 or less to serve as local board of health; validates cc actions
- S-762/A-3786 (Pou, Cruz-Perez/Sumter, Reynolds-Jackson)** - Concerns certification of tax collectors
- S-765/A-3246 (Pou, Pennacchio/Lampitt, Schaer, Murphy)** - Prohibits carrier from precluding dentist from billing covered person under certain circumstances
- S-1211/A-1222 (Singleton, Gopal/Pintor Marin, Mukherji, Park)** - Provides for civil actions against persons or entities profiting from commission of human trafficking offenses, or maintaining victims of such offenses
- S-1228/A-4092 (Greenstein/Diegnan, Benson, Jaffer, Verrelli)** - Allows certain airports to carry over certain grant money into future years
- S-1892/A-4501 (Johnson, Schepisi/Park, Wimberly, Matsikoudis)** - Authorizes certain boards of education to issue bonds to repair damages caused by natural disasters in certain circumstances
- S-2057/A-1174 (Turner, Greenstein/Jasey, Benson, Quijano)** - Requires certain documentation of needs of students with disabilities during school security drills and emergency situations and in school security plans; requires staff training on needs of students with disabilities in emergency planning
- S-2716/A-4153 (Vitale, Turner/Carter, McKnight, Atkins)** - Requires NJ FamilyCare to reimburse claims for covered services submitted by clinical social workers, professional counselors, and marriage and family therapists under certain circumstances
- S-2789/A-3793 (Cruz-Perez, Johnson/Benson, Wimberly, Lopez)** - Requires certain permit holders to complete practice driving hours to obtain probationary driver's license
- S-3013/A-5062 (Scutari, Pou/Carter, Atkins, Stanfield)** - Revises definition of women's business enterprise and minority business enterprise
- S-3079/A-4977 (Diegnan, Lagana/Lampitt, Benson, Wimberly)** - Establishes School Safety and Security Task Force.
- S-3409/A-4785 (Pou, Oroho/McKeon, Flynn, Wimberly)** - Updates certain insurance company investment provisions in accordance with Investments of Insurers Model Act
- S-3490/A-5124 (Smith/Stanley, Calabrese)** - Amends certain requirements for installation of electric vehicle supply equipment and Make-Ready parking spaces
- S-3604/A-5212 (Madden, Cruz-Perez/Murphy, Stanley)** - Authorizes use of healthcare platforms providing discounted prices for payment of prescription and non-prescription drug devices and for telehealth and telemedicine services
- S-3723/A-5365 (Smith/McKeon, Danielsen, Haider)** – “Electric and Hybrid Vehicle Battery Management Act”
- S-3916/A-5486 (Cruz-Perez, Turner/Sauickie, Freiman, Rooney)** - Expands eligibility for wildlife fencing programs to farmers leasing farmland; clarifies eligibility and provides for uniform funding levels for grant recipients
- S-3969/A-5658 (Gopal/Freiman, Murphy)** - Allows for credit against contract cost for primary care services managed by health care provider for public employees and their dependents; allows referrals to other providers that have contractual relationship with such health care provider
- S-4081/A-5891 (Beach, Diegnan/Atkins, Carter)** - Allows board of county commissioners to hold annual meeting at certain additional locations other than Superior Court
- A-111/S-3201 (Space, Wirths, McCarthy Patrick/Oroho, Durr)** - Provides that farm, farmstand, or other agricultural operation selling firewood obtained from property other than seller's shall not be considered lumber yard; prohibits sale of untreated firewood from outside of State
- A-649/S-587 (McClellan, McKnight/Testa)** - Expands purposes for which civil asset forfeiture funds may be used by law enforcement agency
- A-831/S-461 (Jimenez, Rooney, Timberlake/Sacco, Greenstein)** - Provides for reciprocity of certain out-of-State EMT certification; establishes criminal history record background check process
- A-1475/S-1809 (Lopez, Speight, Haider/Ruiz, Cunningham)** - Requires court to consider information concerning coercive control in domestic violence proceedings
- A-1507/S-1503 (McKnight, Carter, Speight/Gopal, Oroho)** - Permits chair or booth rentals for the purpose of providing cosmetology and hairstyling services or ancillary services
- A-1570/S-2216 (Moen/Madden, Singleton)** - Authorizes issuance of special license plates for alumni of four-year public institutions of higher education
- A-1581/S-3880 (Moen, Benson, Conaway/Cruz-Perez, Turner)** - Requires MVC to provide customer service telephone number at motor vehicle inspection facilities
- A-1704/S-1000 (Speight, Pintor Marin, McKnight/Ruiz, Gopal)** - Requires domestic violence orders to be issued in other languages in addition to English under certain circumstances
- ACS for A-1707/S-3700 (Speight, McKnight, Karabinchak/Burgess, Ruiz)** - Establishes presumption that VCCO will order payment to victim of crime
- A-2040/S-540 (Benson, McKnight/Ruiz, Pou)** - Requires Commissioner of Human Services to request authorization for SNAP benefits to be used to pay delivery charges for online grocery purchases
- A-2138/SCS for S-1890 (Moriarty, Mukherji, McKnight/Johnson, Singer)** - Updates regulation of home improvement and home elevation contractors and contractors' businesses
- A-2351/S-2991 (Mukherji, Flynn, Murphy/Singleton)** - Permits court to effectuate equitable distribution when complaint for divorce or dissolution of civil union has been filed and party has died prior to final judgment; provides that surviving party would not receive intestate or elective share

A-3093/S-1516 (Stanley, Jaffer, Murphy/Greenstein, Gopal) - Authorizes court to include in domestic violence restraining orders a provision making the order applicable to a pre victim's child upon birth of the child

A-3737/S-3393 (Speight, Swain, McKnight/Ruiz, O'Scanlon) - Establishes menstrual health public awareness campaign

A-4125/S-2712 (Haider, Swain, Stanley/Singleton, Greenstein) - Prohibits sale, manufacture, distribution, and use of firefighting foam containing intentionally added perfluoroalk and polyfluoroalkyl substances; requires DEP to establish collection and disposal program; appropriates \$250,000

A-4614/S-3547 (Greenwald, Jasey, Carter, Lampitt/Pou, Vitale) - Modifies Nursing Faculty Loan Redemption Program

A-4729/S-3279 (Sauickie, Freiman, Clifton/Stanfield, Cruz-Perez) - Revises method for appraisals of farmland to be acquired for farmland preservation purposes

A-4757/S-3263 (Jimenez, Tucker, Atkins/Burgess, Turner) - Requires DCA to conduct surveys and report data related to homelessness in administering the Rental Assistance Navigation Program

A-4913/S-3133 (Conaway, Stanley, Wimberly/Johnson, Scutari) - Requires carriers to offer health care providers more than one method of payment for reimbursement

A-5036/S-3551 (Tully, Swain, Karabinchak, Lagana/A.M. Bucco) - Requires "Electronic Permit Processing Review System" in DCA to enable applicant to submit electronic sign and certain other submission materials for permit application review

A-5208/S-4082 (Coughlin, Munoz, Wimberly/Scutari, A.M. Bucco) - Extends provisions of P.L.2021, c.498 in certain circumstances

A-5281/S-2341 (Chaparro, Jimenez, Stanley/Johnson) - Eliminates position of constable; removes statutory references to constable; repeals various parts of statutory law; implements recommendation of SCI report concerning elimination of constables

A-5417/S-3890 (Lampitt, Jasey, Swain/Ruiz, Burgess) - Prohibits limiting number of county college credits that may be applied towards educator preparation program and teach certification requirements

A-5501/SCS for S-3895 (Jasey/Zwicker, Sarlo, Ruiz) - Adjusts bid threshold amounts for certain public research universities; permits certain contracts for school districts, municipalities, and counties to be awarded by qualified purchasing agent

A-5648/S-3933 (Barranco, Rooney/A.M. Bucco) - Authorizes State Treasurer to sell as surplus property certain land and improvements in Township of Morris in Morris County

A-5813/S-3392 (Wimberly, Sumter/Pou) - Exempts electricity sold to certain recovered materials manufacturing facilities from renewable energy portfolio standards

AJR-230/SJR-129 (Karabinchak, Schaer, Freiman/Diegnan, Beach, A.M. Bucco) - Recognizes 75th anniversary of establishment of State of Israel

Governor Murphy conditionally vetoed the following bills:

S-539/A-2140 (Ruiz, Pou/Reynolds-Jackson, Wimberly, Mosquera) - CONDITIONAL - Permits online purchase of eligible foods using WIC funds and use of WIC funds for groc delivery charges

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S-1680/A-2257 (Pou, Ruiz/Murphy, Quijano, Wimberly) - CONDITIONAL - Designates each community college in State as provider of allowable services under SNAP employm and training program

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S-2535/A-4048 (Polistina, Pou/Benson, McKnight, Reynolds-Jackson, Carter) - CONDITIONAL - Requires health benefits coverage of hearing aids and cochlear implants for insureds aged 21 or younger

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SCS for S-3632 and 3649/ACS for A-1948 (Johnson, Cryan/Haider, Conaway, Quijano) - CONDITIONAL - Requires labeling of non-flushable disposable wipes

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A-2146/S-855 (Reynolds-Jackson, Wimberly, Sumter/Singleton, Beach) - CONDITIONAL - Creates State business assistance program to establish contracting agency procure goals for socially and economically disadvantaged business enterprises

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A-3092/S-2415 (Stanley, Jaffer, Mukherji/Gopal, Ruiz) - CONDITIONAL - Requires State agencies update demographic data collection methods on Asian, Native Hawaiian, Pa Islander, Middle Eastern, North African, and South Asian and Indian Diaspora residents of this State

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A-4033/S-2657 (Coughlin, Wimberly/Sarlo, Ruiz) - CONDITIONAL - Extends deadline for completion of school district's annual audit

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ACS for A-4821 and 4823/S-3283 (Karabinchak, Conaway, Schaer/Greenstein, Zwicker) - CONDITIONAL - Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies

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A-5416/S-3883 (Wimberly, Giblin, Haider/Greenstein, Turner) - CONDITIONAL - Requires State Board of Education to authorize alternate route to expedite teacher certifiator persons employed as paraprofessionals in school districts

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A-5610/S-3954 (Greenwald, Spearman, Chaparro/Beach, A.M. Bucco) - CONDITIONAL - Revises penalties for possession or consumption of alcoholic beverages by underag persons

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Governor Murphy absolute vetoed the following bills:

ACS for A-3677 and 2807/SS for S-2186 (Stanley, Verrelli, Jaffer, Calabrese/Greenstein, Smith) - ABSOLUTE - Prohibits sale, distribution, import, export or propagation of ce invasive species without permit from Department of Agriculture; establishes NJ Invasive Species Council

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A-5283/S-3939 (Tully, Greenwald, Mosquera/Lagana, Gopal) – ABSOLUTE - Requires calculation of national average time needed to approve applications for initial credential i profession or occupation and use of average time as standard in New Jersey

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