



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

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## Directive #13-19

[Questions may be directed to the Municipal Division at 609-815-2900 ext. 54850 or the Family Practice Division at 609-815-2900 ext. 55350]

To:

**Assignment Judges** 

**Trial Court Administrators** 

From:

Glenn A. Grant, J.A.D

Subject: Municipal/Family – Immediate De Novo Hearing for the Municipal Court

**Denial of a Domestic Violence Temporary Restraining Order** 

Date:

July 10, 2019

This Directive promulgates the protocol, as approved by the Supreme Court, to be employed when a plaintiff seeks an Immediate De Novo Hearing for the denial of a domestic violence Temporary Restraining Order/Complaint (TRO) by the Municipal Court.

Currently, victims of domestic violence can make an application for a TRO in the Municipal Courts when the Superior Court is closed. However, if the victim requests a de novo review of the Municipal Court denial, the victim must wait until the Superior Court is open for business. The safety of a domestic violence victim is always of utmost concern, and during a weekend or holiday, a victim may wait two to three days for a de novo hearing. Therefore, effective October 1, 2019, if the victim requests an immediate de novo review for the denial of a TRO, the following procedure must be employed:

- The Municipal Court judge must advise the victim, on the record, that the victim has the right to an immediate review of the TRO denial to an on-call Superior Court judge.
- If the victim wishes to exercise this right, law enforcement shall contact an oncall Superior Court judge.
- This on-call Superior Court judge will review the same TRO/Complaint that was presented to the Municipal judge.
- The Superior Court judge will conduct a hearing on the TRO/Complaint telephonically and make a decision whether to grant or deny the TRO as outlined in the Domestic Violence Procedures Manual (DVPM).

Directive #13-19
Municipal/Family – Immediate De Novo Hearing for the Municipal Court Denial of a Domestic Violence Temporary Restraining Order
Page 2

- Law Enforcement will memorialize the Superior Court judge's decision and will send the order electronically to the Family Division with that order appearing on a worklist in the eTRO system for review.
- If the victim does not wish to have an immediate hearing, the police will indicate that in eTRO and send the order electronically to the Superior Court for dismissal.

Please see the attached user guide for detailed system instructions on this new process. Please direct any questions to the Municipal Court Services Division at 609-815-2900, ext. 54850 or the Family Practice Division at 609-815-2900, ext. 55350.

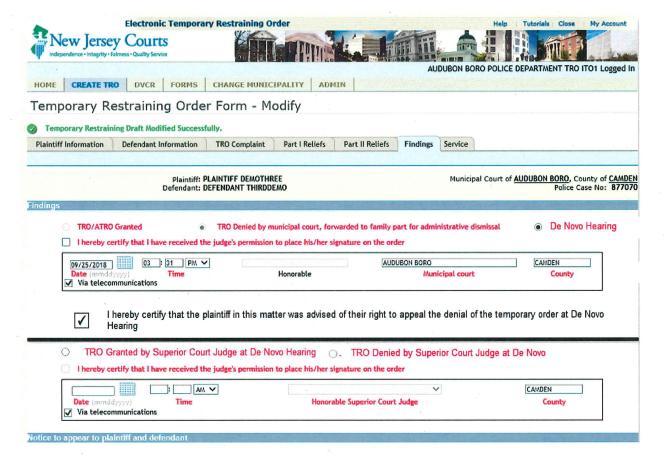
## Attachment

cc: Chief Justice Stuart Rabner
Family Presiding Judges
Municipal Court Presiding Judges
Municipal Court Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Special Assistants to the Director
Family Division Managers
Municipal Division Managers
Amelia Wachter-Smith, Chief

## Guide for Processing Request for Immediate De Novo Hearing of Denied Municipal Court Temporary Restraining Orders

When the Superior Court is closed, victims requesting a Temporary Restraining Order (TRO) can make application with law enforcement. If the Municipal judge denies entry of a TRO the following steps must be taken:

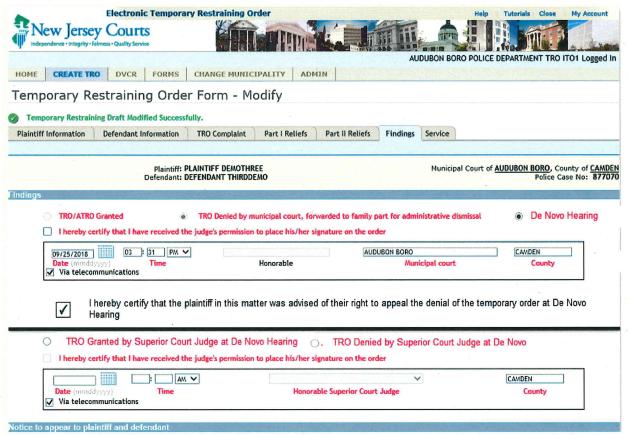
The Municipal Court judge must advise the victim, on the record, that the victim
has the right to an immediate de novo hearing of the denial to an on-call Superior
Court judge.



- In ETRO, under the findings tab, law enforcement will click the radio button "TRO Denied by Municipal Court"
- A pop-up window will appear asking "Does the plaintiff wish to have an immediate de novo hearing of the denied TRO?"



- Law enforcement will choose either "yes" or "no" based on the plaintiff's response
  - If the victim does not wish to have an immediate de novo hearing of the denied TRO, law enforcement shall enter the Municipal judge's signature and hit the "submit" button which sends the case to the Superior Court for further processing.
  - If the victim requests an immediate de novo hearing of the denied TRO, ETRO will automatically populate the radio button indicating, De Novo Hearing.

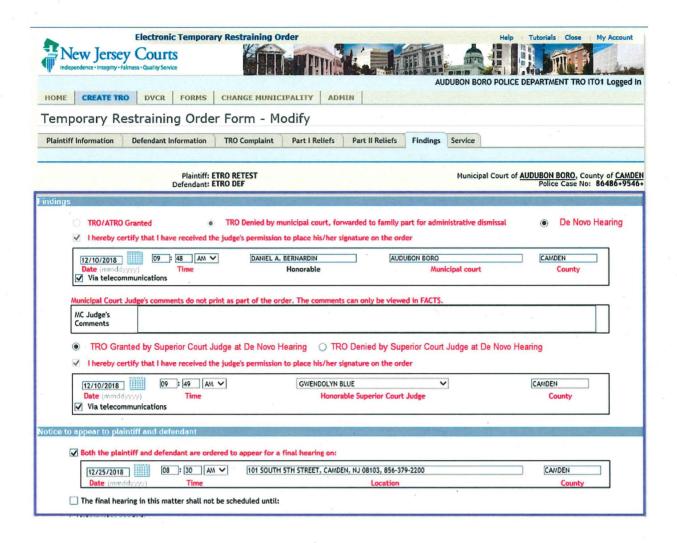


- Law enforcement will certify they have received the judge's permission to place the judge's signature on the order
- Law enforcement shall enter the Municipal judge's name in the space provided
- Law enforcement shall contact the on-call Superior Court judge.
- The Superior Court judge will conduct the de novo hearing telephonically.
- If the Superior Court judge denies the entry of a TRO, law enforcement will choose the radio button "TRO Denied by Superior Court Judge at De Novo Hearing"
  - Law enforcement will certify they have received the judge's permission to place the judge's signature on the order
  - Law enforcement shall enter the Superior Court judge's name and select "Save and Continue"
- If the Superior Court judge grants the entry of a TRO, law enforcement will choose the radio button "TRO Granted by Superior Court Judge at De Novo Hearing"

 A pop-up box will appear asking about the reliefs granted which follows current ETRO processing and law enforcement will select either "yes" or "no"



- Law enforcement will certify they have received the judge's permission to place the judge's signature on the order
- Law enforcement shall enter the Superior Court judge's name
- Law enforcement will enter the date, time, location, and county for the final hearing and select "Continue"



 A pop-up will appear asking if the order should be saved, click "yes" or "no"

New Jersey Courts Independence - Integrity - Fairness - Quality Service  HOME   CREATE TRO   DVCR   FORMS    Temporary Restraining Order  Plaintiff Information   Defendant Information		AUDUBON BORO POLICE DEPARTMENT TRO ITO1 Logged
Plaintiff: E1 Defendant: E1	RO RETEST RO DEF	Municipal Court of <u>AUDUBON BORO</u> , County of <u>CAMD</u> Police Case No: <b>86486+95</b> 4
Plaintiff was served:  Please enter the name of the person will troit Name (First, MI, Last)  Defendant was served:  Substituted service (explain):  Defendant could not be served (estroice to the defendant to be performed of the defendant to be performed of Municipal police where defendant to Municipal police where defendant to the Law Enforcement Agency:  State police:  Sheriff:	eTRO  ving an order will lock the form and no further changes  Defendant Last Name :ETRO  Defendant First Name :DEF  Judge Name :GWENDOLYN BLUE  Are you sure you want to save as an order?  Yes No	BORO POLICE DEPARTMENT V  Department
Informational Comments		Save & Submit

Domestic Violence Civil Complaint and Temporary Restraining Order Page 4 of 4 Docket Number DEMO DEFENDANT 1 TRO denied by Municipal Court TRO granted. The Court has established jurisdiction over the subject matter and the parties pursuant to NJSA 2C25-17 et seq, and has found good cause that a prima facie act of domestic violence has been established, that an immediate danger of domestic violence exists and that plaintiff's life, health and well being are endangered; that an emergency restraining Order is necessary pursuant to R.5-2A(b) and NJSA, 2C-25-28 to prevent the occurrence of corrections of domestic violence and to search for and seize firearms and other weapons as indicated in this order. TRO Granted by Superior Court Judge at De Novo Plearing. The court has established jurisdiction over the subject motor end the parties pursuent to 1/1.9 A. 2::25-17 et sec, and has found good cause mat a prima field act of contests violence has been established; that an immediate danger of contests violence exists and the plaintiff's fie, health, and well being are endergered; that an emergency restricting Order is necessary pursuent to R. 5.74(s) and N.J.S.A. 2::25-28 to prevent the conumence or reconumence of contests violence and to search for and seize freams and other weapons as indicteed in this order TRO denied by Superior Court Judge ( at De Novo Hearing TRO denied. Complaint dismissed by Family Part 5/ Heating Officer Date/Time Via Telecomenunications AUDUBON BORO 09/13/2018 12:04 PM s/ DANIEL A. BERNARDIN CAMDEN Date/Time ✓ Via Telecommunications. 09/13/2018 12:07 PM
Date/Time V Via Telecommunications s/ DONALD J. STEIN Honorable Superior Court Judge CAMDEN Court / County All Law Enforcement Officers Will Serve and Fully Enforce This Order This ex parte Domestic Violence Complaint and Temporary Restraining Order meets the criteria of the federal Violence Against Women Act for enforcement outside of the State of New Jersey upon verification of service of defendant. 18 U.S.C.A. 2265 & 2266 This Order Shall Remain in Effect Until Further Order of the Court and Service of Said Order on the Defendant. Notice to Appear to Plaintiff and Defendant