

NEW JERSEY CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In New Jersey, there are 3 types of civil protection orders:

- ❑ **Sexual Assault Protection Orders** are available for individuals not eligible for a domestic violence restraining order seeking protection from any individual who stalked or sexually assaulted them (N.J. Stat. §§ 2C:14-13 – 2C:14-21).
- ❑ **Domestic Violence Restraining Orders** are available for individuals seeking protection from domestic violence committed by a family or household member (N.J. Stat. §§ 2C:25-17 – 2C:25-35).
- ❑ **Extreme Risk Protective Orders** may be sought by a person with a specific relationship to an individual who poses a serious threat of physical harm to themselves or someone else. (N.J. Stat. Ann. §§ 2C:58-20 – 2C:58-32).

SEXUAL ASSAULT PROTECTION ORDER

Who can apply?	Any person who is a victim of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, or stalking or cyber-harassment, and who is not eligible for a restraining order as a “victim of domestic violence” may file an application. <i>N.J. Stat. Ann. § 2C:14-14(2)(a)(1).</i> Lewdness is defined as exposing the genitals for the purpose of sexual desire. <i>N.J. Stat. Ann. § 2C:14-14(2)(a)(1).</i> Stalking is defined as purposefully or knowingly engaging in a course of conduct that would cause a reasonable person to fear for their own safety or that of a third person, or suffer emotional distress because the conduct involves repeatedly maintaining proximity to such a person, following or monitoring such person, interfering with that person’s property, repeatedly harassing that person, or repeatedly threatening that person. <i>N.J. Stat. Ann. § 2C:14-14(2)(a)(1).</i>
Can minors apply?	Yes, and the victim’s parent or guardian can also file on behalf of a minor. <i>N.J. Stat. Ann. § 2C:14-14(2)</i> If the abuser is the parent /guardian of a minor, the applicant is required to apply to the Department of Children and Families. <i>N.J. Stat. Ann. § 2C14-14(2)</i>
Who can be restrained?	Any adult person alleged to have perpetrated nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, or stalking or cyber-harassment where the petitioner does not have a relationship that would make them eligible for a domestic violence restraining order. <i>N.J. Stat. Ann. 2C:14-14(a)(1).</i>

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SEXUAL ASSAULT PROTECTION ORDER

Who can be restrained?	See Domestic Violence Restraining Orders for specific relationship eligibility. When an individual alleges conduct otherwise falling under this type of order but has been committed by someone under age 18, they must seek relief under the New Jersey Code of Juvenile Justice. <i>N.J. Stat. Ann. 2C:14-14(a)(2)(b.1).</i>
What types of relief may a court order?	A temporary protective order may: • Prohibit future acts of nonconsensual sexual contact; • Prohibit respondent from entering residence, property, school, or place of employment of the petitioner; • Prohibit future contact with the victim or other people; • Prohibit respondent from following, threatening, stalking; • Prohibit harassment; or • Any other relief the court deems appropriate. <i>N.J. Stat. Ann. 2C:14-15(e)(1-6)</i> A final protective order must prohibit future contact with the victim and prohibit future acts of nonconsensual sexual contact, stalking, cyber-harassment, etc. <i>N.J. Stat. Ann. 2C:14-16(4)(e)(1-2)</i> A final protective order may also: • Prohibit respondent from entering residence, property, school, or place of employment of the victim; • Prohibit conduct with other specific people; • Prohibit following or threatening to harm the victim; • Prohibit harassing the victim; and • Any other relief the court deems appropriate. <i>N.J. Stat. Ann. 2C:14-16(4)(f)(1-5).</i>

SEXUAL ASSAULT PROTECTION ORDER

How long does the order last?	A temporary protective order lasts until a final hearing is held, which must occur within 10 days of the filing of an application. <i>N.J. Stat. Ann. 2C:14-16(4)(a).</i> A final protective order shall remain in effect until further order. <i>N.J. Stat. Ann. 2C:14-16(4)(i).</i>
Can the order be renewed?	A final protective order shall remain in effect until further order so there is no need for renewal. <i>N.J. Stat. Ann. 2C:14-16(i).</i>
Is a hearing with the respondent required?	Yes, in order to obtain a final protective order, a hearing shall be held with the opportunity for both parties to be heard. <i>N.J. Stat. Ann. 2C:14-16(a).</i>

DOMESTIC VIOLENCE RESTRAINING ORDER

Who can apply?	Any person 18 or older (or an emancipated minor) who is a victim of domestic violence. <i>N.J. Stat. Ann. 2C:25-19(d).</i> Domestic violence is defined as any of the following, or attempts thereof: • Homicide; • Assault; • Terroristic threats; • Kidnapping, criminal restraint, or false imprisonment; • Sexual assault or criminal sexual conduct; • Lewdness; • Criminal mischief or harassment; • Burglary, robbery, or criminal trespass; • Stalking; • Criminal coercion; • Cyber-harassment; • Contempt of a domestic violence order; and/or • Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991." <i>N.J. Stat. Ann. 2C:25-19(a).</i>
Can minors apply?	No. <i>N.J. Stat. Ann. 2C:25-19(d)</i>
Who can be restrained?	Any person who commits domestic violence against a current or former spouse, household member, person with whom they have a child in common, or person with whom they are in a dating relationship. <i>N.J. Stat. Ann. 2C:25-19(d).</i>

DOMESTIC VIOLENCE RESTRAINING ORDER

What types of relief may a court order?	The court may issue an order: • Restraining the defendant from subjecting the victim to domestic violence; • Granting exclusive possession of a shared residence (in name or practice) to the petitioner; • Providing for temporary custody, visitation, or parenting time; • Requiring defendant to pay petitioner monetary compensation; • Requiring the defendant to attend counselling or obtain a psychiatric evaluation; • Prohibiting the defendant from entering the petitioner's residence, property, school, place of employment, or other relevant location; • Requiring the defendant to continue to provide support, including paying the rent or mortgage; • Requiring respondent to provide support for minor children; • Temporary possession of personal property (e.g. a car, identification documents, or keys) or pets; • Prohibiting the defendant from possessing firearms; or • Other appropriate requested relief. <i>N.J. Stat. Ann. 2C:25-29(b) (1-19)</i>
How long does the order last?	A temporary protective order lasts until a final hearing is held, which must occur within 10 days of the filing of an application. <i>N.J. Stat. Ann. 2C:25-28(a),(f).</i> A final protective order shall remain in effect until further order. <i>N.J. Stat. Ann. 2C:25-29(d).</i>
Can the order be renewed?	A final protective order shall remain in effect until further order so there is no need for renewal. <i>N.J. Stat. Ann. 2C:25-29(d).</i>

DOMESTIC VIOLENCE RESTRAINING ORDER

Is a hearing with the respondent required?	Yes, in order to obtain a final order, a hearing shall be held with the opportunity for both parties to be heard. <i>N.J. Stat. Ann. 2C:2C 25-29.</i>
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EXTREME RISK PROTECTIVE ORDER

Who can apply?	An adult family or household member including: • A spouse or former spouse; • Domestic or civil partner; • Present or former household member; • Co-parent or guardian of a child in common, or anyone expecting a child with the respondent; or • Someone in a dating relationship with the individual. <i>N.J. Stat. Ann. 2C:58-23(a).</i>
Can minors apply?	No. <i>N.J. Stat. Ann. 2C:58-23(a).</i>
Who can be restrained?	Anyone who poses a significant danger of bodily injury to self or others by having custody or control of, owning, possessing, purchasing, or receiving a firearm. <i>N.J. Stat. Ann. 2C58-23(a).</i>
What types of relief may a court order?	The respondent shall be temporarily prohibited from having or receiving firearms during the period of the protective order; the respondent is to surrender firearms and ammunition and any firearm purchaser identification card. <i>N.J. Stat. Ann. 2C58-23(g).</i>
How long does the order last?	A temporary extreme risk protective order issued under this section shall remain in effect until a court issues a further order. A hearing for a final order must occur within 10 days. <i>N.J. Stat. Ann. 2C:58-23(h), N.J. Stat. Ann. 2C:58-24(a).</i> <i>continued next page</i>

EXTREME RISK PROTECTIVE ORDER

How long does the order last?	A final order remains in effect until the petitioner or respondent petition for an end and the judge modifies the order finding the respondent no longer poses a risk to themselves or others. <i>N.J. Stat. Ann. 2C:58-25.</i>
Can the order be renewed	The final order lasts until further action on the part of petitioner or respondent, so there is no need for renewal. <i>N.J. Stat. Ann. 2C:58-25.</i>
Is a hearing with the respondent required?	Yes. Within 10 days of the filing of a petition. <i>N.J. Stat. Ann. 2C58-234(a).</i>

HOW TO APPLY

Forms and instructions to file can be found on the state court website, here:
<https://www.njcourts.gov/self-help>.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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