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Administrative Office of the Courts

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To: **Assignment Judges**
Family Presiding Judges
Trial Court Administrators
Family Division Managers

Directive # 05-12

From: **Glenn A. Grant, J.A.D.**

Subj: **Operational Guidelines for the Hospital-to-Court/ Safe-House-to-Court Assistance Project**

Date: **June 12, 2012**

This Directive promulgates statewide operational guidelines for the Hospital-to-Court and Safe-House-to-Court Assistance Project, as approved by the Judicial Council. The guidelines are appended to this Directive as Attachment 1. This program assists domestic violence victims seeking medical treatment for domestic violence-related injuries at hospital emergency rooms or domestic victims sheltered at a safe house by enabling the application for a domestic violence restraining order to be conducted via video connection with the court. The project was funded by a federal grant under the Stop Violence Against Women Act (VAWA).

This program was born through the collaborative efforts of the Passaic Family Division and St. Joseph's Regional Medical Center in Paterson in 2009. VAWA funding has allowed the expansion of this service to, as of the moment, six hospitals and seven safe houses (as listed in Attachment 2), with those numbers continuing to grow. Each facility that joins this project must enter into a memorandum of agreement. The two templates are appended as Attachments 3 and 4. The operational guidelines are minimum standards that must be met in all such agreements and are intended to preserve the integrity of the court TRO process while recognizing the need for some flexibility when dealing with institutions such as hospitals and safe houses that have their own stringent institutional regulations and protocols. The guidelines make clear the separation of responsibility between medical assistance and court procedure. The guidelines also require the identification of specific personnel in each institution to be available to handle any potential problems quickly and efficiently. See the two appended step-by-step flow charts (Attachments 5 and 6).

Currently, each site has in place a temporary pre-guidelines agreement. Each such temporary agreement must now be reviewed to ensure consistency with the provisions of the guidelines. I am asking that the Family Division Manager for those

vicinages that have hospitals and/or safe houses participating in the program review each such agreement with the hospital or safe house to ensure that these minimum standards are addressed.

Questions regarding the Hospital-to-Court and Safe-House-to-Court Assistance Project or the attached operational guidelines may be directed to Assistant Director Harry T. Cassidy at 609-984-4853 or to Geraldine Washington, Chief, Family Practice Division, at 609-984-0066. For technical assistance regarding this project, contact Jeffrey Newman, Deputy Appellate Division Clerk, at 609-292-2644. Questions may also be directed to these individuals via Lotus Notes.

G.A.G.

Attachments

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Gurpreet M. Singh, Special Assistant
Geraldine Washington, Chief, Family Practice
David Broselli, Assistant Chief, Family Practice
Assistant Family Division Managers
Domestic Violence Team Leaders
Gina G. Bellucci, Family Division

Attachment 1

Current Participants

County	Hospital	Shelter
Atlantic		The Women's Center
Bergen		Shelter our Sisters
Burlington		Providence House
Camden	Cooper	Camden County Women's Center
Essex	Clara Maass	Babyland Family Violence Program
Gloucester	Underwood Memorial	
Hudson	Jersey City Medical Center	
Middlesex		Women Aware
Monmouth		180 Turning Lives Around
Morris		Jersey Battered Women's Services
Ocean		Providence House
Passaic	St. Joseph's Hospital	Passaic County Womens Center
Union	Trinitas	YWCA

Attachment 2

Operational Guidelines
for the
Hospital-to-Court and Safe-House-to-Court Safety Assistance Project

The Hospital-to-Court and Safe House-to-Court Safety Assistance Project has been made possible through funding from the Violence Against Women's Act (VAWA) and collaboration between the New Jersey Judiciary, county hospitals and county Safe Houses operating within New Jersey.

The following operational guidelines constitute minimum standards for implementation of the Hospital-to-Court and Safe-House-to-Court Safety Assistance Project. This project is intended to assist domestic violence victims who because of exigent circumstances cannot apply for a protection order through the regular court process. The listed minimal standards are designed to assist hospital, Safe House and court staff in understanding and implementing procedures that maintain the operational integrity of each entity. Each participating hospital or Safe House should develop a memorandum of understanding with the Superior Court Family Division consistent with these minimal standards reflecting the agreed upon protocol unique to that county. These minimal standards are not intended to interfere with institutional rules, regulations or operating procedures of the hospital, Safe House or court.

1. Each entity must identify at least two contacts, one primary and one backup, for reliable communication between the two institutions during the Temporary Restraining Order (TRO) process. Phone contact information must be shared and kept current.

2. When an individual appears at the hospital seeking medical attention for a domestic violence-related injury or appears at a safe house seeking domestic violence services, hospital medical staff or safe house staff may identify the need for a protection order and explore with the individual their willingness to apply. If affirmed, hospital staff will contact the hospital social worker who will implement hospital procedures in place for domestic violence victims. This may include communication with a domestic violence advocate for exploration of available legal services and other related services. Participating hospitals can offer the victim the opportunity to apply for a temporary restraining order (TRO) through the Superior Court, Family Division. Hospital staff will explain the process to the patient and upon permission will proceed to contact the court. Safe House staff will explain the opportunity to apply for a restraining order to their residents and proceed with the process if given permission by the resident. All private and confidential communication with the applicant should be made prior to contact with the court. Upon agreement between an advocate and the applicant, the advocate may be present during the hearing.

3. If permission is obtained, the applicant is moved to a designated private area within the hospital or the safe house for an interview by phone or video transmission with Superior Court DV staff. Once contacted, court staff will begin the screening process for eligibility of a TRO pursuant to the domestic violence statute (the initial interview process is not recorded and is not part of the court record). After eligibility has been determined the domestic violence complaint is processed according to established court procedures. Court staff will read the complaint to the victim to verify the accuracy of the complaint. The interview process is not recorded.

4. Court staff completes the Victim Confidential Information Sheet and verifies the accuracy of the information. The Judge/DVHO is notified to be on standby, if conducting hearing

5. If an interpreter is needed, county approved procedures are followed to secure an interpreter prior to the TRO hearing.

6. Judge/DVHO logs on to "Polycom CMA Desktop". The equipment is tested.

7. Once the victim is ready to proceed, the video connection is made to the DVHO/Judge/victim for the TRO hearing. Recording of the court proceeding begins and becomes part of the official court record.

8. For DVHO-conducted hearings, the applicant is informed as to the recommendations, which are then forwarded to the judge for review and ratification.

9. If it is necessary to include the judge in the video conference, the DVHO will contact the judge who will connect via video to the TRO proceeding.

10. The DVHO forwards recommendations to the judge for review and signature. The judge ratifies recommendations or denies the TRO and signs order.

11. Post hearing instructions are explained to the applicant. If TRO is denied, appeal procedures are explained to the applicant.

12. Domestic Violence Temporary Restraining Order is faxed to a secure fax number provided by the hospital or Safe House.

13. Hospital/Safe House calls the court contact person to verify victim has personally received the TRO order.

The following are required elements for all cooperative agreements or memoranda of understanding between hospitals and the court or safe houses and the court:

Pre Hearing Process

- Distribute contact information (name, title, phone numbers) for one primary person and one back up to all institutional partners. These individuals should be able to effectuate the solution to any technical problems and solve any agreed upon policy implementation issues within their organization - **Hospital, Safe House, court**

- Assurance of the existence of a private area for applicant confidentiality during interview and video transmission of court hearing - **Hospital, Safe House**

- Ability to maintain necessary communication with designated contact between institutions during process (i.e., "transmission is ready", "there is a problem") - **Hospital, Court, Safe House**

- An agreed-upon reasonable time frame between the time of hospital contact and the availability of court staff to process application and proceed to court hearing – **Court**

- Secure interpreter services for applicant as needed - **Court**

- Name of person who can discuss and effectuate necessary changes to cooperative agreement or memorandum of understanding-name, title, telephone number - **Hospital, Court, Safe House**

Post-Hearing

- Notification that hearing is concluded and post instructions have been provided to applicant - **Court**

- Assurance that a secure fax number is available - **Hospital, Safe House**

- Phone confirmation that fax has been received, applicant has personally received TRO - **Court, Hospital, Safe House**

- Notification to law enforcement for service - **Court**

Attachment 3

HOSPITAL-TO-COURT SAFETY ASSISTANCE PROJECT:
COOPERATIVE AGREEMENT BETWEEN AND AMONG

Hospital (name) _____,

Superior Court Family Division (county) _____, and

The Administrative Office of the Courts

This Cooperative Agreement is made and entered into by and between the above listed entities for implementation of the Hospital-to-Court Safety Assistance Project. This Project provides domestic violence related hospital patients with direct, on-site accessibility to apply for a Temporary Restraining Order through the Superior Court, Family Division via video transmission. This agreement shall be used to clarify each entity's responsibility in implementing the above-entitled project but does not affect the existing rules, regulations or inherent authority of each organization.

The Hospital will:

1. Identify individual(s) who will serve as contacts between the hospital and the Family Division to assist in the management of the project. Both institutions share the responsibility to maintain current contact information.
2. Identify potential victims of domestic violence through prescribed hospital procedures
3. Inform domestic violence related patients about the Hospital-to-Court Safety Assistance Project
4. Explain the policy and procedures of the Hospital-to-Court Safety Assistance Project to patients who agree to apply for a temporary restraining order
5. Provide a designated private area/room in which the patient can participate in a videoconference intake interview and subsequent TRO hearing
6. Provide and maintain the following equipment:
   a. IP network to support the videoconference
   b. Equipment necessary to effect electronic transmission to the court
   c. A fax machine
   d. Telephone contact capability between hospital and court designated contacts
7. Maintain a supply of informational brochures provided by the Judiciary

The Administrative Office of the Courts will provide:

1. Polycom Software
2. Technical support/Training on use of equipment (when installed or requested)
3. Printed materials

The Superior Court Family Division in each participating county will:

1. Share the responsibility to maintain current contact information.
2. Follow agreed upon protocol between the hospital and Family Division for implementation of the Hospital-to-Court Safety Assistance Project
3. Complete the TRO process according to court-approved procedures once the hospital has facilitated the contact between the TRO applicant and the court

4. Communicate with the applicant the after court process if a TRO is issued or the appeal process if the TRO is denied by a judge

Signature	Hospital Representative	Date
Signature	Court Representative	Date

Attachment 4

SAFE HOUSE- TO- COURT SAFETY ASSISTANCE PROJECT:
COOPERATIVE AGREEMENT BETWEEN AND AMONG

Safe House Name _____,

Superior Court Family Division (county)_____, and

The Administrative Office of the Courts

This Cooperative Agreement is made and entered into by and between the above listed entities for implementation of the Safe House-to-Court Safety Assistance Project. This Project serves domestic violence victims who present exigent circumstances with direct on-site accessibility to apply for a Temporary Restraining Order through the Superior Court, Family Division, via video transmission. This agreement shall be used to clarify each entity's responsibility in implementing the above entitled project but does not affect the existing rules, regulations or inherent authority of each organization.

The Safe House will:

1. Identify individual(s) who will serve as contacts between the Safe House and Family Division to assist in the management of the project. Both institutions share the responsibility to maintain current contact information.
2. Inform Safe House residents about the Safe House-to-Court Safety Assistance Project.
3. Identify residents who present exigent circumstances and express a desire to apply for a protective order.
4. Explain the policy and procedures of the Safe House-to-Court Safety Assistance Project to residents who agree to apply for a temporary restraining order.
5. Provide a designated private area/room in which the client can participate in a videoconference intake interview and subsequent TRO hearing.
6. Follow the agreed upon protocol established between the court and Safe House.
7. Provide and maintain the following equipment:
   a. IP network to support the videoconference.
   b. Equipment necessary to effect electronic transmission to the court
   c. A fax machine
   d. Telephone contact capability between Safe House and court designated contacts
8. Maintain a supply of informational brochures provided by the Judiciary.

The Administrative Office of the Courts will provide:

1. Polycom Software
2. Technical support/Training on use of equipment
3. Printed materials

The Superior Court Family Division in each participating county will:

1. Share the responsibility to maintain current contact information.
2. Follow the agreed upon protocol between the Safe House and Family Division for implementation of the Safe House-to-Court Safety Assistance Project, which shall be written and attached to this cooperative agreement.

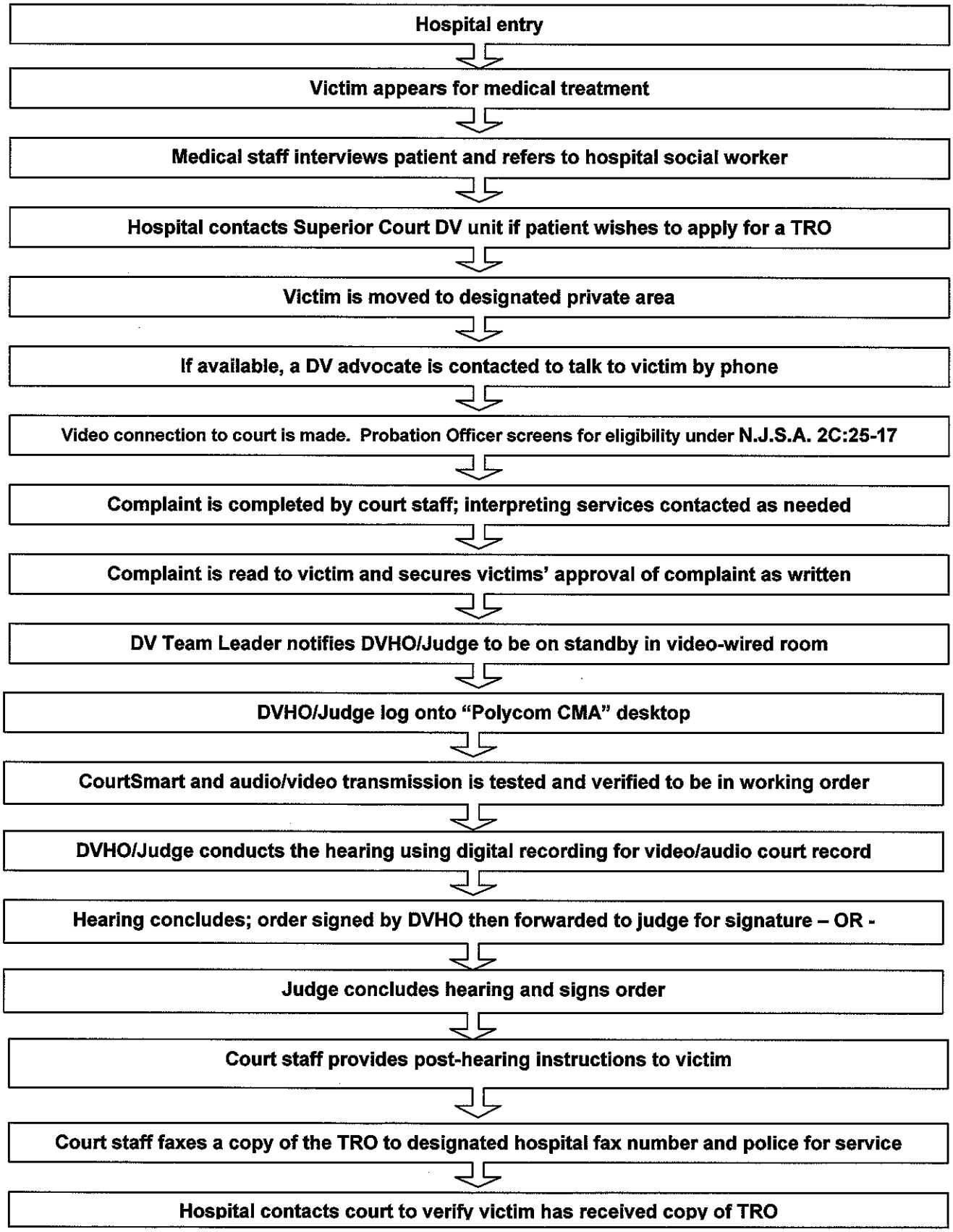
3. Complete the TRO process according to court-approved procedures once the Safe House has facilitated the contact between the TRO applicant and the court.
4. Communicate with the applicant the after court process if a TRO is issued or the appeal process if the TRO is denied by a judge.
5. Verify that the applicant has personally received the TRO via fax to the Safe House.

Signature	Safe House Representative	Date
Signature	Court Representative	Date

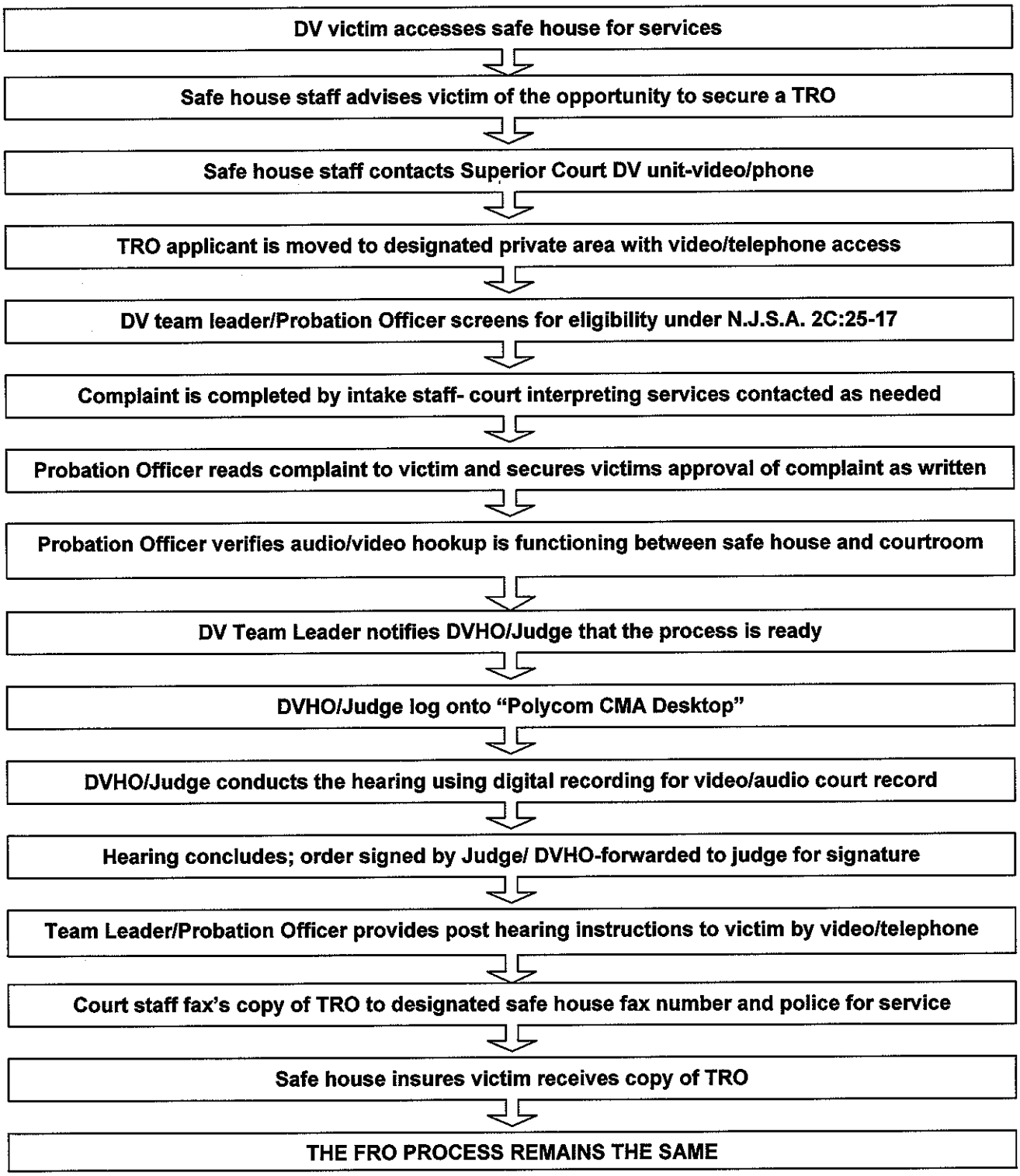
Attachment 5

HOSPITAL-TO-COURT SAFETY ASSISTANCE PROJECT

Hospital Electronic TRO Process



Attachment 6

SAFE HOUSE-TO-SAFETY ASSISTANCE PROJECT

Safe House Entry