

If the judge issues an FPO, the defendant can be barred from the plaintiff's residence, place of employment or school; prohibited from having any oral, written, personal, or electronic form of contact or communication with the plaintiff or others; and prohibited from making or causing anyone else to make harassing communications to you or others. The defendant also can be prohibited from stalking or threatening to harm or stalk the plaintiff.

The plaintiff and defendant will be given a copy of the FPO. The family division will provide a copy to the plaintiff's local police department.

What if the defendant fails to appear for the FPO hearing?

The judge can issue an FPO against the defendant if there is proof the defendant knew about the hearing date. If there is no proof that the defendant has been served with the TPO, a new court date can be scheduled, and the order will remain in effect. If the FPO is issued, a law enforcement officer will serve the defendant with a copy of the order.

What if the defendant does not follow the TPO or FPO?

If the defendant violates any of the conditions the court has ordered in the TPO or FPO, the plaintiff should call their local police department immediately. The defendant can be charged with a criminal offense.

Can the plaintiff dismiss the FPO at any time?

Any request to dismiss (drop) or change an existing protective order must be made in person and heard before a judge.

Any contact between the plaintiff and defendant before the protective order is dismissed subjects the defendant to criminal prosecution.

If the protective order is dismissed, there still might be pending criminal charges that need to be addressed separately.

Can the defendant request to dismiss the FPO?

The defendant can file a motion to dismiss the FPO. The motion packet, How to Ask the Court to Change/Enforce an Order in Your Case or Request Another Related Action in Your Case (CN10483) can be found on njcourts.gov.

Can the FPO be changed?

Either the plaintiff or the defendant can request to change the FPO. How to Enforce or Request a Change on Victim's Assistance and Survivor Final Protection Order (VASPA) or Sexual Assault Survivor's Protection Act Order (SASPA) (CN13142) can be found on njcourts.gov.

Does the FPO expire?

The FPO stays in effect forever unless it is dismissed or vacated by the court

Are there any other consequences if a TPO or FPO is entered by the court?

All TPOs and FPOs are kept in a central registry that is available only to law enforcement, certain public agencies, the court, the surrogate's office, and the New Jersey Division of Child Protection and Permanency.

New Jersey Judiciary

Victim's Assistance and Survivor Protection Act (VASPA)



STUART RABNER
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MICHAEL J. BLEE, J.A.D.
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