



Victim's Assistance and Survivor Protection Act (VASPA) Brochure

What is the Victim's Assistance and Survivor Protection Act (VASPA)?

Effective, Jan. 1, 2024, VASPA allows victims to obtain a protective order, who have no relationship with the person who has committed an act or attempted to commit an act of:

- criminal sexual contact, or
- sexual penetration, or
- lewdness, or has committed an act of
- stalking or
- cyber-harassment.

The new law **only** covers those acts listed above and cyber-harassment and/or stalking must have taken place **on or after** Jan. 1, 2024.

What is a protective order?

A protective order is an order issued by the court that is meant to protect a victim of the acts listed above. The conditions contained in a protective order are based upon each person's circumstances and vary from case to case.

Who can file for a VASPA protective order?

Anyone over the age of 18 who is a victim of criminal sexual contact, sexual penetration, lewdness, stalking or cyber-harassment or any attempt at such conduct.

A parent or guardian can apply for a protective order for someone under 18, or for an adult who does not understand what is happening to them because of a disability or mental illness.

What if the defendant is under the age of 18?

If the defendant is under the age of 18, you might be able to have law enforcement file juvenile charges. Contact the police department where the incident occurred.

What if the defendant is a parent or guardian of the minor child or incapacitated adult?

If you are filing on behalf of a minor child and the person you are filing against is a parent or guardian of the minor child, you **cannot** file under the Victim's Assistance

and Survivor Protection Act. You must call the New Jersey Division of Permanency and Protection at: 1-877 NJ ABUSE (1-877-652-2873); TTY/TDD 1-800-835-5510.

How and where can a VASPA application be filed?

The application can be submitted online through the Judiciary Electronic Document Submission (JEDS) system or in-person at a courthouse where the act or attempted act took place, where the defendant lives, or where the victim lives or is sheltered.

VASPA forms can be found at njcourts.gov or at your local courthouse.

Can a VASPA application be filed at a local law enforcement agency?

VASPA applications **cannot** be taken at a police department. Applications can only be taken at a courthouse during court hours.

What if a VASPA application is submitted through JEDS after court hours?

You can apply for a VASPA protective order using JEDS at any time, but family division staff will handle it during regular court hours. If you apply after 4 p.m. through JEDS, the application might be processed on the next court business day.

What happens after the VASPA application is filed with the court?

Applications filed in-person:

- Family division staff will review the application and speak with the plaintiff, the person who submitted the application, if they have any questions.
- Family division staff will process the application and schedule the case promptly for a hearing.
- At the hearing the plaintiff will tell the court why they are applying for a temporary protective order (TPO).
- The court will grant or deny the TPO.

If the TPO is granted, a hearing will be scheduled within 10 days for what is called a final protective order (FPO) hearing. The plaintiff will be served with the TPO by court staff, and the defendant will be served with the TPO by law enforcement.

Applications filed through JEDS:

- Family division staff will review and process the application and contact the plaintiff by email or telephone to notify them of the hearing time.
- At the hearing, the plaintiff will tell the court why they are applying for a temporary protective order (TPO).
- The court will either grant or deny the TPO.

- If the TPO is granted, a hearing will be scheduled within 10 days for what is called a final protective order (FPO) hearing. Arrangements to serve the plaintiff with the TPO will be made by family division staff and the defendant will be served with the TPO by law enforcement.

The defendant has been served with a TPO. Now what?

The date of the FPO hearing will be on the order. The defendant must attend the hearing. If the defendant wants to appeal the TPO they should contact the family division in the county that issued the TPO for instructions. The defendant also can contact the family division with any questions.

Can the plaintiff dismiss the TPO prior to the FPO hearing?

The plaintiff can request to withdraw their complaint and ask for the TPO to be dismissed at any time prior to the FPO hearing or on the day of the hearing. The plaintiff must complete the *Certification for Dismissal of Victim's Assistance and Survivor Protective Order* (CN13151) found on njcourts.gov and submit the form in-person or online through JEDS.

Once the form is submitted, a hearing will be held asking the plaintiff the reason for withdrawing their application. The court will decide to grant or deny the plaintiff's request.

How do the parties prepare for the FPO hearing?

Both the plaintiff and defendant must attend the final hearing, and they have the right to bring an attorney. The court cannot provide an attorney. Both parties can bring witnesses or evidence to the hearing. Evidence can be in the form of photos, text messages or video. The court must be contacted prior to the hearing for instructions on providing this evidence.

What happens at the FPO hearing?

The FPO hearing will be held within 10 days of the TPO being issued by the court. Either party can ask for an adjournment (a delay) to get an attorney. At the hearing the judge will hear testimony from the plaintiff and defendant. If the plaintiff is a minor, they could be required to testify at the hearing at the court's discretion. The judge also will hear from witnesses and consider evidence presented from either side. The judge will decide whether an act under VASPA occurred and whether an FPO should be issued to protect the plaintiff.

If the judge issues an FPO, the defendant can be prohibited against future VASPA acts. They 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, following, or threatening to harm, stalk, or follow the plaintiff.

Both 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 in the appropriate municipal or criminal court.

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. This central registry is not open to the public but is available to law enforcement, certain public agencies, the court, the surrogate's office, and the New Jersey Division of Child Protection and Permanency.