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Administrative Office of the Courts

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 on-call 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).

- 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.

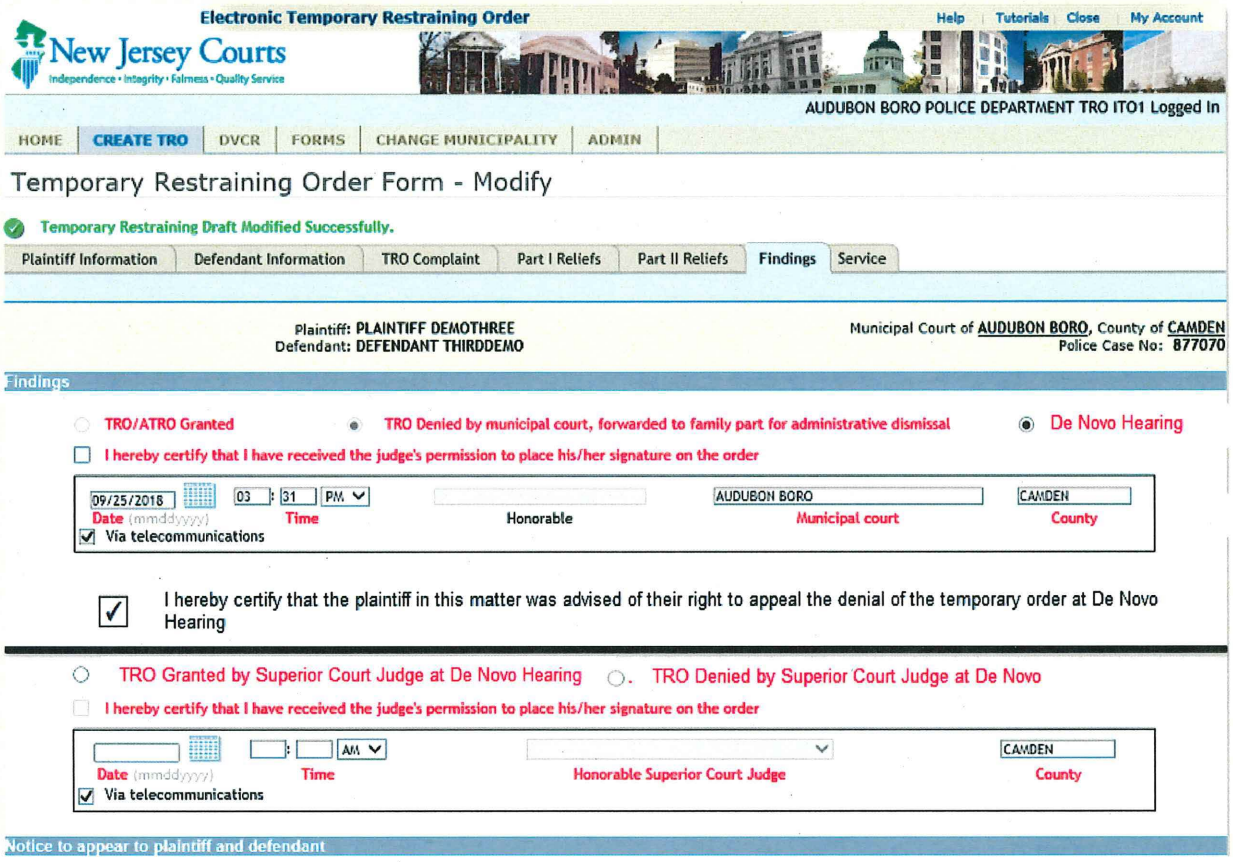
Attachment

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

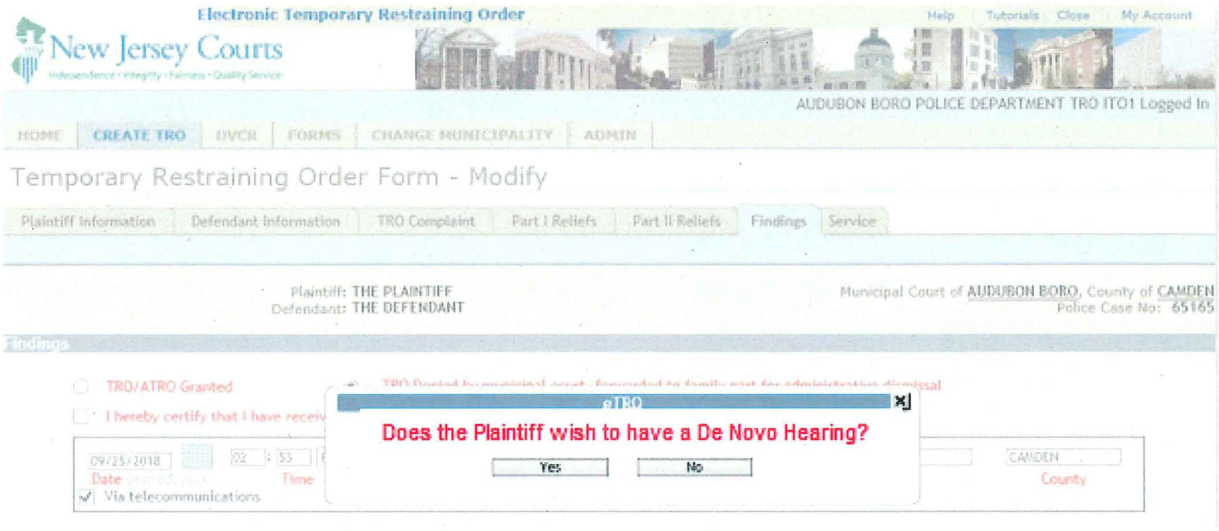
Guide for Processing Request for Immediate De Novo Hearing of Denied Municipal Court Temporary Restraining Orders

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.

Electronic Temporary Restraining Order

Help | Tutorials | Close | My Account

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AUDUBON BORO POLICE DEPARTMENT TRO ITO1 Logged In

HOME | CREATE TRO | DVCR | FORMS | CHANGE MUNICIPALITY | ADMIN

Temporary Restraining Order Form - Modify

Temporary Restraining Draft Modified Successfully.

Plaintiff Information | Defendant Information | TRO Complaint | Part I Reliefs | Part II Reliefs | Findings | Service

Plaintiff: PLAINTIFF DEMOTHREE
Defendant: DEFENDANT THIRDDEMO

Municipal Court of AUDUBON BORO, County of CAMDEN
Police Case No: 877070

Findings

TRO/ATRO Granted | TRO Denied by municipal court, forwarded to family part for administrative dismissal | De Novo Hearing

I hereby certify that I have received the judge's permission to place his/her signature on the order

09/25/2018 | 03 : 31 PM | AUDUBON BORO | CAMDEN

Date (mmddyyyy) | Time | Honorable | Municipal court | County

Via telecommunications

I hereby certify that the plaintiff in this matter was advised of their right to appeal the denial of the temporary order at De Novo Hearing

TRO Granted by Superior Court Judge at De Novo Hearing | TRO Denied by Superior Court Judge at De Novo

I hereby certify that I have received the judge's permission to place his/her signature on the order

: AM | CAMDEN

Date (mmddyyyy) | Time | Honorable Superior Court Judge | County

Via telecommunications

Notice to appear to plaintiff and defendant

- 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"

Electronic Temporary Restraining Order

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AUDUBON BORO POLICE DEPARTMENT TRO ITO1 Logged In

HOME | CREATE TRO | DVCR | FORMS | CHANGE MUNICIPALITY | ADMIN

Temporary Restraining Order Form - Modify

Plaintiff Information | Defendant Information | TRO Complaint | Part I Reliefs | Part II Reliefs | Findings | Service

Plaintiff: ETRO RETEST
Defendant: ETRO DEF

Municipal Court of AUDUBON BORO, County of CAMDEN
Police Case No: 86486+9546+

Findings

TRO/ATRO Granted | TRO Denied by municipal court, forwarded to family part for administrative dismissal | De Novo Hearing

I hereby certify that I have received the judge's permission to place his/her signature on the order

Date (mmddyyyy)	Time	Honorable	Municipal court	County
12/10/2018	09 : 48 AM	DANIEL A. BERNARDIN	AUDUBON BORO	CAMDEN

Via telecommunications

Municipal Court Judge's comments do not print as part of the order. The comments can only be viewed in FACTS.

MC Judge's Comments

TRO Granted by Superior Court Judge at De Novo Hearing | TRO Denied by Superior Court Judge at De Novo Hearing

I hereby certify that I have received the judge's permission to place his/her signature on the order

Date (mmddyyyy)	Time	Honorable Superior Court Judge	County
12/10/2018	09 : 49 AM	GWENDOLYN BLUE	CAMDEN

Via telecommunications

Notice to appear to plaintiff and defendant

Both the plaintiff and defendant are ordered to appear for a final hearing on:

Date (mmddyyyy)	Time	Location	County
12/25/2018	08 : 30 AM	101 SOUTH 5TH STREET, CAMDEN, NJ 08103, 856-379-2200	CAMDEN

The final hearing in this matter shall not be scheduled until:

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

Electronic Temporary Restraining Order

Help | Tutorials | Close | My Account

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AUDUBON BORO POLICE DEPARTMENT TRO ITO1 Logged In

HOME | CREATE TRO | DVCR | FORMS | CHANGE MUNICIPALITY | ADMIN

Temporary Restraining Order Form - Modify

Plaintiff Information | Defendant Information | TRO Complaint | Part I Reliefs | Part II Reliefs | Findings | Service

Plaintiff: ETRO RETEST
Defendant: ETRO DEF

Municipal Court of AUDUBON BORO, County of CAMDEN
Police Case No: 86486+9546+

Return of service

☑ Plaintiff was served:

Please enter the name of the person w

TRO | | ITO1 — Name (First, MI, Last)

BORO POLICE DEPARTMENT — Department

☐ Defendant was served:

☐ Substituted service (explain):

☐ Defendant could not be served (e

Service to the defendant to be performed

Informational copies to be sent to

☐ Municipal police where defendant

☐ Municipal police where defendant works:

☐ Other Law Enforcement Agency:

☐ State police:

☐ Sheriff:

Informational Comments

Save & Submit

eTRO

Saving an order will lock the form and no further changes may be made

Defendant Last Name :ETRO
Defendant First Name :DEF
Judge Name :GWENDOLYN BLUE

Are you sure you want to save as an order?

Yes | No

Screen Id: TRO0026 | 12/10/2018 09:52 AM | Build No.2018.45.8.00.360 | © Copyright NJ Judiciary 2010 | Pages: 1 2 3 4 5 6 7
Judiciary Help Desk Support Line 609-421-6100

Domestic Violence Civil Complaint and Temporary Restraining Order — **Page 4 of 4**

Docket Number	Defendant's Name
	DEMO DEFENDANT

Addendum:

☑ **TRO denied by Municipal Court**

☐ **TRO granted.** The Court has established jurisdiction over the subject matter and the parties pursuant to *N.J.S.A.* 2C:25-17 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.* 5:7A(b) and *N.J.S.A.* 2C:25-28 to prevent the occurrence or recurrence 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 Hearing. The court has established jurisdiction over the subject matter and the parties pursuant to N.J.S.A. 2c:25-17 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 the plaintiff's life, health, and well being are endangered; that an emergency restraining Order is necessary pursuant to R. 5:7A(b) and N.J.S.A. 2c:25-28 to prevent the occurrence or reoccurrence of domestic violence and to search for and seize firearms and other weapons as indicated in this order

☐ **TRO denied** by Superior Court Judge at De Novo Hearing

☐ **TRO denied.** Complaint dismissed by Family Part.

Date/Time	☐ Via Telecommunications	s/ Hearing Officer	AUDUBON BORO
09/13/2018	12:04 PM	s/ DANIEL A. BERNARDIN	CAMDEN
Date/Time	☑ Via Telecommunications	Honorable Municipal Court Judge	Court / County
09/13/2018	12:07 PM	s/ DONALD J. STEIN	CAMDEN
Date/Time	☑ Via Telecommunications	Honorable Superior Court Judge	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