



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 oncall 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).

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- 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.

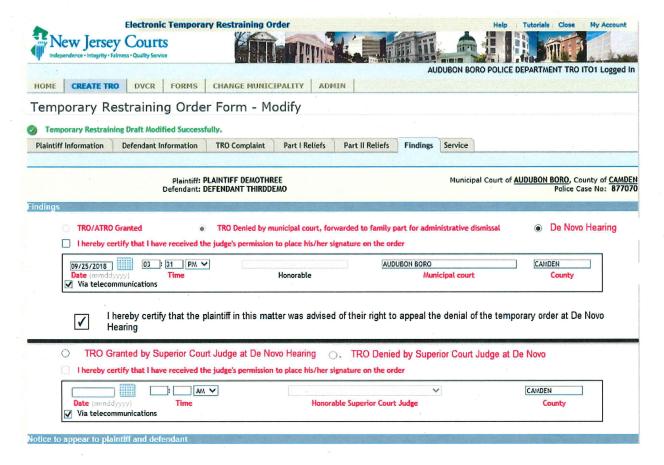
Attachment

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:

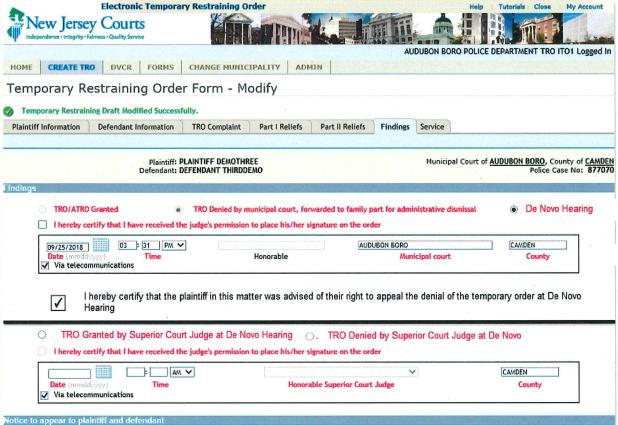
The Municipal Court judge must advise the victim, on the record, that the victim
has the right to an immediate de novo hearing of the denial to an on-call Superior
Court judge.



- 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.

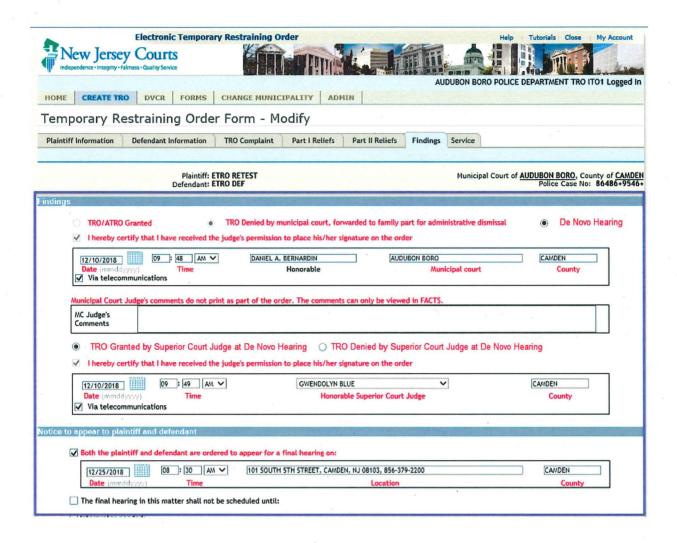


- Law enforcement will certify they have received the judge's permission to place the judge's signature on the order
- Law enforcement shall enter the Municipal judge's name in the space provided
- Law enforcement shall contact the on-call Superior Court judge.
- The Superior Court judge will conduct 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"



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

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