

NOTICE TO THE BAR

FAMILY – RULE 5:7B AMENDMENT TO CONFORM TO L. 2023, C. 127, VICTIM’S ASSISTANCE AND SURVIVOR PROTECTION ACT (VASPA)

Effective January 1, 2026, the Supreme Court in the attached December 2, 2025 Order has amended Rule 5:7B (Sexual Assault and Survivor Protection Act: Protective Orders) to conform to L. 2023, c. 127, Victim’s Assistance and Survivor Protection Act (VASPA). Additionally, effective January 1, 2026, the Court’s December 5, 2023 rule relaxation order is concluded.

The Sexual Assault Survivor Protection Act of 2015 (N.J.S.A. 2C:14-13 et seq.) (SASPA) authorized the issuance of protective orders for certain victimized persons in situations where the Prevention of Domestic Violence Act of 1991 (N.J.S.A. 2C:25-17 et seq.) does not apply due to the lack of a familial or dating relationship between the victim and offending actor. VASPA amends and replaces SASPA by expanding the applicable eligible acts for a protective order under this law. The eligible acts have been expanded to include stalking and cyber-harassment.

Questions should be directed to Assistant Director for Family Practice Joanne M. Dietrich at Joanne.Dietrich@njcourts.gov.

/s/ Michael J. Blee

Hon. Michael J. Blee, J.A.D.
Acting Administrative Director of the Courts

Dated: January 13, 2026

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 5:7B (“Sexual Assault Survivor Protection Act: Protective Orders”) of the Rules Governing the Courts of the State of New Jersey, which conform the Rule to the provisions of L. 2023, c. 127 (the “Victim’s Assistance and Survivor Protection Act”), are adopted to be effective January 1, 2026; and

It is FURTHER ORDERED that the Court’s December 5, 2023 rule relaxation order is concluded also effective January 1, 2026.

For the Court,
/s/ Stuart Rabner
Chief Justice

Dated: December 2, 2025

Rule 5:7B. Victim's Assistance and [Sexual Assault] Survivor Protection Act: Protective Orders.

(a) Temporary Protective Order. In court proceedings instituted under the Victim's Assistance and [Sexual Assault] Survivor Protection Act [of 2015], L. 2023, c. 127, the judge shall issue a temporary protective order when the victim has been subject to nonconsensual sexual contact, sexual penetration, [or] lewdness, stalking, or cyber-harassment, or an attempt at such conduct. The order may be issued ex parte when necessary to protect the safety and wellbeing of the victim on whose behalf the relief is sought.

(b) Venue in Victim's Assistance and [Sexual Assault] Survivor Protection Act Proceedings. Venue in these actions shall be laid in the county where either of the parties resides, where the offense took place, or where the victim is sheltered. The final hearing is to be held in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere.

(c) Application for Temporary Protective Order. Except as provided in paragraph (b) of this rule, an applicant for a temporary protective order shall appear before a judge or a domestic violence hearing officer to personally testify on the record or by sworn complaint submitted pursuant to N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15. If it appears that the order is necessary to protect the safety and wellbeing of the victim, the judge shall, upon consideration of the applicant's affidavit, complaint or testimony, order emergency relief, including ex parte relief,

in [the nature of] a temporary protective order as authorized by N.J.S.A. 2C:14-13 et seq. Any person alleging to be a victim of nonconsensual sexual contact, sexual penetration, [or] lewdness, stalking, or cyber-harassment, or any attempt at such conduct, and who is not eligible for a restraining order as a “victim of domestic violence” as defined by N.J.S.A. 2C:25-19d may apply for a temporary protective order.

(d) Issuance of Temporary Protective Order by Electronic Communication.

A judge may issue a temporary protective order upon sworn oral testimony of an applicant who is not physically present. Such sworn oral testimony may be communicated to the judge by telephone, video [radio], or other means of electronic communication. The judge assisting the applicant shall contemporaneously record such sworn oral testimony by means of a sound-recording device [or stenographic machine] if [such are] available; otherwise, the judge shall make adequate longhand notes summarizing what is said [shall be made by the judge]. After [Subsequent to] taking the oath, the applicant must identify [himself or herself] themselves, specify the purpose of the request, and disclose the basis of the application. This sworn testimony shall be deemed to be an affidavit for [the] purposes of issuance of a temporary protective order. A temporary protective order may issue if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear

personally and that sufficient grounds for granting the application have been shown. Upon issuance of the temporary protective order, the judge shall memorialize the specific terms of the order. This order shall be deemed a temporary protective order for the purpose of N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15.

(e) Final Protective Order. A hearing for a final protective order shall be held in the Superior Court within 10 days of the filing of an application. A final protective order [restraining a defendant] shall be issued only after a [specific] finding or an admission is made that the defendant committed an act of nonconsensual sexual contact, sexual penetration, [or] lewdness, stalking or cyber-harassment, or an attempt at such conduct, [or on a stipulation by a defendant to the] against the alleged victim [commission of an act or acts of sexual contact as defined by the statute].

Note: Adopted July 28, 2017 to be effective September 1, 2017; paragraph (a); amended and redesignated as paragraph (c), paragraph (b) redesignated as paragraph (d), paragraph (c) redesignated as paragraph (a), paragraph (d); amended and redesignated as paragraph (e), paragraph (e) redesignated as paragraph (b) July 29, 2019 to be effective September 1, 2019; caption amended, paragraph (a) amended, paragraph (b) caption amended, paragraphs (c), (d) and (e) amended December 2, 2025 to be effective January 1, 2026.