

**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION**

**MARIE E. LIHOTZ
JUDGE**



**SENTRY BUILDING
216 HADDON AVENUE
WESTMONT, NEW JERSEY 08108**

MEMORANDUM

To: Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts (sent via email only)

From: Marie E. Lihotz, P.J.A.D.
Chair, Supreme Court Family Practice Committee

Date: August 5, 2016

Re: Comment to the June 2016 Report of the Ad Hoc Committee on Domestic Violence

This comment to the June 2016 Report (Report) of the Ad Hoc Committee on Domestic Violence is submitted on behalf of the Supreme Court Family Practice Committee (FPC). We commend the work of the AHCODV in developing a comprehensive report with its thoughtful recommendations to address the many issues related to domestic violence. The FPC recommends referring the following issues to the Conference of Family Presiding Judges for consideration:

- Recommendation 3 -- Adopting court rules to permit alternative forms of testimony (i.e., other than in person) for domestic violence final restraining order hearings -- Although the FPC recognizes the concerns set forth in the Report, other issues such as due process rights to confront and cross-examine witnesses should be considered. The FPC also believes Judiciary policy should be developed before proceeding with the development of a procedure.
- Recommendation 27 -- Permitting the filing of a separate non-dissolution complaint for child support, custody, paternity or parenting time notwithstanding the entry of a domestic violence restraining order -- This is a case processing issue that requires further review.
- Recommendation 29 -- Amending R. 1:38-3(d)(9) to permit an attorney representing a criminal defendant to obtain that defendant's related family court domestic violence record -- The Advisory Committee on Access and Fairness also may wish to consider this issue.

cc: Madelin F. Einbinder, Family Presiding Judge, Committee Vice-Chair
Steven D. Bonville, Chief of Staff
Jennifer M. Perez, Director, Trial Court Services
Joanne M. Dietrich, Asst. Director, Family Practice
David Tang, Chief, Family Practice
Amelia Wachter-Smith, Chief, Family Practice
Melissa A. Czartoryski, Committee Staff