SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2265-20

C.G.,

Plaintiff-Respondent,

v.

H.A.,

Defendant-Appellant.

Submitted May 10, 2022 – Decided May 20, 2022

Before Judges Fisher and Currier.

On appeal from the Superior Court of New Jersey, Chancery Division, Family Part, Ocean County, Docket No. FV-15-1749-20.

Law Offices of Brian J. Neary, attorneys for appellant (Brian J. Neary, of counsel; Caitlin M. Kenny, on the brief).

Respondent has not filed a brief.

PER CURIAM

Plaintiff C.G. (Carol, a fictitious name) commenced this action against defendant H.A. (Harry, also a fictitious name), seeking entry of a restraining order under the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 to -35. Both parties appeared at the final hearing. Harry was represented by counsel, Carol was not. Only Carol testified, and the judge credited her testimony in finding: she and Harry were household members; Harry sexually assaulted her; and Carol required restraints for her future protection.

Harry appeals the final restraining order entered against him, arguing the trial judge erred by:

> I. . . . ISSUING A FINAL RESTRAINING ORDER AS DEFENDANT WAS NOT A "HOUSEHOLD MEMBER" WITHIN THE MEANING OF THE PDVA'S DEFINITION OF VICTIM OF DOMESTIC VIOLENCE. . . .
>
> II. . . . FAILING TO CONDUCT THE REQUIRED LEGAL ANALYSIS TO ENTER A FINAL RESTRAINING ORDER UNDER THE SECOND PRONG OF SILVER V. SILVER,[1] AND ITS PROGENY. . . .
>
> III. . . . ISSUING A FINAL RESTRAINING ORDER AGAINST DEFENDANT AS THERE WAS INSUFFICIENT EVIDENCE TO DETERMINE THAT DEFENDANT COMMITTED THE PREDICATE ACT OF SEXUAL ASSAULT PURSUANT TO N.J.S.A. 2C:14-2(c)(1).

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[1] Silver v. Silver, 387 N.J. Super. 112 (App. Div. 2006).

We find insufficient merit in these arguments to warrant further discussion in a written opinion, R. 2:11-3(e)(1)(E), adding only a few brief comments.

As for the second and third points, Carol's unrebutted testimony, which the trial judge credited, provided ample support for her claim and the judge's finding that Harry sexually assaulted her. Our standard of review compels deference to a family judge's finding of fact when, as here, it is based on sufficient, credible evidence. Cesare v. Cesare, 154 N.J. 394, 411-12 (1998). And, even though the judge said little about Carol's need for a protective order, the very act found to have occurred supports the judge's conclusion about a need for Carol's protection from future acts of violence; in other words, in a case like this, the second Silver prong is implicit and requires no amplification, see S.K. v. J.H., 426 N.J. Super. 230, 233 (App. Div. 2012), so Harry's argument about the sufficiency of the judge's analysis on the second prong is without merit.

Much of the same can be said for Harry's first point. To be sure, the parties were not in a relationship normally found in domestic violence cases, but they were members, however briefly, of the same household when the sexual assault occurred. N.J.S.A. 2C:25-19(d) defines a "[v]ictim of domestic violence" as, among others, one "who has been subjected to domestic violence by . . . any

other person who is a present household member or was at any time a household member."

The evidence on which the judge relied revealed Harry was a Florida resident and Carol's boss or employer. Harry was planning to work on a construction project in New Jersey and required a place to stay, so he accepted Carol's offer to rent him a room in her South Toms River home. Harry had been living in Carol's home – renting a room and sharing the common areas with her – for approximately one week when the sexual assault occurred.

Harry argues these facts do not support a determination that Carol was subjected to domestic violence by a household member. We disagree. N.J.S.A. 2C:25-19(d) does not require familial or emotional ties between parties to render them household members, as we recognized in S.Z. v. M.C., 417 N.J. Super. 622, 624-25 (App. Div. 2011). Even if more than just the fact that Harry was renting space from Carol was required, the circumstances alone demonstrate that at least one of the parties desired the other, just as was the case in S.Z. See id. at 623-24.

We also find no relevance in the fact that the household relationship lasted only a week. In urging his theory about the duration of his stay in Carol's home, Harry argues such a relationship should endure for at least a period of months

to trigger the protections of the Prevention of Domestic Violence Act. We cannot deny that similar cases like S.Z., and Bryant v. Burnett, 264 N.J. Super. 222, 224-25 (App. Div. 1993), considered longer household membership – the defendants in those cases resided in the plaintiff's household for seven and three months, respectively. But our decisions in those cases did not attach any importance to the passage of time – and we find no significance to the relationship's duration here – because N.J.S.A. 2C:25-19(d) does not impose a minimal time period for determining when a guest or boarder becomes a household member.

Affirmed.