



New Jersey Judiciary
Family Practice Division

Preparing for a Domestic Violence Final Restraining Order Hearing

The information in this document provides basic, consistent information and guidance to both the plaintiff and defendant on what to expect when attending a Final Restraining Order (FRO) hearing. The information was combined under one document because some of the material concerns both parties. In addition, in the interest of transparency, each party will know what information is given to the other.

Once a domestic violence Temporary Restraining Order (TRO) is granted by a Superior Court or Municipal Court judge, a FRO hearing is scheduled before a Family judge in the Superior Court. Both the plaintiff and defendant will need to prepare for FRO hearing. In this court, domestic violence cases are civil cases and not criminal offenses. In these cases, the court will apply the civil standard or burden of proof rather than the criminal standard of proof which is beyond a reasonable doubt. The burden of proof in these cases is by the preponderance of the evidence. This means the person must show evidence to prove their claim and the level of evidence they must show to do so (*the civil standard* requires a 51% or greater probability while *the criminal standard* requires closer to 100%). The plaintiff (the person who filed the TRO application) has the burden of proof at the FRO hearing.

You **must** attend the final hearing. You have the right to bring an attorney; the court cannot provide an attorney for you.

If you are the plaintiff, you must attend the final hearing, even if you decide to dismiss the restraining order. The FRO hearing might take place remotely over a video platform, such as Zoom or Teams (see Domestic Violence Remote Hearing Instruction Sheet for Litigants), or you might be asked to appear in person at the courthouse. If you need to amend only your complaint, prior to the FRO hearing, you may file an [Application to Amend Domestic Violence Complaint](#) and submit the amended complaint through the Judiciary Electronic Document System (JEDS). If you need to amend the order prior to the FRO hearing, please contact the Family Division where your case is being heard.

You will need to prepare yourself, and any witnesses you might have for the FRO hearing. If you have any evidence you wish to present at the hearing, for example, photos, text messages, video, etc. you must contact the court prior to the hearing for instructions on providing this evidence.

- Children should not be brought to the final hearing unless otherwise instructed by a judge to do so. If you have children and are going to ask the court for child support, please bring or have available your most recent pay stub, childcare costs, and tax return.
- If you are unemployed and receiving benefits from employment or disability, please bring proof.

- Failure to appear at your scheduled time might result in your case being postponed to another day and/or time, or your case might be dismissed.

If you are the defendant, you must attend the hearing even if the plaintiff is going to dismiss the restraining order. This hearing might take place remotely over a video platform, such as Zoom or Teams (see Domestic Violence Remote Hearing Instruction Sheet for Litigants), or you might be asked to appear in person at the courthouse. If you wish to appeal your TRO you may file an [Application for Appeal and Order](#).

You will need to prepare yourself, and any witnesses you might have for the hearing. If you have any evidence you wish to present at the hearing, for example, photos, text messages, video, etc. you must contact the court prior to the hearing for instructions on providing this evidence.

- Children should not be brought to the final hearing unless otherwise instructed by a judge to do so. If you have children, child support might be ordered in the restraining order. Please bring or have available your most recent pay stub and tax return.
- If you are unemployed and receiving benefits from employment or disability, please bring proof.
- **Failure to appear at your scheduled time will likely result in the court proceeding without you and an FRO being entered against you.**

**If You Are the Defendant,
It Is **Important** You Read This Section**

If an FRO is entered against you, you should be aware that there are **significant penalties** that will be imposed automatically.

- Your name **will** be kept in a domestic violence central registry. This can affect your employment, affect your housing, prevent you from being a resource/foster parent, or affect a professional license.
- You **will** be fingerprinted and fined up to \$500.
- You **will** be barred from where the plaintiff lives and works and possibly barred from additional locations and/or additional people (for example, plaintiff's relatives).
- Your parenting time with your child(ren) **might** be affected and you **might** be ordered to participate in court ordered services such as attendance at a batterer's intervention program, submitting to a substance abuse evaluation, or submitting to a psychological/psychiatric evaluation.
- You **will not** be permitted to possess any weapon, ID card, or purchase permit while the FRO is in effect, or for two years, whichever is greater.

Whether you are the plaintiff or defendant, you will have the opportunity to present their case to the court. During the FRO hearing, you will give information (called “*evidence*”) to a judge who will decide your case. The judge is the finder of fact; there is no jury in these cases. Evidence that you can present includes information you or someone else tells the judge (“*testimony*”) as well as items like email and text messages, documents, photos, and objects (“*exhibits*”).

If you do not have an attorney, you will need to collect and present your evidence in the proper way. Courts have rules about evidence so that judges will make decisions based on facts, not gossip and guesswork. The court will allow you to present witnesses, as well as ask questions of the other person and their witnesses (called “*cross-examination*”). Although the rules can be confusing, they are designed to protect your rights, and you can use them to help prepare for your court appearance.

The judge’s decision on whether to enter an FRO is based on the information that is provided, so you should come prepared with any evidence you have. Examples of evidence that the judge might accept are:

- your testimony, which should include details regarding the date, location, and specific details of the incident,
- photos of visible injuries and/or property damage,
- copies of police, medical and/or dental reports,
- threatening or harassing letters or text messages,
- threatening messages from answering machines or voicemail,
- financial documents, if seeking financial support, and/or
- witnesses.

Once an FRO is granted, it does not expire. The order remains in effect **forever** unless it is dismissed by the court.

- The plaintiff can request a dismissal in person at the courthouse or by calling the court.
- The defendant can also request a dismissal but would need to file a motion using our packet CN 12420 - [How to Ask the Court to Dismiss a Final Restraining Order](#) found on njcourts.gov.

The entry of the FRO is independent of any possible criminal charge that might have also been filed, and this court’s issuance of an FRO will not affect those proceedings. However, a violation of the contact provisions of an FRO is a crime for which the defendant could be arrested and charged criminally.

Ways to Find Help with Your Case

Work with a Domestic Violence Advocate

If you are the plaintiff, you can reach out to a domestic violence advocate. A domestic violence advocate is a person who works at your local domestic violence program. Advocates are knowledgeable and can offer specialized domestic violence support and information. They can provide information about services near you, like where to find a lawyer or legal assistance, how to find counseling for you or your children, where to find a shelter or help with housing, and recommend a place that can supervise the defendant's parenting time.

A domestic violence advocate cannot be your lawyer; however, they can go with you to court to provide support. They can also help you prepare for your hearing, including helping you connect remotely to the hearing, and might know about lawyers who are willing to take cases at no charge or low cost (legal aid services).

Even if you have a lawyer, working with a domestic violence advocate can still be helpful. They might know more about domestic violence than your lawyer. They can help you make a safety plan. You can find an advocate by asking at the [local courthouse](#) or contacting the NJ Coalition to End Domestic Violence njcedv.org.

Use Legal Referral Services

If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found online under "Legal Aid" or "[Legal Services](#)". If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Most county bar associations have a [Lawyer Referral Service](#). A directory of lawyer referral and legal services offices is attached.

If you can hire a lawyer, take the time to interview several lawyers before hiring one. Make sure to ask the lawyer about the fee for representing you and what you can expect. Ask any lawyer you interview about their other cases with domestic violence as it is in your best interest to find a lawyer with knowledge about domestic violence.

For an explanation of New Jersey law about domestic violence and suggestions of some of the measures you can take to protect yourself from abuse, including using the Prevention of Domestic Violence Act to get a restraining order to keep the abuser away, visit the Legal Services of New Jersey (LSNJ) website (<https://www.lsnjlaw.org/Family-Relationships/Pages/default.aspx#>). The title of the guide is "*Domestic Violence - A Guide to the Legal Rights of Domestic Violence Victims in New Jersey*".

Ask at Your Local Courthouse

Court staff *cannot* give you legal advice because they must be neutral and impartial; however, they *can* help you find self-help resources and answer questions about filing papers, setting a hearing or general court procedures. You can find a listing of each county's phone number on

the [Family Division](#) page listed under *Domestic Violence Resources/County Phone Numbers for Temporary Restraining Orders*.

Additional assistance is available at the courthouse from the ombudsman. In the Judiciary, the ombudsman is a neutral staff person who answers questions, addresses concerns from the public and is responsible for enhancing customer service in the courts. The Ombudsman can also offer referral information to other available resources. They may have contact information about pro bono and legal services organizations. For a contact list of Ombudsmen go to njcourts.gov and search for “ombudsman”.

For additional information about domestic violence visit the [Family Division](#) page on njcourts.gov.

Call Your Local Library

Public libraries do have a tool for online legal research, and can show people how to use it, so we can say that.

Options After the FRO is Entered

How to File an Appeal

An appeal is a written request asking a higher court to look at the decision of the judge and change that judge’s decision. You must make a written request for an appeal **within 45 days** after the judge decided the case and signed an order in the Superior Court. If you want to file an appeal of a court order you can use our kit: [CN 10837 - How to Appeal a Trial Court, Tax Court or State Agency Decision](#), found on njcourts.gov.

How to Change, Modify, or Enforce an FRO

Either **the plaintiff or defendant** can file to change or enforce their restraining order (use CN 12093 - [How to Enforce or Request a Change of a Domestic Violence Restraining Order or Sexual Assault Survivor Protection Order](#)). You can submit the completed forms through the [Judiciary Electronic Document Submission \(JEDS\)](#) system, or you can mail them to the courthouse. For information on using JEDS, see the [JEDS self-help page](#).

If you are the plaintiff and the defendant has violated the restraining order you should call 911.

My Case is Emergent (Emergent Application Order to Show Cause)

An emergent hearing in the family court is meant to protect children from substantial and permanent harm. You can file for an emergent hearing by filling out the [Order to Show Cause for FM, FD and FV Dockets](#).

Directory of County Lawyer Referral and Legal Services Offices

Statewide
 Legal Services of New Jersey
 P.O. Box 1357
 Edison, NJ 08818-1357
 (732)-572-9100

County	Lawyer Referral	Legal Services
Atlantic	(609) 345-3444	(609) 348-4200
Bergen	(201) 488-0044	(201) 487-2166
Burlington	(609) 261-4862	(609) 261-1088
Camden	(856) 482-0618	(856) 964-2010
Cape May	(609) 463-0313	(609) 465-3001
Cumberland	(856) 696-5550	(856) 691-0494
Essex	(973) 622-6204	(973) 624-4500
Gloucester	(856) 848-4589	(856) 848-5360
Hudson	(201) 798-2727	(201) 792-6363
Hunterdon	(908) 200-7822	(908) 782-7979
Mercer	(609) 585-6200	(609) 695-6249
Middlesex	(732) 828-0053	(732) 249-7600
Monmouth	(732) 431-5544	(732) 414-6750
Morris	(973) 267-6089	(973) 285-6911
Ocean	(732) 240-3666	(732) 608-7794
Passaic	(973) 345-4585	(973) 523-2900
Salem	(856) 935-5629	(856) 691-0494
Somerset	(908) 685-2323	(908) 231-0840
Sussex	(973) 267-6089	(973) 383-7400
Union	(908) 353-4715	(908) 354-4340
Warren	(908) 387-1835	(908) 475-2010