

SECTION MENU



People dealing with domestic violence can file a restraining order. Some restraining orders include child custody. Discover additional resources to help you get out of a domestic violence situation.

On This Page

- [Requesting a Restraining Order](#)
- [Child Support and Custody](#)
- [Amending a Domestic Violence Complaint](#)
- [Resources for Victims](#)
- [Dismissing a Restraining Order](#)
- [Information for Defendants](#)

Requesting a Restraining Order

Call 911 if you are in immediate danger.

If filing a criminal report in addition to a restraining order, go to the municipal court or police department where the domestic violence occurred.

Domestic violence includes crimes by people who are, or were, in a family or romantic relationship or have ever lived together.

You can request a domestic violence restraining order if you and the accused:

- Are or were married.
- Are living together or dating.
- Have a child together.

What is a restraining order?

- A restraining order bars someone from having contact with you and can provide other relief.
- A “temporary” restraining order (TRO) is in effect until a court hearing can be scheduled for the judge to talk to both of the parties.
- A “final” restraining order (FRO) is in effect permanently unless a judge grants the victim’s request to vacate the order.

During court hours: Go to the [Family Division Office](#) of the Superior Court in the county where you live or are staying, where the domestic violence happened, or where the other person lives.

When court is closed: Go to the police department where you live, where the domestic violence happened or where the other person lives.

Chat

To file a criminal complaint, in addition to requesting a restraining order, you must go to the municipal court or the police department where the act of domestic violence happened.

Step 1: Apply for a Temporary Restraining Order (TRO)

- At the courthouse, a staff person will sit with you and fill out an application. Then, you will go before a hearing officer or judge who will listen to you and decide whether to grant a TRO. The other party will not be present in the hearing.
- If you apply at a police station, the police will contact a judge to decide whether to give you a TRO.
- If the court issues a TRO, you will get a copy, and the court will send a copy to the police to give to the other party.
- Another hearing will be scheduled within ten days. The other party can ask for an earlier court date. If that happens, you will be contacted.
- At any time, you can ask to talk to a domestic violence advocate who can help you with the court process and safety planning.
- [Contact list](#) for TRP by county.

Step 2: Go To The Final Restraining Order (FRO) Hearing

- Review the [Preparing for Domestic Violence FRO Hearing](#).
- You must appear at the hearing for the FRO. The other party will be present and has the right to hire a lawyer.
- You do not need a lawyer, but you can hire one if you choose. The court does not provide lawyers for these cases. If you want a lawyer, you can contact the Lawyer Referral Service or Legal Services of New Jersey.
- If the other party does not appear and there is proof they were given the order, the judge can still hear the case.
- If the other party did not get the order, the court will reschedule the hearing.
- If you and the other party appear, the court will hear both sides and make a decision
- In addition to protection, the order also could address custody, child support, parenting time (visitation) and other issues.
 - In New Jersey, a Final Restraining Order (FRO) is permanent. It continues forever unless changed by the court.

Child Support and Custody

You can request custody and child support as a part of a restraining order. Court staff will provide a safe and confidential environment to you when seeking custody or child support from an abuser. The location when you are staying can remain confidential.

If a child support order already exists, that order will remain in full effect during the proceedings for the restraining order. A victim can also

request that an existing child support order be modified during the hearing for the final restraining order.

Go to the [New Jersey Child Support website](#).

Amending a Domestic Violence Complaint

You can file an [amended domestic violence complaint](#) if you want to provide additional information about the domestic violence that took place. You can also provide details about additional acts of domestic violence that took place after the first complaint was filed.

Resources for Victims

Isolation is one of the most significant factors that leads to an increase in domestic violence and safety risks. Don't let social distancing mean social isolation. If you are – or someone you know is – living in fear of intimate partner violence, call the Domestic Violence [1-800-572-7233](#).

Additional Resources

- [County Phone Numbers for Temporary Restraining Orders](#)
- [Domestic Violence Remote Hearing Instruction Sheet for Litigants](#)
- [Frequently Asked Questions about Domestic Violence](#)
- [How to File an Amended Domestic Violence Complaint](#)

Dismissing a Restraining Order

The victim can ask the judge to dismiss the restraining order at any time. The judge will make the final decision as to if the restraining order will be dismissed. If you are unsure about dismissing a restraining order, speak to the intake worker at the courthouse, someone in the family court, a victim advocate or your attorney.

The victim should only sign the “Certification to Dissolve a Restraining Order” voluntarily.

Dismissal of a restraining order means that the legal restraints entered against the defendant to protect the victim will be removed.

- The victim will no longer have the benefit of this legal protection against the defendant.
- Dismissal of a restraining order will not dismiss any related criminal charges. Those criminal matters will proceed.
- This protection cannot be renewed unless there is another act of domestic violence.
- If there is a new act of domestic violence, the victim must request a new restraining order
- Without a restraining order, the police are not required to arrest the defendant. This is true even if the defendant violates a "stay away" order as part of a divorce or child support case.

Violating a Restraining Order

Domestic violence matters are serious. If you are unsure about any aspect of a restraining order, you should call the police or contact the family court.

A Restraining Order is a document issued by the court that sets out the terms that the defendant must follow.

A final restraining order will tell the defendant:

- Whom the defendant is not allowed to be in contact with.
- Locations where the defendant cannot go.
- Money that the defendant owes or child support that is due.
- All actions that the defendant is not allowed to take.

The order also will include a warrant for law enforcement to search and seize weapons for safekeeping.

If the defendant violates a Restraining Order

The restraining order is divided into two parts. Two different things will happen if the defendant violates the restraining order:

Part 1 contains restraints against contact.

If the defendant does not comply with Part 1 of the order, the plaintiff can report the violation to the local police. The police will arrest the defendant and file a criminal charge.

Part 2 deals with financial and parenting issues.

If the defendant is not complying with Part 2 of the order, the plaintiff must file for relief in the family court where the order was issued.

Information for Defendants

If a Restraining Order Is Filed Against You

- You cannot have any contact with the other person (or people) named on the restraining order. If you contact anyone on the order, you may be arrested.
- Read the restraining order carefully. The order tells you what you cannot do and has a date for you to appear in court for a final restraining order (FRO) hearing.
- If you do not show up at the hearing, the court can decide the case without you, and give the other person a Final Restraining Order (FRO).
- You do not need a lawyer, but you can hire one if you choose. The court does not provide lawyers for these cases. If you want a lawyer, you can contact the Lawyer Referral Service.
- At the hearing, the judge will hear both sides and make a decision.
- In addition to protection, the order may also address custody, child support, parenting time (visitation) and other issues.

The last page of the restraining order tells you where and when to appear for the final restraining order hearing. If you have questions, contact the [Family Division Office](#).

Temporary Restraining Order (TRO)

The TRO tells you what you can and cannot do.

- If you live with the other person, you might be allowed to go there with a law enforcement officer to get some of your things.
- The police will take your weapons.
- The order may include a temporary plan for custody and parenting time (visitation) for you and your child.
- The order will include a date for a hearing within ten (10) days. You can contact the [Family Division Office](#) to ask to change the date of the hearing.

Final Restraining Order (FRO)

- You must show up at the hearing for the final restraining order (FRO). If you do not show up, the court can decide the case without you, and give the other person the FRO.
- If both parties appear, the court will hear both sides and make a decision.
- The FRO, if granted, does not expire.
- The order can include child support, child custody, and parenting time (visitation).
- A FRO requires that you be fingerprinted. It may also include penalties, such as payment of a fine and loss of weapons. Read the order carefully.

What Else Can I Do?

- You can go to Family Court and apply to change or dismiss the final restraining order.
- Get more information from [Prevention of Domestic Violence Frequently Asked Questions](#).

Note: A person who does not qualify for a domestic violence restraining order may be able to get other relief. If you have questions, contact the [Family Division Office](#).