

**SENATE, No. 3387**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED JUNE 6, 2024

**Sponsored by:**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Establishes standards for domestic violence counseling and creates “Abuse Intervention Program Advisory Committee.”

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/6/2024)**

1 AN ACT concerning domestic violence, amending and  
2 supplementing P.L.1991, c.261.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

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7 1. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to  
8 read as follows:

9 13. a. A hearing shall be held in the Family Part of the  
10 Chancery Division of the Superior Court within 10 days of the  
11 filing of a complaint pursuant to section 12 of P.L.1991, c.261  
12 (C.2C:25-28) in the county where the ex parte restraints were  
13 ordered, unless good cause is shown for the hearing to be held  
14 elsewhere. A copy of the complaint shall be served on the  
15 defendant in conformity with the Rules of Court. If a criminal  
16 complaint arising out of the same incident which is the subject  
17 matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et  
18 seq.) prior to the repeal of P.L.1981, c.426 (C.2C:25-1 et seq.), or  
19 the subject matter of a complaint brought under P.L.1991,  
20 c.261 (C.2C:25-17 et seq.) has been filed, testimony given by the  
21 plaintiff or defendant in the domestic violence matter shall not be  
22 used in the simultaneous or subsequent criminal proceeding against  
23 the defendant, other than domestic violence contempt matters and  
24 where it would otherwise be admissible hearsay under the rules of  
25 evidence that govern where a party is unavailable. At the hearing  
26 the standard for proving the allegations in the complaint shall be by  
27 a preponderance of the evidence. The court shall consider but not  
28 be limited to the following factors:

29 (1) The previous history of domestic violence between the  
30 plaintiff and defendant, including threats, harassment and physical  
31 abuse;

32 (2) The existence of immediate danger to person or property;

33 (3) The financial circumstances of the plaintiff and defendant;

34 (4) The best interests of the victim and any child;

35 (5) In determining custody and parenting time the protection of  
36 the victim's safety; and

37 (6) The existence of a verifiable order of protection from  
38 another jurisdiction.

39 An order issued under this act shall only restrain or provide  
40 damages payable from a person against whom a complaint has been  
41 filed under this act and only after a finding or an admission is made  
42 that an act of domestic violence was committed by that person. The  
43 issue of whether or not a violation of this act occurred, including an  
44 act of contempt under this act, shall not be subject to mediation or  
45 negotiation in any form. In addition, where a temporary or final  
46 order has been issued pursuant to this act, no party shall be ordered  
47 to participate in mediation on the issue of custody or parenting time.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1       b. In proceedings in which complaints for restraining orders  
2 have been filed, the court shall grant any relief necessary to prevent  
3 further abuse. In addition to any other provisions, any restraining  
4 order issued by the court shall bar the defendant from purchasing,  
5 owning, possessing or controlling a firearm and from receiving or  
6 retaining a firearms purchaser identification card or permit to  
7 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in  
8 which the restraining order is in effect or two years, whichever is  
9 greater. The order shall require the immediate surrender of any  
10 firearm or other weapon belonging to the defendant. The order  
11 shall include notice to the defendant of the penalties for a violation  
12 of any provision of the order, including but not limited to the  
13 penalties for contempt of court and unlawful possession of a firearm  
14 or other weapon pursuant to N.J.S.2C:39-5.

15       A law enforcement officer shall accompany the defendant, or  
16 may proceed without the defendant if necessary, to any place where  
17 any firearm or other weapon belonging to the defendant is located  
18 to ensure that the defendant does not gain access to any firearm or  
19 other weapon, and a law enforcement officer shall take custody of  
20 any firearm or other weapon belonging to the defendant. If the  
21 order prohibits the defendant from returning to the scene of  
22 domestic violence or other place where firearms or other weapons  
23 belonging to the defendant are located, any firearm or other weapon  
24 located there shall be seized by a law enforcement officer. The  
25 provisions of this subsection requiring the surrender or removal of a  
26 firearm, card, or permit shall not apply to any law enforcement  
27 officer while actually on duty, or to any member of the Armed  
28 Forces of the United States or member of the National Guard while  
29 actually on duty or traveling to or from an authorized place of duty.  
30 At the hearing the judge of the Family Part of the Chancery  
31 Division of the Superior Court may issue an order granting any or  
32 all of the following relief:

33       (1) An order restraining the defendant from subjecting the  
34 victim to domestic violence, as defined in this act.

35       (2) An order granting exclusive possession to the plaintiff of the  
36 residence or household regardless of whether the residence or  
37 household is jointly or solely owned by the parties or jointly or  
38 solely leased by the parties. This order shall not in any manner  
39 affect title or interest to any real property held by either party or  
40 both jointly. If it is not possible for the victim to remain in the  
41 residence, the court may order the defendant to pay the victim's rent  
42 at a residence other than the one previously shared by the parties if  
43 the defendant is found to have a duty to support the victim and the  
44 victim requires alternative housing.

45       (3) An order providing for parenting time. The order shall  
46 protect the safety and well-being of the plaintiff and minor children  
47 and shall specify the place and frequency of parenting time.  
48 Parenting time arrangements shall not compromise any other

1 remedy provided by the court by requiring or encouraging contact  
2 between the plaintiff and defendant. Orders for parenting time may  
3 include a designation of a place of parenting time away from the  
4 plaintiff, the participation of a third party, or supervised parenting  
5 time.

6 (a) The court shall consider a request by a custodial parent who  
7 has been subjected to domestic violence by a person with parenting  
8 time rights to a child in the parent's custody for an investigation or  
9 evaluation by the appropriate agency to assess the risk of harm to  
10 the child prior to the entry of a parenting time order. Any denial of  
11 such a request must be on the record and shall only be made if the  
12 judge finds the request to be arbitrary or capricious.

13 (b) The court shall consider suspension of the parenting time  
14 order and hold an emergency hearing upon an application made by  
15 the plaintiff certifying under oath that the defendant's access to the  
16 child pursuant to the parenting time order has threatened the safety  
17 and well-being of the child.

18 (4) An order requiring the defendant to pay to the victim  
19 monetary compensation for losses suffered as a direct result of the  
20 act of domestic violence. The order may require the defendant to  
21 pay the victim directly, to reimburse the Victims of Crime  
22 Compensation Office for any and all compensation paid by the  
23 Victims of Crime Compensation Office directly to or on behalf of  
24 the victim, and may require that the defendant reimburse any parties  
25 that may have compensated the victim, as the court may determine.  
26 Compensatory losses shall include, but not be limited to, loss of  
27 earnings or other support, including child or spousal support, out-  
28 of-pocket losses for injuries sustained, cost of repair or replacement  
29 of real or personal property damaged or destroyed or taken by the  
30 defendant, cost of counseling for the victim, moving or other travel  
31 expenses, reasonable attorney's fees, court costs, and compensation  
32 for pain and suffering. Where appropriate, punitive damages may  
33 be awarded in addition to compensatory damages.

34 (5) An order requiring the defendant to receive professional  
35 domestic violence counseling as set forth in section 2 of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill),  
37 from either a private source or a source appointed by the court and,  
38 in that event, requiring the defendant to provide the court at  
39 specified intervals with documentation of attendance at the  
40 professional counseling. The court may order the defendant to pay  
41 for the professional counseling. No application by the defendant to  
42 dissolve a final order which contains a requirement for attendance  
43 at professional counseling pursuant to this paragraph shall be  
44 granted by the court unless, in addition to any other provisions  
45 required by law or conditions ordered by the court, the defendant  
46 has completed all required attendance at such counseling.

47 (6) An order restraining the defendant from entering the  
48 residence, property, school, or place of employment of the victim or

1 of other family or household members of the victim and requiring  
2 the defendant to stay away from any specified place that is named  
3 in the order and is frequented regularly by the victim or other  
4 family or household members.

5 (7) An order restraining the defendant from making contact with  
6 the plaintiff or others, including an order forbidding the defendant  
7 from personally or through an agent initiating any communication  
8 likely to cause annoyance or alarm including, but not limited to,  
9 personal, written, or telephone contact with the victim or other  
10 family members, or their employers, employees, or fellow workers,  
11 or others with whom communication would be likely to cause  
12 annoyance or alarm to the victim.

13 (8) An order requiring that the defendant make or continue to  
14 make rent or mortgage payments on the residence occupied by the  
15 victim if the defendant is found to have a duty to support the victim  
16 or other dependent household members; provided that this issue has  
17 not been resolved or is not being litigated between the parties in  
18 another action.

19 (9) An order granting either party temporary possession of  
20 specified personal property, such as an automobile, checkbook,  
21 documentation of health insurance, an identification document, a  
22 key, and other personal effects.

23 (10) An order awarding emergency monetary relief, including  
24 emergency support for minor children, to the victim and other  
25 dependents, if any. An ongoing obligation of support shall be  
26 determined at a later date pursuant to applicable law.

27 (11) An order awarding temporary custody of a minor child.  
28 The court shall presume that the best interests of the child are  
29 served by an award of custody to the non-abusive parent.

30 (12) An order requiring that a law enforcement officer  
31 accompany either party to the residence or any shared business  
32 premises to supervise the removal of personal belongings in order  
33 to ensure the personal safety of the plaintiff when a restraining  
34 order has been issued. This order shall be restricted in duration.

35 (13) (Deleted by amendment, P.L.1995, c.242).

36 (14) An order granting any other appropriate relief for the  
37 plaintiff and dependent children, provided that the plaintiff consents  
38 to such relief, including relief requested by the plaintiff at the final  
39 hearing, whether or not the plaintiff requested such relief at the time  
40 of the granting of the initial emergency order.

41 (15) An order that requires that the defendant report to the  
42 intake unit of the Family Part of the Chancery Division of the  
43 Superior Court for monitoring of any other provision of the order.

44 (16) In addition to the order required by this subsection  
45 prohibiting the defendant from possessing any firearm, the court  
46 may also issue an order prohibiting the defendant from possessing  
47 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and  
48 ordering the search for and seizure of any firearm or other weapon

1 at any location where the judge has reasonable cause to believe the  
2 weapon is located. The judge shall state with specificity the reasons  
3 for and scope of the search and seizure authorized by the order.

4 (17) An order prohibiting the defendant from stalking or  
5 following, or threatening to harm, to stalk or to follow, the  
6 complainant or any other person named in the order in a manner  
7 that, taken in the context of past actions of the defendant, would put  
8 the complainant in reasonable fear that the defendant would cause  
9 the death or injury of the complainant or any other person.  
10 Behavior prohibited under this act includes, but is not limited to,  
11 behavior prohibited under the provisions of  
12 P.L.1992, c.209 (C.2C:12-10).

13 (18) An order requiring the defendant to undergo a psychiatric  
14 evaluation.

15 (19) An order directing the possession of any animal owned,  
16 possessed, leased, kept, or held by either party or a minor child  
17 residing in the household. Where a person has abused or threatened  
18 to abuse such animal, there shall be a presumption that possession  
19 of the animal shall be awarded to the non-abusive party.

20 c. Notice of orders issued pursuant to this section shall be sent  
21 by the clerk of the Family Part of the Chancery Division of the  
22 Superior Court or other person designated by the court to the  
23 appropriate chiefs of police, members of the State Police and any  
24 other appropriate law enforcement agency.

25 d. Upon good cause shown, any final order may be dissolved or  
26 modified upon application to the Family Part of the Chancery  
27 Division of the Superior Court, but only if the judge who dissolves  
28 or modifies the order is the same judge who entered the order, or  
29 has available a complete record of the hearing or hearings on which  
30 the order was based.

31 e. Prior to the issuance of any order pursuant to this section,  
32 the court shall order that a search be made of the domestic violence  
33 central registry.

34 (cf: P.L.2016, c.91, s.3)

35

36 2. (New section) Any domestic violence counseling program  
37 in which a defendant participates based on a court order issued  
38 pursuant to paragraph (5) of subsection b. of section 13 of  
39 P.L.1991, c.261 (C.2C:25-29) shall contain the following  
40 components:

41 a. Risk assessments that identify dynamics of domestic  
42 violence and escalating risk factors, and includes information  
43 provided by the courts;

44 b. Working collaboratively with the courts to support offender  
45 accountability, requiring that offenders be held accountable for their  
46 behavior, and that offenders are provided with services geared  
47 towards behavioral change;

1 c. Information and education concerning the tactics of power  
2 and control and the understanding of domestic violence as a  
3 domination and control issue;

4 d. A protocol to demonstrate the defendant's attendance in  
5 programming, and additional reporting as requested by the court to  
6 support a prompt and effective review by the court for  
7 noncompliance; and

8 e. Regular reviews of the program and compliance by the New  
9 Jersey Advisory Council on Domestic Violence or the Department  
10 of Children and Families for Batterers' Intervention Programs  
11 funded by the Department of Children and Families.

12  
13 3. (New section) a. There is created, within the Department of  
14 Children and Families, the "Abuse Intervention Program Advisory  
15 Committee." Committee membership shall consist of members  
16 with recognizable expertise in the field of domestic violence.

17 The advisory committee shall include representatives from the  
18 following: Administrative Office of the Courts, including  
19 representatives of the Municipal Court and the Family and Criminal  
20 Divisions of Superior Court; Department of Corrections;  
21 Department of Human Services, Division of Mental Health and  
22 Addiction Services; Department of Law and Public Safety;  
23 Department of Education; domestic violence advocates who  
24 represent underserved communities in rural and urban settings;  
25 practicing licensed mental health professional; community  
26 providers with experience providing treatment to domestic violence  
27 perpetrators; a person who has received abuse intervention services;  
28 community organizers providing restorative justice practices; and  
29 faith community leaders.

30 b. In consultation with the committee, the Department of  
31 Children and Families shall select an existing evidence-based,  
32 evidence-supported or promising Batterers' Intervention Program  
33 model.

34 c. Based on strategic priorities and subject to the availability of  
35 funds, the Department of Children and Families shall fund the  
36 selected abuse intervention programs.

37 d. The Department of Children and Families shall access  
38 consultation and technical assistance from selected model  
39 developers or other field experts.

40 e. The Department of Children and Families shall support the  
41 development, refinement, and maintenance of the necessary  
42 implementation infrastructure including, but not limited to, model  
43 refinement, training, quality improvement, and evaluation.

44 f. The Department of Children and Families shall provide  
45 periodic progress updates to the committee on the selected  
46 Batterers' Intervention Program model.

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48 4. This act shall take effect immediately.

STATEMENT

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This bill sets forth certain requirements governing court ordered domestic violence counseling and creates the “Abuse Intervention Program Advisory Committee” within the Department of Children and Families.

Under current law, as part of a final restraining order issued by the court in a domestic violence matter, the court may order the defendant to receive professional domestic violence counseling from either a private source or a source appointed by the court and, in that event, require the defendant to provide the court with documentation of attendance.

Under the bill, any domestic violence counseling program in which a defendant participates based on a court order issued in a domestic violence matter would include the following components:

- (1) risk assessments that identify dynamics of domestic violence and escalating risk factors, and include information provided by the courts;
- (2) working collaboratively with the courts to support offender accountability, requiring that offenders be held accountable for their behavior, and that offenders are provided with services geared towards behavioral change;
- (3) information and education concerning the tactics of power and control and the understanding of domestic violence as a domination and control issue;
- (4) a protocol to demonstrate the defendant’s attendance in programming, and additional reporting as requested by the court to support a prompt and effective review by the court for noncompliance; and
- (5) regular reviews of the program and compliance by the New Jersey Advisory Council on Domestic Violence or the Department of Children and Families for Batterers’ Intervention Programs funded by the Department of Children and Families.

The bill creates within the Department of Children and Families, the “Abuse Intervention Program Advisory Committee.”

The advisory committee is to include representatives from the following: Administrative Office of the Courts, including representatives of the Municipal Court and the Family and Criminal Divisions of Superior Court; Department of Corrections; Department of Human Services, Division of Mental Health and Addiction Services; Department of Law and Public Safety; Department of Education; domestic violence advocates who represent underserved communities in rural and urban settings; practicing licensed mental health professional; community providers with experience providing treatment to domestic violence perpetrators; a person who has received abuse intervention services; community organizers providing restorative justice practices; and faith community leaders.



1       In consultation with the committee, the Department of Children  
2 and Families would select an existing evidence-based, evidence-  
3 supported or promising Batterers' Intervention Program model. Based  
4 on strategic priorities and subject to the availability of funds, the  
5 Department of Children and Families is responsible for funding the  
6 selected abuse intervention programs. The Department of Children  
7 and Families is to access consultation and technical assistance from  
8 selected model developers or other field experts; support the  
9 development, refinement, and maintenance of the necessary  
10 implementation infrastructure including, but not limited to, model  
11 refinement, training, quality improvement, and evaluation; and provide  
12 periodic progress updates to the committee on the selected Batterers'  
13 Intervention Program model.

14       The domestic violence counseling provisions of this bill embody  
15 recommendation 18 of the Report of the Supreme Court Ad Hoc  
16 Committee on Domestic Violence issued June 2016.