

SURVIVING DOMESTIC VIOLENCE: YOUR LEGAL RIGHTS



Rachel
COALITION
RESPONDING TO Domestic Violence

 **Partners**
FOR WOMEN AND JUSTICE

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The information in this manual is published as a public education service to help explain laws in New Jersey. It does not constitute legal advice, which can only be given by an attorney.

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WHY THIS BOOKLET WAS CREATED

Domestic violence affects millions of people across the world and anyone can be a victim. Many victims keep it a secret, sometimes feeling that the abuse is their fault or something they must handle on their own. Often victims of domestic violence live alone in a world of isolation and shame. These feelings are common to victims who live in the city, the suburbs, or the country, to victims who are rich, poor, or middle class, to victims who are employed, at home, or retired, to victims who are teenage, middle age, or elderly, to victims who attend a church, a synagogue, a mosque, a temple, or have no religious affiliation.

Within each community, there are special questions and concerns that a victim may face when considering taking steps to end the abuse. Will people condemn the victim who reveals what is happening at home? Will the victim be believed? What will be gained and what will be lost? What will happen to the children? Will the victim be safe? Can anybody help?

Rachel Coalition is a division of Jewish Family Service of MetroWest and a partnership of eight northern New Jersey organizations working together to provide services and support programs for victims of domestic violence. Rachel Coalition is comprised of a team of attorneys, who provide legal representation in final restraining order hearings and other family law matters; social workers, who provide individual and group counseling for victims and their children; and advocates and Domestic Violence Response Teams, who provide advocacy and support in court and in police stations, as well as referrals for shelters and other support services. Since 1997, Rachel Coalition has enabled victims to create futures free of violence and fear.

Partners for Women and Justice is a non-profit organization founded in 2002 in Montclair, New Jersey. Its mission is to empower low-income victims and survivors of domestic violence to build safe and secure futures for themselves and their children by providing equal access to justice. Partners for Women and Justice offers quality legal assistance in domestic violence and related family law matters.

In 2005, Rachel Coalition and Partners for Women and Justice joined together to create the Domestic Violence Pro Bono Program. Its purpose is to recruit, train, and mentor volunteer attorneys to provide free representation to victims of domestic violence in Final Restraining Order (FRO) trials in Family Court. Rachel Coalition and Partners for Women and Justice have staff attorneys who provide advice and counsel and/or legal representation to many of the victims who seek help for themselves and their children.

Rachel Coalition and Partners for Women and Justice do not work alone. New Jersey effectively advocates on behalf of domestic violence victims and has one of the strongest domestic violence laws in the country. Each county in the state has at least one comprehensive domestic violence program offering a hotline, a shelter and counseling.

This booklet is an effort to provide information to help victims of domestic abuse. In this booklet, we explain the domestic violence laws and the steps you can take to make the laws work for you. An extensive list of useful resources can be found in the last pages of this booklet.

**Remember, you are not the only one and you are not alone.
People are here to help!**

WHAT IS DOMESTIC VIOLENCE?

Domestic violence is an epidemic where one partner in an intimate relationship uses a pattern of behavior to have power and control over the other partner. These behaviors are often emotional, psychological, financial, verbal, physical and/or sexual abuse. Domestic violence crosses all ages, races, socioeconomic levels, and ethnic groups; it does not discriminate.

The Power and Control Wheel, shown below, was developed by domestic violence professionals after interviews with hundreds of victims revealed common patterns of abusive behavior. Abusers attempt to gain power and control over their victims using a number of different strategies.



DOMESTIC ABUSE INTERVENTION PROGRAMS
202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.theduluthmodel.org

Physical and sexual assault are usually not seen in the beginning of an abusive relationship. The inner sections of the wheel show the tactics that abusers often first use to gain control over their victims. Abusive behavior escalates over time, with the abuser increasing the level of abuse to feel a greater degree of power and control and the victim “walking on eggshells” while trying to remain safe.

The following are examples of abusive behavior:

Emotional/Psychological:

- Making degrading remarks about you, your appearance or your family
- Constant criticism (name calling, put-downs, ridiculing, blaming)
- Yelling, swearing, humiliating you in public
- Accusing you of flirting or having an affair
- Harassment (constant calls and/or texts, checking up on you at home or work, using or threatening to use social media against you)
- Treating you like a servant

Threats and Intimidation:

- Threats can be verbal, non-verbal or implied
- Pressure tactics (using guilt or accusations, turning friends/relatives against you)
- Tracking your movements, checking phone bills and mileage on car
- Destroying possessions, breaking furniture
- Threatening to take children away
- Threatening to kill you, family members or pets
- Threatening to commit suicide

Isolation:

- Alienating you from or forbidding you to see or speak with relatives and/or friends
- Forbidding you from working or attending school
- Disabling the car or removing car keys

- Disconnecting or not allowing use of the phone
- Locking you in the house or in a room

Economic Abuse:

- Withholding money, or denying access to money, checks, credit/debit cards, important financial documents
- Making you account for spending by checking credit card statements and receipts, and counting change
- Forcing you to ask for money
- Demanding that you turn over your paycheck or stealing your money

Use of Children:

- Threatening to take your children away from you
- Using visitation to harass you
- Telling your children lies about you
- Withholding financial support for children
- Threatening to report you to child protective services
- Abusing you in front of the children or abusing the children in front of you
- Using your children to spy on you
- Encouraging your children to mistreat you

Physical:

- Pushing, punching, slapping, kicking, biting, strangling/choking
- Pulling hair, pinching, burning, cutting, whipping, restraining
- Throwing objects
- Using a weapon or using any object as a weapon

Sexual Abuse:

- Rape
- Forcing or threatening to force you to perform sexual acts
- Physically attacking or injuring sexual parts of your body

CHILDREN EXPOSED TO DOMESTIC VIOLENCE

The entire family system is affected by the domestic violence in their lives, even if they are not the direct target of the abuse. Children are exposed to domestic violence in a variety of ways. This can include witnessing a violent act, overhearing threats, observing a parent who is out of control or reckless, hearing about violent or threatening acts through others and/or dealing with the after effects of an assault. Sometimes parents do not realize that their children have been exposed to the domestic violence, and sometimes the signs that children are experiencing emotional distress due to exposure of domestic violence are not easily recognized.

According to the National Child Traumatic Stress Network, “Domestic violence poses a serious threat to children’s emotional, psychological and physical well-being, particularly if the violence is chronic.”* Domestic violence does not affect all children equally or in the same way.

Many show signs and symptoms of trauma, which can manifest in a variety of issues.

Some children exposed to domestic violence may experience:

- Anxiety and/or depression
- Sleeplessness and/or nightmares
- High activity levels
- Increased anger and/or aggression
- Physical health problems
- Poor school performance
- Behavior problems
- Substance abuse
- Emotional difficulties

* National Child Traumatic Stress Network. (nd). *Children and Domestic Violence*. Retrieved November 30, 2017, from www.nctsn.net/content/children-and-domestic-violence.

The National Traumatic Stress Network adds “children who have been exposed to domestic violence often learn destructive lessons about the use of violence and power in relationships,” which can have a dire impact on their relationships into adolescence and adulthood. They may learn that violence is an appropriate expression of love or that it is acceptable to exert power over another person.

If you have children and there is domestic violence in your home, it is important to get them support and help. Please contact Rachel Coalition at 973-740-1233 to learn about counseling services for children.

UNDERSTANDING THE NEW JERSEY PREVENTION OF DOMESTIC VIOLENCE ACT (DV LAW)

To be legally protected against domestic violence under the New Jersey Prevention of Domestic Violence Act, you must meet three conditions.

CONDITION #1:

Is your relationship one that is covered by the DV Law?

YES, if the ABUSER is 18 years old or older (or emancipated*) AND any of the following apply:

YOU are 18 years of age or older (or emancipated*) and the abuser is any other person who is a present household member or was at any time a household member; OR

YOU are any age and the abuser is your present or former spouse; OR

YOU are any age and the abuser is a person with whom you have a child in common or with whom you are expecting a baby; OR

YOU are any age and the abuser is a person with whom you have had a dating relationship (including same sex relationships); OR

YOU are an elderly or disabled person and the abuser is a spouse, dating or live-in partner, or any other household member, including a caregiver.

**A person is emancipated when declared so by the Court, has joined the military service, has married, has become a parent, or is pregnant.*

CONDITION #2:

Have any of the following acts been committed against you by the abuser?

Under the DV Law, you are a victim of domestic violence if, in your relationship, you have experienced any of the following:

- **Homicide** - Purposely, knowingly or recklessly causing or attempting to cause your death.
- **Assault** - Any physical attack that causes or attempts to cause you bodily injury or fear of harm, including beating (with or without a weapon), punching, slapping, kicking, strangling/choking, or hair pulling.
- **Terroristic Threats** - Threatening to commit a crime of violence with the purpose to terrorize you; threatening to kill you or someone else that reasonably puts you in fear of imminent death.
- **Kidnapping** - Transporting you or taking you against your will to some place where you did not want to go, or confining you for a substantial period of time for ransom, reward or as a hostage.
- **False Imprisonment** - Confining you within your own home or at another location against your will.
- **Criminal Restraint** - Holding you in a condition of involuntary servitude or restraining you in a way that exposes you to serious bodily injury.
- **Sexual Assault** - Using a weapon or threat of physical force or coercion to rape you or to force unwanted sexual penetration.
- **Criminal Sexual Contact** - Using a weapon or threat of physical force or coercion to force unwanted sexual touching.
- **Lewdness** - Any flagrantly lewd or offensive act, such as exposing oneself, which would reasonably be expected to offend, embarrass, or alarm you.

- **Criminal Mischief** - Purposely damaging your personal property including your car, your home, your clothing, your pets, or any other possession.
- **Burglary** - Entering your home or other structure without your permission with the intention of committing a crime.
- **Criminal Trespass** - Entering or secretly remaining in your home or other structure, such as your workplace, without permission; or peering into windows or openings of dwelling places for the purpose of invading your privacy.
- **Harassment** – With intent to harass: communicating with you anonymously or at inconvenient times, or using offensive language; engaging in any conduct to alarm or annoy you; or hitting, kicking, or offensively touching or threatening to touch you.
- **Cyber-harassment** – With intent to harass: communicating online to threaten physical harm to you or your property; knowingly sending, posting, commenting, etc. any lewd material to or about you with intent to cause emotional harm; or threatening to commit any crime against you or your property.
- **Stalking** – On two or more occasions: maintaining visual or physical proximity to you, directly or through others, by any action, method, device, or means; following, monitoring, observing, surveilling, threatening or communicating to you or about you, or interfering with your property; harassing you or conveying verbal or written threats by any means of communication. Stalking makes you reasonably fear for your safety or the safety of another person or to suffer emotional distress.
- **Criminal Coercion** – Threatening to harm you, accuse you of an offense, or expose any secret which would subject you to hatred, contempt, or ridicule, for the purpose of forcing you to do something or preventing you from doing something; threatening to provide or withhold information or testimony regarding a legal issue.

- **Robbery** – Using force, or causing bodily injury, or threatening to cause bodily injury while committing or attempting to commit a theft from you.
- **Contempt** – Purposefully or knowingly violating any domestic violence Restraining Order.
- **Other Crimes** – Any other crime involving risk of death or serious bodily injury.

CONDITION #3:

Do you need a Final Restraining Order for protection against future acts of violence?

YES, if you show at least one of the following:

- The abuser has committed acts of domestic violence against you in the past (even if they have not been reported); OR
- The current act of domestic violence is particularly serious; OR
- The facts show that the pattern or substance of the abuser's behavior requires a court order to prevent future abuse.

HOW THE POLICE CAN HELP

SHOULD I CALL THE POLICE?

REMEMBER: You have the right to be protected by the law and the police are required to provide that protection.

Dial 911 in an emergency.

You should call the police if you feel in danger. Domestic violence is a serious crime and the police should respond to your calls. Under the Prevention of Domestic Violence Act, it is the primary duty of the police officer who responds to a domestic violence call to enforce the law and to protect the victim from abuse.

The police are required by law to help you and to give you information about your rights. They should advise you of your rights to file a criminal complaint and/or to obtain a Restraining Order. Be sure to tell the officer all of the details. Write down the officer's name and badge number and keep it for your records. If there is a police report, read the report carefully and ask the police to correct any mistakes. You can request a copy a few days after reporting the incident.

When the police respond to a domestic violence incident, they may call a Domestic Violence Response Team (DVRT) to meet you at the police station. The DVRT member will provide you with resources and information to help you begin the process of getting a restraining order, clinical services, or other help you may need.

WILL THE ABUSER BE ARRESTED?

New Jersey law requires the police to arrest the abuser if:

- You exhibit any signs of injury; OR
- The abuser has violated an active Restraining Order; OR
- A weapon was involved; OR
- There is a warrant for the abuser's arrest on any other charge.

In any of these situations, the police should arrest the abuser and press criminal charges even if you do not want the abuser arrested and even if you do not want to file a complaint.

The police may arrest the abuser after you have told them what has happened, even if you have no visible signs of injury.

If you and the abuser both show signs of injury, the officer is required to determine who is the primary aggressor in this incident before determining if anyone will be arrested.

It is very important for you to tell the police officer if weapons were used to injure you or threaten you and where the weapons are located. Even if weapons were not used in this particular incident, it is important to tell the police about any weapons the abuser may have.

It is also very important for you to tell the police officer what happened, what your injuries are, and if previous acts of domestic violence were made against you by your abuser. If there is a Restraining Order already in place, it is also important to report this information.

WHAT IF A WEAPON WAS USED DURING AN ACT OF DOMESTIC VIOLENCE?

If a police officer at the scene has reason to believe a weapon was used or threatened to be used during an act of domestic violence, the officer should arrest the abuser and seize any weapons on the premises that could expose you to further harm. The officer should also sign a criminal complaint in this instance.

WHAT IF THE POLICE DON'T COME FAST ENOUGH OR REFUSE TO COME?

You should develop a safety plan in case the police do not come quickly enough. For your protection, tell your neighbor or relative about the violence and consider setting up a code word with them to alert them that you need help in case the police do not respond quickly enough.

If the police take too long and you are still in danger, call the domestic violence hotline. The hotline numbers are listed in the last pages of this booklet.

If all else fails, be resourceful by escaping the danger, attracting attention by screaming for help, or setting off the security alarm.

USING THE LEGAL PROCESS FOR RESTRAINING ORDERS

HOW CAN THE LAW HELP TO PROTECT ME IF I HAVE BEEN A VICTIM OF DOMESTIC VIOLENCE?

In New Jersey, victims of domestic violence have a right to pursue civil remedies, such as a Restraining Order, or criminal penalties, or both.

WHAT IS A RESTRAINING ORDER?

A Restraining Order is a legally enforceable document that, among other things, prohibits the person who is abusing you from contacting you in any way, and requires the abuser to stay away from you, your home, and place of employment.

A Restraining Order does not result in the abuser having a criminal record but it can provide greater safety for you by ordering your abuser to stay away from you. Violating a Restraining Order is a crime.

GETTING A RESTRAINING ORDER IS A TWO-STEP PROCESS:

1. First, you apply for a Temporary Restraining Order (TRO) either at Family Court or at your local police department. The abuser is not present when you go to obtain a TRO. After you are issued a TRO, the police or sheriff's officers (and not you) will attempt to serve the abuser with the TRO.
2. Within approximately 10 days, you will be scheduled to appear in Family Court at a hearing to determine whether your TRO will be made final and converted to a Final Restraining Order (FRO).

HOW CAN I GET A TEMPORARY RESTRAINING ORDER (TRO)?

You may file in the county where the domestic violence occurred, where you live, where the abuser lives, or where you are sheltered.

Between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday, you can go to your county's Family Court and tell a court employee that you are there to request a TRO. A Family Court intake employee will give you papers to fill out and ask you to describe what happened during the most recent domestic violence incident as well as any prior history of abuse. You will need to testify before a judge or hearing officer and show that you are in danger of domestic violence and that a Restraining Order is necessary to protect your life, health, and/or well-being.

The Family Court Domestic Violence Unit intake is closed on weekdays before 8:30 a.m. and after 3:30 p.m. and on weekends and holidays. When the Family Court Domestic Violence Unit intake is closed, you may go to your local police department to obtain a TRO through a municipal court judge. The police usually take the information for the complaint and call a municipal court judge. The judge will speak to you on the phone about the incident and any prior history of domestic violence. A TRO will then be issued if the judge thinks it is warranted. If the municipal court judge denies the TRO, you may go to Family Court and apply for a TRO during court hours.

WHAT CAN I ASK THE JUDGE FOR AT THE HEARING FOR A TEMPORARY RESTRAINING ORDER (TRO)?

If you satisfied the requirements to get a TRO, you may ask for temporary relief that will remain in place until the next court hearing. The judge may order any or all of the following:

- The abuser is forbidden from coming to your home, even if you shared it with your abuser. It is important to know that your name does not need to be on the deed or lease to request the judge to order the abuser to leave your home.
- The abuser is forbidden from possessing any firearms or other weapons. The judge may order a search and seizure of any such weapon.
- The abuser is forbidden from contacting you by any method.

- The abuser is forbidden from coming to your workplace, or any other place that you specify, such as your children’s school and daycare, and family members’ homes.
- You are given temporary custody of your children and the abuser’s parenting time is suspended.
- The abuser pay temporary emergent support, child support, support for you, as well as the mortgage or rent or any other bills until the Final Restraining Order hearing is held.
- You are granted temporary possession of personal property such as a pet and/or a vehicle.

You can add additional people to be protected under the TRO, such as family members and non-shared children. You may also ask the judge to freeze all bank accounts.

WHAT DO I PUT IN THE COMPLAINT FOR A TEMPORARY RESTRAINING ORDER (TRO)?

You must list all the facts of the incident that happened that made you file the complaint. For example, facts like: hitting; punching; threatening to kill; cursing; pulling hair; burning with cigarettes; throwing objects; following you to work, home, school, or a store should be included, if they happened. If the abuser used a weapon to hurt or attempt to hurt you, include this in the complaint. If you needed medical treatment for your injuries, this information should also be included.

Even if you have never filed a complaint or reported an incident before, it is very important to include in the complaint previous incidents of domestic violence or abuse committed against you. Be sure to include all of the incidents or you will not be allowed to testify about it in court. You should also include if the abuser uses drugs or alcohol.

The police or the court staff will interview you and prepare the complaint for the TRO. It is important to read the typed complaint carefully before signing it to make sure you do not miss anything and that the information is accurate.

HOW LONG WILL I HAVE TO WAIT TO SEE A JUDGE?

There is no way to tell how long it will take for you to see a judge on any particular day. Go to the courthouse as early as possible. You may have to spend an entire workday at the courthouse, so notify your employer beforehand. Be prepared in the event your wait is a long one. Arrange for a safe place for your children to stay while you are in court.

CAN I GET A TEMPORARY RESTRAINING ORDER (TRO) IF I AM SICK AND CONFINED TO BED OR IF I HAVE A PHYSICAL OR MENTAL DISABILITY?

Yes. A judge may issue a TRO upon sworn testimony or the complaint of a representative of a victim who is physically or mentally incapable of filing.

WHAT IF I AM NOT A U.S. CITIZEN?

You are entitled to obtain a Restraining Order even if you are not a U.S. citizen and even if you do not have legal status to be in the U.S. The law in New Jersey was written for the protection of all victims of domestic violence. It is important that you seek legal advice from a lawyer who specializes in immigration law (see resource list in the back of the booklet).

WHAT HAPPENS AFTER I RECEIVE A TEMPORARY RESTRAINING ORDER (TRO)?

A TRO is a legal document that contains the orders of the judge. You will receive a copy that you should keep in your possession at all times. The police department and the court receive a copy. You do not serve the TRO. The abuser must be served by law enforcement with notice of the TRO and of the date for the final hearing. The abuser

must be served with the papers in order to know to stay away from you, your children, and others named in your complaint.

You should give copies of the TRO to your children's schools and other relevant parties.

WHAT HAPPENS AT THE FINAL RESTRAINING ORDER (FRO) HEARING?

Usually within 10 days of the date of the Temporary Restraining Order (TRO), you will have to appear in Family Court for the final hearing. You will have the opportunity to tell the judge all of the things that happened that caused you to get the TRO and the history of domestic abuse that you have suffered. The abuser will probably be in court at this time and have an opportunity to testify. There will be protection for you in the courtroom and in the courthouse. If you are fearful because the abuser is there, tell the court officer. If you need an escort to accompany you out of the courthouse because you are afraid of the abuser, ask the court officer to provide one for you.

If your abuser does not appear in court at the final hearing, the judge may still grant the FRO after hearing your testimony, as long as there is proof that the abuser has been served notice of the hearing. If there is no proof that the abuser has been served, then the judge may issue an Indefinite TRO. An Indefinite TRO gives you as much protection as an FRO. If the abuser is ever served with the TRO, the court will notify you to appear for an FRO hearing and you must go to court.

If you change your address, it is very important that you notify the Domestic Violence Unit at the court so that you can be contacted. If you do not appear in court at the final hearing, the judge may reschedule a second hearing or may dismiss the case. If there is a reason you cannot attend the hearing, contact the judge's chambers or the Domestic Violence Unit to inform them of the reason. If you do not appear a second time, the judge may dismiss the case.

DO I NEED A LAWYER AT THE FINAL RESTRAINING ORDER (FRO) HEARING?

You do not need a lawyer (sometimes called “attorney” or “counsel”) for an FRO hearing, but it is always helpful to have one with you or to get legal advice before you go to court. If your abuser has a lawyer, or if it is a complicated case, it is advisable to bring a lawyer with you. If you appear in court without a lawyer, you may ask the judge to adjourn your case to give you time to get a lawyer.

WHAT MUST I BE PREPARED TO TELL THE JUDGE AT THE FRO HEARING?

Be prepared to tell the judge in detail:

- What the abuser did that caused you to file for a TRO. This may include any of the acts or series of acts of abusive behaviors listed on pages 6-7.
- Any emotional effect of the abusive behavior.
- Any physical injuries, if applicable, such as bruises, swelling, redness, pain, hair loss.
- Any other times when the abuser hurt you, or made you afraid, or threatened you in any way, no matter how long ago, and even if it was not reported.
- Why you need the protection of the court to stop the abuse from happening again. If you are afraid of the abuser, tell the judge why you are fearful.
- Whether the abuser owns or has access to weapons, even if they were never used against you.
- Whether your children saw and/or heard the abuse or were abused themselves. If the judge finds that the children were exposed to domestic violence, the court may contact the Division of Child Protection and Permanency.

To support your claims of abuse, it is helpful if you can bring any evidence such as:

- Witnesses to the abuse (not a letter from the witness).
- Medical reports.
- Police reports (present and past).
- Voicemails or audio/video recordings.
- Printouts of texts, e-mails, or phone logs.
- Photographs of injuries, printed out if possible.

Tell the judge if you need financial support from the abuser for you and your children. You should bring your abuser's pay stubs and your own employment pay stubs or other proof of income, including recent tax returns, W-2s, and social security statements which can be particularly useful to show the abuser's income.

WHAT CAN I ASK THE JUDGE FOR IN THE FINAL RESTRAINING ORDER (FRO)?

Once the judge has decided that you are entitled to an FRO, the judge will order the following:

- The abuser is prohibited from committing future acts of domestic violence.
- The abuser must stay away from you, your residence, and place of employment.

You may also ask the judge to require the abuser to stay 500 to 1000 feet away from you; other people that you request; and other locations you are concerned about, such as your children's school or day care, or family members' homes.

- The abuser is prohibited from having any oral, written, personal, electronic, or any other form of contact or communication with you.

You may also ask the judge to prohibit communication with others that you specify, such as friends and family. If you have children in common, you may ask the judge to include in the FRO permission for some communication between you and the abuser to discuss the needs of the children and visitation arrangements. (We recommend that

this be done in writing via text or email, or through a third party. All communications should be brief and polite.)

- The abuser is prohibited from making or causing anyone else to make harassing communications to you.

You may also ask the judge to prohibit the abuser from making or causing anyone else to make harassing communications to anyone you specify.

- The abuser is prohibited from stalking, following, or threatening to harm, to stalk, or to follow you.

You may also ask the judge to prohibit the abuser from stalking, following, or threatening to harm, stalk, or follow anyone you specify.

- The abuser will be prohibited from possessing any and all firearms or other weapons and must immediately surrender these firearms and weapons. The abuser must also surrender permits to carry firearms, applications to purchase firearms, and firearms purchaser ID cards.

Tell the judge if you know if the abuser has any weapons or permits.

Listen closely to what the judge orders. You may also ask the judge to include the following in the FRO:

- You are granted possession of the home if you both live there.
- When and how the police must accompany you or the abuser back to the residence to pick up personal possessions.
- You are granted temporary custody of the children.
- The abuser must pay ongoing child support to you.
- The abuser must pay spousal support to you if you are married and entitled to support.
- The abuser must pay basic financial needs (rent/mortgage payments, day care, etc.) as well as other expenses (medical bills, health insurance, car/home insurance, car payments, car repairs, gas and electric, phone, etc.)

- You are given possession of specific property, such as a car and pets.
- The abuser must pay for property damage, medical bills, legal fees, and other costs resulting from the abusive behavior.
- The abuser must enter a treatment program for batterers, a substance abuse treatment program, or get other appropriate counseling.

If you and the abuser have children in common, the FRO should include:

- Arrangements for visitation by the noncustodial parent that are appropriate for the children and provide for your safety.

You may ask the judge to order supervised visitation by the court or by a third party if you are concerned for the safety of the children. You should explain your concerns about the children's well-being to the judge.

In certain cases, you may ask for suspension of all parenting time pending an investigation of the abuser's ability to parent, particularly if the abuser has a serious substance abuse problem or has abused the children.

- You may also request a risk assessment to evaluate the safety of the children during visitation with the abuser.
- The FRO should provide for a way for you to discuss the issues concerning the children with the other party directly (for example, e-mail or text messaging) or through a third party.

WHAT SHOULD I DO AFTER I RECEIVE A FINAL RESTRAINING ORDER (FRO)?

You will receive a copy of the FRO after the hearing. The FRO is enforceable throughout the United States.

It is important that you consider doing the following:

- Review the order BEFORE you leave the courtroom. If something is wrong or missing, ask the court clerk to correct the FRO before you leave.

- Keep a copy of the FRO with you at all times.
- Make several copies of the FRO to leave in safe places in case you need it. You may attach a photo of the abuser to each copy of the FRO that you give to others.
- Keep a copy at your job, one at your home, one in your car, one at your children’s school, one with the babysitter and/or daycare program.
- Give a copy to the security guard where you live and/or work.
- Give a copy to a trusted neighbor and/or friend.
- Give a copy to friends or relatives who are named and protected in the FRO.
- Make sure your local police have a copy of the FRO.

Also see the Safety Planning section entitled “SAFETY WHEN YOUR ABUSER NO LONGER LIVES WITH YOU OR NEVER DID” on p. 33.

WHAT IF I NEED TO CHANGE MY FINAL RESTRAINING ORDER (FRO)?

If circumstances have changed in any way since the court issued the FRO, you may request to modify it. Examples of reasons to modify include changes in:

- Custody and visitation arrangements.
- Financial needs and obligations.
- Issues that were not addressed at the original FRO hearing.

HOW DO I MODIFY MY FINAL RESTRAINING ORDER (FRO)?

In order to modify your FRO, you may file a Motion for Modification. If you need to request an emergency change in the terms of the FRO, you may file an Order to Show Cause. On either of these forms, you will write out your reasons for wanting the court to review and amend your FRO. Go to the Domestic Violence Unit of the Family Court that issued your FRO and tell them what you now want to do. They will help you file your motion and set up a future court date.

WHAT SHOULD I DO IF I HAVE A FINAL RESTRAINING ORDER (FRO) AND THE ABUSER DOES NOT LEAVE ME ALONE?

A violation of the stay away and no contact provisions of the FRO is a crime. If the abuser contacts you or tries to contact you in any way or commits a new act of domestic violence, call the police immediately. The abuser must be arrested.

WHAT IF THE ABUSER DOES NOT FOLLOW THE OTHER TERMS OF THE FINAL RESTRAINING ORDER (FRO)?

You may ask the Family Court to enforce the terms of the FRO, such as attend counseling or pay child support or other expenses if the abuser does not follow the FRO. Contact the Domestic Violence Unit at the Family Court and they will advise you on how to proceed.

WHAT IF I CHANGE MY MIND AND WANT TO DROP THE FINAL RESTRAINING ORDER (FRO)?

In New Jersey, FROs do not expire. If you want to dismiss the FRO, you must go back to court specifically to request a dismissal. Because the court system wants to make sure that you are making this decision of your own free will and are not doing it because you are being coerced or threatened in any way, the court will arrange for you to speak privately with a trained domestic violence advocate who will explore with you your decision to request dismissal of the FRO. You will need to show a photo ID. You will then appear in front of a judge who may ask you questions to ensure that you have not been coerced.

DO NOT agree to dismiss your FRO unless you have been provided with the opportunity to speak to a trained domestic violence advocate who can help you determine if this is the course of action you truly want to take.

DOMESTIC VIOLENCE AND THE CRIMINAL COURT

Separate from the Final Restraining Order process, you or the police may also file criminal charges against the abuser because acts of domestic violence are also criminal acts. The purpose of a Final Restraining Order is for the safety of the victim. The purpose of criminal charges is to hold the abuser criminally accountable for the abuse. If the police observe that you have been injured, they should arrest the abuser.

WHAT IS THE DIFFERENCE BETWEEN A RESTRAINING ORDER AND A CRIMINAL COMPLAINT?

Restraining Order: When you apply for a Temporary Restraining Order, you are asking the court for protection from your abuser. If the abuser violates the no-contact portion of the Temporary or Final Restraining Order, the abuser may be immediately arrested and brought to court. However, the issuance of a Temporary or Final Restraining Order does not give the abuser a criminal record and does not cause the abuser to go to jail unless the abuser violates the order.

Criminal Complaint: A criminal complaint accuses the abuser of committing a crime. If the abuser is convicted, the court may punish the abuser by putting the abuser in jail, placing the abuser on probation, requiring the abuser to attend a batterers treatment program, pay a fine, or perform community service.

WILL FILING CRIMINAL CHARGES PROTECT ME?

After criminal charges have been filed, the abuser may be released from custody or may be held in jail until the criminal trial. The abuser's release may include prohibiting the abuser from having any contact with you, **BUT THIS IS NOT A RESTRAINING ORDER**. If the abuser does contact you, you must have a Temporary or Final Restraining Order with you to show to the police. Therefore, it is very important that you obtain a Restraining Order with your name on it from Family Court and carry it with you at all times.

IF CRIMINAL CHARGES ARE FILED, WHAT KIND OF NOTICE CAN I EXPECT TO RECEIVE?

You will receive a notice in the mail about the location of the court and the time and date you are to appear. Because you may receive mail from both the Family Court and the Criminal Court, make sure you read the notice carefully so that you know which court to attend on which date. For more information, contact the prosecutor handling the criminal charge.

WILL I NEED A LAWYER TO HANDLE THESE PROCEDURES?

You do not need your own lawyer in Criminal Court if you are the victim. You can contact the prosecutor if you have any questions. However, if a criminal complaint has also been filed against you, then you may need or want to have your own lawyer.

CREATING A SAFETY PLAN

A safety plan is a tool to help you identify possible ways to protect yourself and your children and family members from physical abuse. It can increase your safety in an emergency. Whether you live with your abuser or are separated, the measures you take to increase your safety are the most important things you can do.

It is possible that the abuser may become more dangerous when realizing that you are serious about ending the relationship. You should be well prepared with a safety plan at the point that you decide to leave.

Take time to develop your own plan using strategies that are useful to you. Call a domestic violence agency for help. See pages 39-42.

DEVELOP A SAFETY PLAN IN ADVANCE

1. Plan how you will leave your home. Practice how to get out quickly. Decide which doors, windows, stairwell, or fire escape you will need to use.
2. Plan where you will stay if you need to leave in a hurry. Make arrangements beforehand such as to stay with a friend or family member. Set aside money for a hotel or have the telephone number for a shelter.
3. Obtain a cell phone. If you cannot afford cell phone service, most police departments and domestic violence programs can provide a free cell phone programmed only for emergency calls. Keep your cell phone charged.
4. Keep the number(s) for the nearest domestic violence hotline on hand near the telephones in your home, in your purse and car, and programmed into your cell phone. The hotline numbers can be found at the end of this booklet.
5. Gather and store clothing for yourself and your children in a hidden area in the house or at a friend's or relative's home.

6. Notify neighbors to contact the police if they hear a loud argument. Have a plan to contact the police in case you can't reach them yourself. For example, teach your children how to call 911 for help in an emergency or devise a code word to use with your children, family members, or neighbors when you need the police.
7. Open a savings and/or checking account in your own name. Think of other ways in which you can increase your independence.
8. Gather important papers and other necessities and store copies of them in a secret place away from your home.

SAFETY PLAN CHECKLIST

Identification Papers

- Birth Certificates
- Social Security Cards
- Green Cards/Visas
- Passports
- School Records
- Driver's License, Car Registration, Insurance Card

Legal Information

- Police Reports
- Copy of Restraining Orders
- Marriage/Divorce/Legal Papers

Financial Information

- Money/Credit Cards
- Income Tax Returns
- Wage/Income Information
- Bank Account Information

Medical Information

- Vaccination Records
- Medical Insurance Cards
- Medications/Medical Records
- Prescriptions

Other

- Set of House Keys/Car Keys
- Cell Phone Charger
- Suitcase with Clothes

Leave copies of the original documents with a friend or relative.

SAFETY DURING A VIOLENT INCIDENT

1. Leave the home immediately, if possible. Go to a safe place and then contact the police.
2. If an argument seems unavoidable, move into a room that has access to an exit or telephone. Try to avoid rooms such as the bathroom, garage, or kitchen where your abuser can use common household items as weapons.
3. Call the police (911) and/or devise a code word to use with your children, family members, or neighbors when you need the police.
4. Use your own instincts and judgment to remove yourself safely from the dangerous situation.

SAFETY WHEN YOUR ABUSER NO LONGER LIVES WITH YOU OR NEVER DID

1. Change the locks on your doors as soon as possible. Purchase additional locks and/or safety devices to secure your windows.
2. Change all your phone numbers and add a call-screening service to your phone.
3. Change your e-mail address as well as your online passwords, security questions, and PIN codes. Call your utility company and ask them to add a password that only you know to your account.
4. Limit your use of social media and make sure your privacy settings on your social networking pages are up-to-date.
5. Close your bank accounts and re-open new ones at a different bank than the abuser uses.
6. Get a new computer, if possible. If you cannot get a new computer, take steps to delete spyware on your computer.
7. Discuss the safety plan with your children for those times you may not be with them. If possible, provide them with a cell phone when they go for visits with your abuser or arrange alternate plans for them if they feel they are in danger.

8. Inform neighbors/landlord that your abuser no longer lives with you and that they should contact the police if they see your abuser near your home.
9. After getting a Temporary or Final Restraining Order, keep it with you at all times. Keep copies at work, at the children's schools, with a family member or friend.
10. Make safety arrangements at work, such as being walked to and from the parking lot, having your calls screened, and notifying the security guards about the potential for danger.
11. Where possible, avoid familiar locations (such as stores and restaurants) where your abuser will be likely to look for you.

Be prepared with a safety plan because leaving can make your situation more dangerous.

WHERE TO GO FOR A TEMPORARY RESTRAINING ORDER (TRO)

Apply for a Temporary Restraining Order (TRO) in the county's Family Court during the hours of 8:30 a.m. – 3:30 p.m. (Monday – Friday).

*Please note: if it is before 8:30 a.m., after 3:30 p.m., a weekend or a court holiday, you may go to your local police station to get a TRO.

For more information regarding Domestic Violence Units in each county's Family Court, please visit: www.njcourts.gov.

SERVICES FOR DOMESTIC VIOLENCE VICTIMS

There are many services available for victims of domestic violence that are offered throughout New Jersey, including emergency assistance, shelters, counseling, advocacy programs, and financial and legal assistance. These types of services are described below. Contact information for specific organizations can be found in the last few pages of this booklet.

1. EMERGENCY PROGRAMS:

- **Domestic Violence Hotlines** provide emergency information and support for victims 24/7.
- **Domestic Violence Shelters** offer emergency housing and support for victims 24/7.

2. COUNSELING SERVICES:

- **For Victims:** There are specialized domestic violence counseling programs throughout New Jersey. Should you seek counseling at mental health centers, be sure to ask if the counselor has special training or experience in working with those affected by domestic violence, since not all therapists are familiar with the dynamics of relationship abuse.
- **For Children:** Children may suffer from feelings of anger, fear, shame, and conflicted loyalties. The resources available to you may also have services for children or if not, may refer you to programs that provide counseling for your children.
- **For Abusers:** The most appropriate type of counseling for those who are abusive is a special group program known as Batterers Intervention Program. “Couples counseling” is not a recommended form of treatment. However, if you choose couples counseling, it is essential that the abuser first takes responsibility for the abuse and has learned that controlling behavior is a form of abuse.

FINANCIAL ASSISTANCE:

Emergency Assistance: The New Jersey Department of Human Services has established special regulations to make it easier for victims of domestic violence to get benefits. Be sure to tell the agency that you are a victim of domestic violence because special rules apply.

Emergency Assistance is a “fast track” for getting quick approval of the application for public assistance and receiving cash benefits. Approval should occur within 10 days of the application. You may qualify for assistance with housing, including temporary rental assistance, back rent, mortgage payments, hotel vouchers, or housing in a shelter. You may also qualify for essential food, clothing, household furnishings, utility payments, transportation to search for housing, and moving expenses. This Emergency Assistance will only last for one year, but you can sometimes apply for an extension.

To apply, contact the Board of Social Services through your County Welfare Agency.

Victims of Crime Compensation Office (VCCO): VCCO may provide money to domestic violence victims for such needs as:

- Moving expenses
- Medical expenses
- Counseling expenses
- Lost wages of a certain amount per week for a period of time
- Loss of financial support for up to a certain period of time
- Attorney fees
- Child care/day care

To qualify for this assistance, you will need to show that you have filed a criminal report on the abuse incident and you will be asked to fill out an application for VCCB’s review. Visit

www.nj.gov/oag/njvictims/applications.html to apply online or call toll free 877-658-2221.

Unemployment: If you lost your job as a result of domestic violence, you may be eligible for unemployment benefits.

4. LEGAL ASSISTANCE:

There are many legal needs that a victim of domestic violence may have. When seeking legal assistance, it is important to ask if the lawyer has had experience and/or training regarding domestic abuse issues. There are a few legal services and nonprofit organizations that provide free representation and/or legal advice for individuals who are low income and qualify for these services. A victim may wish to seek help from a lawyer for the following:

- Final Restraining Order Hearing
- Custody and Child Support
- Divorce and Spousal Support
- Immigration: Victims of domestic violence who are undocumented are provided the same legal protections against abuse as those who are documented. However, it is crucial to consult with an immigration attorney if you have any immigration issues. See the Resources section of this booklet on page 43.

5. ADDRESS CONFIDENTIALITY PROGRAM (ACP):

New Jersey has established a statewide program for domestic violence victims whereby they can use as their address a post office box that is maintained by the state. To apply, contact your county's local domestic violence program to complete an application; the program will forward your application to the Address Confidentiality Office. The ACP will review the application and issue an ACP authorization card. Please see the back of this handbook for a list of domestic violence programs by county. For more information about the ACP, please contact the ACP at 1-877-218-9133 or go online to the New Jersey Coalition to End Domestic Violence website at www.njcedv.org/privacy-confidentiality.

DOMESTIC VIOLENCE PROGRAMS BY COUNTY

Each county in New Jersey has a primary domestic violence agency that provides a 24-hour hotline, a shelter, counseling, legal advocacy, and other services. The national domestic violence hotline will connect you to your local provider. Hearing impaired victims may dial 711 to connect to any domestic violence program.

NATIONAL DOMESTIC VIOLENCE HOTLINE

Toll free: 800-799-SAFE (7233)
Hearing Impaired: 800-787-3224

ATLANTIC COUNTY

ATLANTIC COUNTY WOMEN'S SHELTER

Emergency Shelter 24-hour Hotline: 609-646-6767
Toll Free: 800-286-4184
Hearing Impaired: 609-569-5437

BERGEN COUNTY

CENTER FOR HOPE AND SAFETY

Emergency Shelter 24-hour Hotline: 201-944-9600
Hearing Impaired: 201-836-3071

ALTERNATIVES TO DOMESTIC VIOLENCE

Bergen County Department of Human Services

Emergency 24-hour Hotline: 201-336-7575

BURLINGTON COUNTY

PROVIDENCE HOUSE

Emergency 24-hour Hotline: 609-871-7551
Toll Free: 877-871-7551

CAMDEN COUNTY

CAMDEN COUNTY WOMEN'S CENTER

Emergency Shelter 24-hour Hotline: 856-227-1234

CAPE MAY COUNTY

CARA, INC. (COALITION AGAINST RAPE & ABUSE, INC.)

Emergency Shelter 24-hour Hotline: 609-522-6489

Toll Free: 877-294-2272

CUMBERLAND COUNTY

SERVICES EMPOWERING RIGHTS OF VICTIMS

Emergency 24-hour Hotline: 800-225-0196

ESSEX COUNTY

THE SAFE HOUSE

Emergency Shelter 24-hour Hotline: 973-759-2154

FAMILY VIOLENCE PROGRAM/BABYLAND

Emergency Shelter 24-hour Hotline: 862-438-8045

Hearing Impaired: 862-438-8999

RACHEL COALITION/JEWISH FAMILY SERVICE

Emergency 24-hour Hotline: 973-740-1233

GLOUCESTER COUNTY

SERVICES EMPOWERING RIGHTS OF VICTIMS

Emergency 24-hour Hotline: 866-295-7378

HUDSON COUNTY

WOMENRISING

Emergency Shelter 24-hour Hotline: 201-333-5700

HUNTERDON COUNTY

SAFE IN HUNTERDON

908-788-7666

Emergency 24-hour Hotline:

888-988-4033

Hearing Impaired:

ext: 908-455-2927

MERCER COUNTY

WOMANSPACE

Emergency Shelter 24-hour Hotline:

609-394-9000

Hearing Impaired:

609-619-1888

MIDDLESEX COUNTY

WOMEN AWARE

Emergency Shelter 24-hour Hotline:

732-249-4504

MONMOUTH COUNTY

180 TURNING LIVES AROUND, INC.

Emergency Shelter 24-hour Hotline:

732-264-4111

Toll Free:

888-843-9262

Hearing Impaired:

732-264-3089

MORRIS COUNTY

JERSEY BATTERED WOMEN'S SERVICES

Emergency Shelter 24-hour Hotline:

973-267-4763

Hearing Impaired:

Text: 973-314-4192

OCEAN COUNTY

PROVIDENCE HOUSE - OCEAN

Emergency Shelter 24-hour Hotline:

732-244-8259

Toll Free:

800-246-8910

PASSAIC COUNTY

PASSAIC COUNTY WOMEN'S CENTER

Emergency shelter 24-hour Hotline: 973-881-1450

SALEM COUNTY

SALEM COUNTY WOMEN'S SERVICES

Emergency Shelter 24-hour Hotline: 856-935-6655

Toll Free: 888-632-9511

Hearing Impaired: 856-935-7118

SOMERSET COUNTY

SAFE AND SOUND

Emergency Shelter 24-hour Hotline: 973-875-1211

Hearing Impaired: 908-359-8640

SUSSEX COUNTY

DOMESTIC ABUSE AND SEXUAL ASSAULT INTERVENTION

Emergency 24-hour Hotline: 973-875-1211

Hearing Impaired: 973-876-6369

Text: 973-222-2593

UNION COUNTY

PROJECT: PROTECT

Emergency Shelter 24-hour Hotline: 908-355-4357

WARREN COUNTY

DOMESTIC VIOLENCE AND SEXUAL ASSAULT CRISIS CENTER

Emergency 24-hour Hotline: 908-453-4181

ESSEX COUNTY RESOURCES

Legal Services and Consultations (Family Law):

Family Justice Center:	973-230-7229
Partners for Women and Justice	972-233-0111
Rachel Coalition	973-740-1233
Essex Newark Legal Services	973-624-4500
Volunteer Lawyers for Justice	973-645-1955
Essex County Bar Association Lawyer Referral Services	973-622-6204

Immigration Legal Services and Consultations

American Friends Immigration Rights	973-643-1924
Catholic Charities Immigration Services	973-733-3516
La Casa de Don Pedro	973-481-4568

Domestic Violence Services (counseling, support groups, advocacy)

Family Justice Center- 60 Nelson Place, Newark	973-230-7229
Rachel Coalition/Jewish Family Service of MetroWest	973-740-1233
La Casa de Don Pedro	973-483-2703
University Hospital (Newark)	973-972-4300
Family Service Bureau of Newark	973-412-2056

Wise Women	973-877-3395
Family Service League	973-746-0800
Nutley Family Services	973-667-1884
Family Connections	973-675-3817
Essex Prosecutor's Victim-Witness Office	973-621-4687

Other Services

Public Assistance Information	973-733-3000
Community Agencies Corporation	973-623-2800
N.J. 211/United Way (food, shelter, health, etc.)	211
Ironbound Community Corporation	973-465-0947
Lighthouse Social Services (Batterers Intervention)	973-676-9300
Jewish Family Service of MetroWest	973-765-9050

STATE OF NEW JERSEY RESOURCES

NEW JERSEY STATE HOTLINE 800-572-SAFE (7233)

Legal Services and Consultations

Partners for Women and Justice	973-233-0111
Rachel Coalition	973-740-1233
Legal Services of New Jersey DV Representation Project	888-576-5529
Seton Hall Center for Social Justice	973 -642-8700
Community Health Law Project (<i>persons with disabilities/elderly</i>)	973-275-1175
New Jersey State Bar Association	732-249-5000
Jersey Battered Women's Services	973-267-4763
NCJW/Essex Women's Center	973-994-4994

Immigration Legal Services and Consultations

American Friends Immigration Rights Program	973-643-1924
Catholic Charities Immigration Services	973-733-3516
Legal Services of New Jersey Immigration Rights Program	888-576-5529

Statewide Services

Victims of Crime Compensation Office (VCCO)	877-658-2221
New Jersey Coalition to End Domestic Violence	609-584-8107
Project Sarah (Orthodox Jewish Community)	973-777-7638
Manavi (South Asian Community)	732-435-1414
Division of Women, Prevention of Violence	609-888-7164
Division of Child Protection and Permanency	800-792-8610
Adult Protection Services (Elderly)	800-222-3737
National Sexual Assault Hotline	800-656-4673
Mental Health Association of New Jersey	800-367-0636

DOMESTIC VIOLENCE WEBSITE RESOURCES

Rachel Coalition	www.rachelcoalition.org
Partners for Women and Justice	www.pfwj.org
NCJW/Essex Center for Women	www.ncjwessex.org
National Coalition Against Domestic Violence	www.ncadv.org
National Domestic Violence Hotline	www.ndvh.org
National Center on Elder Abuse	www.elderabusecenter.org
American Bar Association	www.abanet.org/domviol
New Jersey State Bar Foundation	www.njsbf.org
New Jersey Coalition to End Domestic Violence	www.njcedv.org
Violence Against Women Library	www.vawnet.org
Womens Law	www.womenslaw.org

If you do not own your own computer or have access to one, go to your public library.

Safety Alert: Computer use can be monitored. If you are afraid that your home computer might be monitored, please use a safer computer, such as one at a library, or call your local hotline or the National Domestic Violence hotline at 800-799-SAFE (7233).

RACHEL COALITION SERVICES

Legal Services

- Legal Consultation/Restraining Order Representation
- Court Advocacy
- Legal Referrals

Counseling/Evaluation

- Individual
- Family
- Group

Community Services

- Speakers Bureau
- Volunteer Training
- Community Education Programs

Crisis Intervention

- 24-hour Response
- Case Management
- Shelter Referrals

For more information, call 973-740-1233

PARTNERS FOR WOMEN AND JUSTICE SERVICES

Legal Services

- Legal Advice/Representation Domestic Violence
- Legal Advice/Representation Custody, Visitation, Support
- Workshops/Clinics in Family Law and Domestic Violence
- Pro Bono Lawyer Training

Community Services

- Domestic Violence Advocacy
- Women's Issues Advocacy

For more information, call 973-233-0111



a division of Jewish Family Service of MetroWest, NJ

RACHEL COALITION PARTNERS:

Jewish Family Service of MetroWest NJ

National Council of Jewish Women- Essex County Section

National Council of Jewish Women- West Morris Section

Women's Philanthropy of Jewish Federation of Greater MetroWest

Saint Barnabas Medical Center

Hadassah- Northern New Jersey Region

Jewish Women International- North Atlantic Region

JCC MetroWest

973-740-1233

www.rachelcoalition.org



Jewish Family Service
of MetroWest New Jersey

256 Columbia Turnpike
Florham Park, NJ 07932
www.jfsmetrowest.org



A beneficiary agency of
Jewish Federation
OF GREATER METROWEST NJ

Partners
FOR WOMEN AND JUSTICE

60 So. Fullerton Ave. #106
Montclair, NJ 07042

973-233-0111

www.pfwj.org