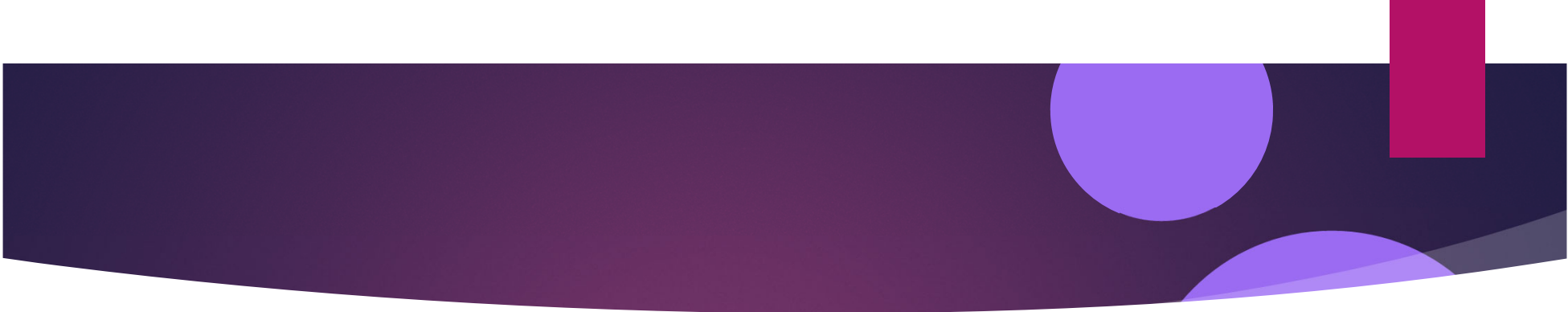
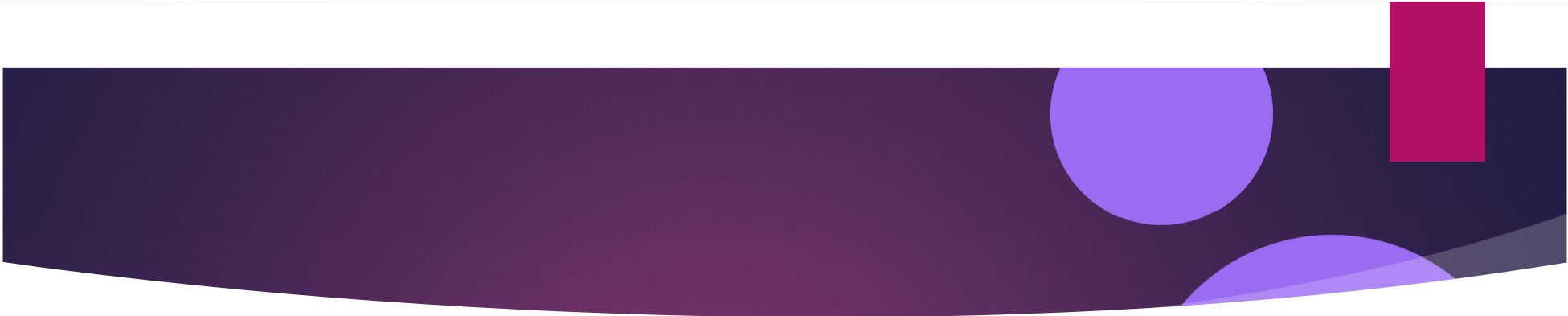




# What Do I Need To Know About: Domestic Violence Laws and the Disability Community – Part 2

E F CHOWDHRY LAW PRACTICE  
A LIMITED LIABILITY COMPANY  
EHSAN F. CHOWDHRY, ESQ.

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- ▶ Introduction
  - ▶ Prevention of Domestic Violence Act of 1991 – N.J.S.A. 2C:25-17
    - ▶ Legislative intent is to provide the maximum protection from abuse that the law could provide and to ensue full access to the protections of the legal system.
    - ▶ Confidentiality

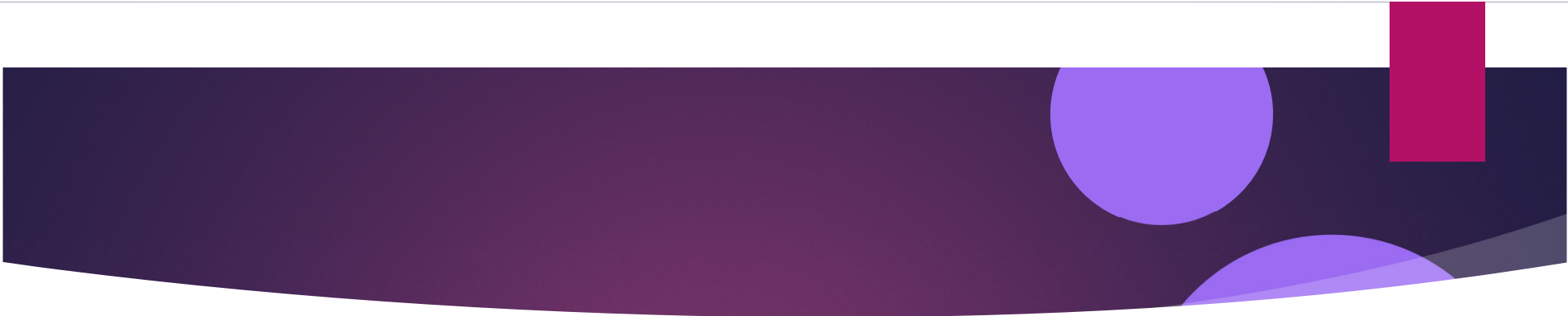
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- ▶ Found in New Jersey Code of Criminal Justice
    - ▶ Civil matter, heard in family part using criminal rules – no jury – no right to an attorney
  - ▶ Evolving laws for greater protection in Domestic Violence arena
    - ▶ Bail Reform
    - ▶ Aggravating Factors in Criminal Code. N.J.S.A. 2C:44-1( a)(14), (15)
    - ▶ Preclusion of Conditional Dismissals
    - ▶ PTI Issues

- 
- ▶ Cycle of Domestic Violence
  - ▶ Framework
    - ▶ Constitution
    - ▶ Statute
    - ▶ Case Law
    - ▶ Administrative Code
    - ▶ Rules of Evidence
    - ▶ Rules of Professional Conduct
    - ▶ Rules of Court
    - ▶ AOC Directives
    - ▶ AG Guidelines or Directives
    - ▶ Local Court / Judge Customs



▶ Other Areas of Law Implicated

- ▶ Criminal
- ▶ Personal Injury
- ▶ Education
- ▶ DCPP
- ▶ Family
- ▶ Immigration
- ▶ Juvenile
- ▶ Real Estate
- ▶ Tax
- ▶ Wills

- 
- ▶ Domestic Violence defined in New Jersey
    - ▶ 1 of 19 broad categories of crimes and offenses as defined by statute. N.J.S.A. 2C:25-19(a)(1)-(19)
  - ▶ Spotting the Signs / What to Do
    - ▶ Withdrawn
    - ▶ Absences
    - ▶ Mood changes
    - ▶ Hospital visits
    - ▶ Frequent excuse making



▶ Victim of Domestic Violence defined in New Jersey

- ▶ Examples found in statute. For instance, dating relationship. N.J.S.A. 2C:25-19(d)
- ▶ Ingredients that lead to Domestic Violence

Mental health  
Abused themselves  
Anger issues  
Stress  
Alcohol  
Drugs

Lack of spirituality  
Lack of social circle  
Lack of familial structure  
Poverty  
Lack of resources  
Lack of education

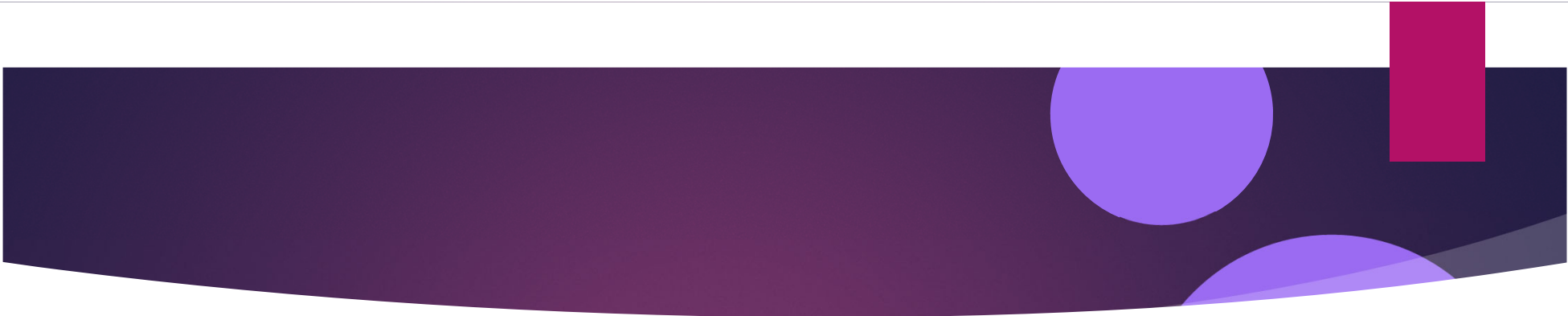
Self-esteem issues  
Financial strains



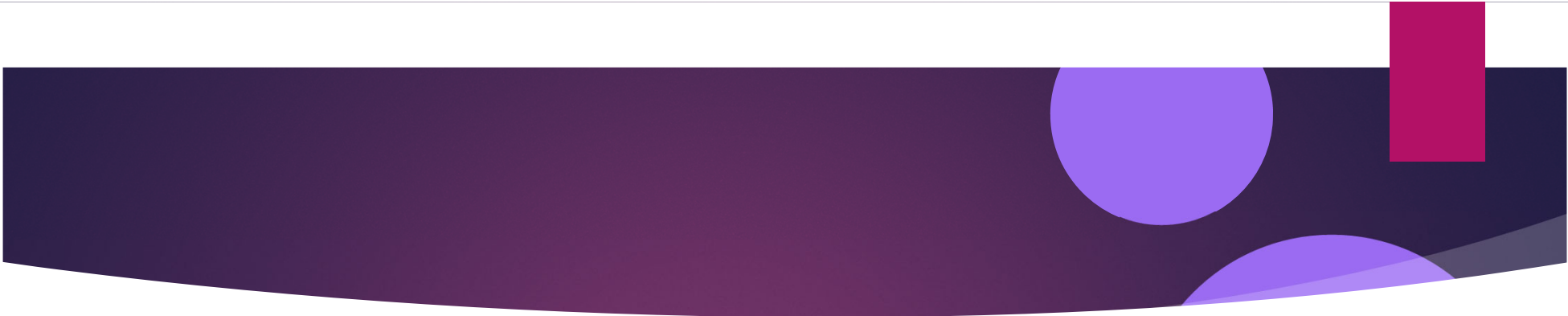
▶ Venue

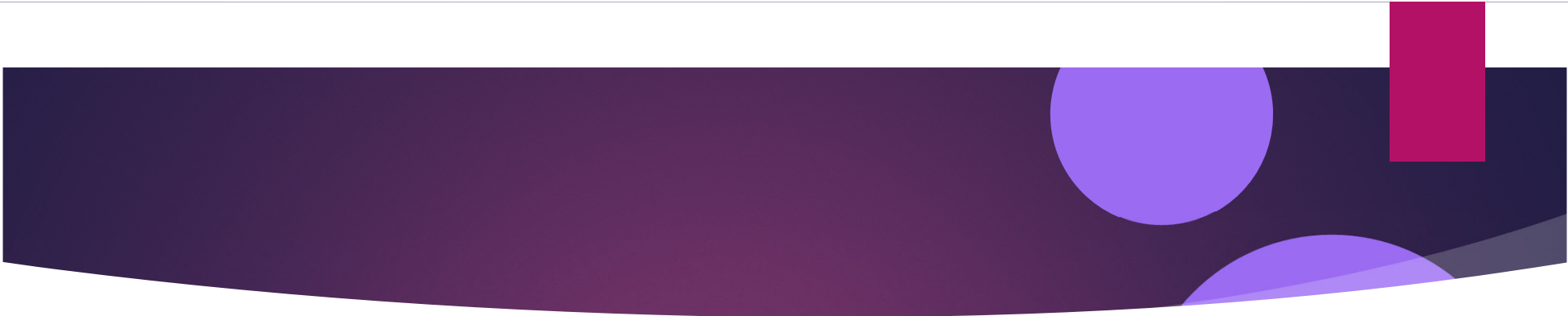
- ▶ New Jersey Superior Court, Chancery Division, Family Part for where the act(s) of domestic violence occurred, where the Defendant resides or where the Victim resides



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- ▶ What is a Temporary Restraining Order (TRO)
    - ▶ Standard form – last revision from February 2021
    - ▶ Protections – for you, children, other members
    - ▶ Seizure of Weapons
    - ▶ Companion Criminal Matters
      - ▶ Duration
        - ▶ Until Final Restraining Order granted or dismissed
        - ▶ By court Rule must be heard in 10 days
    - ▶ Amendments to TRO to include past history of domestic violence

- 
- ▶ Role of the Attorney
  - ▶ Trial Issues
    - ▶ In person or virtual court
    - ▶ Battered victim confronting abuser
    - ▶ Witnesses
    - ▶ Evidence
    - ▶ Interpreters
    - ▶ Experts
    - ▶ Medical reports
    - ▶ Police

- 
- ▶ Lesser Protection & Other Protections
    - ▶ Civil Restraints
    - ▶ SASPA
    - ▶ No Contact Orders

- 
- ▶ Level of Proof
    - ▶ Preponderance of evidence standard. N.J.S.A. 2C:25-29(a)
  - ▶ LEVELS OF PROOF
    - ▶ Victim of domestic violence AND
    - ▶ Predicate act committed AND
    - ▶ Prevent further abuse – Silver v. Silver standard
  - ▶ Final Restraining Orders
    - ▶ Permanency in New Jersey



▶ Protections & Secondary Issues

- ▶ Permanent revocation of Firearms Identification Purchaser Cards, Firearms and Ammunition
- ▶ Potential Immigration Issues
- ▶ Monetary fines
- ▶ Fingerprints
- ▶ Psychiatric evaluation
- ▶ Batterer's intervention
- ▶ Domestic Violence Restraining Orders, Central Registry – Permanent, Not Expungable
- ▶ Security Clearance
- ▶ Issues regarding children
- ▶ Restitution
- ▶ Spousal support
- ▶ Payment of reasonable attorneys fees
- ▶ Loss of domestic animal
- ▶ If violated, facing potentially a criminal contempt 4th degree crime



▶ Appeals

▶ Vacating or Dissolving a Final Restraining Order



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