

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

Richard J. Hughes Justice Complex • P.O. Box 037 • Trenton, NJ 08625-0037 njcourts.gov • Tel: 609-376-3000 • Fax: 609-376-3002

**TO: Assignment Judges
Trial Court Administrators**

FROM: Glenn A. Grant, J.A.D.



**RE: Family – Domestic Violence – (New) Application to Amend Domestic
Violence Complaint and Instructions Packet**

DATE: December 8, 2020

DIRECTIVE # 25-20

[Questions or comments may be directed to
(609) 815-2900, ext. 55350]

The Judiciary continues to remove barriers to justice for victims of domestic violence affected by the public health crisis. This Directive promulgates a domestic violence form and instruction packet for victims who have already been granted a temporary restraining order (TRO) to administratively amend their Complaint for certain reasons. The Application to Amend Domestic Violence Complaint was approved by the Supreme Court and is effective immediately for implementation in every vicinage.

Current protocol for amending the Complaint requires victims to come to the courthouse and testify on the record. The ongoing COVID-19 crisis has exacerbated operational challenges to scheduling and conducting those testimonial hearings, especially for victims who lack access safe access to technology in order to participate in virtual court proceedings. This Directive allows victims to amend the Complaint for any of the following reasons, without having to come to the courthouse or provide testimony:

1. To add additional verbiage about the predicate offense that was not captured on the original complaint;
2. To indicate if the defendant violated the restraining order and/or to capture additional predicate acts that were not designated on the original complaint;
3. To add additional prior domestic violence history that was not captured on the original complaint; and,
4. To add any children that were not referenced in the original complaint.

A victim seeking to amend the domestic violence complaint will complete the attached form and submit it remotely through the Judiciary Electronic Document System (JEDS). This new administrative process eliminates the need for the victim to come to the courthouse or the need to testify on the record. If, however, the victim requests to amend the Order for a reason other than the four specified above, the existing process is still in effect, meaning, they are required to testify on the record, either in person or remotely, in order for the court to consider the request.

In the eTRO system, the Complaint and Order are one document. Court staff will amend only the Complaint portion of the document. There will not be any amendments made to the Order portion. Therefore, to complete this process staff will need to create an Amended TRO by taking the following steps:

1. Enter the Application to Amend Domestic Violence Complaint in FACTS with the I214 code (Application to Amend TPO).
2. Enter **verbatim** on an Amended Complaint the language that was submitted by the victim on the Application to Amend Domestic Violence Complaint form.
3. Send the amended complaint and Order electronically to the appropriate judge for signature.
4. After the judge has signed the order, staff will send the Amended Complaint and signed Order electronically through eTRO to the appropriate law enforcement agency for personal service on the defendant.

This process shall remain in place until the eTRO application is modified so that the Complaint and Order are two separate documents.

Questions should be directed to the Family Practice Division at (609) 815-2900 ext. 55350.

Attachments:

How to File an Amended Domestic Violence Complaint Packet (CN 12598)
Application to Amend Domestic Violence Complaint (CN 12600)

cc: Chief Justice Stuart Rabner
Family Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Special Assistants to the Administrative Director
Amelia Wachter-Smith, Chief, Family Practice
Family Division Managers and Assistant Division Managers
Family Domestic Violence Team Leaders and Hearing Officers



How to File an Amended Domestic Violence Complaint Superior Court of New Jersey - Chancery Division - Family Part

IF YOU ARE IN IMMEDIATE DANGER, call 911 or your local police

Who Should Use This Packet?

To file to amend your domestic violence complaint using this packet, you must be amending your complaint for one or more of the following reasons:

- Add additional information about the incident that led you to file a complaint for a restraining order
- The defendant violated the restraining order and/or committed additional acts of domestic violence and you want to add the new acts to the complaint
- Add additional information about prior history of domestic violence between you and the defendant that was not on your original complaint, or
- Add the names of the children that you and the defendant have in common that were not included on the original domestic violence complaint that you filed in this matter.

Note: If you want to amend your temporary domestic violence complaint and/or your TRO for other reasons than listed above such as to seek additional reliefs for visitation or financial support, please call the Family Division Office in the county of venue for additional instructions. The telephone numbers for each county Family Division Office are located on our website njcourts.gov.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available at the county courthouse or on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted through the Judiciary Electronic Document Submission (JEDS) system to your local Family Division. JEDS can be found on our website at njcourts.gov

Things to Think About Before You Try to Represent Yourself in Court

Try to Get a Lawyer

The law, the proofs necessary to present your case, and the procedural rules governing cases in the Family Division are complex. It is recommended that you make every effort to obtain the assistance of a lawyer. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found online under “Legal Aid” or “[Legal Services](#).”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Most county bar associations have a [Lawyer Referral Service](#).

The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and will sometimes consult with you at a reduced fee.

There are a variety of organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask the Family Division Office staff in your county for a list of lawyer referral services that include these organizations.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

Make and keep copies for yourself, written agreements, Case Information Statements, and other important papers that relate to your case

Definitions of Court Terms Used in Domestic Violence Cases

Certification - A *certification* is a written statement made to the court when you file papers with the court, swearing that the information contained in the filed papers is true subject to penalty if any statement is willfully false.

Complaint - A *complaint* is a formal document filed in court that starts a case. It typically includes the names of the parties and the issues you are asking the court to decide.

Court Order - A *court order* is the written decision issued by a court of law. For example, a child support court order sets forth how often, how much, and what kind of support is to be paid.

Defendant - the party sued in a civil lawsuit or the party charged with a crime in a criminal prosecution. In some types of cases (such as divorce) a defendant may be called a respondent.

Docket Number - The *docket number* is the identifying number assigned to every case filed in the court.

File - To *file* means to give the appropriate forms to the court to begin the court's consideration of your request.

FV: The letters the court uses to identify a Domestic Violence restraining order and a Sexual Assault Protection Order.

Judiciary Electronic Document Submission (JEDS) system - The *JEDS system* is an electronic filing system for self-represented litigants for submitting documents to the court. Attorneys can **only** use the JEDS system in cases **not** managed through eCourts.

Party - A *party* is a person, business, or governmental agency involved in a court action.

Plaintiff - is the party who initiates a lawsuit (also known as an action) before a court

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ "x 11" white paper only. Forms cannot be filed on a different size or color paper. Use only the forms included in this packet. Be sure to keep a copy for your records.

Steps for Filing an Application to Amend Domestic Violence Complaint

STEP 1: Fill out the *Application to Amend Domestic Violence Complaint (Form A)*

The Application to Amend Domestic Violence Complaint is a written request in which you ask the court to add additional information to the domestic violence complaint that you previously filed with the court. There are four reasons to amend your domestic violence complaint listed on the application.

If you want to amend your complaint and/or order for any other reason, please call the Family Division Office of the county in which your order was granted for additional instructions. The telephone numbers for each Family Division Office are listed on our website at njcourts.gov.

STEP 2: Check your completed forms and make a copy

Check your form and make sure it is complete. Remove all instruction sheets. Make sure you have signed and dated the form.

STEP 3: Upload your completed paperwork

Upload your completed packet to the Judiciary Electronic Document Submission (JEDS) System. Click on the following link for more information about the JEDS system (including FAQs) and how to register to use the system:

<https://www.njcourts.gov/selfhelp/jeds.html>

You can upload your court forms at any time through JEDS. You will receive a confirmation e-mail from JEDS. However, Superior Court staff

will only process your request during the normal business hours of 8:30am to 3:30pm. Family Division staff will contact you by phone or email within one hour of receipt during the normal court hours. For example, if you submitted your request at 2am, you will receive a call or an e-mail from the Family Division by 9:30am.

When selecting a county to file your paperwork, choose the county where your Temporary Restraining Order was granted.

Next steps:

Once your email is received by the Family Division, your request will be processed, and the amended complaint will be sent to both you and the Defendant.

Please ensure that your contact information (telephone number, home and email address) has been updated with the Family Division Office.

Note: These applications can only be taken at the Superior Court and are not to be accepted at Municipal Courts and/or police departments.

All courthouse addresses can be found on njcourts.gov.

Where to Email Your Filing:

Self-represented litigants can submit emergent matters through the Judiciary Electronic Document System (JEDS). You can find JEDS at the Judiciary website njcourts.gov.

Instructions for Completing the Application to Amend Domestic Violence Complaint Form

1. Enter the names of the parties in the correct order on the “*Plaintiff*” and “*Defendant*” lines. You are the “*Plaintiff*” and the person you filed the domestic violence complaint against is the “*Defendant*”.
2. On the right side of the form, enter the “*County*” where you are filing the application.
3. Enter the *Docket Number* that has been issued in your case. You can find that number on your granted Temporary Restraining order.
4. In the first paragraph, enter the date your temporary restraining order was granted on the line between the words “*restraining order dated _____ to include*”.
5. For items 1, 2 and 3, select one or more of these reasons for amending your complaint. For each reason that you check, you will need to add details about what new information should be added to the complaint.

For item #4, list the information for any children you want to add to the original complaint.

Note: If you want to amend your complaint and/or court order for any reason other than what is listed on the form, please contact the county Family Division Office for additional instructions. The phone number for each county Family Division Office can be found on our website at njcourts.gov.

6. In the *Certification* section, enter your name on the line for *I _____, certify...*
7. Sign and date the form.

Superior Court of New Jersey
Chancery Division - Family Part
County of _____
Docket Number: FV - _____

Plaintiff
v.

Defendant

Application to Amend Domestic Violence Complaint

I am the plaintiff in the above matter, and I am requesting to only amend my complaint for a domestic violence restraining order dated _____ to include the below:

- 1. I would like to provide additional information about the act of domestic violence described in the original complaint. That information is provided here.

- 2. Since I obtained the restraining order, the defendant violated the restraining order and/or committed additional acts of domestic violence. I have detailed what happened below.

- 3. In the past, the defendant committed the following additional act(s) of domestic violence that was either reported or unreported to law enforcement and was not included in my original complaint.
 - a) Incident Date(s) _____ Reported Unreported
Incident Description:

 - b) Incident Date(s) _____ Reported Unreported
Incident Description:

- 4. The defendant and I have children together who were not included in the original complaint, (include name, sex, date of birth, person with whom child resides).

Certification

I _____ (name) certify that the foregoing responses made by me are true. I understand that this amendment will **only** change my previously filed domestic violence complaint. The Temporary Restraining order remains in effect as issued. I am aware that if any of the foregoing responses made by me are willfully false, I am subject to punishment.

Date

s/

Signature of Plaintiff