

**ASSEMBLY, No. 4034**

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**STATE OF NEW JERSEY**

**217th LEGISLATURE**

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INTRODUCED JULY 21, 2016

**Sponsored by:**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Assemblyman Dancer**

**SYNOPSIS**

Establishes “Monica’s Law” concerning domestic violence risk assessment pilot program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/9/2016)**

1 AN ACT establishing “Monica’s Law” concerning a domestic  
2 violence risk assessment pilot program, amending P.L.1991,  
3 c.261, P.L.2003, c.225, P.L.2005, c.204, R.S.43:21-5 and  
4 supplementing Title 2B of the New Jersey Statutes.

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

8  
9 1. (New section) This act shall be known and may be cited as  
10 the “Domestic Violence Risk Assessment Pilot Program.”

11  
12 2. (New section) The Legislature finds and declares that:

13 a. The incidence of domestic violence has far reaching and  
14 lasting impact affecting not only the victims of the violence but the  
15 children in the household who are exposed, directly or indirectly, to  
16 family violence as well;

17 b. Protecting the victim’s health, safety, and welfare is in the  
18 best interest of the children of the victim of domestic violence;

19 c. Acts of violence committed against a child who is the  
20 offspring of a victim of domestic violence is, like the domestic  
21 violence act, an escalating problem in the State and across the  
22 nation, placing these children at a risk of serious injury or death;

23 d. The actual incidence of violence is likely higher than  
24 reported for various reasons, including that victims under-report  
25 incidents out of fear of reprisal, isolation and embarrassment;

26 e. Preventing retaliatory violence against the child of a  
27 domestic violence victim is essential for protecting and preserving  
28 the life of these young victims;

29 f. Indicators of retaliatory violence against the child of the  
30 victim and the actor are in existence and should be further  
31 developed and used or applied to determine the likelihood that a  
32 domestic violence actor will commit an act of violence against a  
33 child of a domestic violence victim.

34  
35 3. (New section) a. The Administrative Offices of the Court  
36 shall establish a pilot program in Essex and Passaic counties, the  
37 purpose of which shall be to impose a mandatory risk assessment  
38 requirement, prior to issuing an award of visitation, in all cases  
39 where a final domestic violence restraining order has been issued  
40 and where the actor and the victim have a child in common and  
41 enumerated risk factors are present.

42 b. The Administrative Office of the Courts shall develop a  
43 questionnaire to be completed by a domestic violence complainant  
44 in accordance with section 4 of P.L. , c. (C. ) (pending  
45 before the Legislature as section 4 of this bill). The Administrative

**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 Office of the Courts may solicit input from other agencies and  
2 community organizations with an expertise in domestic violence.  
3 The questionnaire shall be made available in English and Spanish  
4 language versions. The questionnaire shall include but will not be  
5 limited to questions on the following topics: use of a weapon; use of  
6 threats of physical harm; and fear for the safety of the victim or the  
7 victim's family.

8 For purposes of this section, a "risk assessment" means an  
9 assessment of the likelihood that the person against whom the final  
10 restraining order is issued will commit an act of violence against the  
11 victim or against the child which the actor and the victim have in  
12 common, performed by the following qualified, licensed  
13 professionals: a licensed psychiatrist, a licensed psychologist, a  
14 licensed social worker a licensed family therapist, a licensed  
15 professional counselor, a domestic violence specialist or an  
16 employee within the Administrative Office of the Court who by  
17 professional qualification and specialized training is qualified to  
18 administer risk assessment.

19

20 4. (New section) A domestic violence complainant shall, at  
21 the time of the filing of the complaint, complete a questionnaire  
22 developed pursuant to section 3 of P.L. ,c. (C. ) (pending  
23 before the Legislature as section 3 of the bill) to determine the  
24 following specific data:

25 a. Whether the person against whom the domestic violence  
26 complaint is filed has a child or children in common with the  
27 victim;

28 b. Whether the person against whom the domestic violence  
29 complaint is filed has ever used or threatened to use a weapon  
30 against the victim or any child;

31 c. Whether the person against whom the domestic violence  
32 complaint is filed has ever threatened to kill the victim or any child;

33 d. Whether the victim believes the person against whom the  
34 domestic violence complaint is filed would attempt to kill or to  
35 cause serious bodily harm to the victim or any child;

36 e. Whether the victim believes the person against whom the  
37 domestic violence complaint is filed would abduct the victim or any  
38 child;

39 f. Whether the person against whom the domestic violence  
40 complaint is filed has ever previously harmed or threatened to cause  
41 physical or emotional harm or neglect to a child;

42 g. Whether the person against whom the domestic violence  
43 complaint is filed has ever physically harmed the plaintiff,  
44 including such acts as choking or suffocating the plaintiff;

45 h. Whether the person against whom the domestic violence  
46 complaint is filed has ever sexually assaulted the plaintiff;

47 i. Whether the plaintiff wants the person against whom the  
48 domestic violence complaint is filed to undergo a risk assessment.

1       5. (New section) a. The completed questionnaire shall be  
2 attached to the domestic violence complaint and shall be considered  
3 by the court hearing the domestic violence matter in order to  
4 determine the presence of risk factors necessitating a risk  
5 assessment.

6       b. In addition to any other relief granted pursuant to section 13  
7 of P.L.1991, c.261 (C.2C:25-29) a risk assessment as defined in  
8 subsection c. of this section shall be ordered by the court in all  
9 cases where:

10       (1) the defendant, in the course of committing the act of  
11 domestic violence, used or threatened to use a weapon on the  
12 plaintiff or on a child;

13       (2) the defendant, in the course of committing the act of  
14 domestic violence, threatened to kill the plaintiff or a child;

15       (3) the plaintiff has expressed a belief that the defendant will  
16 attempt to kill her or a child;

17       (4) the defendant has previously harmed or threatened to cause  
18 physical or emotional harm or neglect to a child;

19       (5) The plaintiff has expressed the belief that the defendant will  
20 attempt to abduct a child;

21       (6) The defendant has physically harmed the plaintiff, including  
22 such acts as choking or suffocating the plaintiff;

23       (7) The defendant has sexually assaulted the plaintiff; or

24       (8) In other circumstances as may be determined by the  
25 Administrative Director of the Administrative Office of the Courts,  
26 in consultation with other public and private groups with an  
27 expertise in the prevention of domestic violence or the prevention  
28 of child abuse.

29       c. The Administrative Director of the Administrative Office of  
30 the Courts, in consultation with public and private groups with an  
31 expertise in the prevention of domestic violence or the prevention  
32 of child abuse shall establish a separate, standardized risk  
33 assessment tool, which may be augmented with additional questions  
34 by an individual risk assessor, for:

35       (1) the defendant in the domestic violence matter;

36       (2) the plaintiff in the domestic violence matter;

37       (3) an age appropriate risk assessment for any child the  
38 defendant and the plaintiff have in common.

39

40       6. (New section) A risk assessment shall be mandatory in  
41 cases where there has been a violation of a final domestic violence  
42 restraining order. A risk assessment is mandatory in cases where  
43 the court makes a determination of parenting time subsequent to a  
44 complaint of domestic violence against one of the parents seeking  
45 parenting time.

46

47       7. (New section) A qualified applicant for a risk assessor  
48 certification shall be a licensed professional who is trained as

1 defined in sections 9, 10 and 11 of P.L. c. (C. ) (pending  
2 before the Legislature as sections 9, 10 and 11 of this bill) and who  
3 is:

- 4 a. a licensed psychiatrist;
- 5 b. a licensed psychologist;
- 6 c. a licensed social worker;
- 7 d. a licensed family therapist;
- 8 e. a licensed professional counselor;
- 9 f. a domestic violence specialist; or
- 10 g. an employee of the Administrative Office of the Courts who  
11 by professional qualification and specialized training is qualified to  
12 administer risk assessment.

13

14 8. (New section) The Administrative Office of the Courts  
15 may direct a court employee to perform a risk assessment at no  
16 charge if:

- 17 a. the defendant establishes that he cannot afford the cost of a  
18 risk assessment for himself, the plaintiff in the domestic violence  
19 matter, and any child which they share in common;
- 20 b. there are no qualified licensed health professionals described  
21 in section 7 of P.L. c. (C. ) (pending before the Legislature as  
22 section 7 of this bill) reasonably available to perform a risk  
23 assessment who has completed the required domestic violence risk  
24 assessment training which is set forth in sections 9, 10 and 11 of  
25 P.L. c. (C. ) (pending before the Legislature as sections 9, 10  
26 and 11 of this bill);
- 27 c. the court employee has completed the required domestic  
28 violence risk assessment training; and
- 29 d. the court employee has knowledge of the psychological and  
30 developmental needs of children and parent-child relationships and  
31 any other qualification the court deems necessary.

32

33 9. (New section) A qualified risk assessor shall complete 12  
34 hours of basic instruction within a 12-month period, which shall  
35 include, but which shall not be limited to:

- 36 a. the effects of domestic violence on children;
- 37 b. the nature and extent of domestic violence;
- 38 c. the social and family dynamics of domestic violence;
- 39 d. techniques for identifying and assisting families affected by  
40 domestic violence;
- 41 e. the availability and use of domestic violence risk  
42 measurement tools;
- 43 f. interviewing, documentation of, and appropriate  
44 recommendations for families affected by domestic violence;
- 45 g. the legal rights of, and remedies available to, victims;
- 46 h. the availability of community and legal domestic violence  
47 resources; and

1 i. the availability of community resource networking intended  
2 to familiarize the qualified risk assessor with domestic violence  
3 resources in the geographical area where the family being assessed  
4 resides.

5  
6 10. (New section) A qualified risk assessor shall also complete  
7 16 hours of advanced training within the first year following the  
8 completion of the basic instruction, which shall include, but is not  
9 limited to, the appropriate structuring of the parenting time  
10 evaluation process including, but not limited to, all of the  
11 following:

12 a. maximizing safety for clients, evaluators, and court  
13 personnel;

14 b. maintaining objectivity;

15 c. gathering and providing balanced information from the  
16 parties and controlling for bias;

17 d. providing separate sessions at separate times to ensure that  
18 the plaintiff and the defendant in the domestic violence case do not  
19 come within proximity of each other;

20 e. evaluating the impact of the risk assessment and  
21 recommendations with particular attention to the dynamics of  
22 domestic violence;

23 f. relevant section of laws, rules, or regulations; and

24 g. the range, availability, and applicability of domestic  
25 violence resources available to victims including, but not limited to,  
26 all of the following: domestic violence service programs;  
27 counseling, including drug and alcohol counseling; legal assistance;  
28 job training; parenting classes; and resources for immigrant  
29 domestic violence victims.

30 h. the range, availability, and applicability of domestic  
31 violence intervention available to perpetrators, including, but not  
32 limited to, all of the following: batterer intervention and treatment  
33 programs; drug and alcohol counseling; legal assistance; job  
34 training and parenting classes;

35 i. the unique issues present in a family and psychological  
36 assessment in a domestic violence case, including but not limited to  
37 the following: the effects of exposure to domestic violence and  
38 psychological trauma on children, the relationship between child  
39 physical abuse, child sexual abuse, and domestic violence, the  
40 differential family dynamics related to parent-child attachments in  
41 families with domestic violence, intergenerational transmission of  
42 familial violence, and manifestations of post-traumatic stress  
43 disorders in children; the nature and extent of domestic violence,  
44 and the relationship of gender, class, race, culture, and sexual  
45 orientation to domestic violence; current legal, psychosocial, public  
46 policy, and mental health research related to the dynamics of family  
47 violence, the impact of victimization, the psychology of  
48 perpetration, and the dynamics of power and control in battering

1 relationships; the assessment of family history based on the type,  
2 severity, and frequency of violence; the impact of being a  
3 perpetrator of domestic violence has on parenting abilities; the uses  
4 and limitations of psychological testing and psychiatric diagnosis in  
5 assessing parenting abilities in domestic violence cases; the  
6 influence of alcohol and drug use and abuse on the incidence of  
7 domestic violence; understanding the dynamics of and differences  
8 between high conflict relationships and relationships between an  
9 abuser and victim; the importance of and procedures for obtaining  
10 collateral information from a probation department, children's  
11 protective services, a police incident report, a pleading regarding a  
12 restraining order, medical records, a school, and other relevant  
13 sources; accepted methods for structuring safe and enforceable  
14 parenting time and parenting plans that ensure the health, safety,  
15 welfare, and best interest of the child, and safeguards for the  
16 parties; understanding that the protection of the mother's health,  
17 safety, and welfare is in the best interest of the child; the  
18 importance of discouraging participants in parenting matters from  
19 blaming victims of domestic violence for the violence and from  
20 minimizing allegations of domestic violence, child abuse, or abuse  
21 against a family member; the uses and limitations of psychological  
22 testing and psychiatric diagnosis in predicting perpetrator  
23 recidivism and dangerousness;

24 j. a knowledge of the issues surrounding child sexual abuse,  
25 which shall include but not limited to the following: children's  
26 patterns of hiding and disclosing sexual abuse occurring in a family  
27 setting; the effects of sexual abuse on children; the nature and  
28 extent of child sexual abuse; the social and family dynamics of  
29 child sexual abuse; techniques for identifying and assisting families  
30 affected by child sexual abuse; legal rights, protections, and  
31 remedies available to victims of child sexual abuse; and

32 k. knowledge of the standards for collecting and presenting  
33 data described in sections 14 through 18 of P.L. , c. (C. )  
34 (pending before the Legislature as sections 14 through 18 of this  
35 bill).

36  
37 11. (New section) Following the completion of advanced risk  
38 assessor training the qualified risk assessor shall complete four  
39 hours of updated training annually that shall include but not be  
40 limited to the following:

41 a. changes in local court practices, case law, and state and  
42 federal legislation related to domestic violence;

43 b. an update of current social science research and theory  
44 including the impact of exposure to domestic violence on children;

45 c. a knowledge of the availability and utilization of new  
46 Domestic Violence instruments to measure risk;

47 d. changes in the range and availability of domestic violence  
48 resources available to victims including, but not limited to:

1 (1) domestic violence service programs;  
2 (2) counseling, including drug and alcohol counseling;  
3 (3) legal assistance;  
4 (4) job training;  
5 (5) parenting classes; and  
6 (6) resources for a victim who is an immigrant;  
7 e. changes in the range and availability of domestic violence  
8 intervention resources available to perpetrators including but not  
9 limited to:

10 (1) batterer intervention and treatment programs  
11 (2) drug and alcohol counseling  
12 (3) legal assistance;  
13 (4) job training;  
14 (5) parenting classes.  
15

16 12. (New section) a. Qualified risk assessors shall be trained  
17 by eligible providers. For the purposes of this act, “eligible  
18 providers” means educational institutions, professional associations,  
19 professional continuing education groups, a court sanctioned  
20 organization, and other public or private group with an expertise in  
21 prevention of domestic violence and prevention of child abuse  
22 issues. Eligible providers will administer the basic training set forth  
23 in section 9 of P.L. , c. (C. ) (pending before the Legislature  
24 as section 9 of this bill), the advanced training set forth in section  
25 10 of P.L. , c. (C. ) (pending before the Legislature as section  
26 10 of this bill), and the annual updated training set forth in section  
27 11 of P.L. , c. (C. ) (pending before the Legislature as section  
28 11 of this bill). For the purposes of this act a “monitor” means a  
29 third party organization with an expertise in domestic violence  
30 issues that will oversee eligible providers.

31 b. Eligible providers shall at a minimum do the following:

32 (1) ensure that the training instructors or consultants delivering  
33 the education and training programs are experts in the subject  
34 matter;

35 (2) monitor and evaluate the quality of courses, curricula,  
36 training, instructors, and consultants;

37 (3) emphasize the importance of focusing parenting time  
38 evaluations on the health, safety, welfare, and best interest of the  
39 child;

40 (4) emphasize that the protection of the mother’s health, safety,  
41 and welfare is in the best interest of the child;

42 (5) emphasize the negative impact exposure to domestic  
43 violence has on children;

44 (6) develop a procedure to verify that participants complete the  
45 education and training program; and

46 (7) issue, under penalty of perjury, a certificate or statement of  
47 completion of the domestic violence training specified in this act to  
48 persons who have completed the training. The certificate or



1 statement shall document the number of hours of training offered;  
2 the number of hours the person completed; the dates of the training;  
3 and the name of the training provider.

4 c. The monitor shall be selected by the Division on Women.  
5 The duties of the monitor shall include:

6 (1) To ensure that eligible providers meet all of the standards  
7 and requirements in this act and, if applicable, possess a license in  
8 good standing for the regulated profession involved.

9 (2) To issue a certificate to all qualified eligible providers which  
10 shall be valid for three years.

11 (3) To provide certification to eligible providers and solicit  
12 eligible providers to provide domestic violence training to risk  
13 assessors.

14 (4) To inform educational institutions, professional associations,  
15 professional continuing education groups and other public or  
16 private group with an expertise in prevention of domestic violence  
17 and prevention of child abuse issues about risk assessment training.

18 (5) To provide the Administrative Office of the Courts with a  
19 current list of eligible providers.

20 d. The Administrative Office of the Courts and the monitor  
21 shall determine whether additional qualifications are necessary for  
22 an eligible provider to adequately train a qualified risk assessor.

23  
24 13. (New section) a. A qualified risk assessor shall comply  
25 with the applicable notification procedures established by court rule  
26 concerning completion of the required training set forth in sections  
27 9, 10 and 11 of P.L. , c. (C. ) (pending before the Legislature  
28 as sections 9, 10 and 11 of bill). A qualified risk assessor shall  
29 attach copies of their certificates or statements of completion of the  
30 basic and advanced instruction and of the most recent annual 4-hour  
31 updated training in domestic violence to each completed risk  
32 assessment submitted to the court. In addition, each qualified risk  
33 assessor must also attach to each completed risk assessment a copy  
34 of the eligible provider's certificate where they completed their  
35 domestic violence training. Any failure to comply with these  
36 requirements are subject to being reported to the appropriate  
37 licensing board and local prosecuting authority.

38 b. The Administrative Office of the Courts shall develop a  
39 form, which shall include the qualifications and the training  
40 curriculum which must be completed to administer a risk  
41 assessment. The form will also include an updated list of "Eligible  
42 Providers" and the protocol for presenting and collecting data  
43 described in sections 14 through 18 of P.L. , c. (C. ) (pending  
44 before the Legislature as sections 14 through 18 of this bill). This  
45 form shall be available to anyone interested in administering a risk  
46 assessment.

47 c. The Administrative Office of the Courts shall maintain a list  
48 of qualified risk assessors.

1       14. (New section) A qualified risk assessor shall interview  
2 both the plaintiff and the defendant in the domestic violence matter  
3 separately. The risk assessor will schedule interview times with the  
4 two parties to ensure that they will not come in contact with each  
5 other.

6  
7       15. (New section) a. The qualified risk assessor may conduct  
8 other interviews as may be necessary to assist in developing an  
9 accurate risk assessment. Nothing should preclude the risk assessor  
10 from observing parent-child interaction. The risk assessor may also  
11 consult with other individuals who may have witnessed relevant  
12 events such as: past partners of the defendant, the police, school  
13 personnel, child protective services personnel, and medical  
14 personnel.

15       b. The risk assessor shall have access to the following records:  
16 court and police records and reports, child protective agency  
17 records, medical records, and school records.

18  
19       16. (New section) The qualified risk assessor shall  
20 communicate the results of the analyses and findings of the risk  
21 assessment to the court that ordered the risk assessment consistent  
22 with ethical and professional standards. This information shall be  
23 considered confidential and shall not be considered a public record.

24  
25       17. (New section) The qualified risk assessor may be permitted  
26 to conduct and in-person interview of the children of the parties to  
27 the domestic violence matter if in the opinion of the court such  
28 interview is deemed necessary.

29  
30       18. (New section) A qualified risk assessor shall provide  
31 information on resources in the geographical area where the parties  
32 reside that are available to both parties to the domestic violence  
33 complaint; and shall further discuss with both the parties the legal  
34 interventions available to ensure the safety of the plaintiff and any  
35 children.

36  
37       19. (New section) Defendants shall be responsible to pay for  
38 the costs of all ordered risk assessments except that the court may  
39 waive the costs of the risk assessments in cases of financial  
40 hardship.

41  
42       20. (New section) The Administrative Office of the Courts  
43 shall develop guidelines for court employees who qualify for a role  
44 in the risk assessment program.

45  
46       21. Section 5 of P.L.1991, c.261 (C.2C:25-21) is amended to  
47 read as follows:

1       5. a. When a person claims to be a victim of domestic  
2 violence, and where a law enforcement officer responding to the  
3 incident finds probable cause to believe that domestic violence has  
4 occurred, the law enforcement officer shall arrest the person who is  
5 alleged to be the person who subjected the victim to domestic  
6 violence and shall sign a criminal complaint if:

7       (1) The victim exhibits signs of injury caused by an act of  
8 domestic violence;

9       (2) A warrant is in effect;

10       (3) There is probable cause to believe that the person has  
11 violated N.J.S.2C:29-9, and there is probable cause to believe that  
12 the person has been served with the order alleged to have been  
13 violated. If the victim does not have a copy of a purported order,  
14 the officer may verify the existence of an order with the appropriate  
15 law enforcement agency; or

16       (4) There is probable cause to believe that a weapon as defined  
17 in N.J.S.2C:39-1 has been involved in the commission of an act of  
18 domestic violence.

19       b. A law enforcement officer may arrest a person; or may sign  
20 a criminal complaint against that person, or may do both, where  
21 there is probable cause to believe that an act of domestic violence  
22 has been committed, but where none of the conditions in subsection  
23 a. of this section applies.

24       c. (1) As used in this section, the word "exhibits" is to be  
25 liberally construed to mean any indication that a victim has suffered  
26 bodily injury, which shall include physical pain or any impairment  
27 of physical condition. Where the victim exhibits no visible sign of  
28 injury, but states that an injury has occurred, the officer should  
29 consider other relevant factors in determining whether there is  
30 probable cause to make an arrest.

31       (2) In determining which party in a domestic violence incident  
32 is the victim where both parties exhibit signs of injury, the officer  
33 should consider the comparative extent of the injuries, the history of  
34 domestic violence between the parties, if any, and any other  
35 relevant factors.

36       (3) No victim shall be denied relief or arrested or charged under  
37 this act with an offense because the victim used reasonable force in  
38 self defense against domestic violence by an attacker.

39       d. (1) In addition to a law enforcement officer's authority to  
40 seize any weapon that is contraband, evidence or an instrumentality  
41 of crime, a law enforcement officer who has probable cause to  
42 believe that an act of domestic violence has been committed shall:

43       (a) question persons present to determine whether there are  
44 weapons on the premises; and

45       (b) upon observing or learning that a weapon is present on the  
46 premises, seize any weapon that the officer reasonably believes  
47 would expose the victim to a risk of serious bodily injury. If a law  
48 enforcement officer seizes any firearm pursuant to this paragraph,

1 the officer shall also seize any firearm purchaser identification card  
2 or permit to purchase a handgun issued to the person accused of the  
3 act of domestic violence.

4 (2) A law enforcement officer shall deliver all weapons,  
5 firearms purchaser identification cards and permits to purchase a  
6 handgun seized pursuant to this section to the county prosecutor and  
7 shall append an inventory of all seized items to the domestic  
8 violence report.

9 (3) Weapons seized in accordance with the "Prevention of  
10 Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et  
11 seq.) shall be returned to the owner except upon order of the  
12 Superior Court. The prosecutor who has possession of the seized  
13 weapons may, upon notice to the owner, petition a judge of the  
14 Family Part of the Superior Court, Chancery Division, within 45  
15 days of seizure, to obtain title to the seized weapons, or to revoke  
16 any and all permits, licenses and other authorizations for the use,  
17 possession, or ownership of such weapons pursuant to the law  
18 governing such use, possession, or ownership, or may object to the  
19 return of the weapons on such grounds as are provided for the initial  
20 rejection or later revocation of the authorizations, or on the grounds  
21 that the owner is unfit or that the owner poses a threat to the public  
22 in general or a person or persons in particular.

23 A hearing shall be held and a record made thereof within 45 days  
24 of the notice provided above. No formal pleading and no filing fee  
25 shall be required as a preliminary to such hearing. The hearing  
26 shall be summary in nature. Appeals from the results of the hearing  
27 shall be to the Superior Court, Appellate Division, in accordance  
28 with the law.

29 If the prosecutor does not institute an action within 45 days of  
30 seizure, the seized weapons shall be returned to the owner.

31 After the hearing the court shall order the return of the firearms,  
32 weapons and any authorization papers relating to the seized  
33 weapons to the owner if the court determines the owner is not  
34 subject to any of the disabilities set forth in N.J.S.2C:58-3c. and  
35 finds that the complaint has been dismissed at the request of the  
36 complainant and the prosecutor determines that there is insufficient  
37 probable cause to indict; or if the defendant is found not guilty of  
38 the charges; or if the court determines that the domestic violence  
39 situation no longer exists. Nothing in this act shall impair the right  
40 of the State to retain evidence pending a criminal prosecution. Nor  
41 shall any provision of this act be construed to limit the authority of  
42 the State or a law enforcement officer to seize, retain or forfeit  
43 property pursuant to chapter 64 of Title 2C of the New Jersey  
44 Statutes. Nothing in this act shall prevent the inclusion of the  
45 outcome of this hearing in any risk assessment prepared pursuant to  
46 P.L. \_\_, c. (C. \_\_) (pending before the Legislature as this bill)

47 If, after the hearing, the court determines that the weapons are  
48 not to be returned to the owner, the court may:

(a) With respect to weapons other than firearms, order the prosecutor to dispose of the weapons if the owner does not arrange for the transfer or sale of the weapons to an appropriate person within 60 days; or

(b) Order the revocation of the owner's firearms purchaser identification card or any permit, license or authorization, in which case the court shall order the owner to surrender any firearm seized and all other firearms possessed to the prosecutor and shall order the prosecutor to dispose of the firearms if the owner does not arrange for the sale of the firearms to a registered dealer of the firearms within 60 days; or

(c) Order such other relief as it may deem appropriate. When the court orders the weapons forfeited to the State or the prosecutor is required to dispose of the weapons, the prosecutor shall dispose of the property as provided in N.J.S.2C:64-6.

(4) A civil suit may be brought to enjoin a wrongful failure to return a seized firearm where the prosecutor refuses to return the weapon after receiving a written request to do so and notice of the owner's intent to bring a civil action pursuant to this section. Failure of the prosecutor to comply with the provisions of this act shall entitle the prevailing party in the civil suit to reasonable costs, including attorney's fees, provided that the court finds that the prosecutor failed to act in good faith in retaining the seized weapon.

(5) No law enforcement officer or agency shall be held liable in any civil action brought by any person for failing to learn of, locate or seize a weapon pursuant to this act, or for returning a seized weapon to its owner.

(cf: P.L.2003, c.277, s.1)

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

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

1 in the complaint shall be by a preponderance of the evidence. The  
2 court shall consider but not be limited to the following factors:

3 (1) The previous history of domestic violence between the  
4 plaintiff and defendant, including threats, harassment and physical  
5 abuse;

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

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

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

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

11 (6) The existence of a verifiable order of protection from  
12 another jurisdiction.

13 An order issued under this act shall only restrain or provide  
14 damages payable from a person against whom a complaint has been  
15 filed under this act and only after a finding or an admission is made  
16 that an act of domestic violence was committed by that person. The  
17 issue of whether or not a violation of this act occurred, including an  
18 act of contempt under this act, shall not be subject to mediation or  
19 negotiation in any form. In addition, where a temporary or final  
20 order has been issued pursuant to this act, no party shall be ordered  
21 to participate in mediation on the issue of custody or parenting time.

22 b. In proceedings in which complaints for restraining orders  
23 have been filed, the court shall grant any relief necessary to prevent  
24 further abuse. In addition to any other provisions, any restraining  
25 order issued by the court shall bar the defendant from purchasing,  
26 owning, possessing or controlling a firearm and from receiving or  
27 retaining a firearms purchaser identification card or permit to  
28 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in  
29 which the restraining order is in effect or two years whichever is  
30 greater, except that this provision shall not apply to any law  
31 enforcement officer while actually on duty, or to any member of the  
32 Armed Forces of the United States or member of the National  
33 Guard while actually on duty or traveling to or from an authorized  
34 place of duty. At the hearing the judge of the Family Part of the  
35 Chancery Division of the Superior Court may issue an order  
36 granting any or all of the following relief:

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

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

1 (3) An order providing for parenting time. The order shall  
2 protect the safety and well-being of the plaintiff and minor children  
3 and shall specify the place and frequency of parenting time.  
4 Parenting time arrangements shall not compromise any other  
5 remedy provided by the court by requiring or encouraging contact  
6 between the plaintiff and defendant. Orders for parenting time may  
7 include a designation of a place of parenting time away from the  
8 plaintiff, the participation of a third party, or supervised parenting  
9 time.

10 (a) The court shall consider a request by a custodial parent who  
11 has been subjected to domestic violence by a person with parenting  
12 time rights to a child in the parent's custody for an investigation or  
13 evaluation by the appropriate agency to assess the risk of harm to  
14 the child prior to the entry of a parenting time order. An  
15 “appropriate agency” shall include a qualified risk assessor pursuant  
16 to P.L. , c. (C. ) (pending before the Legislature as this bill).  
17 Any denial of such a request must be on the record and shall only  
18 be made if the judge finds the request to be arbitrary or capricious.

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

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

40 (5) An order requiring the defendant to receive professional  
41 domestic violence counseling from either a private source or a  
42 source appointed by the court and, in that event, requiring the  
43 defendant to provide the court at specified intervals with  
44 documentation of attendance at the professional counseling. The  
45 court may order the defendant to pay for the professional  
46 counseling. No application by the defendant to dissolve a final  
47 order which contains a requirement for attendance at professional  
48 counseling pursuant to this paragraph shall be granted by the court

1 unless, in addition to any other provisions required by law or  
2 conditions ordered by the court, the defendant has completed all  
3 required attendance at such counseling.

4 (6) An order restraining the defendant from entering the  
5 residence, property, school, or place of employment of the victim or  
6 of other family or household members of the victim and requiring  
7 the defendant to stay away from any specified place that is named  
8 in the order and is frequented regularly by the victim or other  
9 family or household members.

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

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

24 (9) An order granting either party temporary possession of  
25 specified personal property, such as an automobile, checkbook,  
26 documentation of health insurance, an identification document, a  
27 key, and other personal effects.

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

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

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

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

41 (14) An order granting any other appropriate relief for the  
42 plaintiff and dependent children, provided that the plaintiff consents  
43 to such relief, including relief requested by the plaintiff at the final  
44 hearing, whether or not the plaintiff requested such relief at the time  
45 of the granting of the initial emergency order.

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



1 (16) In addition to the order required by this subsection  
2 prohibiting the defendant from possessing any firearm, the court  
3 may also issue an order prohibiting the defendant from possessing  
4 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and  
5 ordering the search for and seizure of any firearm or other weapon  
6 at any location where the judge has reasonable cause to believe the  
7 weapon is located. The judge shall state with specificity the reasons  
8 for and scope of the search and seizure authorized by the order.

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

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

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

25 (20) An order requiring the defendant to undergo a risk  
26 assessment pursuant to P.L. ,c. (C. ) (pending before the  
27 Legislature as this bill).

28 c. Notice of orders issued pursuant to this section shall be sent  
29 by the clerk of the Family Part of the Chancery Division of the  
30 Superior Court or other person designated by the court to the  
31 appropriate chiefs of police, members of the State Police and any  
32 other appropriate law enforcement agency.

33 d. Upon good cause shown, any final order may be dissolved or  
34 modified upon application to the Family Part of the Chancery  
35 Division of the Superior Court, but only if the judge who dissolves  
36 or modifies the order is the same judge who entered the order, or  
37 has available a complete record of the hearing or hearings on which  
38 the order was based.

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

42 (cf: P.L.2011, c.213, s.4)

43  
44 23. R.S.43:21-5 is amended to read as follows:

45 43:21-5. An individual shall be disqualified for benefits:

46 (a) For the week in which the individual has left work  
47 voluntarily without good cause attributable to such work, and for  
48 each week thereafter until the individual becomes reemployed and

1 works eight weeks in employment, which may include employment  
2 for the federal government, and has earned in employment at least  
3 ten times the individual's weekly benefit rate, as determined in each  
4 case. This subsection shall apply to any individual seeking  
5 unemployment benefits on the basis of employment in the  
6 production and harvesting of agricultural crops, including any  
7 individual who was employed in the production and harvesting of  
8 agricultural crops on a contract basis and who has refused an offer  
9 of continuing work with that employer following the completion of  
10 the minimum period of work required to fulfill the contract. This  
11 subsection shall not apply to an individual who voluntarily leaves  
12 work with one employer to accept from another employer  
13 employment which commences not more than seven days after the  
14 individual leaves employment with the first employer, if the  
15 employment with the second employer has weekly hours or pay not  
16 less than the hours or pay of the employment of the first employer,  
17 except that if the individual gives notice to the first employer that  
18 the individual will leave employment on a specified date and the  
19 first employer terminates the individual before that date, the seven-  
20 day period will commence from the specified date.

21 (b) For the week in which the individual has been suspended or  
22 discharged for misconduct connected with the work, and for the  
23 seven weeks which immediately follow that week, as determined in  
24 each case.

25 For the week in which the individual has been suspended or  
26 discharged for severe misconduct connected with the work, and for  
27 each week thereafter until the individual becomes reemployed and  
28 works four weeks in employment, which may include employment  
29 for the federal government, and has earned in employment at least  
30 six times the individual's weekly benefit rate, as determined in each  
31 case. Examples of severe misconduct include, but are not  
32 necessarily limited to, the following: repeated violations of an  
33 employer's rule or policy, repeated lateness or absences after a  
34 written warning by an employer, falsification of records, physical  
35 assault or threats that do not constitute gross misconduct as defined  
36 in this section, misuse of benefits, misuse of sick time, abuse of  
37 leave, theft of company property, excessive use of intoxicants or  
38 drugs on work premises, theft of time, or where the behavior is  
39 malicious and deliberate but is not considered gross misconduct as  
40 defined in this section.

41 In the event the discharge should be rescinded by the employer  
42 voluntarily or as a result of mediation or arbitration, this subsection  
43 (b) shall not apply, provided, however, an individual who is  
44 restored to employment with back pay shall return any benefits  
45 received under this chapter for any week of unemployment for  
46 which the individual is subsequently compensated by the employer.

47 If the discharge was for gross misconduct connected with the  
48 work because of the commission of an act punishable as a crime of

1 the first, second, third or fourth degree under the "New Jersey Code  
2 of Criminal Justice," N.J.S.2C:1-1 et seq., the individual shall be  
3 disqualified in accordance with the disqualification prescribed in  
4 subsection (a) of this section and no benefit rights shall accrue to  
5 any individual based upon wages from that employer for services  
6 rendered prior to the day upon which the individual was discharged.

7 The director shall insure that any appeal of a determination  
8 holding the individual disqualified for gross misconduct in  
9 connection with the work shall be expeditiously processed by the  
10 appeal tribunal.

11 (c) If it is found that the individual has failed, without good  
12 cause, either to apply for available, suitable work when so directed  
13 by the employment office or the director or to accept suitable work  
14 when it is offered, or to return to the individual's customary self-  
15 employment (if any) when so directed by the director. The  
16 disqualification shall continue for the week in which the failure  
17 occurred and for the three weeks which immediately follow that  
18 week, as determined:

19 (1) In determining whether or not any work is suitable for an  
20 individual, consideration shall be given to the degree of risk  
21 involved to health, safety, and morals, the individual's physical  
22 fitness and prior training, experience and prior earnings, the  
23 individual's length of unemployment and prospects for securing  
24 local work in the individual's customary occupation, and the  
25 distance of the available work from the individual's residence. In  
26 the case of work in the production and harvesting of agricultural  
27 crops, the work shall be deemed to be suitable without regard to the  
28 distance of the available work from the individual's residence if all  
29 costs of transportation are provided to the individual and the terms  
30 and conditions of hire are as favorable or more favorable to the  
31 individual as the terms and conditions of the individual's base year  
32 employment.

33 (2) Notwithstanding any other provisions of this chapter, no  
34 work shall be deemed suitable and benefits shall not be denied  
35 under this chapter to any otherwise eligible individual for refusing  
36 to accept new work under any of the following conditions: the  
37 position offered is vacant due directly to a strike, lockout, or other  
38 labor dispute; the remuneration, hours, or other conditions of the  
39 work offered are substantially less favorable to the individual than  
40 those prevailing for similar work in the locality; or, the individual,  
41 as a condition of being employed, would be required to join a  
42 company union or to resign from or refrain from joining any bona  
43 fide labor organization.

44 (d) If it is found that this unemployment is due to a stoppage of  
45 work which exists because of a labor dispute at the factory,  
46 establishment or other premises at which the individual is or was  
47 last employed.

1 (1) No disqualification under this subsection (d) shall apply if it  
2 is shown that:

3 (a) The individual is not participating in or financing or directly  
4 interested in the labor dispute which caused the stoppage of work;  
5 and

6 (b) The individual does not belong to a grade or class of workers  
7 of which, immediately before the commencement of the stoppage,  
8 there were members employed at the premises at which the  
9 stoppage occurs, any of whom are participating in or financing or  
10 directly interested in the dispute; provided that if in any case in  
11 which (a) or (b) above applies, separate branches of work which are  
12 commonly conducted as separate businesses in separate premises  
13 are conducted in separate departments of the same premises, each  
14 department shall, for the purpose of this subsection, be deemed to  
15 be a separate factory, establishment, or other premises.

16 (2) For any claim for a period of unemployment commencing on  
17 or after December 1, 2004, no disqualification under this subsection  
18 (d) shall apply if it is shown that the individual has been prevented  
19 from working by the employer, even though the individual's  
20 recognized or certified majority representative has directed the  
21 employees in the individual's collective bargaining unit to work  
22 under the preexisting terms and conditions of employment, and the  
23 employees had not engaged in a strike immediately before being  
24 prevented from working.

25 (e) For any week with respect to which the individual is  
26 receiving or has received remuneration in lieu of notice.

27 (f) For any week with respect to which or a part of which the  
28 individual has received or is seeking unemployment benefits under  
29 an unemployment compensation law of any other state or of the  
30 United States; provided that if the appropriate agency of the other  
31 state or of the United States finally determines that the individual is  
32 not entitled to unemployment benefits, this disqualification shall not  
33 apply.

34 (g) (1) For a period of one year from the date of the discovery  
35 by the division of the illegal receipt or attempted receipt of benefits  
36 contrary to the provisions of this chapter, as the result of any false  
37 or fraudulent representation; provided that any disqualification may  
38 be appealed in the same manner as any other disqualification  
39 imposed hereunder; and provided further that a conviction in the  
40 courts of this State arising out of the illegal receipt or attempted  
41 receipt of these benefits in any proceeding instituted against the  
42 individual under the provisions of this chapter or any other law of  
43 this State shall be conclusive upon the appeals tribunal and the  
44 board of review.

45 (2) A disqualification under this subsection shall not preclude  
46 the prosecution of any civil, criminal or administrative action or  
47 proceeding to enforce other provisions of this chapter for the  
48 assessment and collection of penalties or the refund of any amounts

1 collected as benefits under the provisions of R.S.43:21-16, or to  
2 enforce any other law, where an individual obtains or attempts to  
3 obtain by theft or robbery or false statements or representations any  
4 money from any fund created or established under this chapter or  
5 any negotiable or nonnegotiable instrument for the payment of  
6 money from these funds, or to recover money erroneously or  
7 illegally obtained by an individual from any fund created or  
8 established under this chapter.

9 (h) (1) Notwithstanding any other provisions of this chapter  
10 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be  
11 denied benefits for any week because the individual is in training  
12 approved under section 236(a)(1) of the "Trade Act of 1974,"  
13 Pub.L.93-618 (19 U.S.C. s.2296 (a)(1)) nor shall the individual be  
14 denied benefits by reason of leaving work to enter this training,  
15 provided the work left is not suitable employment, or because of the  
16 application to any week in training of provisions in this chapter  
17 (R.S.43:21-1 et seq.), or any applicable federal unemployment  
18 compensation law, relating to availability for work, active search  
19 for work, or refusal to accept work.

20 (2) For purposes of this subsection (h), the term "suitable"  
21 employment means, with respect to an individual, work of a  
22 substantially equal or higher skill level than the individual's past  
23 adversely affected employment, as defined for purposes of the  
24 "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2101 et seq.) and  
25 wages for this work at not less than 80% of the individual's average  
26 weekly wage, as determined for the purposes of the "Trade Act of  
27 1974."

28 (i) For benefit years commencing after June 30, 1984, for any  
29 week in which the individual is a student in full attendance at, or on  
30 vacation from, an educational institution, as defined in subsection  
31 (y) of R.S.43:21-19; except that this subsection shall not apply to  
32 any individual attending a training program approved by the  
33 division to enhance the individual's employment opportunities, as  
34 defined under subsection (c) of R.S.43:21-4; nor shall this  
35 subsection apply to any individual who, during the individual's base  
36 year, earned sufficient wages, as defined under subsection (e) of  
37 R.S.43:21-4, while attending an educational institution during  
38 periods other than established and customary vacation periods or  
39 holiday recesses at the educational institution, to establish a claim  
40 for benefits. For purposes of this subsection, an individual shall be  
41 treated as a full-time student for any period:

42 (1) During which the individual is enrolled as a full-time student  
43 at an educational institution, or

44 (2) Which is between academic years or terms, if the individual  
45 was enrolled as a full-time student at an educational institution for  
46 the immediately preceding academic year or term.

47 (j) Notwithstanding any other provisions of this chapter  
48 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be

1 denied benefits because the individual left work or was discharged  
2 due to circumstances resulting from the individual being a victim of  
3 domestic violence as defined in section 3 of P.L.1991, c.261  
4 (C.2C:25-19). No employer's account shall be charged for the  
5 payment of benefits to an individual who left work due to  
6 circumstances resulting from the individual being a victim of  
7 domestic violence.

8 For the purposes of this subsection (j), the individual shall be  
9 treated as being a victim of domestic violence if the individual  
10 provides one or more of the following:

11 (1) A restraining order or other documentation of equitable  
12 relief issued by a court of competent jurisdiction;

13 (2) A police record documenting the domestic violence;

14 (3) Documentation that the perpetrator of the domestic violence  
15 has been convicted of one or more of the offenses enumerated in  
16 section 3 of P.L.1991, c.261 (C.2C:25-19);

17 (4) Medical documentation of the domestic violence;

18 (5) Certification from a certified Domestic Violence Specialist  
19 or the director of a designated domestic violence agency or from a  
20 qualified risk assessor as defined in section 12 of P.L. \_\_\_\_\_,  
21 c. (C. \_\_\_\_\_) (pending before the Legislature as section 12 of this  
22 bill) that the individual is a victim of domestic violence; or

23 (6) Other documentation or certification of the domestic  
24 violence provided by a social worker, member of the clergy, shelter  
25 worker or other professional who has assisted the individual in  
26 dealing with the domestic violence.

27 For the purposes of this subsection (j):

28 "Certified Domestic Violence Specialist" means a person who has  
29 fulfilled the requirements of certification as a Domestic Violence  
30 Specialist established by the New Jersey Association of Domestic  
31 Violence Professionals; and "designated domestic violence agency"  
32 means a county-wide organization with a primary purpose to  
33 provide services to victims of domestic violence, and which  
34 provides services that conform to the core domestic violence  
35 services profile as defined by the **【**Division of Youth and Family  
36 **】** Division of Child Protection and Permanency in the  
37 Department of Children and Families and is under contract with the  
38 division for the express purpose of providing such services.

39 (k) Notwithstanding any other provisions of this chapter  
40 (R.S.43:21-1 et seq.), no otherwise eligible individual shall be  
41 denied benefits for any week in which the individual left work  
42 voluntarily and without good cause attributable to the work, if the  
43 individual left work to accompany his or her spouse who is an  
44 active member of the United States Armed Forces, as defined in  
45 N.J.S.38A:1-1(g), to a new place of residence outside the State, due  
46 to the armed forces member's transfer to a new assignment in a  
47 different geographical location outside the State, and the individual  
48 moves to the new place of residence not more than nine months

1 after the spouse is transferred, and upon arrival at the new place of  
2 residence the individual was in all respects available for suitable  
3 work. No employer's account shall be charged for the payment of  
4 benefits to an individual who left work under the circumstances  
5 contained in this subsection (k), except that this shall not be  
6 construed as relieving the State of New Jersey and any other  
7 governmental entity or instrumentality or nonprofit organization  
8 electing or required to make payments in lieu of contributions from  
9 its responsibility to make all benefit payments otherwise required  
10 by law and from being charged for those benefits as otherwise  
11 required by law.

12 (cf: P.L.2015, c.41, s.1)

13

14 24. Section 3 of P.L.2003, c.225 (C.52:27D-43.17c) is amended  
15 to read as follows:

16 3. a. The board shall consist of **【20】** 25 members as follows:

17 (1) the Commissioners of Community Affairs, Human Services,  
18 Children and Families, and Health **【and Senior Services】**, the  
19 Attorney General, the Public Defender, the Superintendent of the  
20 State Police, the Director of the Division of Child Protection and  
21 Permanency in the Department of Children and Families, the  
22 Director of the Division on Women in the Department of Children  
23 and Families, the Supervisor of the Office on the Prevention of  
24 Violence Against Women in the Department of Children and  
25 Families, Program Coordinator of the Domestic Violence Fatality  
26 Review Board, the State Medical Examiner, and the chairperson of  
27 the Child Fatality and Near Fatality Review Board, or their  
28 designees, who shall serve ex officio;

29 (2) **【eight】** 10 public members appointed by the Governor who  
30 shall include a representative of the County Prosecutors Association  
31 of New Jersey with expertise in prosecuting domestic violence  
32 cases, a representative of the New Jersey Coalition for Battered  
33 Women, a representative of a program for battered women that  
34 provides intervention services to perpetrators of acts of domestic  
35 violence, a representative of the law enforcement community with  
36 expertise in the area of domestic violence, a psychologist with  
37 expertise in the area of domestic violence or other related fields, a  
38 licensed social worker with expertise in the area of domestic  
39 violence, a licensed health care professional knowledgeable in the  
40 screening and identification of domestic violence cases **【and】**, a  
41 county probation officer, an eligible provider and a qualified risk  
42 assessor as defined in P.L. , c. (C. ) (pending before the  
43 Legislature as this bill); and

44 (3) two retired judges appointed by the Administrative Director  
45 of the Administrative Office of the Courts, one with expertise in  
46 family law and one with expertise in municipal law as it relates to  
47 domestic violence.

1       b. The public members of the board shall serve for three-year  
2 terms, except that of the public members first appointed, four shall  
3 serve for a period of one year, three shall serve for a period of two  
4 years and two shall serve for a period of three years. The members  
5 shall serve without compensation, but shall be eligible for  
6 reimbursement for necessary and reasonable expenses incurred in  
7 the performance of their official duties and within the limits of  
8 funds appropriated for this purpose. Vacancies in the membership  
9 of the board shall be filled in the same manner as the original  
10 appointments were made.

11       c. The board shall select a chairperson from among its  
12 members who shall be responsible for the coordination of all  
13 activities of the board.

14       d. The board is entitled to call to its assistance and avail itself  
15 of the services of employees of any State, county, or municipal  
16 department, board, bureau, commission, or agency as it may require  
17 and as may be available for the purposes of reviewing a case  
18 pursuant to the provisions of P.L.2003, c.225 (C.52:27D-43.17a et  
19 seq.).

20       e. The board may seek the advice of experts, such as persons  
21 specializing in the fields of psychiatric and forensic medicine,  
22 nursing, psychology, social work, education, law enforcement,  
23 family law, academia, military affairs, or other related fields, if the  
24 facts of a case warrant additional expertise.

25 (cf: P.L.2012, c.16, s.150)

26

27

28       25. Section 2 of P.L.2005, c.204 (C.52:27D-43.36) is amended  
29 to read as follows:

30       2. a. The Director of the Division on Women in the  
31 Department of Children and Families, in consultation with the  
32 Advisory Council on Domestic Violence and the Commissioners of  
33 Human Services and Health **【and Senior Services】**, shall establish a  
34 domestic violence public awareness campaign in order to promote  
35 public awareness of domestic violence among the general public  
36 and health care and social services professionals and provide  
37 information to assist victims of domestic violence and their  
38 children.

39       b. The public awareness campaign shall include the  
40 development and implementation of public awareness and outreach  
41 efforts to promote domestic violence prevention and education,  
42 including, but not limited to, the following subjects:

43       (1) the causes and nature of domestic violence;

44       (2) risk factors;

45       (3) preventive measures; **【and】**

46       (4) the availability of, and how to access, services in the  
47 community for victims of domestic violence, including, but not



1 limited to, shelter services, legal advocacy services, and legal  
2 assistance services; and

3 (5) the availability of the “Domestic Violence Risk Assessment  
4 Pilot Program” established pursuant to P.L. ,c. (C. ) (pending  
5 before the Legislature as this bill).

6 c. The director shall coordinate the efforts of the division with  
7 any activities being undertaken by other State agencies to promote  
8 public awareness of, and provide information to the public about,  
9 domestic violence.

10 d. The director, within the limits of funds available for this  
11 purpose, shall seek to utilize electronic and print media, and may  
12 prepare and disseminate such written information as the director  
13 deems necessary, to accomplish the purposes of P.L.2005, c.204  
14 (C.52:27D-43.35 et seq.).

15 e. The division shall make available electronically on its  
16 Internet website in English and Spanish information about domestic  
17 violence as described in subsection b. of this section.

18 f. The director may accept, for the purposes of the public  
19 awareness campaign, any special grant of funds, services, or  
20 property from the federal government or any of its agencies, or  
21 from any foundation, organization, or other entity.

22 g. The director shall report to the Governor and the Legislature,  
23 no later than 18 months after the effective date of P.L.2005, c.204  
24 (C.52:27D-43.35 et seq.), on the activities and accomplishments of  
25 the public awareness campaign.

26 (cf: P.L.2012, c.16, s.156)

27  
28 26. This act shall take effect on the 60<sup>th</sup> day after enactment  
29 except the Administrative Director of the Administrative Office of  
30 the Courts may take such anticipatory administrative action in  
31 advance thereof as shall be necessary for the implementation of this  
32 act.

### 33 34 35 STATEMENT

36  
37 This bill establishes a risk assessment pilot program in Essex and  
38 Passaic Counties, and is named for thirty-one year old Monica Paul  
39 who, in June, 2008 was shot to death in the presence of her 11 year  
40 old daughter at a Montclair YMCA. Charged in the killing was her  
41 estranged husband Kenneth Duckett against whom she had obtained  
42 a restraining order.

43 Under the bill, the Administrative Offices of the Court shall  
44 establish a pilot program in Essex and Passaic counties, the purpose  
45 of which shall be to impose a risk assessment requirement, prior to  
46 issuing an award of visitation, in all cases where a final domestic  
47 violence restraining order has been issued and where the actor and

1 the victim have a child in common and enumerated risk factors are  
2 present.

3 Under the bill, a “risk assessment” means an assessment of the  
4 likelihood that the person against whom the final restraining order  
5 is issued will commit an act of violence against the victim or  
6 against the child which the actor and the victim have in common,  
7 performed by a qualified, licensed professional.

8 The bill requires that a domestic violence complainant shall, at  
9 the time of the filing of the complaint, complete a questionnaire.  
10 The questionnaire shall include information as to whether the  
11 person against whom the domestic violence complaint is filed has a  
12 child or children in common with the victim; and whether the  
13 person has ever used or threatened to use a weapon or has made  
14 other threats against the victim or any child or committed other acts  
15 enumerated in this bill. The completed questionnaire would be  
16 attached to the domestic violence complaint and shall be considered  
17 by the court hearing the domestic violence matter.

18 A risk assessment shall be ordered by the court in all cases as set  
19 forth in section 5 of the bill. A risk assessment would be mandatory  
20 in cases where there has been a violation of a final domestic  
21 violence restraining order. A risk assessment would also be  
22 mandatory in cases where the court makes a determination  
23 regarding parenting time subsequent to a complaint of domestic  
24 violence against one of the parents seeking parenting time.

25 A qualified applicant for a risk assessor certification shall be a  
26 licensed professional who is trained as defined in the bill. (See  
27 section 7 of the bill).

28 Section 9 of the bill sets forth the 12 hours of basic instruction.  
29 Section 10 of the bill sets forth 16 hours of advanced training.  
30 Section 11 of the bill concerns annual update training.

31 Qualified risk assessors are trained by eligible providers. The  
32 bill defines in section 12 “eligible providers.” The bill requires  
33 monitors to oversee eligible providers.

34 Sections 14 through 18 set forth the protocols for how  
35 information is obtained by a qualified risk assessor.

36 Defendants would be responsible to pay for the costs of all  
37 ordered risk assessments except that the court may waive the costs  
38 of the risk assessments in cases of financial hardship.

39 The bill amends existing statutes to make reference to the risk  
40 assessment program.

41 This bill embodies recommendation 20 of the Report of the  
42 Supreme Court Ad Hoc Committee on Domestic Violence issued  
43 June 2016.