

ASSEMBLY, No. 1768

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblywoman GABRIELA M. MOSQUERA

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District 37 (Bergen)

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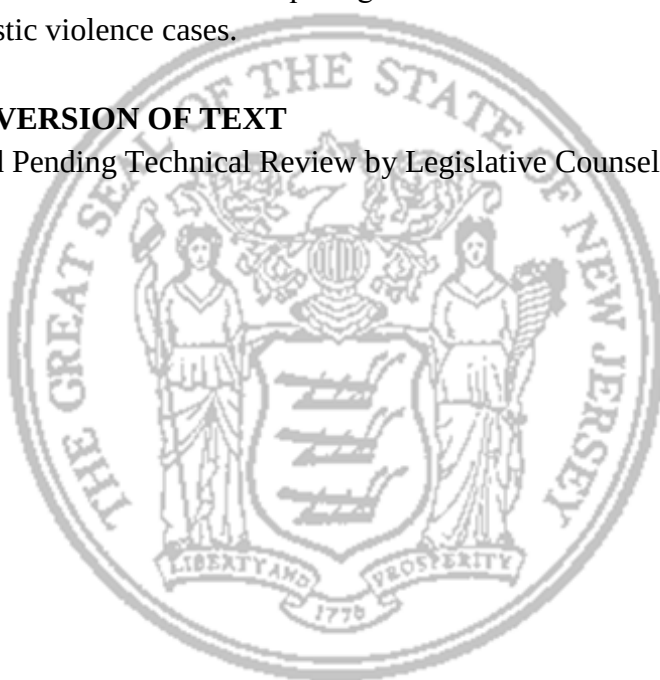
Assemblyman Dancer, Assemblywoman Lampitt, Assemblymen Rooney, Houghtaling and Assemblywoman Chaparro

SYNOPSIS

Establishes “Monica’s Law” requiring evidence-based risk assessments in certain domestic violence cases.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning domestic violence risk assessments and
2 designated “Monica’s Law”, amending P.L.1991, c.261, and
3 supplementing Title 2A and Title 2C of the New Jersey Statutes.
4

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

8 1. (New section) a. The Administrative Office of the Courts, in
9 consultation with the Supreme Court Statewide Domestic Violence
10 Working Group, shall develop:

11 a. a parenting time questionnaire to be completed in any
12 proceeding to determine custody or parenting time by a parent
13 asserting a concern for the safety or well-being of a child where
14 ordered by the court pursuant to section 2 of P.L. , c. (C.)
15 (pending before the Legislature as this bill). The questionnaire
16 shall collect information for use with the evidence-based guide
17 developed pursuant to subsection b. of this section or that the court
18 otherwise finds relevant to a parenting time determination where
19 there is a potential risk to the safety or well-being of a child from a
20 parent who is entitled to parenting time. The questionnaire shall
21 include, but is not limited to, information regarding: the parents and
22 children; the parent’s recommendations for parenting time
23 alternatives; the availability of transportation; the history of
24 domestic violence, child abuse, or other violent or threatening
25 behavior of a parent; the exposure of children to domestic violence
26 or other violent or threatening behavior of a parent; the other
27 parent’s history of substance abuse; the other parent’s criminal
28 history; the other parent’s history of mental illness; the results of
29 prior parenting time efforts; the other parent’s capacity to care for
30 the child; and any other information deemed relevant by the court.

31 b. an evidence-based guide of risk considerations to assist the
32 court in determining custody and parenting time alternatives where
33 there are allegations of violent or threatening behavior by a parent
34 that could place the safety and well-being of a child at risk. The
35 guide shall provide judges with an evidence-based analytical matrix
36 of risk indicators taking into account various custody and parenting
37 time alternatives, risk considerations, current or past violent and
38 threatening behaviors, and family circumstances. The court shall
39 consult the guide in conjunction with information provided in the
40 parenting time questionnaire and other relevant information
41 provided by the parents when determining custody and allocating
42 parenting time to facilitate access of parents to their children and to
43 assure the best interests and safety of children.
44

45 2. (New section) a. In any court proceeding to establish
46 custody or parenting time of a child, if a parent asserts a concern for

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 the safety of a child of the relationship due to past violent or
2 threatening behavior of the other parent, the court shall temporarily
3 suspend or restrict parenting time with the child and order the
4 parent asserting safety concerns to complete a parenting time
5 questionnaire, unless the parent who may be subject to the
6 restrictions shows, and the court finds, by a preponderance of
7 evidence that the statements made by the parent seeking parenting
8 time restrictions are arbitrary and capricious. Upon request, court
9 professional staff shall assist the parent in completing the
10 questionnaire, or a parent may seek the assistance of an attorney, a
11 domestic violence advocate, or a licensed social worker, marriage
12 and family therapist, psychologist or psychiatrist to complete the
13 questionnaire. A parent shall not be required to complete the
14 parenting time questionnaire, in part or in its entirety, if the parent
15 believes that it would create any possibility of further risk of harm
16 from the other parent.

17 b. If the court denies a parent's request for temporary
18 suspension or restriction of parenting time or further evaluation of
19 safety concerns related to the child, the court shall state the reasons
20 for the denial on the record.

21 c. When the court enters an order temporarily suspending or
22 restricting parenting time to allow time for further evaluation of
23 safety concerns, the court shall also set the date for a subsequent
24 hearing which shall occur in an expeditious manner while allowing
25 time for the collection of relevant information and professional
26 evaluations, where ordered. A copy of the completed parenting
27 time questionnaire shall be provided to the parent who may be
28 subject to parenting time suspension or restriction prior to the
29 hearing.

30 d. The court shall consider the following information when
31 establishing an appropriate parenting time arrangement:

- 32 (1) information provided in the parenting time questionnaire;
33 (2) information available in court records; and
34 (3) any evidence provided or testimony made by the parents or
35 other witnesses at the hearing.

36 e. After reviewing information provided at the hearing, if the
37 court finds that there exists any possible risk to the safety or well-
38 being of the child from a parent who is entitled to parenting time,
39 the court may order:

- 40 (1) court-sponsored or court-approved parenting time;
41 (2) parenting time in the presence of a third party;
42 (3) parenting time at a place and time that avoids contact with
43 the other parent; or
44 (4) any other restrictions or conditions on parenting time that the
45 court deems necessary to protect the safety and well-being of the
46 child.

1 f. In addition, the court may order batterers intervention
2 counseling for the parent subject to the restrictions as a condition to
3 the parenting time.

4 g. The court may order continued suspension of parenting time
5 only where a parent is provided with procedural due process and the
6 court finds on the record that no other alternative would protect the
7 safety and well-being of the child. Where the court orders a
8 complete and indefinite suspension of parenting time, the court
9 shall refer the matter to the Division of Child Protection and
10 Permanency in the Department of Children and Families for
11 investigation pursuant to R.S.9:6-1 et seq.

12 h. If there is any allegation during the court proceedings that a
13 parent has physically or emotionally abused a child, the court shall
14 refer the matter to the Division of Child Protection and Permanency
15 in the Department of Children and Families for investigation
16 pursuant to R.S.9:6-1 et seq.

17
18 3. (New section) a. The Attorney General, in consultation with
19 the Supreme Court Statewide Domestic Violence Working Group,
20 shall develop an evidence-based risk assessment instrument to be
21 used by law enforcement throughout the State to aid in the
22 evaluation of the likelihood of whether a person charged with any
23 crime, or any offense involving domestic violence as defined in
24 subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19) will
25 commit a future act of violence against a victim of domestic
26 violence.

27 b. The risk assessment instrument shall be validated by an
28 independent source to assure that its results provide valid predictors
29 of future acts of violence. To the extent feasible, the risk assessment
30 instrument shall maximize use of information from existing
31 criminal justice information systems to limit exposure of the victim
32 to future violence from the person alleged to have committed
33 domestic violence.

34 c. Where the risk assessment instrument includes information
35 obtained from a victim, a law enforcement officer, prior to applying
36 the risk assessment instrument, shall inform the victim about the
37 use of the results, the persons who or agencies that will have access
38 to results, and permit the victim to decline participation if the
39 victim believes that participation may compromise the victim's
40 safety.

41 d. The results of the risk assessment shall be used in
42 conjunction with other information that may be provided by the
43 victim or obtained from criminal justice information systems to:

44 (1) assist law enforcement officers who respond to the scene of
45 domestic violence in deciding whether to charge a defendant who is
46 alleged to have committed an act of domestic violence on a
47 complaint-warrant or complaint-summons;

1 (2) assist prosecutors and the court in determining if an order for
2 pretrial detention pursuant to sections 4 and 5 of P.L.2014, c.31
3 (C.2A:162-18 and C.2A:162-19) is appropriate;

4 (3) protect the victim during and after any criminal proceedings;

5 (4) promote appropriate sentencing and probation supervision or
6 corrections strategies; and

7 (5) aid Batterer's Intervention Programs in designing
8 individualized remedial programs for persons who have committed
9 an act of domestic violence.

10 e. The results of a person's risk assessment shall be deemed
11 confidential and shall be released only to:

12 (1) A public agency authorized to investigate a report of
13 domestic violence;

14 (2) The police or other law enforcement agency investigating a
15 report of domestic violence;

16 (3) A court, upon its finding that access to such records may be
17 necessary for determination of an issue before the court;

18 (4) The Department of Corrections and the State Parole Board;
19 and

20 (5) The Division of Child Protection and Permanency in the
21 Department of Children and Families;

22 (6) A Batterer's Intervention Program established under the
23 Department of Children and Families; and

24 (7) Any other person or agency deemed appropriate by the
25 Attorney General.

26
27 4. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to
28 read as follows:

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

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

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

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

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

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

9 (6) The existence of a verifiable order of protection from
10 another jurisdiction.

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

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

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

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

47 (3) An order providing for parenting time. The order shall
48 protect the safety and well-being of the plaintiff and minor children

1 and shall specify the place and frequency of parenting time.
2 Parenting time arrangements shall not compromise any other
3 remedy provided by the court by requiring or encouraging contact
4 between the plaintiff and defendant. Orders for parenting time may
5 include a designation of a place of parenting time away from the
6 plaintiff, the participation of a third party, or supervised parenting
7 time. The parenting time order shall be determined in accordance
8 with the provisions of P.L. , c. (C.) (pending before the
9 Legislature as this bill).

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. Any denial of**
15 **such a request must be on the record and shall only be made if the**
16 **judge finds the request to be arbitrary or capricious.**

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

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

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

1 conditions ordered by the court, the defendant has completed all
2 required attendance at such counseling.

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

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

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

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

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

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

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

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

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

45 (15) An order that requires that the defendant report to the
46 intake unit of the Family Part of the Chancery Division of the
47 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 c. Notice of orders issued pursuant to this section shall be sent
26 by the clerk of the Family Part of the Chancery Division of the
27 Superior Court or other person designated by the court to the
28 appropriate chiefs of police, members of the State Police and any
29 other appropriate law enforcement agency.

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

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

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

40
41 5. This act shall take effect on the 60th day after enactment
42 except the Administrative Director of the Administrative Office of
43 the Courts may take such anticipatory administrative action in
44 advance thereof as shall be necessary for the implementation
45 of this act.

STATEMENT

This bill requires the Administrative Office of the Courts (AOC), in consultation with the Supreme Court Statewide Domestic Violence Working Group, to develop a parenting time questionnaire and an evidence-based guide of risk considerations for the court in determining custody and parenting time alternatives in certain domestic violence cases. In addition, the Attorney General, in consultation with the Supreme Court Statewide Domestic Violence Working Group, is directed to develop an evidence-based risk assessment instrument for law enforcement.

AOC: PARENTING TIME QUESTIONNAIRE AND EVIDENCE-BASED GUIDE OF RISK CONSIDERATIONS

Under the bill, the parenting time questionnaire and the evidence-based guide of risk considerations developed by the AOC will be used by the court in making a parenting time determination if there is a potential risk to the safety or well-being of a child. The parenting time questionnaire will be completed by a parent asserting a concern for the safety or well-being of a child. The questionnaire will collect information for use with the evidence-based guide developed by the AOC if there is a potential risk to the safety or well-being of a child from a parent who is entitled to parenting time. The questionnaire will include, but not be limited to, information regarding: the parents and children; the parent's recommendations for parenting time alternatives; the availability of transportation; the history of domestic violence, child abuse, or other violent or threatening behavior of a parent; the exposure of children to domestic violence or other violent or threatening behavior of a parent; the other parent's history of substance abuse; the other parent's criminal history; the other parent's history of mental illness; the results of prior parenting time efforts; the other parent's capacity to care for the child; and any other information deemed relevant by the court.

The Administrative Office of the Courts will also develop an evidence-based guide of risk considerations to assist the court in determining custody and parenting time alternatives if there are allegations of violent or threatening behavior by a parent that could place the safety and well-being of the child at risk. The guide will provide judges with an evidence-based analytical matrix of risk indicators taking into account various custody and parenting time alternatives, risk considerations, current or past violent and threatening behaviors, and family circumstances. The court would consult the guide in conjunction with information provided in the parenting time questionnaire and other relevant information provided by the parents when determining custody and allocating parenting time to facilitate access of parents to their children and to assure the best interests and safety of children.

1 The bill provides that in any court proceeding to establish
2 custody or parenting time of a child, if a parent asserts a concern for
3 the safety of a child of the relationship due to past violent or
4 threatening behavior of the other parent, the court will temporarily
5 suspend or restrict parenting time with the child and order the
6 parent asserting safety concerns to complete a parenting time
7 questionnaire, unless the parent who may be subject to the
8 restrictions shows, and the court finds, by a preponderance of
9 evidence, that the statements made by the parent seeking parenting
10 time restrictions are arbitrary and capricious. Upon request, court
11 professional staff will assist the parent in completing the
12 questionnaire, or a parent may seek the assistance of an attorney, a
13 domestic violence advocate, or a licensed social worker, marriage
14 and family therapist, psychologist or psychiatrist.

15 However, a parent will not be required to complete the parenting
16 time questionnaire if the parent believes that it would create any
17 possibility of further risk of harm from the other parent.

18 If the court denies a parent's request for temporary suspension or
19 restriction of parenting time or further evaluation of safety concerns
20 related to the child, the court is required to state the reasons for the
21 denial on the record. When the court enters an order temporarily
22 suspending or restricting parenting time to allow time for further
23 evaluation of safety concerns, the court would be required to set the
24 date for a subsequent hearing. The hearing shall occur in an
25 expeditious manner while allowing time for the collection of
26 relevant information and professional evaluations. A copy of the
27 completed parenting time questionnaire will be provided to the
28 parent who may be subject to the parenting time restriction prior to
29 the hearing.

30 The court would consider the following information when
31 establishing an appropriate parenting time arrangement:

- 32 • information provided in the parenting time questionnaire;
- 33 • information available in court records; and
- 34 • any evidence provided or testimony made by the parents or
- 35 other witnesses at the hearing.

36 After reviewing information provided at the hearing, if the court
37 finds that there exists any possible risk to the safety or well-being
38 of the child from a parent who is entitled to parenting time, the
39 court may order:

- 40 • court-sponsored or court-approved parenting time;
- 41 • parenting time in the presence of a third party;
- 42 • parenting time at a place and time that avoids contact with
- 43 the other parent; or
- 44 • any other restrictions or conditions on parenting time that
- 45 the court deems necessary to protect the safety and well-being of
- 46 the child.

1 The court may also order batterers intervention counseling for the
2 parent subject to the restrictions as a condition to the parenting time
3 restrictions.

4 The court may order continued suspension of parenting time only
5 if a parent is provided with procedural due process and the court
6 finds on the record that no other alternative will protect the safety
7 and well-being of the child. If the court orders a complete and
8 indefinite suspension of parenting time, the court would refer the
9 matter to the Division of Child Protection and Permanency in the
10 Department of Children and Families for investigation.

11 If there is any allegation during the court proceedings that a
12 parent has physically or emotionally abused a child, the court will
13 refer the matter to the Division of Child Protection and Permanency
14 in the Department of Children and Families for investigation.

15 ATTORNEY GENERAL: EVIDENCE-BASED RISK
16 ASSESSMENT FOR LAW ENFORCEMENT

17 The bill requires the Attorney General, in consultation with the
18 Supreme Court Statewide Domestic Violence Working Group, to
19 develop an evidence-based risk assessment instrument to be used by
20 law enforcement throughout the State to aid in the evaluation of the
21 likelihood of whether a person charged with any crime, or any
22 offense involving domestic violence as defined in subsection a. of
23 section 3 of P.L.1991, c.261 (C.2C:25-19) will commit a future act
24 of violence against a victim of domestic violence.

25 The risk assessment instrument would be validated by an
26 independent source to assure that its results provide valid predictors
27 of future acts of violence. To the extent feasible, the risk
28 assessment instrument will maximize use of information from
29 existing criminal justice information systems to limit exposure of
30 the victim to future violence from the person alleged to have
31 committed domestic violence.

32 If the risk assessment instrument includes information obtained
33 from a victim, the law enforcement officer, prior to applying the
34 risk assessment instrument, will inform the victim about the use of
35 the results, the persons who or agencies that will have access to
36 results, and permit the victim to decline participation if the victim
37 believes that it may compromise the victim's safety.

38 The results of the risk assessment will be used in conjunction
39 with other information that may be provided by the victim or
40 obtained from criminal justice information systems, to:

- 41 • assist law enforcement officers who respond to the scene of
42 domestic violence in deciding whether to charge a defendant who is
43 alleged to have committed an act of domestic violence on a
44 complaint-warrant or complaint-summons;
- 45 • assist prosecutors and the court in determining if an order for
46 pretrial detention pursuant to sections 4 and 5 of P.L.2014, c.31
47 (C.2A:162-18 and C.2A:162-19) is appropriate;

- 1 • protect the victim during and after any criminal proceedings;
- 2 • promote appropriate sentencing and probation supervision or
- 3 corrections strategies; and
- 4 • aid Batterer's Intervention Programs in designing
- 5 individualized remedial programs for persons who have committed
- 6 an act of domestic violence.

7 Under the bill, the results of a person's risk assessment would be
8 deemed confidential and would be released only to:

- 9 • a public agency authorized to investigate a report of
- 10 domestic violence;
- 11 • the police or other law enforcement agency investigating a
- 12 report of domestic violence;
- 13 • a court, upon its finding that access to such records may be
- 14 necessary for determination of an issue before the court;
- 15 • the Department of Corrections and State Parole Board; and
- 16 • the Division of Child Protection and Permanency in the
- 17 Department of Children and Families;
- 18 • a Batterer's Intervention Program established under the
- 19 Department of Children and Families; and
- 20 • any other agency deemed appropriate by the Attorney General.

21 AMENDATORY SECTION

22 The bill amends section 13 of P.L.1991, c.261 (C.2C:25-29)
23 concerning domestic violence hearing procedures to cross reference
24 the evidence-based risk assessment and parenting questionnaire
25 established under the bill.

26 This bill embodies recommendations 6 and 20 of the Report of
27 the Supreme Court Ad Hoc Committee on Domestic Violence
28 issued June 2016.

29 This bill is named "Monica's Law" after 31-year-old Monica
30 Paul. In June 2008, Ms. Paul was shot to death in the presence of
31 her two young children in the YMCA Family Center in Montclair.
32 Kenneth Duckett, the father of the children, was convicted of the
33 murder and sentenced to life imprisonment.