

**RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
PART V. RULES GOVERNING PRACTICE IN THE CHANCERY DIVISION,
FAMILY PART
CHAPTER II. SPECIFIC CIVIL ACTIONS
RULE 5:7B. SEXUAL ASSAULT SURVIVOR PROTECTION ACT:
PROTECTIVE ORDERS**

Rule 5:7B. Sexual Assault Survivor Protection Act: Protective Orders

(a) Application for Temporary Protective Order. Except as provided in paragraph (b) of this rule, an applicant for a temporary protective order shall appear before a judge or a domestic violence hearing officer to personally testify on the record or by sworn complaint submitted pursuant to N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15. If it appears that the order is necessary to protect the safety and wellbeing of the victim, the judge shall, upon consideration of the applicant's affidavit, complaint or testimony, order emergency relief, including ex parte relief, in the nature of a temporary protective order as authorized by N.J.S.A. 2C:14-13 et seq.

(b) Issuance of Temporary Protective Order by Electronic Communication. A judge may issue a temporary protective order upon sworn oral testimony of an applicant who is not physically present. Such sworn oral testimony may be communicated to the judge by telephone, radio or other means of electronic communication. The judge assisting the applicant shall contemporaneously record such sworn oral testimony by means of a sound-recording device or stenographic machine if such are available; otherwise, adequate longhand notes summarizing what is said shall be made by the judge. Subsequent to taking the oath, the applicant must identify himself or herself, specify the purpose of the request, and disclose the basis of the application. This sworn testimony shall be deemed to be an affidavit for the purposes of issuance of a temporary protective order. A temporary protective order may issue if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown. Upon issuance of the temporary protective order, the judge shall memorialize the specific terms of the order. This order shall be deemed a temporary protective order for the purpose of N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15.

(c) Temporary Protective Order. In court proceedings instituted under the Sexual Assault Survivor Protection Act of 2015, the judge shall issue a temporary protective order when the victim has been subject to nonconsensual sexual contact, sexual penetration, or lewdness, or an attempt at such conduct. The order may be issued ex parte when necessary to protect the safety and wellbeing of the victim on whose behalf the relief is sought.

(d) Final Protective Order. A final order restraining a defendant shall be issued only on a specific finding of nonconsensual sexual contact, sexual penetration, or lewdness, or an attempt at such conduct, or on a stipulation by a defendant to the commission of an act or acts of sexual contact as defined by the statute.

(e) Venue in Sexual Assault Survivor Protection Act Proceedings. Venue in these actions shall be laid in the county where either of the parties resides, where the offense took place, or where the victim is sheltered. The final hearing is to be held in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere.

Note: Adopted July 28, 2017 to be effective September 1, 2017.