

2010

State Law Report Card



New Jersey

Access to Restraining Orders

In New Jersey, minors can obtain Restraining Orders (ROs),¹ but courts can issue ROs against minor abusers only if they are emancipated.*² New Jersey allows people in dating relationships to seek ROs against their abusers.³

Procedure

State law does not specify whether minors can petition for ROs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, New Jersey law does not specify whether a parent or guardian of the minor will be notified about the RO.

Definition of Abuse

A judge may issue an RO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner; or damaged the petitioner's property.⁴ The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁵ the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support, spousal support and/or attorneys' fees;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Restraining Order is modifiable.⁶

* An emancipated minor is a minor who has been married, has entered military service, has a child or is pregnant, or has been declared by a court or administrative agency to be emancipated. NJ Stat. § 2C:25-19(e) (2009).

Minors' Access to Sensitive Services^{7,8}

All minors can consent to:

- HIV/STI testing and treatment*
- Prenatal care*
- Adoption
- Medical care for minor child(ren)

Some minors can access contraceptive services.

*A physician may inform a minor's parents.

School Response to Dating Violence⁹

New Jersey law permits a board of education to incorporate instruction on domestic violence, including the dynamics of dating violence.

Recommendations for Immediate Policy Change

In order to improve New Jersey's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for ROs, including against minor abusers, on their own behalf and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services, including abortion, without parental involvement.
- Mandate dating violence education in all middle schools and high schools.



For more information about state law and policy, visit www.breakthecycle.org or email policy@breakthecycle.org.

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The logo for the New Jersey State Law Report Card features a yellow outline of the state of New Jersey on a blue background. To the right of the map is a white letter 'B' inside an orange circle. Below the map and circle, the words 'New Jersey' are written in a bold, black, sans-serif font.

New Jersey

References

¹ N.J. STAT. ANN. § 2c:25-19(d) (2009).

² *Id.* § 2c:25-19(a).

³ *Id.* § 2c:25-19(d).

⁴ *Id.* § 2c:25-19(a).

⁵ *Id.* § 2c:25-29(b).

⁶ *Id.* § N.J. Stat. § 2c:25-29(d)

⁷ Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf, accessed December 1, 2009.

⁸ Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf, accessed December 1, 2009.

⁹ N.J. STAT. ANN. § 18A: 35-4.23.

Break the Cycle

Empowering Youth to End
Domestic Violence

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