

How to Prepare for a Domestic Violence Restraining Order Risk Assessment



Once you have received a Final Restraining Order (FRO) from the Family Court, you may ask the court to order a risk assessment.

What is a Risk Assessment?

A risk assessment helps the court to decide what type of parenting time (visitation) to order for the defendant. If the court orders a risk assessment, a court professional will arrange a separate interview with each of you. During the interview, each of you may give the court professional information about your situation. You may also offer evidence, including documents and witnesses. After the professional finishes the interviews, a report will be written and a hearing will be scheduled. At the hearing, the judge will then make a decision about the defendant's parenting time, based in part on the risk assessment. The court may provide a copy of the completed risk assessment to each party (the plaintiff and the defendant) or to their attorneys if they have them.

Tips on How to Prepare for the Risk Assessment

You should think beforehand about what type of parenting time you would like the defendant to have with the child. You should also gather evidence and decide what you want to tell the court professional. Focus on facts that are related to the safety of the child during parenting time with the defendant. Below is a list of items that you should share with the court professional at the interview:

- Information about the defendant's acts of domestic violence against you, including, but not limited to, any physical injuries, verbal threats, or the use of a weapon.
- Copies of documents related to the domestic violence, including, but not limited to, temporary and final restraining orders, police reports, and medical reports.
- Evidence of abuse or neglect to a child.
- Copies of documents showing how the domestic violence has affected the child, such as medical records, school records, and any other information related to the child's behavior.
- The defendant's experience acting as a parent to the child.
- A description of any mental health problems experienced by the defendant, which might cause him or her to harm or not properly parent the child.
- Details about the location where parenting time with the defendant will take place, including how the child will be transported to and from this location.
- The defendant's past criminal history, if any.
- Information about any substance abuse problems the defendant may have, including alcohol, drugs, prescription medication, etc.
- If your family was ever involved with the Division of Child Protection and Permanency (formerly DYFS).

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- Any information that you think the defendant should have about the child, such as medical records, school records, or any other information necessary to meet the child’s needs.
- Your suggestions about the amount of the parenting time the defendant should have with the child. Offer suggestions that will work for both you and the child. Share the child’s feelings about parenting time with the defendant.

Be creative! Have suggestions that will work for both you and your child.

Options for Parenting Time

In order to make a decision about parenting time, the court will read the risk assessment. At the risk assessment hearing, the court will ask you and the defendant about parenting time. Then the court will make the final determination regarding parenting time with the defendant. Listed below are different types of parenting time a court may order:

Suspended Parenting Time—If the court determines that the defendant has been abusive or will be abusive to the child, the judge may completely suspend parenting time or suspend parenting time until the defendant completes certain programs, such as a supervised therapeutic parenting-time program.

Supervised Therapeutic Parenting Time—This is parenting time that occurs in a therapeutic environment, such as a counseling session.

Supervised Parenting Time—If a court orders supervised parenting time, this means that the defendant is not allowed to be alone with the child. The parenting time must be supervised by either a court-sponsored program or a third party.

Unsupervised Parenting Time—If the court orders unsupervised parenting time, the judge’s order should direct the specific pick-up dates and times in which the defendant may have parenting time with the child. This may include:

1. **Neutral Pick-Up and Drop-Off Sites**—The judge may choose a location that is not near the home, where you may deliver your child to the defendant.
2. **Curbside Pick-Up and Drop-Off**—This direction requires the defendant to stay in the vehicle while the child walks to the car from your front door.

Resources

If you would like more information about risk assessments or domestic violence, you may contact LSNJLAWSM, Legal Services of New Jersey’s statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529) or apply online at www.lsnjlawhotline.org. You may also view instructional videos on www.youtube.com. Please type “LSNJ restraining order” in the search box to access the videos.

1-888-LSNJ-LAW
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