

# Your Legal Rights to



BE  
FREE

from

# Dating Violence and Harassment

# Your Legal Rights to Be Free from Dating Violence and Harassment

**Legal Services of New Jersey**

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# Dating Violence & Harassment

## Your Legal Rights

Violence or harassment in a current or former romantic relationship is called “dating violence and harassment.” You may also see it called “spousal abuse,” “domestic violence,” or “intimate partner violence.” You do not have to be married, living together, or even having sex with the person you are dating to experience violence or harassment. In fact, young women, between the ages 16 and 24, experience the highest rate of intimate partner violence.<sup>1</sup> This guide has been created to help you identify when behavior in a relationship crosses the line from an unhealthy relationship to illegal behavior and to know what you can do to protect yourself under the law.

### Some Facts About Dating Violence and Harassment <sup>2</sup>

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- 1.5 million high school students experience physical abuse from a boyfriend/girlfriend or someone they are dating every year.
  - One in three young adults in the United States experiences physical, sexual, emotional, or verbal abuse from their partner.
  - People who are abusive usually begin displaying violent behavior between 12 and 18 years old.
  - Typically, the earlier in life violent behavior begins, the more aggressive the abuse becomes.
  - Nearly half (43%) of college women report experiencing abuse from a partner. Many women may not report.
  - Only 33% of young adults who were in abusive relationships discussed the abuse with other people.

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<sup>1</sup> Dating abuse statistics (2013). [http://www.loveisrespect.org/pdf/Dating\\_Abuse\\_Statistics.pdf](http://www.loveisrespect.org/pdf/Dating_Abuse_Statistics.pdf)

<sup>2</sup> Dating abuse statistics (2013). [http://www.loveisrespect.org/pdf/Dating\\_Abuse\\_Statistics.pdf](http://www.loveisrespect.org/pdf/Dating_Abuse_Statistics.pdf)

# Recognizing the Warning Signs of an Abusive Relationship

The website ***LoveIsRespect.org*** describes common attitudes and behaviors in a healthy relationship and in an abusive relationship.



Test your understanding of relationship attitudes and behaviors at ***[www.loveisrespect.org/dating-basics/relationship-spectrum](http://www.loveisrespect.org/dating-basics/relationship-spectrum)***.

The website has information and tips about:

- ✚ different types of abuse in a relationship
- ✚ the power and control wheel—ways abusive partners use power to manipulate
- ✚ conflict resolution
- ✚ creating healthy relationship boundaries

# What Relationship Behavior is Illegal Domestic Violence in New Jersey?

## Physical Abuse

- ✚ Spitting at you
- ✚ Throwing things at you
- ✚ Pulling your hair
- ✚ Biting or scratching you
- ✚ Burning you
- ✚ Cutting you
- ✚ Pushing, shoving, or grabbing you
- ✚ Kicking or throwing you down
- ✚ Slapping you with an open hand
- ✚ Punching you with a closed fist
- ✚ Trying to choke or strangle you
- ✚ Assaulting you with a weapon

## Sexual Abuse

- ✚ Touching you sexually in a way that your partner knew you did not want
- ✚ Making you touch your partner sexually in a way that your partner knew you did not want
- ✚ Forcing you to have sex when you did not want to
- ✚ Making you have sex with other people, or use objects when you did not want to
- ✚ Forcing you to have sex after abusing you physically or emotionally

## Threats

**(in person, phone, text, email, or social media)**

- ✚ Threatening to hurt you
- ✚ Threatening to kill you
- ✚ Threatening to hurt or kill a member of your family
- ✚ Threatening to hurt or kill a pet
- ✚ Threatening to flee with the children
- ✚ Threatening to commit suicide, or making a suicide attempt to get you to do something

# What Relationship Behavior is Illegal Domestic Violence in New Jersey?

## Other Abusive Behaviors

- ✚ Using social media to control, harass, stalk, or intimidate you
- ✚ Calling or texting you a hundred times in a day after being told to stop
- ✚ Threatening you to prevent you from leaving
- ✚ Physically keeping you from leaving by doing such things as blocking a doorway, taking your car keys, disabling your car
- ✚ Locking you in a room
- ✚ Forcing you to go anywhere against your will
- ✚ Stopping you from calling for help by taking or disabling a phone
- ✚ Harassing you by purposely and repeatedly annoying or alarming you by making hang-up calls, calling your home or job, or deliberately preventing you from sleeping
- ✚ Purposely or recklessly damaging your property or possessions by doing such things as punching holes in the walls, ripping up personal journals, tearing your clothing, breaking your phone
- ✚ Purposely or repeatedly following or stalking you by doing things such as staking out your home or job
- ✚ Coming to your home uninvited repeatedly after being told not to
- ✚ Breaking into your home with the intention of assaulting you or stealing from you

# Safety Planning

If you are being abused, securing legal protections may be a critical tool for your safety. The website, [womenslaw.org/about-abuse/safety-tips](http://womenslaw.org/about-abuse/safety-tips), has tips and information on thinking through how to protect yourself and creating your own safety plan.

## Legal Protections in New Jersey

### The Prevention of Domestic Violence Act

A judge may grant a restraining order if:

- 1) The abuser is at least 18 years old, or you are married to, pregnant by, or share a child with the abuser,
- 2) You are in a qualifying relationship (including a dating relationship) with the abuser,
- 3) You prove that you have been subjected to one of the 19 crimes set forth in the New Jersey Prevention of Domestic Violence Act (N.J.S.A. 2C:33 et al.), and
- 4) You are at risk of being subjected to further domestic violence.

### The 19 criminal acts that are covered by the Prevention of Domestic Violence Act

- ✚ Harassment (N.J.S.A. 2C:33-4)
- ✚ Assault (N.J.S.A. 2C:12-1)
- ✚ Terroristic threats (N.J.S.A. 2C:12-3)
- ✚ Criminal mischief (N.J.S.A. 2C:17-3)
- ✚ Criminal restraint (N.J.S.A. 2C:13-2)
- ✚ False imprisonment (N.J.S.A. 2C:13-3)
- ✚ Burglary (N.J.S.A. 2C:18-2)
- ✚ Criminal sexual contact (N.J.S.A. 2C:14-1, 2C:14-3)
- ✚ Sexual assault (N.J.S.A. 2C:14-1, 2C:14-2)
- ✚ Kidnapping (N.J.S.A. 2C:13-1)
- ✚ Stalking (N.J.S.A. 2C:12-10, 2C:12-10.1)
- ✚ Lewdness (N.J.S.A. 2C:14-4)
- ✚ Criminal trespass (N.J.S.A. 2C:18-3)
- ✚ Homicide (N.J.S.A. 2C:11-1 to 2C:11-4)
- ✚ Criminal Coercion (N.J.S.A. 2C:13-5)
- ✚ Robbery (N.J.S.A. 2C:15-1)
- ✚ Contempt of a domestic violence restraining order (N.J.S.A. 2C:29-9)
- ✚ Cyber-harassment (N.J.S.A. 2C:15-1)
- ✚ Any other crime involving risk of death or serious bodily injury

For a detailed description of each crime, read *The 19 Crimes of DV in NJ* (<http://bit.ly/2QIJw6g>)




# What is a Restraining Order?

A **TEMPORARY RESTRAINING ORDER (TRO)** is a court order issued against the person accused of abuse (defendant) after the victim (plaintiff) alone gives testimony and sometimes other evidence about the abusive incident to a municipal or Superior Court judge. The order requires the defendant to stay away from the plaintiff and not communicate with him or her in any way. It also orders both parties to appear at a final restraining order hearing within 10 days. A temporary restraining order makes a preliminary finding before there is a full hearing, based only on the plaintiff's testimony that the plaintiff is in need of this protection.

A **FINAL RESTRAINING ORDER (FRO)** is a court order issued after the filing of a domestic violence complaint and a hearing where both the plaintiff and defendant have had an opportunity to appear and present testimony and other evidence to a judge, or where the defendant waives the right to a hearing and admits to having committed an act of domestic violence. This type of court order normally restrains the defendant from having any type of contact with the plaintiff. Under New Jersey law, final restraining orders remain in force permanently or until either the plaintiff or defendant applies to the court and convinces the court, by way of evidence, to dissolve the order.

# How do I Get a Restraining Order?

The process to obtain a temporary restraining order and then a final restraining order is detailed in a series of short videos and articles on our website:

-  **LSNJ Restraining Order Videos** (<http://bit.ly/2cOSDbs>)
-  **How to Get a Restraining Order** (article) (<http://bit.ly/38DQdHd>)
-  **Domestic Violence: A Guide to the Legal Rights of Domestic Violence Victim in New Jersey** (manual) (<http://bit.ly/2TRJfZO>)



# What If the Abuser (Defendant) is Not Yet 18 Years Old?

## ***Domestic Violence Restraining Order***

Generally, when the abuser has not yet reached his or her 18<sup>th</sup> birthday, the victim is not eligible to obtain a domestic violence restraining order. There is an important exception. A domestic violence restraining order is available against a defendant who is not yet 18 years old if the minor defendant is married to the victim or has a pregnancy or child with the victim. In that case, see the sections above. You may have to remind the police or court about this narrow exception for minors.

## ***Juvenile Justice Laws***

Also called Juvenile Delinquency laws, these laws apply to unlawful behavior by a minor, including any of the 19 crimes described above. They are not called crimes if committed by a minor, but the same statutes and definitions apply. When a minor commits an unlawful act, it is called “delinquency.”

## ***Juvenile Justice—Restraining Order***

LSNJ is not aware of restraints being entered routinely in juvenile matters. It is worth asking the police and the court for a restraining order. You may want to respectfully remind them that the court’s Domestic Violence Procedures Manual says when a juvenile is charged with acts that would be domestic violence if he or she were an adult, “[t]he entry of pre or post-dispositional restraints can also be considered for use in the juvenile delinquency case.” *See New Jersey Court’s Domestic Violence Procedures Manual, at §2.1.3C “Special Provisions for persons under 18 years of age,” at [www.njcourts.gov/courts/assets/family/dvprcman.pdf](http://www.njcourts.gov/courts/assets/family/dvprcman.pdf).*

## ***Juvenile Justice—No Contact Order***

When an adult or a minor is charged with a crime or delinquency, the court may enter a “no contact” order. If you are not able to obtain a pre-hearing restraining order, you may ask the police and court for a “no contact” order at the time of adjudication of the juvenile delinquency charge. A “no contact” order would direct the defendant abuser to have no contact with you, the victim.

# Protections at School

## Federal Law: Title IX

### ***College***

Title IX is a federal law that requires universities and colleges to assist in the protection of their students from discrimination. Title IX imposes responsibilities on schools when they are aware of and have control over gender-based violence and harassment, including sexual assault and sexual harassment. Colleges, either on their own or in compliance with Title IX, may have rules regarding violence or harassment by a boyfriend or girlfriend, particularly when the situation is considered gender-based harassment. You should be able to find a college's policies online by searching for "Title IX" and "domestic violence." Each school is required to have a Title IX administrator. To find out more or to seek assistance from your school, contact the school's Title IX administrator. To learn more about Title IX requirements or to make a complaint, see the website of US Department of Education, Office on Civil Rights, which oversees Title IX compliance: <https://www2.ed.gov/about/offices/list/ocr/index.html>.

### ***High School (really K-12)***

Title IX, described above as it applies to colleges, is a federal law that applies to all schools that receive any federal funding, which is virtually all public and many private schools, K-12. Title IX requires schools to assist in the protection of their students from discrimination. Title IX imposes responsibilities on schools when they are aware of and have control over gender-based violence and harassment, including sexual assault and sexual harassment. Some schools, either on their own or in compliance with Title IX, may have rules regarding violence or harassment by a boyfriend or girlfriend, particularly when the situation is considered gender-based harassment. Each school district is required to have a Title IX administrator. To find out more about your school district's rules or to seek assistance from your school contact the school district's Title IX administrator. To learn more about Title IX requirements or to make a complaint, see the website of US Department of Education, Office on Civil Rights, which oversees Title IX compliance: <https://www2.ed.gov/about/offices/list/ocr/index.html>.

# New Jersey Law: Harassment, Intimidation, and Bullying

## **High School (K-12)**




New Jersey's Harassment, Intimidation, and Bullying Law requires any school in New Jersey, kindergarten through high school, to have policies in place to investigate and address incidents of harassment, intimidation, or bullying ("HIB") of a student by another student or by a staff member, when the HIB is motivated by "any actual or perceived characteristic, such as . . . gender. . . that takes place on school property, at any school sponsored function, on a school bus, or [in certain circumstances,] off school grounds." This may include incidents of dating violence or harassment, if the incident is gender-based and occurs at school, on a school bus, or in a place covered by the statute or school policy.

Each school district is required to appoint an anti-bullying coordinator and an anti-bullying specialist, who will lead investigations into allegations of HIB. To learn more about the HIB law or your school districts policies on HIB ask an administrator to identify the district anti-bullying coordinator. To make a claim of HIB, contact your principal, another administrator, or the district's anti-bullying specialist. You can also see the website for the New Jersey Department of Education, which oversees the NJ HIB Law compliance.

## Additional Legal Protections

Learn more about the legal rights of domestic violence victims in New Jersey (including protections in housing, employment, online, etc.), on our website: [\*\*www.isnjlaw.org/Family-Relationships/Domestic-Violence/Pages/default.aspx\*\*](http://www.isnjlaw.org/Family-Relationships/Domestic-Violence/Pages/default.aspx).

To learn more about the protecting yourself online, read these articles on our website:

-  **What Is Revenge Porn and How Can I Protect Myself?** (<http://bit.ly/38I9nf0>)
-  **Online Safety** (<http://bit.ly/39HHCEC>)
-  **How Can I Stop Online Harassment?** (<http://bit.ly/2Q3Asmw>)