

# ASSEMBLY WOMEN AND CHILDREN COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1078**

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 15, 2021

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 1078.

As amended by the committee, this bill requires that certain domestic violence restraining orders and notices to domestic violence victims be issued in other languages in addition to English.

Currently, section 7 of P.L.1991, c.261 (C.2C:25-23) provides that a law enforcement officer must provide a domestic violence victim with a notice of the victim's rights, including the right to go to court to obtain a temporary restraining order and the right to file criminal charges. The statute also provides that the notice must be written in both English and Spanish. This bill provides that the notice be written by the Administrative Office of the Courts (AOC), in English, Spanish, and up to 10 additional languages commonly spoken in the State.

Section 12 of P.L.1991, c.261 (C.2C:25-28) provides that a victim may file a domestic violence complaint with the Family Part of the Chancery Division of the Superior Court (Family Part) or, at times when the Family Part is closed, with a judge of the Family Part or a judge of the municipal court assigned to accept such complaints and issue temporary restraining orders. The statute does not specify whether the order must be issued in a language other than English.

As amended, this bill provides that any temporary restraining order be issued in the primary language or languages used by both the plaintiff and the defendant. The AOC is to prepare standard temporary restraining order forms in English, Spanish, and up to 10 additional languages commonly spoken in the State, for use by judges in compliance with the law.

Section 12 of P.L.1991, c.261 (C.2C:25-28) also provides that an order granting emergency relief, together with the complaint or complaints, is to immediately be forwarded to the appropriate law enforcement agency for service on the defendant, and to the police of the municipality in which the plaintiff resides or is sheltered, and immediately be served upon the defendant by the police.

As amended, this bill provides that the order immediately be served upon the defendant by the police, along with a copy of the translated order, if applicable.

Section 13 of P.L.1991, c.261 (C.2C:25-29) provides that within 10 days of the filing of a complaint for a temporary restraining order, the Family Part will conduct a hearing to determine whether to issue a permanent restraining order. This bill provides that any permanent restraining order be issued in the primary language or languages used by both the plaintiff and the defendant.

The bill also provides that the AOC prepare standard forms in English, Spanish, and up to 10 additional languages commonly spoken in the State, for use by courts in complying with the provisions of law.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS

The committee amendments provides that any temporary restraining order be issued in the primary language or languages used by both the plaintiff and the defendant, and that the AOC is to prepare standard temporary restraining order forms in English, Spanish, and up to 10 additional languages commonly spoken in the State, for use by judges in compliance with the law.

The committee amendments provide that if applicable, an order granting emergency relief, together with the complaint or complaints, is to be served immediately on the defendant by the police, along with a copy of the translated order.