

# How to Obtain Protection for a Victim of Domestic Violence

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What is a Temporary  
Restraining Order (TRO)?

- Order entered by Municipal Court Judge or Family Part Judge
- Obtained *Ex Parte*
- Entered to protect the “life, health or well-being of a victim”

What is the standard for  
the issuance of a TRO?

- Good cause

What type of relief  
can a TRO contain?

- **Possession of the home:** defendant is barred from returning to the scene of the domestic violence;
- **Safety at Work:** Prohibition on defendant from appearing at certain locations;
- **Stay Away from My Family and Me:** Prohibition on defendant having contact with victim or other protected parties;

- Financial relief;
- Risk / Mental health evaluations;
- Weapons-related relief;
- Relief regarding custody;
- Relief regarding pets; and
- Any other relief necessary to protect the victim.



How does a Victim  
Obtain a TRO?

- **Regular Court hours:** Family Division of the Superior Court
- **After hours:** Municipal Court via contacting the Police

What is a  
Final Restraining Order  
(FRO) &  
How is an FRO Obtained?

# A Mini-Trial with “mini” Discovery

- Hearing within **10 days** of the issuance of the TRO
- Must be Valid Service on Defendant
- Burden of Proof - Preponderance

What is the Judge  
looking for at an FRO  
hearing?

## SHOW THE DYNAMIC THAT EXISTS BETWEEN THE DEFENDANT AND THE VICTIM

- Commission of a Predicate Act
- Is there a History of Domestic Violence?
- Was and is there an immediate danger to person or property;
- The financial circumstances of the plaintiff and defendant;
- The best interests of the victim and any child?

# Practice Tips

- No right to discovery, but
  1. you can subpoena witnesses; and
  2. you can ask for leave on a showing of good cause
- Explain why a FRO is necessary
- Take your time with the direct testimony/**know your client**