

A “Date” Is NOT A Relationship: Appellate Division Rules That Single Date Is Not Sufficient To Establish A Dating Relationship Under The Prevention Of Domestic Violence Act

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On June 6, 2012, the Appellate Division issued a published opinion in [S.K. v. J.H.](#), a case involving an appeal from the entry of a Final Restraining Order. In that case, the Appellate Division reversed the trial court’s entry of a Final Restraining Order against J.H., which stemmed from an assault that J.H. committed against S.K. while the pair were in Israel.

The facts of this case are that on May 31, 2010, a few days after arriving in Israel (in a birth-right trip with dozens of people), plaintiff, defendant, and others attended a group function. Later that night, or in the early morning hours of June 1, 2010, plaintiff, a female friend of plaintiff’s, and defendant walked to plaintiff’s room. Defendant made a “pass” at plaintiff; she rejected him. Defendant then violently assaulted plaintiff causing her severe bruises, broken orbit, fractures in jaw, tooth, cuts that required stitching and an injury to the left lung.

Previously, I answered a question about Domestic Violence which was published on the [Patch Newspapers](#) that explained in order to obtain a final restraining order pursuant to the Prevention of Domestic Violence Act, a plaintiff must prove, by a preponderance of the evidence that:

- he or she is a “victim of domestic violence,” N.J.S.A. 2C:25-19(d);
- the defendant committed a predicate act, N.J.S.A. 2C:25-19(a); and
- a restraining order “is necessary . . . to protect the victim from an immediate danger or to prevent further abuse,” [Silver v. Silver](#), 387 N.J. Super. 112, 127 (App. Div. 2006) (citing N.J.S.A. 2C:25-29(b)).

Based on the severe injuries sustained by the plaintiff, the only issue before the trial judge was whether plaintiff could be said to be a “victim of domestic violence” as defined by the law, which includes “any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.” In [Andrews v. Rutherford](#), 363 N.J. Super. 252, 253 (Ch. Div. 2003), the trial court judge highlighted the following six factors that should be used to guide this inquiry:

1. Was there a minimal social interpersonal bonding of the parties over and above a mere casual fraternization?
2. How long did the alleged dating activities continue prior to the acts of domestic violence alleged?
3. What were the nature and frequency of the parties’ interactions?
4. What were the parties’ ongoing expectations with respect to the relationship, either individually or jointly?
5. Did the parties demonstrate an affirmation of their relationship before others by statement or conduct?
6. Are there any other reasons unique to the case that support or detract from a finding that a “dating relationship” exists?

Embracing the [Andrews](#) factors, the Appellate Division reversed the entry of the Final Restraining Order against the defendant, J.H., stating that if the “Legislature intended to permit the Act’s protections to apply to persons who had a single date, it would have defined “victim of domestic violence” as any person who has been subjected to domestic violence by a person whom the victim has dated” but, by “requiring evidence of a ‘dating relationship,’ the Legislature undoubtedly intended something of greater frequency or longer duration than a single date.”

So, under the Prevention of Domestic Violence Act, a single date is not considered a dating relationship.