

Domestic Violence

New Jersey Family Attorneys Handling Domestic Violence Cases

While it can be uncomfortable to discuss, domestic violence is a serious matter. Victims of abuse often try to keep these matters private, believing that there is no way to escape an abusive relationship. Fortunately, our legal system provides ways in which abuse victims can protect themselves and their children.

There are also times when people are falsely accused of an act of domestic violence. There are many different motives underlying false allegations and these types of fabricated claims can gravely impact the outcome of a divorce and child custody proceedings.

At Einhorn Barbarito, we recognize that domestic violence is a highly sensitive issue. Our family law attorneys are dedicated and understanding professionals committed to protecting families and children. Our firm has over fifty years of experience representing clients throughout New Jersey in all types of family law matters, including domestic violence cases. Our lawyers appreciate just how difficult dealing with domestic violence can be. We work one on one with our clients to develop a course of action that is appropriate for their circumstances.

What is Domestic Violence in New Jersey?

Domestic violence occurs when someone with whom you have a domestic relationship engages in physical violence, threats, intimidation, and/or a pattern of behaviors designed to maintain power and control over you. The New Jersey Prevention of Domestic Violence Act ([N.J.S.A. 2C:25-17 et seq.](#)) (also called the “PDVA”) is designed to protect individuals who have been subjected to domestic violence by any of the following individuals:

- A spouse or former spouse

- A current or former household member
- A person with whom the victim has a child in common (or is expecting a child in common)
- A person with whom the victim currently has, or had, a dating relationship

While the New Jersey Prevention of Domestic Violence Act sets forth a number of criminal acts that constitute domestic violence, some of the most common types of domestic violence behaviors include:

- **Assault** - when, a person, causes or attempts to cause you bodily injury
- **Criminal mischief** - when a person intentionally damages your property (e.g., the abuser throws a rock through your window or breaks down your door or slashes your car tires)
- **Harassment** - when a person contacts you or communicates with you at extremely inconvenient hours, using offensive language or in another way likely to cause you harm (e.g. your spouse calls your phone every hour throughout the night trying to convince you to come back to him/her even though you already told him/her that you never want to see them again)
- **Stalking** - when a person intentionally and repeatedly follows you and intends to annoy you or threatens you or makes you afraid for your safety

Domestic Violence Victims Can Seek A Restraining Order Against Abusers

There is nothing easy about being in an abusive relationship, but there are definite first steps you can take to begin to protect yourself. You have the right to seek a restraining order against the person who is abusing you. A restraining order is a protective civil order issued by a judge, either at the courthouse during court hours or a police station when the courthouse is closed, that provides certain protections for you and your family from the abuser.

When you seek a restraining order, and one is issued, it is called a “temporary restraining order” or “TRO”. This order is based solely on your recitation of the incident or incidents, without the judge hearing the other person’s version of events. Within ten days, a final hearing is scheduled, so that the judge can hear from both you and the accused abuser. If after the final hearing a judge finds that the accused abuser committed an act of domestic violence, then the temporary restraining order will become final. A final restraining order (or “FRO”) can last forever, or until one of the parties files a motion with the court to end or change the order.

If you are the victim of domestic abuse, seeking a restraining order can seem very intimidating. If you have questions about your situation or need assistance, the attorneys at Einhorn Barbarito can help. A New Jersey domestic violence lawyer at our firm will answer your questions and guide you through the entire process. You can reach one of our experienced family law lawyers by calling our offices at 973-627-7300.

False Accusations of Domestic Violence

Unfortunately, some individuals use the PDVA to gain an advantage in litigation or for other illicit purposes. If violence temporary restraining order is entered against you, you must take it seriously. Although a restraining order is a civil order, violation of the order is a criminal offense. Moreover, a false accusation of abuse can have serious, long-term consequences. For instance, if you have children, you could lose your custody rights and possibly be restricted to supervised parenting time. If you are convicted on charges of violating a restraining order, you could face substantial criminal penalties, including jail.

Given the severity of potential penalties and consequences associated with a domestic violence charge, it is important to seek out the advice of an attorney experienced in handling domestic violence cases in New Jersey. When you work with our firm, we will take quick action to assemble a team of legal professionals experienced in both family and criminal law matters. Our attorneys will work aggressively to uncover the truth and obtain a fair and favorable outcome for your situation. Contact us today at [973-627-7300](tel:973-627-7300).

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New Jersey Domestic Violence Attorneys

Domestic violence occurs when someone you have a domestic relationship with abuses you in some way, whether it be through harassment, physical violence, or some other prohibited conduct. When

someone commits any or all of this conduct and there is a qualifying relationship between the victim and the perpetrator, it may enable the victimized party to obtain a restraining order. This relationship includes:

- A family member
- Household member
- Person with whom you have a child in common
- Person with whom you have a dating relationship

Some examples of domestic violence behavior are:

- **Assault** — when a person causes or attempts to cause you bodily injury
- **Criminal mischief** — when a person intentionally damages your property (e.g., the abuser throws a rock through your window, breaks down your door, or slashes your car tires)
- **Harassment** — when a person contacts you or communicates with you at extremely inconvenient hours, in offensive language, or in another way likely to cause you harm (e.g., your spouse calls your phone every hour throughout the night, trying to convince you to come back to them even though you already told them that you never want to see them again)
- **Stalking** — when a person intentionally and repeatedly follows you and intends to annoy you, threatens you, or makes you afraid for your safety

When you are a victim of domestic violence, you may seek a restraining order against the person abusing you. A restraining order is a civil order issued by a judge, either at the courthouse during courthouse hours or at a police station when the courthouse is closed. A restraining order provides protection from the abuser for you and your family.

When you seek a restraining order and one is issued, it is only temporary. This order is based only on your side of the story, without the judge hearing the abuser's side of the story. As a result, after you receive a temporary restraining order, a final hearing will be scheduled within 10 days to allow the court to examine all of the evidence and determine whether a final restraining order should be granted.

If after this hearing, a judge finds that the abuser did commit an act of domestic violence, and there is a need for further protection, the temporary restraining order will become final. A final restraining order can last forever or until one of the parties files a motion with the court to end or change the order.

If you have been subjected to an act or acts of domestic violence, and you have obtained or are considering obtaining a temporary restraining order, we are available to assist you through the process and try the case on your behalf. Given the complexities of domestic violence issues and restraining orders in New Jersey, we advise you to contact one of our experienced family law lawyers or criminal attorneys at Einhorn Barbarito today by calling [973-627-7300](tel:973-627-7300) . We handle domestic violence issues throughout New Jersey.

Contact a New Jersey Criminal Defense Lawyer to Combat Domestic Violence Allegations

If you are accused of committing an act of domestic violence, it should be taken seriously. Although a restraining order is a civil order, a violation of the order is a criminal offense. A host of negative consequences can also flow from a restraining order being issued against you. If a restraining order has been entered against you, we advise you to contact one of our criminal attorneys at Einhorn Barbarito today by calling [973-627-7300](tel:973-627-7300). We handle domestic violence issues throughout New Jersey.