

Civil Legal Protections in New Jersey for Survivors of Sexual Violence

Written and published by
Legal Services of New Jersey



The New Jersey Legal Services Programs

State Coordinating Program

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Preface

For 55 years, Legal Services of New Jersey (LSNJ) has coordinated the statewide Legal Services system in New Jersey, providing free legal assistance to low-income people in civil matters. Part of Legal Services' mission is to make people more aware of their legal rights. Awareness allows people to resolve some problems on their own, without the need for lawyers. Informed people are also able to make better use of a lawyer when they have one.

Important notes about using this handbook

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This handbook does not give advice about a particular legal problem that you may have, and it is not a substitute for seeing a lawyer when you need one. Always talk to a lawyer, if you can, before taking legal action.

The information in this handbook is accurate as of June 2021, but laws often change. Please check our website, www.lsnjlaw.org, for updates to this handbook, or talk to a lawyer for up-to-date legal advice.

Getting legal help

You can also contact Legal Services of New Jersey's statewide, toll-free legal hotline, LSNJLAWSM, at 1-888-LSNJ-LAW

(1-888-576-5529). Hotline hours are Monday through Friday, 8 a.m. to 5:30 p.m. You may also apply online at www.lsnjlawhotline.org. The hotline provides information, advice, and referrals in civil legal matters to eligible low-income New Jersey residents. This service is provided at no charge to callers who are financially eligible. If you do not qualify for Legal Services, the hotline will refer you to other possible resources.

Acknowledgments

This first edition was written by Mary M. McManus-Smith, LSNJ Chief Counsel for Family Law, with assistance from LSNJ's Domestic Violence Representation Project—Senior Attorney Monica Gural and Chief Attorney Shoshana Gross. Special thanks to Sarah Hymowitz, Chief Counsel for Employment, for her contributions to the worker rights section; Raquiba Huq, Chief Counsel for Immigration, for her contributions to the immigrant relief section; and Alayna Berg, Director of Outreach, for providing social work expertise and resources. Publications Director Robin Patric and Chief Content Officer Tricia Simpson-Curtin were responsible for editing, layout, and production.

Comments and suggestions

We hope that this handbook will be helpful to you. Please let us know if you have comments or suggestions that we might use in future editions. You can write to us or email us at:

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Dawn K. Miller
President, Legal Services of New Jersey
June 2021

Introduction

Sexual assault is traumatic, and there is no correct way to feel while you process this trauma. You may feel confused, ashamed, depressed, guilty, scared, and dismissive as well as other valid feelings. It is important to avoid blaming yourself for the wrongful acts of others.

The law in New Jersey recognizes that incidents of sexual violence are not caused by what the victim was wearing, whether the victim was drunk or high, or whether the victim could have taken different actions (like physically resisting the offender, alerting others, or running away).

In this handbook, we refer to “sexual assault” and “sexual violence.” Except where it is specifically defined in a section, “sexual assault” refers to all forms of physical contact with intimate parts without affirmative and freely given consent. The phrase “sexual assault” and “sexual violence” are used interchangeably in this handbook and have the same meaning. Acts of sexual assault may also be called rape, forced sex, criminal sexual contact, molestation, and groping. Forced or nonconsensual pornography, unwanted exposure to intimate parts (called “lewdness”), and other physical sexual harassment may also be sexual assault.

We refer to the person who experienced sexual violence as a “victim,” because it is the term most often used in New Jersey statutes. Also, it is the nature of injury and wrong done to the person who survived sexual violence (rather than the resilience it took to survive) that makes individuals eligible to secure rights in civil court. We recognize the personal strength and resilience of people who have survived sexual assault and mean no disrespect by focusing on their status as victims in the legal or judicial setting.

Counseling and Self-Care

Many sexual assault organizations provide direct services or referrals to counseling. Counseling can be peer-to-peer support, support groups, short- or long- term individual or group counseling. Counseling is a nonjudgmental confidential safe space to work through feelings and problems. Choosing the type of counseling that works for you can be a form of self-care. If a specific counselor or counseling setting does not work for your needs, it is ok to seek counseling that is a better fit. Before making a change, it may be helpful to write down your concerns and expectations for counseling and express them to the counselor. Advocating for yourself can be empowering. If you decide to find another counselor or method, be prepared to retell your story.

Self-care is a way to keep your mind and body healthy, resilient, and content. Engaging in self-care is simply using healthy techniques that work for you. There is no goal line. Drinking more water, implementing better sleeping habits, or taking a walk can increase self-confidence. Find strategies that work for you.

Seeking Medical Attention

The emotional impact of a sexual assault may influence your decision to seek medical attention, especially if you have been threatened by the offender. While it may be very difficult, it is recommended you get medical attention as soon as possible—preferably at an emergency room. You could have severe injuries, even if they are not visible. Seeking medical attention can help if you decide to pursue a civil or criminal case with respect to your sexual assault.

If you do seek medical attention, it is important to provide the doctor with a detailed description of what happened. If the doctor you see regarding your sexual assault is not your primary

physician, be sure to give them a brief medical history, including any allergies you may have. To the best of your ability, you will want to be very specific about the sexual assault act (what body parts were assaulted and how they were assaulted). The description should include any sexual assault act as defined by the law (See "What is a sexual offense?" on page 22.) and any physical contact by the offender. A pregnant woman should follow up with her obstetrician as soon as possible.

During your visit, ask questions so you know what to expect. Ask about treatment going forward, sexually transmitted diseases, and pregnancy. You can also ask the treating physician or staff about available services they provide and other resources in the community.

Whether or not you have health insurance, there may be costs associated with medical services and therapeutic services. This should not deter you from seeking the medical attention you need. On page 46, you will find information about your rights with the Victim of Crime Compensation Office (VCCO). If needed, ask the treating medical facility if there are programs to help with medical bills. If you receive a medical Sexual Assault Forensic Evidence (SAFE) kit or a Drug Facilitated Sexual Assault (DFSA)/Toxicology kit, there is no cost to you. Your local county sexual assault organization may have other services available to you at no cost.

Gathering Medical Evidence

We encourage you to seek medical attention immediately and take steps to preserve any potential evidence of the sexual assault. These steps may be emotionally difficult for you. Evidence collected in an exam can be important if you decide you want to press charges. You may want to ask a friend or family member to come with you for emotional support. Although they may not be allowed into the exam room, the support could be helpful during times you are not with the practitioner. Also,

some organizations that can provide support are listed in the resource section of this handbook.

If at all possible, before seeking medical attention, you should not shower, bathe, wash, douche, change clothes, eat, drink, smoke, or urinate. You should not throw away the clothes you were wearing or any other item involved in the sexual assault. In case you decide to file a police report at a later time, it is important to preserve the evidence of the sexual assault.

Sexual Assault Response Team

New Jersey has a Sexual Assault Response Team (SART)/Forensic Nurse Examiner (FNE) Program. This program provides victims of sexual assault, who are 13 years of age or older, with a coordinated team of trained advocates who provide supportive and specialized services. SART consists of a specially trained law enforcement officer, forensic nurse examiner, and a confidential sexual violence advocate (CSVA) who is available 24 hours a day, seven days a week. The purpose of SART is to provide comprehensive, informative and compassionate care with all-inclusive medical care, emotional support, and evidence gathering. A person can activate SART at a hospital or by calling 911 and the local law enforcement agency. All services are confidential.

It is your choice whether you activate SART. If you do choose to utilize this service, you should do so within five days of the assault. When speaking with a law enforcement officer, you can request to have a confidential sexual violence advocate there for support. Even if you report the assault after five days, you have the right to speak with a CVSA, who can provide information, and escort you to all medical, legal, and court procedures.

If you do not activate the SART within five days, important options and services are still available. There is no time limit for you to report your assault to the police; you do not have to activate SART to report the crime. You can still receive services

through your local sexual assault agency no matter when the assault occurred.

Should I Get Legal Advice?

You should talk to a lawyer. Since time with a lawyer is expensive, prepare for the session in advance by thinking through everything you want to know and writing down your questions. Some sexual violence service providers have legal advocates or volunteer lawyers who conduct legal clinics where you may get legal advice. The legal advocates are not lawyers, but they are specially trained. These advocates can help you prepare to talk to a lawyer and focus your questions. This will help you to save time and money. Never take legal advice from someone who is not a licensed attorney. Well-intentioned friends and relatives may offer opinions, but they are often misguided. Only take legal advice from a lawyer.

In addition to writing down the questions you will be asking a lawyer, gather all of the information that may be useful to the lawyer. For example, you may want to take with you previous court orders and other important documents or evidence about your case, such as police reports, photographs of injuries or property damage arising from the sexual violence, copies of your bills for medical care, etc.

Everything you say to a lawyer is confidential. Be sure to tell your lawyer how to safely contact you. Lawyers' fees vary. Don't be shy about discussing fees. If you cannot afford the fee, be honest. In addition to the lawyer's fee for services, there are also costs for filing certain legal papers with the court. There is no cost to file a temporary protective order (TPO). The lawyer will probably want money in advance. Shop around and find a lawyer you can afford. The New Jersey State Bar Association publishes a free directory, listing lawyers who handle issues related to domestic violence. Many will also handle SASPA sexual assault protective order cases (because the process is very

similar). To obtain a copy, call the New Jersey State Bar Association (www.njsba.com) at 732-249-5000. You may also want to contact your county bar association's lawyer referral service.

If you need the advice of a lawyer but cannot afford one, you may be eligible for free legal advice or representation from Legal Services. The addresses and telephone numbers of New Jersey's Legal Services programs are listed on the inside front cover of this handbook. You may also contact Legal Services of New Jersey's statewide, toll-free legal hotline, LSNJLAWSM, at 1-888-LSNJ-LAW (1-888-576-5529) or apply for help online at www.lsnjlawhotline.org. The hotline provides information, advice, and referrals in civil legal matters to eligible low-income residents of New Jersey. You may also qualify for representation by LSNJ's Domestic Violence Representation Project, Immigration Representation Project, or PROTECT, for victims of trafficking. The hotline can refer you to these programs."

If you go to court by yourself, read this handbook carefully. Take notes on what you read and make notes about your situation. (There are pages for notes at the end of this handbook.) Review your notes before you go to court. If you are prepared, you will be more at ease. Be prepared to give the judge a detailed account of the violence that just occurred and if any other contact has occurred before or after that incident. Organize your evidence, such as photographs, medical reports, and police reports. Prepare a list of your expenses if you are going to ask for support.

Sexual Violence and New Jersey's Legal System

Sexual violence cases may be brought in civil, criminal, or municipal court. This handbook will focus on protections and other benefits available to victims of sexual violence under New Jersey's civil law.

The criminal law system

The criminal law system handles cases that involve violations of criminal law, such as lewdness, criminal sexual contact, sexual assault, and aggravated sexual assault. Criminal cases may be prosecuted at the county courthouse in the superior court—criminal part, or at a local courthouse in municipal court. Since the state has a duty to protect its citizens, all violations of state criminal laws are considered public wrongs and crimes against the state. A prosecutor represents the state by prosecuting those accused of committing crimes. You, the victim, are a witness for the prosecutor's case. The prosecutor must prove their case "beyond a reasonable doubt." That is, the prosecutor must show with certainty that there is no reason to doubt that the criminal acts occurred.

A person accused of a crime is called the defendant. The defendant can hire a lawyer to be represented in court. A defendant who cannot afford a lawyer may be able to have one appointed. Actions committed by a minor that would otherwise be a crime are called "juvenile delinquency" or "juvenile justice" cases. If you pursue a criminal case, as the victim witness, you can ask the prosecutor to request that a "no contact" order or a restraining order under Nicole's Law be entered to prevent the criminal defendant from being near you, communicating

with you, or stalking you while the case is pending and continuing if the defendant is convicted.

The protections available in civil court do not require a criminal case. You can request a restraining or protective order in civil court regardless of whether you choose to seek a criminal conviction or not. You can file for protections in civil court even if a criminal trial resulted in a “not guilty” verdict. You can file both a criminal complaint against the defendant and a civil complaint for a protective order for the same act of sexual violence. You may also choose to file one type of complaint and not the other.

The civil law system

Under civil law, one person may sue another person for a private legal wrong. You are asking a judge to give you protection from the person who committed sexual violence (sometimes called the “offender” or “abuser” or “perpetrator”). You do not ask the civil court to put the person in jail for committing a crime. In a civil case, you are the plaintiff and the other party, the abuser, is the defendant. Both parties may hire lawyers. In civil court, the judge cannot appoint an attorney for either party. Other common legal actions brought in civil courts are suits for divorce and suits to recover money for personal injuries or damages.

No prosecutor is involved in a civil case. You are responsible for proving the case. But, the standard is much lower in a civil case than in a criminal case. In a criminal case, the prosecutor has to prove “beyond a reasonable doubt,” that criminal acts occurred. In a civil case, you have to prove that it is more likely than not that the kind of acts described in the civil law occurred.

New Jersey has civil statutes that protect survivors of sexual violence from their perpetrator: the Prevention of Domestic Violence Act (PDVA) allows for domestic violence restraining

orders, and the Sexual Assault Survivor Protection Act (SASPA) permits sexual assault protective orders. Determining which type of order applies in your case depends on whether you have or had a domestic-type relationship with the offender. If you have or had a domestic-type relationship (explained further in the next section), then you can seek a domestic violence restraining order. If you do not have a type of relationship with the defendant that is listed below for a domestic violence restraining order, you can seek a sexual assault protective order regardless of whether you know the offender.

Domestic Violence Restraining Orders

A domestic violence restraining order is available if all of the following requirements are met:

1. The defendant is at least 18 years of age, or meets one of the exceptions.
2. The abuser committed one of the 19 criminal acts listed in the statute (including lewdness, criminal sexual contact, and sexual assault).
3. You can show that you are at risk of being subjected to further acts of domestic violence.
4. You have one of the following types of relationships with the abuser:
 - You are presently or were previously dating the abuser (regardless of gender),
 - You have a child in common, or your abuser is a person with whom you are expecting a child (if you or the abuser is pregnant),
 - You are presently or were previously married to the abuser, or
 - You are presently living with or have previously lived with the abuser. This may include family members, caretakers, roommates, or other adults with whom you live or have lived.

A victim of unwanted lewdness, sexual contact, sexual penetration, or attempts at those acts who does not qualify for a domestic violence restraining order (typically because there was

no domestic-type relationship with the defendant), may be eligible for a sexual assault protective order, as discussed below.

What is a restraining order?

Temporary Restraining Order (TRO)

A TRO is a court order issued against a person accused of abuse (the defendant). The TRO is issued after the victim (plaintiff) gives testimony and 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 TRO is based only on the plaintiff's testimony. It makes a preliminary finding that the plaintiff is in need of protection before there is a full hearing.

Final Restraining Order (FRO)

An FRO is a court order issued after the filing of a domestic violence complaint and a hearing. The hearing provides both the plaintiff and defendant the chance to appear and present sworn statements and other evidence to a judge. Sometimes, the defendant waives the right to a hearing and admits to having committed an act of domestic violence. An FRO normally restrains the defendant from having any type of contact with the plaintiff. Under New Jersey law, FROs 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 to get a restraining order

LSNJ has many resources to help you file for a restraining order and prepare for a hearing. Below are a few to help you get started:

- Restraining Orders - LSNJ Legal Rights Video Series
English - <https://bit.ly/TRO-FROvideos>
Spanish - <https://bit.ly/SpTRO-FROvideos>

- "How to Get a Restraining Order" (article)
English - www.lsnjlaw.org/Family-Relationships/Domestic-Violence/Get-Restraining-Order/Pages/Get-Restraining-Order.aspx
Spanish - www.lsnjlaw.org/sp/Familia-y-relaciones/Violencia-domestica/solicita-orden-restriccion/Pages/obtiene-orden-restriccion.aspx

- "Domestic Violence: A Guide to the Legal Rights of Domestic Violence Victims in New Jersey" (manual)
English - <https://bit.ly/LSNJ-DVguide>
Spanish - <https://bit.ly/SpLSNJ-DVguide>

A Sexual Assault Protective Order

A protective order may be entered by a judge to protect a victim of certain sexual offenses (unwanted lewdness, sexual contact, sexual penetration, or attempts at those acts) who did not have a qualifying relationship with the offender for a domestic violence restraining order (discussed above). A sexual assault protective order (sometimes called a “SASPA order”) forbids the offender from doing certain things to you (contacting, communicating, harassing, stalking, or committing, or attempting to commit sexual offenses). Violating the restrictions in a sexual assault protective order is a crime, and will likely result in the defendant being arrested and a criminally prosecuted.

What is a Sexual Assault Survivor Protection Act (SASPA) Protective Order?

SASPA protective orders (described below) are intended to provide safety to victims of a sexual offense. Victims may report the crime to the police, but doing so is not required. It is possible to receive a final protective order without ever speaking with the police.

A protective order is a court order that forbids an offender from having any contact with a victim. Contact includes:

- In-person
- Written
- Electronic
- Telephonic, or
- Contact through third parties

In addition to not contacting the victim, the offender cannot contact their family, household members, employer, or

co-workers. It also prohibits the offender from entering the victim's home, school, or job.

A protective order also prohibits an offender from committing any future sexual offense against the victim. It tells the offender not to stalk (keep an eye on) or follow the victim. The offender may not threaten to stalk or follow the victim. The offender may not harass the victim in person or online by contacting them through social media or other online methods.

Who can get a protective order?

A protective order is like a domestic violence restraining order except you don't have to have a relationship with the offender. Any victim of a sexual offense, regardless of whether they knew the offender, can apply for a protective order. A victim can get a protective order even if the victim and offender were strangers, neighbors, or co-workers. If the offender was a stranger, you will need to give the court some identifying information so the court can serve the order (make sure the person receives the legal document) on the offender.

Victims under the age of 18 or those with a developmental disability must have their parent or guardian file the protective order on their behalf. Protective orders cannot be filed against offenders under the age of 18. A sexual offense committed by a minor offender should be reported to the police.

The court must enter a protective order when it is likely that the order will protect the safety and well-being of a victim.

Victims are not eligible for a protective order if they can get a domestic violence restraining order. If the offender who committed a sexual offense against you is someone to whom you are or were married, share a child, were or are dating, or ever lived with, then you should file a domestic violence restraining order. (See chapter on "Domestic Violence Restraining Orders")

What is a sexual offense?

To get a protective order, the victim has to be a victim of nonconsensual sexual contact, meaning you did not agree or give permission for the other person to sexually touch or expose themselves to you. This contact may include exposing or touching intimate parts or sexual penetration. Even attempted touching, exposure, or penetration are covered under the law.

Sexual contact occurs when the offender (or the victim at the offender's instruction) touches the victim or offender's intimate parts. Touching could be either directly or through clothing. The purpose of the touching must be to degrade or humiliate the victim or for the sexual excitement of the offender.

Sexual penetration is vaginal or anal intercourse, oral sex, or insertion into the anus or vagina by the offender's (or at the offender's instruction) hand, finger, or an object.

Lewdness occurs when the offender exposes their genitals. Exposure must be for the purpose of sexual satisfaction of the offender or another person.

Intimate parts include sexual organs, the genital or anal area, inner thigh, groin, buttock, or breast.

What if the sexual offense happened years ago?

SASPA went into effect on May 1, 2016. An important court case held that sexual assault protective orders under SASPA are only available if the sexual offense occurred on or after May 1, 2016. This limitation exists even though many victims have fears about their safety from a perpetrator for many years after the sexual violence occurred.

How do I get a protective order?

Getting a sexual assault protective order is a two-step process. First, a temporary protective order is granted. Second, a hearing or trial is held approximately 10 days later to determine

if a final protective order should be entered to provide the victim with permanent protection from abuse.

Temporary Protective Order (TPO)

To apply for a protective order, you should go to the superior court between 8:30 a.m. and 3:30 p.m., Monday through Friday. If the court is closed, you will not be able to file a protective order. You can go to the courthouse for the county where the offense occurred, where either you or the offender lives, or where you are temporarily sheltered. At the family part of the superior court, an intake worker or court advocate will help you fill out the forms. Your location can be kept confidential. Unlike most civil case complaints, there is no filing fee or court fee to request a protective order under SASPA.

If you cannot get to the courthouse, an exception can be made to allow you to apply for the order. For example, if you are in the hospital and cannot travel, you can still ask for this protection from the court. You do not have to report the crime to the police, but you may do so. You will not be turned away by the court if you have not reported the crime to the police.

Once you have filed your complaint, a hearing officer will review the complaint and listen to your sworn testimony describing the sexual offense incident, resulting physical and emotional injuries, and why you need a protective order. The hearing officer is not a judge, but a person trained in the law of domestic violence and sexual assault. The hearing officer, typically will be located in the section of the county courthouse where family law cases are handled. SASPA protective orders are heard by the same hearing officers and judges who hear domestic violence restraining orders, and the court process is very similar.

Based on the sworn statements and any other evidence offered solely by you, the alleged victim, the hearing officer will determine whether a temporary protective order is necessary to

protect your safety and well-being. The defendant is not notified of the filing unless and until a TPO is ordered. The defendant does not have a chance to give sworn testimony or offer evidence before a TPO is entered.

Final Protective Order (FPO)

The court and law enforcement will give the defendant a copy of the TPO, which includes a date, within 10 days for a full hearing on the final protective order. At the FPO hearing, you will need to prove that the defendant committed unwanted acts of lewdness, sexual contact, sexual penetration, or attempted such acts. You must prove that the defendant did not reasonably believe that you affirmatively and freely gave consent to the sexual acts, based on your words or behavior. A victim does not have to show active resistance.

The court must also consider the possibility of future risk to your safety or well-being. So, you should give testimony (and other evidence, if available) to show that you were physically or emotionally injured by the sexual offense and why you fear for your safety or your well-being because of the sexual offense.

You will present your case by giving your own sworn testimony and that of any witnesses you may have. Bring any documents or photographs that back up any part of your description of the incident. If you have any witnesses to the violence, they should go to court with you. If possible, have a lawyer with you in court, particularly if you think the abuser will have a lawyer. When you go to court, take the following:

- Witnesses
- Pictures of your injuries
- Police reports
- Certified medical reports
- All other evidence you have to prove the sexual offense that is the basis of your complaint

During the hearing, the defendant will have a chance to

testify, offer witnesses, and present other evidence, in an effort to undermine your case. You or your attorney will be able to cross-examine (question) the defendant and the defendant's witnesses. The defendant or the defendant's attorney will also be able to cross-examine you. Often, defendants claim either the sexual acts did not happen or that they happened with your consent.

The question of consent is often a focus of cases about sexual violence. Because of old untrue gender-based stereotypes about sexual violence victims and how they behave, SASPA limits some kinds of evidence that defendants may try to use to prove consent. The court is not allowed to consider evidence about:

- The alleged victim's prior sexual conduct, or
- How the alleged victim was dressed at the time of the incident.

Also, the court cannot deny a final protective order because the alleged victim:

- Did not report the incident to law enforcement.
- Was intoxicated.
- Did or did not leave the place where the incident happened.
- Had no signs of physical injury.

The statute recognizes that such facts about the alleged victim do not make it more likely that the defendant reasonably believed consent was given. Also, a judge may not dismiss the case without issuing an FPO based on the intoxication of the defendant at the time of the incident. The defendant having impaired judgment due to intoxication does not change the standard: Would a reasonable person (not a reasonable drunk person) in the situation believe that consent was given?

The judge will decide whether an unwanted sexual offense occurred and whether you need a FPO to protect your safety and well-being.

What Should I Do Before Court?

Prepare witnesses for the hearing

Witnesses to the sexual violence might include family members, co-workers, friends, neighbors, strangers and police officers. It is best to talk to witnesses before the hearing to find out what they may have seen or heard that will help your case. Remember that any witness who testifies must have personal knowledge of an act of sexual violence committed against you. For example, you may want a neighbor who has helped you during an emergency who can testify about your demeanor and any injuries you have received.

Think carefully before deciding to have children testify in court. Courts are also very careful about allowing children to testify in sexual violence hearings. Always tell the judge right away if you want to have a witness under the age of 18 testify. The judge will want to know who the parents of the child are, and exactly what you think the child will testify about. The judge will decide if a child will testify.

Make sure that witnesses appear at the hearing

Any witness in your case must come to court and testify because the court will only consider live testimony. The only way to legally order a witness to attend your hearing is to issue and deliver a subpoena to that witness. A subpoena is an order telling a person that he or she must attend the hearing and give testimony. It is a good idea to do this even if the witness is a friend or family member. The subpoena will show the witness's employer why the witness must miss work on a certain day.

Prepare your own testimony

Testifying in court, telling the judge your story, can be very

stressful. It is a good idea to think about what your testimony will be before getting to court. You might also find it helpful to write down your thoughts and memories, which will become your testimony. Think about the details. What happened before, during, and after the sexual act? If there were any prior sexual offenses by the defendant, think about the details of those incidents as well. After you write down this information, decide if there are any relevant witnesses or evidence you can present in court. Please note that you will not be able to read from this paper in court. It is only to help you prepare before you go to court. After you decide what your testimony will be, compare it to the contents of your temporary protective order. If you would like to testify to incidents not included in the TPO, you may want to amend the order. This means going to the county courthouse, preferably before the date of your hearing, to tell the staff at the family intake unit that you would like to add information to your TPO. A new order will be created and served on the defendant.

Gather evidence

Also, while preparing for the FPO hearing, you should gather your physical evidence. This may include broken items, torn clothing, medical records, or any type of texts (print these out) or electronic recordings. Take these with you the day of your hearing.

Dress for court

Whenever you go before the court, wear professional and modest clothing. This doesn't necessarily mean a suit. However, it is not advisable to wear clothing that is ripped, ill-fitting, bears offensive language, or is otherwise inappropriate for a business setting.

If an attorney is representing you, arrange a time and place to meet at court on the day of the hearing.

What Happens in Court?

You must show up at the date and time listed on your temporary protective order so that the matter can be heard by a judge. You are the plaintiff, and the abuser is the defendant.

If you are unrepresented, or *pro se*, go to court and have a seat in the waiting area outside the courtroom where your matter will be heard. Some courts have a separate waiting area for domestic violence or sexual violence victims to sit while they wait to be called. Other courts do not, so the plaintiff and defendant should take seats as far away from each other as is practical. If you feel threatened, tell the nearest sheriff's officer.

When the sheriff's officer for your courtroom comes out to ask who is present for that judge, let the sheriff's officer know that you are present. If English is not your native language, ask for an interpreter. If you need an interpreter other than Spanish, it is a good idea to call the court to request one beforehand.

Once your case is called

Once you are called in for your case by the sheriff's officer, you will be seated at a table on one side of the courtroom, and the defendant will be seated at another table. If either of you have an attorney present, the attorneys will be seated with you at your tables. An interpreter, if needed, will sit in-between the two tables, or with the party for whom the interpreter is needed.

After being sworn in, you, the plaintiff, as the party bringing the lawsuit, will present your case first. If you have an attorney, your attorney will ask you questions and you will answer them. If you do not have an attorney, the judge will ask you the questions. This is called direct examination. You will be given the opportunity to testify (tell your side of the story) and then present

any relevant evidence and other witnesses to the sexual offense incident.

Your obligation during your testimony

During a final protective order hearing, you have to prove certain elements by what is called a preponderance of the evidence, meaning your version of events is more likely to have occurred than the defendant's version.

There are four things that you need to prove to meet this standard.

- The defendant committed or attempted to commit an act (or acts) of lewdness, sexual contact, or sexual penetration.
- The sexual offense occurred on or after May 1, 2016.
- The sexual act was nonconsensual—that is, the defendant did not believe or did not have good reason to believe that you freely and affirmatively gave consent for the sexual act.
- You need a protective order to protect your safety or well-being.

The judge will decide if a nonconsensual sexual offense was committed against you and whether a protective order is necessary to protect your safety and well-being.

Proving these elements: general tips on how to testify

The way you prove the elements of your case to the judge is by testifying. It is very important for your story to be the same every time. You should answer all questions honestly. A judge who thinks that you have not testified truthfully about even a minor fact may not believe the rest of your testimony. You must also answer questions from the defendant, defendant's attorney, or the judge simply, honestly, and directly.

Evidence

Evidence might include photographs of your injuries. Even if the police have taken photographs of your injuries, it is a good idea to take your own pictures and bring them with you to court. After you testify about receiving a particular injury, make the judge aware that you have pictures of your injuries. In court, the sheriff's officer will take those pictures from you to show them to the judge. It is important to tell the judge that the pictures you are providing are true and accurate representations of what you testified they are.

If you sought medical attention because of your incident of sexual violence, get your medical records. Ask that the records be certified. They should have a cover sheet that tells the court that the records are true and accurate copies of your medical records. Certification is necessary for the court to consider the contents of your medical records. After you testify about seeking medical treatment, ask the court to review your medical records.

There are many different types of evidence, including text messages, voicemails, and phone records. The goal of evidence is to support your testimony and help meet your burden, the preponderance of the evidence. With any evidence that you present, it is important to authenticate that evidence. This means you must testify that the evidence you are providing is an accurate representation of the facts. Tell the court what the evidence is, how you obtained it, and how it helps your case.

After you finish presenting evidence

Once you testify, the defendant or the defendant's attorney has the right to cross-examine (question) you. Cross-examination is a means of flushing out any inconsistencies in the opposing party's story. If any witnesses testify, they can also be cross-examined. After being cross-examined, the plaintiff will usually have the opportunity to explain inconsistencies raised

during cross-examination. This is done through redirect examination when the plaintiff's attorney asks the plaintiff additional questions to clear up any seeming inconsistencies brought out by the defendant or his attorney. If you do not have a lawyer, you will have one final opportunity to talk about the sexual offense.

Once the plaintiff has finished, the defendant will be given the same opportunity to testify and present witnesses and evidence. Now you will have the opportunity to cross-examine the defendant and object to any testimony or evidence deemed inappropriate.

After all of the evidence has been submitted

When both you and the defendant have finished presenting your cases to the court, the judge will then give the opinion. While the judge is giving the opinion, you are not allowed to speak or present additional evidence. The judge will inform you whether your temporary protective order will be dismissed or become final, and provide reasons for the decision.

How Can a Final Protective Order Help Me?

A Final Protective Order (FPO) will stay in effect permanently unless you or the defendant get the court to dismiss the protective order. Unlike a temporary protective order, an FPO provides continuing protection. It forbids an offender from having any contact with a victim. Contact includes in-person, written, electronic, telephonic, or through third parties. In addition to not contacting the victim, the offender cannot contact the victim's family, household members, employer, or co-workers. It also prohibits the offender from entering the victim's home, school, or job. A final protective order also prohibits an offender from committing any future sexual offense against the victim. The FPO prohibits the offender from stalking (keeping an eye on) or following the victim. The offender may not threaten to stalk or follow the victim. When an FPO is issued, the offender may not harass the victim in person, through social media, or any other online methods.

TPOs and FPOs are valid everywhere in New Jersey. Local or state police must enforce your protective order, even outside of the county where the order was issued.

What steps do I have to take after I receive a final protective order?

You will receive a copy of the final order immediately after your hearing. This order is the written document that explains the current legal status of your case. It is, therefore, very important that you keep a copy of it with you at all times. Someone from the family court staff may also give you an extra copy to take to your local police department. It is important that you

also do the following:

- Review the order before you leave the courthouse. If something is wrong or missing, ask the sheriff's officer to correct the order before you leave.
- Make several copies of the protective order as soon as you can. Keep one copy with you at all times. Also, leave a copy of the order at your home and car in a safe place that is easy for you to get to in an emergency.
- Give a copy of the FPO to any of your relatives or friends who are named and protected by the order.
- Give a copy of the FPO to your local police.
- Think about whether there is anyone else who might help in an emergency, such a security guard in your apartment building or office building. Consider providing that person with a copy of the FPO.

It is important to give copies of your FPO to all of these people in case the offender attempts to violate the order. You (or someone on your behalf) have to be prepared to tell the police that you have a protective order. The best way to do this is to show the police a copy of your order.

You may also want to consider changing your locks or your telephone number. If the offender has your telephone number, you may wish to contact your telephone carrier to find out what kinds of services are available for dealing with annoying phone calls.

IF YOU ARE NOT a United States citizen and you need a protective order

A protective order is available regardless of your immigration status. Immigrant victims need protection just like other victims of sexual violence. You may, however, have additional legal concerns. It is very important for victims who are immigrants to speak with an immigration lawyer. You may qualify for

lawful permanent residence (LPR) status under a U or T visa. For more information, see "Immigration Relief for Victims of Sexual Violence" on page 41.

What Should I Do If the Offender Violates the TPO or FPO?

Violations are criminal

If the offender violates the no-contact portion of the court order (either the TPO or the FPO), the offender may be found guilty of criminal contempt. Common examples of contempt of a protective order include an offender contacting the victim by calling, texting, sending social media messages, or harassing the victim by telephoning, threatening, following, or even physically harming the victim. In any of these cases, the offender should be charged with contempt. If the offender is doing any of these things to you, and you feel you need help from the police immediately, call them. If the responding police officer has reason to believe that a protective order has been violated, the officer must arrest the offender and immediately charge the offender with contempt.

The offender may also be charged with whatever crime was committed in violating the order. For example, if the offender violates the order by punching the victim, the offender should be charged with assault in addition to the contempt. *Note:* Depending upon the severity of the crime, the criminal proceeding for contempt may be heard in a different court and at a different time from that of the proceeding for the crime.

If the offender is violating the protective order but you don't feel you need to call the police for immediate help, you can still file a police report or criminal charge with the police at your earliest opportunity.

When an offender violates the no-contact provisions of a protective order, the county prosecutor's office will decide whether to seek to indict the offender for the crime of contempt.

This decision is made primarily by looking at the seriousness of the violation. In those cases where the offender has violated a protective order in a particularly serious manner—for example, by committing a sexual assault—the prosecutor is likely to bring the case before a grand jury to seek an indictment. If the offender is indicted, the case will proceed before a judge in the superior court, criminal division.

In cases where the offender has violated the order in a less serious way or has an independent reason for the conduct (such as being on the other end of the stands at a soccer game where both of you have children participating in the game), the prosecutor is unlikely to seek a formal indictment. Instead, the prosecutor will proceed on the criminal charges in a hearing before a municipal court judge, while the contempt hearing will take place before a family court judge. Remember, even though contempt cases may be heard in the family court, they are still criminal cases. Since the offender may be sentenced to jail, the offender has the right to be represented by an attorney.

In all criminal cases (including when an offender is arrested for violating a restraining order), a preliminary decision will be made regarding whether the defendant will be detained in jail prior to the hearing. A defendant may be released on the condition of no further contact with the victim. Before a defendant is released, an effort is supposed to be made to notify the victim that the offender is going to be released from jail. For this reason, you must keep the prosecutor's office and the family court notified of any change in your address or telephone number. This information will be kept confidential.

It is important to try to maintain an active role in your case. Try to find out which prosecutor will be handling your case. Familiarize the prosecutor with your case, especially by telling the prosecutor about any witnesses or evidence that you think may be useful in the prosecution of the case.

Sometimes victims who file contempt charges drop the

charges because they believe the offender may go to jail. Although incarceration is possible, it is not the only potential remedy. Sometimes the criminal sentence for contempt of a restraining order may be a period of probation, a fine, or a suspended sentence on the condition that the offender attend counseling. Discuss these possibilities with the prosecutor.

Dismissing a protective order

A party seeking to dismiss an FRO must make the request in family court. When a victim seeks to dismiss the order, the judge must make sure that the request is voluntary and not coerced. If a defendant seeks to dismiss the order, the court must determine whether there is good cause. In deciding whether good cause exists, the court will consider a number of factors, including: (1) whether the victim consents; (2) whether the victim fears the defendant; (3) the nature of the current relationship between the parties; (4) whether the defendant has been convicted of contempt for violating the order; (5) whether the defendant abuses drugs or alcohol or has been violent with other people; (6) whether the defendant has engaged in counseling; and (7) whether the victim is acting in good faith when opposing the defendant's request.

Employment Protections

NJ SAFE Act

The New Jersey Security and Financial Empowerment Act (NJ SAFE Act) assists victims of sexually violent offenses (or domestic violence), by granting leave from work for up to 20 days in a 12-month period. This leave is available to the victims and their family members (child, parent, spouse, civil union partner, domestic parent, parent-in-law, sibling, grandparent, grandchild, or any individual related by blood, or any other individual with a close association equivalent to a family relationship).

Eligible employers are those with 25 or more employees. Employers may not require the eligible victim or family member to use accrued paid leave before using leave under the NJ SAFE Act. An employee (victim or their family member) taking leave under the NJ SAFE Act is eligible for family leave insurance benefits.

The NJ SAFE Act does provide payment or require employers to pay eligible employees while taking leave under the NJ SAFE Act. It does prohibit eligible employers from firing someone for taking this leave. Specific notice to the employer that one is taking leave under NJ SAFE Act is required.

Sexual Violence in the Workplace

Sexual Harassment Protections

When sexual violence occurs in a work setting, victims are at greater risk of leaving or losing their employment. Under the New Jersey Law Against Discrimination, sexual harassment is a form of illegal discrimination based on gender. It can include verbal or physical harassment of a sexual nature, unwelcome

sexual advances, requests for sexual favors, or offensive remarks about a person's gender or because of a person's gender. Sexual violence by someone's boss or someone with authority over the victim is unlawful sexual harassment. Also, an employer permitting a work environment that is hostile about a person's gender or against a specific person because of their gender is also unlawful discrimination. This can include sexual harassment or sexual violence by co-workers or others who enter the workplace, if the employer is aware of the hostile environment and does not take reasonable steps to address the problem. Complaints alleging violations of the Law Against Discrimination can be brought in superior court or to the New Jersey Division on Civil Rights (DCR). The court or the DCR can order the offending employer to pay the victim for lost wages and other financial damages. The DCR can be reached at: **www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home**.

Sexual Assault in the Military

If you experienced a sexual assault while serving in the military, or as a part of the military community, additional resources may be available. In addition to the civil legal rights discussed at length in this handbook and civilian criminal laws, in certain situations, sexual assault and related crimes can be punishable under the Uniform Code of Military Justice (UCMJ). For further information on sexual assault and the military, you can visit **www.dla.mil/Info/SAPR** and **www.sapr.mil**. For confidential help you can contact the Sexual Assault Prevention and Response (SAPR) at 1-800-841-0937 or DSN: 392-767-1133 or call the Safe Helpline at 877-995-5247 or visit their website at **www.safehelpline.org**.

Workers' Compensation

When a sexual assault occurs in the workplace or while a person is performing the duties of a job, payment from the New

Jersey workers' compensation system may be available. Workers' compensation is designed to help workers who are injured on the job. This can include injuries from sexual violence. (See "Employee as Victim—The NJ SAFE Act," www.isnjlaw.org/Family-Relationships/Domestic-Violence/Other-Laws-DV/Pages/NJSafe-Act.aspx).

Unemployment Insurance

When a person leaves their job because of sexual violence in the workplace, they may be eligible for unemployment benefits. Typically when someone leaves their job without being fired or laid off, they are disqualified from unemployment benefits. There is an exception for those who leave for good cause (such as when the working conditions are hazardous). Leaving a job due to sexual violence in the workplace may be considered a good cause, resulting in payment of unemployment benefits, if the person is otherwise eligible for such benefits. (See "Employee as Victim—The NJ SAFE Act," www.isnjlaw.org/Family-Relationships/Domestic-Violence/Other-Laws-DV/Pages/NJSafe-Act.aspx).

Immigration Relief For Victims-Survivors of Sexual Violence

Immigrants who experience sexual violence may be able to obtain legal residency status (green cards) in several ways. Legal residency may be available through the U or T visas, asylum, or Special Immigrant Juvenile Status.

U visa

The U visa is one avenue to legal residency for immigrants who experience sexual violence in the United States. You may be eligible for a U visa if you have been the victim of a crime, such as lewdness, criminal sexual contact, sexual assault, or domestic violence, and you helped, are helping, or will help with the investigation or prosecution of the crime. Note, the U visa is available to victims of other serious crimes that cause substantial physical or mental harm.

T visa

Immigrants who experience human trafficking may secure immigration status through the T visa, which is used to grant status to noncitizen victims of severe forms of trafficking. Human trafficking occurs where individuals are tricked, forced, or threatened with serious harm or physical restraint to perform sexual services or other labor. A severe form of trafficking also occurs when a commercial sex act is induced by force, fraud, or coercion, or in situations where the person forced to perform such an act is under 18 years of age. You may be eligible for

the T visa if you are a victim of a severe form of trafficking, are currently in the United States or a port of entry because of trafficking, and would suffer extreme hardship if you had to leave the United States. Note, a victim age 15 years or older may be required to contact a federal law enforcement agency and comply with any reasonable request for assistance in investigating or prosecuting trafficking.

Asylum

If you fear returning to your home country because you have been, or will be harmed due to your race, religion, nationality, political opinion, or membership in a particular social group, you may be eligible for asylum. Harm due to membership in a particular social group may include violence based on gender or on sexual orientation. Some examples of harm are sexual assault, domestic violence, female genital mutilation, and honor killings. If granted asylum, you may apply for a green card after one year.

Special Immigrant Juvenile Status

If you are unmarried and under 21, and have experienced sexual violence, domestic violence, or other abuse at the hands of one or both of your parents, you may be eligible for Special Immigrant Juvenile Status. A family court judge will need to issue an order making findings as to the abuse. If approved, you will be able to apply for your green card. Note: if your abusive parent is a legal permanent resident or U.S. Citizen, then you may be eligible to file your own VAWA (Violence Against Women) self-petition as an abused child, up to the age of 25.

Protections at School – Title IX

College

Title IX is a federal law that requires universities and colleges to assist in protecting 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 sexual violence or harassment, particularly when the situation is considered gender-based violence or harassment. You should be able to find a college's policies online by searching for "Title IX" and "sexual 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. www2.ed.gov/about/offices/list/ocr/index.html

High School (K-12)

Title IX, described above as it applies to colleges, is a federal law that applies to all schools that receive federal funding, which is virtually all public and many private schools, K-12. Title IX requires schools to assist in protecting 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. 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 U.S.

Department of Education, Office on Civil Rights, which oversees Title IX compliance. **www2.ed.gov/about/offices/list/ocr/index.html**

Filing a Personal Injury Civil Lawsuit

When a person suffers an injury or a financial harm that is caused by negligence, carelessness, or intentional bad acts, they can sue for damages in civil court. When sexual violence results in injuries and/or financial expenses or losses, including medical bills, counseling, loss of wages due to missed work, those damages may be recovered in a civil lawsuit. Such lawsuits are called “tort” claims or personal injury suits. Attorneys who bring such lawsuits often do so on a contingency basis, meaning that they take no fee up front, but are paid a portion of the funds recovered through the lawsuit. The helpful part of that arrangement is that the victim who is suing does not have to have money before bringing the lawsuit. However, the attorney fee can be as high as one-third (33.3%) of the final judgment. This and other litigation costs, such as court filing fees, will come out of the money you win in the lawsuit. Because attorneys under such “contingency” arrangements only get paid for their legal work and reimbursed for litigation expenses if you are awarded money, they often reject cases where the evidence is not very strong, or the expected award is low. In other words, an attorney might choose not to take a case without very solid proof and large damages, even though they believe the sexual offense happened. If you speak to an attorney about suing someone for sexual violence, be sure to ask for details about how the attorney will be paid. You can ask for the attorney’s share to be smaller than what is proposed, but the attorney does not have to agree.

Financial Assistance From NJ's Victims of Crime Compensation Office (VCCO)

New Jersey's Victims of Crime Compensation Office (VCCO) has a fund to help with costs related to injuries suffered by innocent victims of violent crime or their families. Covered crimes include aggravated assault, assault by auto, bias crimes, burglary with a victim present, carjacking, child abuse, domestic violence, drug and food tampering, DWI, eluding a police officer, hit and run, homicide (including vehicular) or murder, human trafficking, kidnapping, lewd and indecent acts, sexual related crimes, stalking and other crimes of violence (such as robbery or arson).

Who is eligible for assistance from the VCCO?

- A victim of a violent crime who has suffered injury (bodily harm, pregnancy or mental/emotional trauma) or was killed as result of a compensable crime.
- A surviving spouse, parent, guardian, or other person who is dependent for support on a victim who has died as a result of a crime or a parent filing on behalf of a minor.
- A person injured while trying to prevent a crime.
- A person injured while trying to assist a police officer in making an arrest.
- Secondary victims include those who have sustained injury (usually mental health) or pecuniary loss (related

to money) as it directly relates to the crime committed upon a member of the secondary victim's family or upon any person in a close relationship with the secondary victim.

Who is not eligible for assistance?

- A victim who lives outside of New Jersey.
- A victim of a crime committed in a state other than New Jersey.
- A victim who did not sustain personal injury or mental trauma.
- A victim who does not cooperate with law enforcement.
- A victim who was in jail when the crime occurred.
- A victim who contributed to the crime.
- A victim who was engaging in illegal activity at the time of the crime with pending criminal charges.
- Anyone who has outstanding warrants.
- A victim of a motor vehicle or boating accident (with certain exceptions).

Common crimes not covered

- Economic crimes.
- Identity theft.
- Property damage or loss (unless domestic violence).

What kinds of benefits are available from the VCCO?

- Expenses for medical treatment.
- Loss of earnings.
- Loss of earnings for a surviving spouse whose earning capacity has been reduced.

- Loss of support from the victim for dependents.
- Loss of support from the offender in domestic violence cases.
- Funeral costs up to \$7,500.
- Limited transportation costs.
- Mental health counseling (homicide survivor, injured victim, secondary victim, group counseling) up to \$20,000.
- Limited domestic service, child care, day care, and after-school care costs up to \$6,500.
- Loss of prescription eyeglasses.
- Crime scene cleanup up to \$4,000.
- Relocation expenses up to \$3,000.
- Attorney fees for representation of a victim in a criminal matter up to \$3,000.
- Attorney fees for representation in VCCO process up to 15% of the VCCO award.
- Emergency financial assistance up to \$1,500; if you are employed and unable to work and face undue hardship as a result of the crime.
- Supplemental \$35,000 for rehabilitative services for catastrophic events only (counseling services, vehicle or home modifications, speech therapy).

The VCCO will pay crime-related expenses only after a victim or eligible person applies to other sources, such as state disability insurance, workers compensation, etc. Life insurance and private donations are not considered other sources. All medical bills must be first submitted to insurance providers; uninsured victims must first apply for CharityCare for hospital bills and submit award or denial letters to VCCO. If there is no coverage, bills should be presented to the VCCO as soon

as possible. All bills will be verified to establish accuracy and relationship to the crime.

The VCCO generally does not compensate for property loss or pain and suffering.

What is required to apply for VCCO reimbursement?

A person wishing to apply for reimbursement from the VCCO must:

- Complete and submit a VCCO application no later than five years from the date of the crime.
 - If the victim is under the age of 18, the five-year limit on filing shall commence on the victim's 18th birthday.
- Report the crime to law enforcement within nine months.
- There may be an exception to the time limits listed above in certain circumstances when the victim or victims were not appropriately informed of the benefits offered by the office as required by law.

An applicant should also supply these additional documents, if possible:

- A police report, restraining order, Division of Child Protection and Permanency investigation report, or prosecutor's office investigation report.
- Copies of bills, receipts, or other documentation of expenses.
- Documentation of economic loss.
- Psychological assessment form.
- Copies of any documents related to insurance coverage.

The maximum benefit available is \$25,000 per victim. However, if it is determined that the event caused a catastrophic injury, a person may be eligible for a supplemental amount of \$35,000 for rehabilitative services only.

What can I do if my application is denied?

The agency will render a decision within six months of receiving all of the necessary documentation. You may appeal if an application for assistance is denied. The appeal must be made within 20 days of receiving the denial. If you appeal, you will receive notice not less than 15 days prior to the scheduled hearing. All materials should be presented at this hearing. Good cause must be shown for failure to appear at the hearing. After the hearing, the victim may file a formal appeal to the appellate division of the superior court within 45 days from the date that the VCCO's order is received.

How do I get an application for compensation from the VCCO?

Applications are available at each county prosecutor's office, law enforcement agency and medical institution in New Jersey, as well as online. The online application and further information can be found by visiting the VCCO website, [**www.nj.gov/oag/njvictims/application.html**](http://www.nj.gov/oag/njvictims/application.html). Also, LSNJ has an Interactive Application for Victims of Crime Compensation, at [**www.lsnjlaw.org/Pages/a2j/VCCO/default.aspx**](http://www.lsnjlaw.org/Pages/a2j/VCCO/default.aspx).

You may also call the VCCO at 1 (877) 658-2221 Monday through Friday 9 a.m. to 5 p.m. Or visit their website, [**www.njoag.gov/about/divisions-and-offices/victims-of-crime-compensation-office-home**](http://www.njoag.gov/about/divisions-and-offices/victims-of-crime-compensation-office-home).

Translation services are available in Spanish through VCCO to assist you in processing your claim.

The VCCO website contains other important information relating to services for victims, including the VINE (Victim Information Notification Everyday) program, which allows victims access to information about whether or not their assailant has been released from jail. You may register with VINE by calling 1 (877) VINE-4-NJ or 1 (877) 846-3465 or by visiting the VINE NJ website, [**https://vinelink.vineapps.com/state/NJ**](https://vinelink.vineapps.com/state/NJ).

Protecting Your Privacy and Online Information

Protect online accounts

When using the internet, your online activity is stored in your web history, also known as a browser cache. For safety reasons, there may be times you want to conceal your online activity. The following tips can help your online privacy:

1. Use private browsing. By using private modes that most internet browsers have, you can visit a website without creating a web history.
2. Clear your cache, history, and cookies. If you do not use private browsing, browsers allow you to delete your cache, history and cookies. It should be noted that if someone is actively monitoring your device, erasing the data could alert them to your activity.
3. Use a third party device. If you believe your device is being monitored, you can go to a library to use the computer, or ask to use the computer of a close family member or friend.

Protect your private information

An online presence and social media can be a large part of social interaction but also something necessary for certain jobs. If your job requirements include an online presence and that makes you uncomfortable, you may want to consider speaking to your employer about your concern. You can do this without mentioning your personal reasons. When it comes to personal online presence and social media accounts, you have the ability to choose the content you publish, but you don't have the ability to control what others do with it. You may want to consider the

following when interacting online.

1. *Block, report and filter content.* Some posts can be harmful and triggering to you. Learn how each platform allows you to block, report, and filter harmful content.
2. *Privacy settings.* Learn how to adjust and personalize your privacy settings. This can be done on all social media platforms, as well as on browsers (for example, autofill functions), email, and apps that may need personal information to run (for example, Venmo or Spotify).
3. *Log out of browser and cloud service accounts.* If you have an account with your browser provider (Microsoft Edge/Internet Explorer, Google Chrome), they may store your browsing and search history on their servers for you to access from any browser you log in to. Log out of any such account before conducting your search. Similarly, cloud service programs, such as iCloud, sync your history and files across multiple devices. Check your settings carefully to see where your history and documents are being saved.
4. *Consider the content you post.* Consider whether you are comfortable with any content you post being available for others to see. This is especially important with sensitive content, such as pictures, personal information, and location.
5. *Turn off geolocation.*
6. *Public Wi-Fi.* Be aware that whether you use your personal device or a publicly accessible device, if the Wi-Fi is public, your private information may be vulnerable.
7. *Set boundaries with family and friends.* Let family and friends know your preferences for them posting pictures, information or comments that may make you uncomfortable or potentially vulnerable.
8. *Basic internet safety.* Think before you click. If something

seems suspicious, don't click the post or link. This could be an elaborate hack. Choose strong passwords and don't tell anyone your passwords. Keep them safe and update them often.

Appendix – Other Resources

A note about using hotlines and 24-hour resources

If you would like to talk to an unbiased confidential third party about the sexual assault or the impact it has had on your life, calling a hotline can help. All hotlines have staff trained in crisis and most are available 24 hours a day. Some offer texting options in case you are not comfortable speaking to someone on the phone. Hotlines can offer immediate support and referrals to related services.

Resources

For other safety planning and prevention resources and tips, visit or call one of the following organizations.

If you have been a victim of sexual assault and want to report the crime, call 9-1-1 or your local law enforcement agency.

National Sexual Violence Hotline

1-800-656-HOPE • www.rainn.org

NJ Coalition Against Sexual Assault (NJ CASA)

24-hour hotline, 1-800-601-7200 • www.njcasa.org

NJ Victims of Crime Compensation Office (VCCO)

1-877-658-2221

ATLANTIC – Avanzar

Sexual Assault and Domestic Violence Services
800-286-4184 • avanzarnow.org

BERGEN – healingSPACE

Sexual Violence Services
201-487-2227 • ywcannj.org

BURLINGTON – CONTACT of Burlington County

Sexual Violence Services
856-600-4800 • contactburlco.org

CAMDEN – Services Empowering Rights of Victims (SERV),
Center for Family Services

Sexual Violence Services • 866-295-7378
centerffs.org/serv/sexual-violence-services

CAPE MAY – C.A.R.A.

Sexual Assault and Domestic Violence Services
877-294-2272 • cara-cmc.org

CUMBERLAND – Services Empowering Rights of Victims (SERV),
Center for Family Services

Sexual Assault and Domestic Violence Services • 800-225-0196
centerffs.org/serv/sexual-violence-services

ESSEX – SAVE of Essex County

Sexual Violence Services
877-733-2273 • familyserviceleague.org

GLOUCESTER – Services Empowering Rights of Victims (SERV),
Center for Family Services

Sexual Assault and Domestic Violence Services • 866-295-7378
centerffs.org/serv/sexual-violence-services

HUDSON – Hudson SPEAKS

Sexual Violence Services • 201-795-5757

centerffs.org/serv/sexual-violence-services

HUNTERDON – Safe in Hunterdon County

Sexual Assault and Domestic Violence Services

888-988-4033 • safeinhunterdon.org

MERCER – Womanspace

Sexual Assault and Domestic Violence Services

609-394-9000 • womanspace.org

MIDDLESEX – Middlesex County Center for Empowerment

Sexual Violence Services

877-665-7273 • middlesexcountynj.gov/government/departments/psh/pages/center-for-empowerment.aspx

MONMOUTH – 180 Turning Lives Around

Sexual Assault and Domestic Violence Services

888-264-7273 • 180nj.org

MORRIS – Morris CARES

Sexual Violence Services • 973-829-0587

atlanticealth.org/conditions-treatments/behavioral-health/sexual-assault-program.html

OCEAN – St. Francis Counseling Service

Sexual Violence Services • 609-494-1090

stfranciscenterlbi.org/counseling-service

PASSAIC – Passaic County Women’s Center

Sexual Assault and Domestic Violence Services

973-881-1450 • passaiccountywomenscenter.org

RUTGERS UNIVERSITY – Office for Violence Prevention
and Victim Assistance (VPVA)

Sexual Assault and Domestic Violence Services

732-932-1181 • vpva.rutgers.edu

SALEM – Salem County Women’s Services

Sexual Assault and Domestic Violence Services

856-935-6655 • salemcountywomensservices.org

SOMERSET – Sexual Assault Support Services (SASS),
Zufall Health Center

Sexual Violence Services

908-526-7444 • zufallhealth.org/services/community-programs/sexual-assault-support-services-sass

SUSSEX – Domestic Abuse and Sexual Assault Intervention
Services (DASI)

Sexual Assault and Domestic Violence Services

973-875-1211 • dasi.org

UNION – Union County Rape Crisis Center

Sexual Violence Services • 908-233-7273

unioncountyragecrisiscenter.blogspot.com

WARREN – Domestic Abuse and Sexual Assault Crisis Center
(DASACC)

Sexual Assault and Domestic Violence Services

908-453-4181 • dasacc.org

Notes

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