



VASPA Legal Resources Packet



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This packet is designed to help you prepare for your day in court. It is important to be well prepared and organized when going before the judge. The legal information in this packet will hopefully assist you.

However, it is not intended to be legal advice or the substitute for obtaining legal advice from competent, independent legal counsel.

If you have any other questions or need assistance, call 973-267-7520, Ext. 259 (English) or Ext 260 (Spanish) to speak with a legal advocate in Morris County.

To speak with a legal advocate in Passaic County, call 973-267-7520 ext 360



Important Definitions

Victim:

Person against whom a crime has been committed.

Actor:

Person committing, or attempting to commit, a crime against the victim

Stalking:

Repeatedly maintaining a visual or physical proximity to a person; directly or indirectly, or through third parties, by any action, method, device or means, following, monitoring, observing, surveilling, threatening, etc. See 2C:12-10 for additional information.

Cyber Harassment:

Person makes one or more communications in an online capacity via any electronic device or through social networking site and with the purpose to harass another. See 2C:33-4.1 for additional information.

Sexual Contact:

An intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor.

Example: grabbing another person's genitalia without his/her consent.

Sexual penetration:

Vaginal intercourse, cunnilingus, fellatio (Oral Sex) anal intercourse, between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruction.

Lewdness:

The exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.

Example: using sexually explicit language, indecent exposure.

Attempt:

Substantial steps taken by the actor towards the commission of a crime.

Example: The act of forcefully removing the victim's clothes can be considered attempt to commit a non-consensual sexual act.

Consent:

Permission given by parties involved before an act occurs.

Intimate parts:

the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person

Relief:

Decisions of a judge, as entered on a protective order.

Disposition:

Relief ordered by the judge

Important Definitions

Adjournment:

Postponement of a hearing or trial in court.

Modification:

Changing a protective order due to a change in circumstances where the previous dispositions may no longer be appropriate. Example: Adding/removing a family or household member from the TPO/FPO.

Plaintiff:

The person obtaining a protective order and signing the civil complaint (usually the victim)

Defendant:

The person that has a complaint signed against them and being restrained from plaintiff (usually the abuser)

Contempt:

Defendant's violation of a protective order.

Pro Se:

Representing one's self in court without an attorney.

Ex-parte:

In law, giving only one side or point of view.

What is a VASPA Protection Order?

VASPA refers to the Victim's Assistance and Survivor Protection Act. This law has provisions for Protective Orders for victims of sexual assaults, stalking and cyber harassment. Similar to a Domestic Violence Restraining order, this protective order will prevent the person causing harm from contacting the plaintiff as well as barring the person causing harm from the plaintiff's home, school, work and any other places frequented.

Once the Temporary Protection Order (TPO) is granted, the victim (plaintiff) will be able to add family or friends that may also need protection from the person causing harm. This order is intended to protect the victim and survivor. Violations of the order should be reported.

How can a victim file for a VASPA Temporary Protective Order?

To file for a Temporary Protection Order (TPO), you can go to the Superior Courthouse in the county where you reside, the county where the person causing harm resides, or the county in which the offense took place. You should plan to spend several hours at the courthouse. When you file an application for a TPO, you will be asked to provide your general information, such as birthdate and address. Your address will not be disclosed in any public documents. You will also be asked to list any information you have about the person causing harm.

You should be prepared to tell a court staff person and a Judge about the specific incidents of abuse that have led you to file for a protection order. ***It can be difficult to share such personal information, but it is necessary in order to obtain the protection order.*** If your request for a TPO is granted, the person causing harm will be notified by law enforcement and will be told they cannot contact you or any parties listed on the TPO. If your request for a TPO is denied, the abuser will not be notified of your attempt to file.

Who qualifies for a VASPA Temporary protective Order?

- ♦An applicant may seek a protective order regardless of whether or not there are criminal charges based on the incidents.
- ♦A survivor of sexual violence who is over the age of 18.
- ♦A victim of cyber harassment and/or stalking over the age of 18.
- ♦The abusive party must also be over the age of 18.
- ♦If the victim of sexual violence is under the age of 18, a parent or guardian can file on behalf of the minor.

Who does not qualify for a VASPA Protective Order?

Anyone that qualifies for a Domestic Violence (DV) restraining order, would not qualify for a VASPA protective order.

For example, if the person causing harm is a former or current intimate partner, the victim will qualify for the DV restraining order. If the person causing harm is a roommate or family member you have lived with at some point, you will qualify for a Domestic Violence restraining order, not a VASPA protective order.

In the event the victim is a minor and the person causing harm is considered to be a parent/guardian/caregiver, the victim would not be able to obtain a protective order. In this scenario, it is best to contact DCP&P, the Department of Child Protection and Permanency. DCP&P will be able to guide you on how to keep the minor safe.

How long does the TPO/FPO last?

The Temporary Protective Order lasts until the date of the Final Protective Order hearing. If the hearing is adjourned (postponed) to another date, the TPO will continue to be valid until the return date.

The Final Protective Order does NOT expire. The victim has the right to dismiss the FPO in the future if they feel safe to do so. The Defendant also has the right to file a motion to dismiss the FPO in the future if there have been little to no violations. Although the defendant has this right, the victim can also express their opposition to this request to the judge if a hearing is scheduled.

What is Consent?

The term “consent” can be defined as permission freely granted by all parties before an act occurs.

As important as consent is, we don’t talk about it enough. So it’s understandable if you’re a little unsure about what it is – and what it isn’t. You may have heard the idea that “no means no,” but this doesn’t really provide a complete picture of consent because it puts the responsibility on one person to resist or accept. It also makes consent about what a partner doesn’t want, instead of being able to openly express what they do want.

How Does It Work?

Some people are worried that talking about consent will be awkward or that it will ruin the mood, which is far from true. If anything, the mood is much more positive when both partners are happy and can freely communicate what they want. To start, talk about what terms like “hooking up” or “going all the way” mean to each partner. Consider having these conversations during a time when you’re not being physically intimate.

If you’re in the heat of the moment, here are some suggestions of things to say:

Are you comfortable? Is this okay? Do you want to slow down? Do you want to go any further?

What consent looks like:

- ♦ Communicating every step of the way. For example, during a hookup, ask if it’s okay to take your partner’s shirt off and don’t just assume that they are comfortable with it.
- ♦ Respecting that when they don’t say “no,” it doesn’t mean “yes.”
- ♦ Breaking away from gender “rules.” Girls are not the only ones who might want to take it slow. Also, it is not a guy’s job to initiate the action (or anything else, really).

What consent DOES NOT look like:

- ♦ Assuming that dressing sexy, flirting, accepting a ride, accepting a drink etc. is in any way consenting to anything more.
- ♦ Saying yes (or saying nothing) while under the influence of drugs or alcohol.
- ♦ Saying yes or giving into something because you feel too pressured or too afraid to say no.

Red flags that indicate your partner doesn't respect consent:

- ♦ They pressure or guilt you into doing things you may not want to do.
- ♦ They make you feel like you "owe" them — because you're dating, or they gave you a gift, etc.
- ♦ They react negatively (with sadness, anger or resentment) if you say "no" to something, or don't immediately consent.
- ♦ They ignore your wishes, and don't pay attention to nonverbal cues that could show you're not consenting (ex: pulling/pushing away).

Get Consent Every Time

In a healthy relationship, it's important to discuss and respect each other's boundaries consistently. It's not ok to assume that once someone consents to an activity, it means

In a healthy relationship, it's important to discuss and respect each other's boundaries consistently. It's not ok to assume that once someone consents to an activity, it means they are consenting to it any time in the future, as well. Whether it's the first time or the hundredth time, a hookup, a committed relationship or even marriage, nobody is ever obligated to give consent just because they have done so in the past. A person can decide to stop an activity at any time, even if they agreed to it earlier. Above all, everyone has a right to their own body and to feel comfortable with how they use it — no matter what has happened in the past.

Violations of the Protective Order

What is a violation?

If the defendant in your case does not abide by any part of the order, this can be a violation of the court order. Violations are handled as criminal matters by the prosecutor's office. In criminal cases, the prosecutor's office is the plaintiff and you would be their witness. Please be sure to keep a copy of the TPO/FPO on your person.

What should you do?

Your protective order is most useful to you if you enforce it. If there is a violation, the plaintiff should immediately contact the police. You must show the officer your copy of the TPO/FPO. It is the responsibility of the law enforcement officer to determine whether there is enough probable cause to proceed with a possible arrest. If the officer determines there is not enough probable cause to proceed with an arrest, the victim can proceed with a criminal complaint which would be addressed in the local municipal court. Please speak to a Legal Advocate about possible court accompaniments.

How can you prove it?

There are several ways to prove a violation has occurred. Preserve your evidence and provide it to the police. Some helpful hints:

- A. If you see the defendant in a location he is restrained from, call the police.
- B. Save any voice or text messages. If they are at risk of being erased, transfer the message to another device or save it electronically.
- C. Identify any witnesses who saw the incident and make them available to the police.
- D. Call the police to observe the defendant's number on your caller I.D. It should give the time/date/number.
- E. If the defendant sends harassing e-mails, texts or messages via social media, save them and make copies.

*If you have any questions about violations, call the police or the Domestic violence unit at the courthouse.

Do not initiate contact with the other party unless you dismiss your case. This may send the wrong message to the defendant.

Morris County

Legal/Community Resources:

JBWS' 24-HOUR HOTLINE FOR MORRIS COUNTY:

1.877.782.2873

PSYCHIATRIC EMERGENCY CRISIS HOTLINE:

973-625-0280

MORRIS COUNTY PROSECUTOR'S OFFICE OF SEX CRIMES UNIT:

973-285-6200

VICTIM/WITNESS ASSISTANCE UNIT – MORRIS COUNTY:

973-285-6309

VICTIMS OF CRIME COMPENSATION UNIT

877-658-2221 or 973-648-2107

DEPARTMENT CHILD PERMANENCY AND PROTECTION:

877-652-2873

Morris County East DCP&P office 973-829-3600 or 800-688-3890

Morris County West DCP&P office 973-927-0931 or 800-392-9518

DOMESTIC VIOLENCE UNIT AT MORRIS COUNTY COURTHOUSE:

re: VASPA TPO/FPO Inquiries

862-397-5700 Ext 75270

OFFICE OF OMBUDSMAN:

862-397-5700 Ext. 75160

10 Court St. Administration Building. First floor

Morristown, NJ 07960

DEIDRES HOUSE CHILD ADVOCACY CENTER:

973-631-5000

8 Court Street, Morristown, NJ 07960

MORRIS COUNTY SEXUAL ASSAULT CENTER:

24-hour hotline 973-829-0587

For counseling services, please call 973-971-4754

LAWYER'S REFERRAL SERVICE

973-267-5882

Passaic County

Legal/Community Resources:

JBWS' 24-HOUR HOTLINE FOR PASSAIC COUNTY:

1.973.881.1450

PSYCHIATRIC EMERGENCY CRISIS HOTLINE:

973-754-2230

PASSAIC COUNTY PROSECUTOR'S OFFICE OF SEX CRIMES UNIT:

973-881-4800

VICTIM/WITNESS ASSISTANCE UNIT – PASSAIC COUNTY:

973-881-4800

VICTIMS OF CRIME COMPENSATION UNIT

877-658-2221 or 973-648-2107

DEPARTMENT CHILD PERMENANCY AND PROTECTION:

877-652-2873

Passaic County Central DCP&P office: 973-523-6090 or 800-531-6026

Passaic County North DCP&P office: 973-826-1082 or 800-847-1743

DOMESTIC VIOLENCE UNIT AT PASSAIC COUNTY COURTHOUSE:

re: VASPA TPO/FPO Inquiries

973-653-2910 x 24420

OFFICE OF OMBUDSMAN:

973-653-2910 x 24470

71 Hamilton Street, Suite/Room 130, 1st Floor

Paterson, NJ 07505

PASSAIC COUNTY CHILD ADVOCACY CENTER:

973-837-7651

30 King Road, Totowa, NJ 07512

SERV PASSAIC COUNTY SEXUAL VIOLENCE HOTLINE:

24-hour hotline 856-408-3164

For counseling services, please call 973-971-4754

LAWYER'S REFERRAL SERVICE

973-345-4585