



# Recent Legislative Changes Allow for Restraining Orders to Be Granted for Stalking and Cyber-Harassment, Even with the Victim Having No Family Relation to Defendant

Client Advisories

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In a deliberate move to widely expand victim protection in New Jersey, the state Legislature amended the Sexual Assault Survivor Protection Act of 2015. In order to highlight the significant changes, the Legislature renamed the act to the Victim's Assistance and Survivor Protection Act ("VASPA"). VASPA is now codified and went into effect on January 1, 2024.

The VASPA amendments now allow for an individual to pursue the entry of a restraining order if that person is subjected to stalking or cyber-harassment. Stalking is more specifically defined in the Act, but can be summarized to include incidents of repeatedly maintaining a visual or physical proximity to a person, either directly or indirectly by any action, method or device. Cyber-harassment is also more specifically defined in the Act, but can be summarized as conduct that occurs in an online capacity with the purpose to harass another.

With this series of amendments, it is evident the Legislature understands the impact stalking and cyber-harassment has on its victims. This is further reflected in the jurisdictional parameters within the Act, including the Act's handling of the location of both alleged victims and possible defendants across state lines. As such, the Legislature took this Act a step further by significantly limiting any jurisdictional issues as it relates to both alleged victims and possible defendants. More specifically, VASPA states in order for a New Jersey Court to have jurisdiction, only one of the following need be true:

- The alleged conduct or attempted conduct occurred in New Jersey;
- The victim resides or is sheltered in New Jersey; or

- The defendant resides in New Jersey.

This means the alleged defendant does not have to step foot into the State of New Jersey in order for a New Jersey court to assert jurisdiction under the Act.

Lastly, the Legislature eliminated any requirement of an established familial or domestic relationship for a restraining order in these specific circumstances. Under VASPA, if an alleged victim is claiming stalking or cyber-harassing as a reason for a restraining order application, that person need not establish the defendant as a familial or domestic partner.

It is important to note VASPA also allows for a parent or guardian to file for a Restraining Order on behalf of a minor child.

As a result of these changes, the Administrative Office of the Courts in New Jersey has issued a new series of guidelines and forms for filing an application under VASPA. For help with such an application, and all issues related to restraining orders, or if you or your child have been a victim of stalking or cyber-harassment, please contact one of Archer's **Matrimonial & Family Law** Group attorneys.

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