

Who is protected under the PDVA – Prevention of Domestic Violence Act

Victim of Domestic Violence: person protected by the domestic violence act and includes any person:
18 years or older or is an emancipated minor, and who has been subjected to domestic violence by:

- Spouse / former spouse / Intimate partner
 - Present or former household member
- OR

Who, regardless of age, has been subjected to domestic violence by a person:

- with whom the victim has a child in common/is pregnant/anticipates having child in common
- with whom the victim has or had a dating relationship.

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A victim may be *below* the age of 18.

The domestic violence assailant must be *over* the age of 18 or emancipated at the time of the offense.

A minor is considered emancipated from his or her parents when the minor has:

- Been married
- Entered military service
- Child or pregnant
- De
- clared emancipated by a court / administrative agency

Mandatory Arrest. A police officer must arrest and take into custody a domestic violence suspect and must sign the criminal complaint against that person if:

- The victim exhibits signs of injury caused by an act of domestic violence. N.J.S.A. 2C:25-21a(1).
- Victim has suffered bodily injury.

Probable Cause: When the police officer observes manifestations of internal injury suffered by the victim.

Probable Cause: Where the victim exhibits no visible sign of injury, but states that an injury has occurred.

There is probable cause to believe that the terms of a no contact court order have been violated (TRO/FRO)

A warrant is in effect (and outstanding).

Probable cause to believe that a weapon has been involved in the commission of an act of domestic violence.

Discretionary Arrest. A police officer may arrest a person or may sign a criminal complaint against that person, or may do both, where there is probable cause to believe that an act of domestic violence has been committed but none of the conditions in Section II.