

Family Law Services Alert: Victim in Virtual Relationship Entitled to Restraining Order

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Can you be in a relationship without ever going on an in-person date? This question might seem trivial, but for victims of domestic violence, the answer is crucial to determining whether they are eligible for protection from a restraining order. To obtain a restraining order, New Jersey's Prevention of Domestic Violence Act requires that a victim must have had a relationship with the abuser (i.e., former or current spouse, share a child together, live together, or have had a dating relationship). Relationships frequently begin through electronic communication, and with social distancing rules and state lockdowns, in-person dating is currently restricted if not impossible. What does this mean for potential victims of domestic violence?

The New Jersey Appellate Division answered this question in the recent opinion of *C.C. v. J.A.H.* Although the facts of the case occurred prior to the COVID-19 pandemic, the issues are extremely pertinent now that in-person dating is restricted. In *C.C.*, the parties met at the gym where C.C. worked. Although they never went on an in-person date, C.C. and J.A.H. exchanged almost 1,300 personal text messages over a period of five weeks. Eventually, C.C. asked for the communications to stop, at which time J.A.H. sent a barrage of harassing and threatening messages. The trial court granted C.C.'s request for a temporary restraining order and ultimately issued a final restraining order against J.A.H. J.A.H. filed an appeal, in part based on the trial court's determination that a relationship existed between the parties.

The Appellate Division affirmed the trial court's decision, agreeing that a relationship existed. The Appellate Division determined that the communications alone between C.C. and J.A.H. constituted a dating relationship. The Court found that dating relationships should be defined broadly because what it means to "date" can vary significantly between generations and socio-economic positions. The parties in the *C.C.* case exchanged extensive personal information – arguably more than a couple might even after several in-person dates. The personal nature of their communications helped the Court reach the conclusion that a relationship existed.

The *C.C.* decision is critical for victims of domestic violence. Potential victims might be reluctant to seek help because they believe that their relationship and the abuse they have encountered is strictly virtual. The Appellate Division confirmed that virtual relationships also deserve protection against domestic violence. If you believe you have been the victim of domestic violence you need to take action. If you need assistance, the Family Law Services team at Brach Eichler LLC can help you seek the protections of the Court if necessary.

If you have any questions about this alert or any other Family Law Services issue, please contact:

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