

NJ Family Law Coronavirus Special Series

Love and Domestic Violence in the Age of Coronavirus: Online Dating Relationships

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Now, more than ever, dating relationships are formed by electronic communications. A new dating “app” appears every other day and there are seemingly infinite amounts of online dating websites. In the current climate, with the national stay-at-home directives caused by the Coronavirus Crisis, people are even more reliant on technology and electronic communications to form dating relationships. Unfortunately, while methods of communication may have changed, domestic violence has not. This is the Fourth Article in our continuing series of Family Law Issues and the Coronavirus Crisis. (For our prior articles on Parenting Issues click [here](#), Financial Issues click [here](#), and Tips for Quarantining with your Estranged Spouse click [here](#).) This article focuses on “remote” domestic violence and how to protect yourself. You do not have to be a victim.

As people continue to practice social distancing and remain in their homes, electronic relationships will continue to become more prevalent. A New Jersey Court recently said, “[w]e need look no further than the impact of the COVID-19 pandemic on the inability to meet in-person on traditional “dates.” Instead, many people access internet websites and applications to “meet,” sustain, and develop relationships virtually.” In fact, a recent Time.com [article](#) speculates that the shift to electronic relationships could become permanent even after the Coronavirus Crisis. There, the author argues that the change could be for the best, as electronic relationships without the possibility of physical interaction forces the relationship to grow on a deeper level. Logically, an online relationship is forced to grow through emotional and psychological connections. However, the lack of physical interaction does not eliminate the possibility of domestic violence. While you may not ever physically have met your online significant other, you could still be a victim of serious harassment, or worse, which can qualify as domestic violence.

Traditional, in-person relationships are comprised of physical dates and experiences. These relationships are easily identifiable to a third party. Accordingly, if the relationship goes awry and crosses into the sphere of domestic violence, a police officer or judge can easily identify that a dating relationship existed and provide the appropriate protections. But, what happens when the couple never physically meet and the relationship is formed solely through electronic communications, such as through an online dating “app” or website? Will these electronic relationships be afforded the same protections from domestic violence? In New Jersey, **the answer is YES.**

The New Jersey Appellate Court decided this very issue on May 4, 2020 in the case of C.C. v. J.A.H. Electronic dating relationships can be afforded the same protections from domestic violence as traditional, in-person relationships. If you are interested, you can read the entire opinion by clicking [here](#). The Court concluded that **“the volume and intensity of text message communications can establish a dating relationship**, even in the absence of a traditional in-person date.” This means that you can seek protection from domestic violence if your dating relationship was formed and continued through electronic communications, even if you and the other person never physically met.

Protection From Domestic Violence: The Basics

In New Jersey, the Prevention of Domestic Violence Act protects victims of domestic violence through Temporary and Final Restraining Orders. To obtain protection under the PDVA, you must establish that you are a “[v]ictim of domestic violence.” Included within this definition is “any person who has been subjected to domestic violence by a person with whom the victim had a **dating relationship.**” The PDVA defines different acts of domestic violence. Ensuring that the law keeps pace with changing social norms, in December 2016 “cyber harassment” was included as an act of domestic violence. Domestic violence includes harassment and stalking, and **need not be a physical assault.**

C.C v. J.A.H: When Does An Online Relationship Qualify For Protection From Domestic Violence?

In this case, the facts entitling C.C. to protection from J.A.H. are interesting. The parties never went on a physical, in-person date. Rather, the parties exchanged over a 1000 text messages over the span of several months and in-person contact was limited to conversations at a fitness center, where C.C. was a general manager and J.A.H. was a new member.

During the summer of 2018, J.A.H., who was almost twenty years older than C.C., sought her attention during his work-outs at the fitness center. He engaged her in intimate conversations about her personal life and eventually gave her his mobile telephone number. At the end of September, C.C. sent him a text message. Over the course of the following five weeks, the parties exchanged text messages at all hours of the day and night. Their conversations contained sexually explicit and suggestive dialogue, and included such topics as: their sexual preferences; their prior dating experiences; their recreational drug and alcohol use; and the traits they desired in a partner. Subsequently, via text message, J.A.H. professed his affection for C.C. and the parties made plans to meet outside of the fitness center, which C.C. interpreted as a "date." However, the physical date never occurred.

On November 4, C.C. sent a text message to J.A.H. indicating that she no longer wished to communicate with him other than "as a friend". In response, J.A.H. sent C.C. text messages which were vulgar, insulting, and threatening. He threatened to contact C.C.'s employer in an attempt to get her fired.

The following morning, after awakening to his barrage of text messages, C.C. searched the internet for J.A.H.'s name and discovered that he had been convicted of stalking and harassing a woman who he dated in Pennsylvania. C.C. advised the local police and her employer, who terminated J.A.H.'s gym membership. Then, C.C. discovered that earlier that morning someone had accessed J.A.H.'s electronic gym membership account and changed his address on file to her home address. The detective assigned to C.C.'s case advised her to file for a Temporary Restraining Order, which she did and which was granted to her on the basis of harassment.

The first step in getting protection if you are a victim of domestic violence is to seek a Temporary Restraining Order. After that, either the parties will agree on a Final (meaning permanent) Restraining Order or there will be a trial to determine if the Temporary Restraining Order should be made permanent with the issuance of a Final Restraining Order. In the C.C. case, J.A.H. tried to say that C.C. was not entitled to a Final Restraining Order because there was no "dating relationship." The Trial Court disagreed and entered a Final Restraining Order against J.A.H., which he subsequently appealed to the Appellate Division, the second highest court in New Jersey.

Although J.A.H. tried to remove the Final Restraining Order, the Appellate Division decided that the online relationship was indeed a dating relationship worthy of domestic violence protection primarily because of the text messages. The Court said, “[t]he parties regularly engaged in intimate communications, evidenced by the plethora of sexually explicit text messages over the course of several months.” Also, C.C. testified that the relationship “started out” as a “friendship” then “progressed to an intimate level,” which supported the conclusion that the parties were involved in a dating relationship. So, the Appellate Division agreed that this online relationship qualified for protection under the Prevention of Domestic Violence Act, and that since C.C. was a victim of domestic violence she was entitled to a Final Restraining Order.

Does Your Online Dating Relationship Qualify For Protection Against Domestic Violence?

The answer is MAYBE. Through the C.C. case, the New Jersey Court expanded the definition of a dating relationship to include electronic relationships with similar qualities as those shared by C.C. and J.A.H. Notably, the Court “acknowledge[d] the prevalence of virtual communications in the ever-changing world,” and stated, “[t]ext messaging and other forms of electronic communications enable rapid yet deep interactions at all hours. Those communications can form bonds that may be no less intimate than sharing a dinner or movie. Nor is the lack of sexual relations dispositive.” The Court recognized that **“dating is a loose concept that changes from one generation to the next”** and identified that “the volume and intensity of text message communications can establish a dating relationship, even in the absence of a traditional in-person date.”

Thus, the protections of the PDVA are available to you if you are in an online dating relationship, even if you have never physically met the other person. The quantity, intensity, and subject matter of your online communications matters. New Jersey Courts recognize that domestic violence may exist in all manners of dating relationship, traditional in-person, or electronic. The law is always changing and must keep up with changing social norms. This is even more important in the age of Coronavirus where the impact of the pandemic will no doubt result in more online dating relationships.

Protection For Relationships Formed Through Electronic Communications – You Can Get Help

Justice and protection are available for victims of domestic violence in traditional and non-traditional relationships. Courts will issue Temporary and Final Restraining Orders if acts of domestic violence are committed by a “family member” or a person with whom you are in a “dating relationship”. Regardless of whether you ever met your online romantic partner, you need not be afraid of an abuser. You can leave an abusive relationship with the protection you deserve. If you have questions or concerns about domestic violence in traditional or “remote relationships”, contact Jan L. Bernstein, Esq. at 201-975-4417 or at JBernstein@PhillipsNizer.com or Gregory L. Grossman, Esq. at 201-975-4419 or at GGrossman@PhillipsNizer.com.