



njcoalition
against sexual assault

THE NEW JERSEY COALITION
AGAINST SEXUAL ASSAULT'S

Understanding
Legal
Options

A GUIDE FOR SURVIVORS IN NEW JERSEY

A purple flower with five petals and a green stem with leaves is growing out of a crack in dark, textured soil. The background is a dark, solid color.

Purpose

This guide was created by the New Jersey Coalition Against Sexual Assault (NJCASA) as part of a statewide legal advocacy initiative for survivors of sexual violence.

At its core, this project affirms that the law can be a powerful tool for protection, accountability, and justice when it is applied with care, equity, and compassion.



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A NOTE TO SURVIVORS:

You Deserve Safety, Support, and Options

You may encounter people who ask why you didn't fight back. You may be met with silence when you say it was your partner, your religious leader, or your boss. You may be told you're "too calm" to be credible or "too angry/hysterical" to be engaged with. You may be asked to prove what happened, sometimes multiple times.

**We want
you to know:**

You are
not alone.

You are
not imagining
the harm and
pain caused.

You are
not powerless.
You have
rights and
choices.



DEFINITIONS:

What Counts as Sexual Violence?



According to **New Jersey law**, sexual assault is defined as any sexual penetration, no matter how slight, without a person's consent or with a person who is unable to consent. The law also defines sexual assault as sexual contact under specific circumstances, such as age difference.

1

There is no criminal statute of limitations for sexual assault in New Jersey (for harm that was caused after the elimination of the criminal statute of limitation in 1996*). You can report to law enforcement at any time.

***Note:** Survivors who experienced abuse between 1991 and 1996 may also be able to pursue criminal charges.

2

For information about the newly lengthened civil statute of limitations for sexual assault, visit our [FAQ page](#). Sexual violence can happen in any context: within families, intimate partnerships, workplaces, schools, religious institutions, immigration detention, prisons, medical settings, or public spaces. It can be committed by strangers, acquaintances, family members, teachers, faith leaders, employers, police officers, or romantic partners. It can happen once or repeatedly. It does not matter what someone was wearing, where they were, or whether they were under the influence. What matters is that they did not consent (RAINN).

If something happened to you and it felt violating, coercive, confusing, or scary, you have the right to define your experience, seek support, or simply hold it for now. Your truth is still yours.



While many survivors have used legal tools to hold those who have harmed them accountable, there are legitimate concerns that survivors may have about being retraumatized, ignored, or harmed further while seeking help. This is especially true for survivors with historically marginalized identities. However, there are culturally specific legal advocates and affirming organizations that you can turn to for support if you choose to seek legal action.

Reimagining What “Justice” Looks Like

We must expand our definitions and reimagine what justice might mean because every survivor gets to define what “justice” looks like for them. We acknowledge that personal definitions of justice may exceed what the “system” can provide and include:

Safety

Getting out of a dangerous environment.

Accountability

Naming harm and being heard without being silenced.

Resources

Access to therapy, housing, education, or rest.

Reconnection

Reclaiming your voice, your culture, your body.

Prevention

Creating conditions where harm can't happen again.

It's also okay if justice isn't what you're seeking. If you just want to survive today, that is enough. This guide won't define justice for you. It will offer you the language, the options, and the context to define it for yourself, and to pursue it on your terms, if and when you choose.



Criminal Legal Pathway

This path begins when the state (through police, prosecutors, and courts) brings charges against the person who harmed you. The goal is usually to impose some form of “punishment” on the person who caused harm. If the case is successful, outcomes can include jail time, probation, or a court-ordered requirement that the person who caused harm register with the government, meaning that their information may be added to an official registry.

The criminal legal pathway involves the state responding to harm by investigating and, in some cases, bringing charges against the person who caused it. For some survivors, this pathway can lead to outcomes like accountability measures, court-ordered conditions, or other forms of legal consequence.

Whatever you choose, you are not alone. There are resources and people who can support and walk alongside you as you consider what feels right for you.



Pros

No direct financial cost to you.

May help limit the person who caused harm from hurting you and/or others in the future.



Cons

The process can be emotionally demanding and may bring up difficult feelings or memories.

Survivors often have limited influence over how the case moves forward, which can feel disempowering at times.



For more information and resources, please see our **Find Help Page**.



Civil Legal Pathway

This path allows *you* to bring a lawsuit against the person or institution who harmed you. Civil claims can seek money for emotional distress, medical bills, therapy, lost wages, or justice that courts didn't deliver (Legal Services of New Jersey).

Unlike criminal cases, civil suits don't require a police report. You control the pace, the goals, and whether to settle. But they often require

legal support, typically a private attorney, and survivors may face public exposure or lengthy delays.

For survivors who have not felt supported or affirmed by the police or who opt not to engage with law enforcement in the first place, civil court can be a space of reclamation. For others, it's another complex system to navigate.



Pros

Survivor-led and can be used to hold both individuals and institutions (such as employers, schools, and religious organizations) accountable if their actions/inaction contributed to the harm.



Cons

The process can be emotionally demanding and may bring up difficult feelings or memories.



For more information and resources, please see our **Find Help Page.**



Immigration Legal Pathway

For undocumented or non-citizen survivors, fear of deportation can silence disclosure. But there are protections:

U VISAS (for survivors who cooperate with law enforcement)

T VISAS (for survivors of trafficking)

VIOLENCE AGAINST WOMEN ACT (VAWA) self-petitions (for survivors abused by a citizen or legal permanent resident [LPR] spouse/family)

These options offer protection and a pathway to status, but they require extensive documentation and cooperation with systems that may not feel safe. For many survivors, the question isn't "Do I qualify?" but "Will this process endanger me more?" (U.S. Citizenship and Immigration Services; Tahirih Justice Center).



Pros

Can lead to work permits, lawful status, and safety from deportation.



Cons

The process can be lengthy and emotionally demanding, and for some survivors it may carry the fear or risk of exposure if they have an undocumented immigration status.



For more information and resources, please see our **Find Help Page**.



Campus Title IX Pathway

For survivors harmed at school (as a student or employee), **Title IX**¹ is designed to offer protection. It mandates that schools take sexual violence seriously, offer support measures, and provide pathways for reporting.

If you were harmed in a school setting as a student or an employee, Title IX is intended to help protect your rights and access to education or work. Under Title IX, schools are required to take reports of sexual violence seriously, offer supportive measures, and provide options for addressing harm.

Experiences with Title IX can vary widely. Some survivors find the process helpful, while others share that it can feel confusing or frustrating at times. Processes may take longer than expected, and outcomes are not always what survivors hope for. These situations can be especially challenging due to power dynamics, biases, or campus culture. Individuals with historically marginalized identities are likely to be impacted more by these barriers.

However, support can make a difference. Advocates can help you understand your rights, explore reporting or non-reporting options, and identify supportive measures, such as academic or workplace accommodations, regardless of what you decide. You deserve safety, dignity, and support, and there are people and resources available to help you navigate this path in a way that centers your needs and well-being.

¹"Title IX is a groundbreaking civil rights law that states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." "Title IX." Clery Center, www.clerycenter.org/title-ix.



Pros

May offer quicker access to safety and support measures (such as no-contact directives or schedule changes) without going through the court system.

Typically has a lower burden of proof than criminal court, which can make reporting feel more accessible for some survivors.

Survivor-initiated, meaning you can choose whether, when, and how to engage with the process.

Does not require a police report to access supportive measures.



Cons

Enforcement and outcomes can vary widely depending on the school, decision-makers, and campus culture.

The process can be emotionally demanding and may bring up difficult feelings or memories, especially during interviews or hearings.

Some survivors report limited control once a formal process begins, which can feel frustrating or disempowering at times.

Concerns about retaliation or social consequences may arise, particularly in close-knit campus or workplace environments.



For more information and county-based resources, please see our [Find Help Page](#).

Your campus may have additional resources available through your institution's Title IX office or possible on-campus advocates.



The word “safety” gets thrown around a lot like a slogan. But for many survivors, especially those most marginalized, safety is complicated. It’s not just about escaping harm; it’s about navigating a world that doesn’t always recognize the harm, or that punishes us for trying to escape it. This section is here to expand what safety can look like on your terms.

You Get to Define What Safety Means to You

Choosing whether or not to involve the police after experiencing harm is a deeply personal decision. There is no one “right” path, and what feels safest or most supportive can look different for each survivor. For some survivors, contacting law enforcement can be helpful. For others, including many BIPOC, undocumented, disabled, trans, and low-income survivors, it may feel complicated or even unsafe based on past experiences, community realities, or concerns about how systems respond. These concerns deserve to be acknowledged.

Remember that your experience matters, and your safety and autonomy come first. Support is available in many forms. Survivors can access advocates, confidential counseling, shelter, and legal information without being required to make a police report. You are not alone, and help can be shaped around what feels safest and most affirming for you.

You are not less brave, less serious, or less of a survivor if you choose not to involve the police. There are many reasons why survivors don’t call:

- | **Fear of child removal or deportation.**
- | **Fear of retaliation.**
- | **Community norms around silence.**
- | **Previous harm by law enforcement.**

You still deserve support. You still deserve protection. There are advocates and services who will support you with safety planning without requiring a police report.



Planning for Physical, Legal, and Emotional Safety

There is no perfect plan. But having options helps.

Physical safety might mean:

- Packing a go-bag or keeping essentials hidden.
- Knowing a safe person or place to turn to.
- Having a code word with someone you trust.

Legal safety might mean:

- Getting help from an advocate to file a protective order or custody modification.
- Knowing what papers or evidence you might need.
- Having a list of legal aid contacts.

Emotional safety might mean:

- Setting boundaries with people who pressure you to disclose or act.
- Finding a trauma-informed therapist or support group. For more info, visit our [Find Help Page](#).
- Giving yourself permission to rest, cry, disconnect, or scream.

Remember, you are allowed to change your mind about what you need.



Digital Safety

While digital safety concerns often come up in the context of domestic violence, they are also highly relevant in cases of sexual violence, especially when the person who caused harm uses technology to monitor, harass, intimidate, or maintain control. If the person who harmed you monitors your phone, pays your phone bill, follows your social media, or has access to your devices, digital safety is real and urgent. Survivors can be tracked, blackmailed, or surveilled online.

Consider

Using an alternative device (library, friend, burner, or advocate's phone) to research help.

Clearing your browser history or using incognito/private mode.

Turning off location sharing in apps and settings.

Changing passwords, especially if they were shared or easy to guess.

Checking if your phone has tracking apps or spyware installed.

SPECIAL NOTE: If you're in a situation where the person harming you regularly checks your phone or monitors your activity, making sudden changes like deleting your browser history, clearing messages, or changing passwords could alert them and increase your risk. It may seem safer to erase evidence of help-seeking, but if that person is watching closely, those changes can be a red flag. Whenever possible, wait until you're in a secure environment or use a safer device (like a friend's phone or public computer) to look for support without leaving a trace. Your safety comes first. For more: Visit the National Network to End Domestic Violence's safety tech page at www.techsafety.org.



Safety When You're Undocumented, Disabled, or Dependent on the Person Causing Harm

Safety considerations are often complicated by the fact that many people who experience sexual violence are harmed by someone they know. This can include a current or former partner, spouse, family member, coworker, classmate, or someone within their social or community network. These connections can create ongoing proximity, shared spaces, or social consequences that shape a survivor's safety decisions long after the harm occurs.

In some situations, particularly where sexual violence occurs alongside domestic or intimate partner violence, these dynamics may also involve shared housing, financial dependence, or co-parenting. In other cases, the entanglement may be less visible but still significant, such as shared workplaces, friend groups, faith communities, or immigration, academic, or employment-related vulnerabilities.

Because of this, safety planning is not only about physical separation, but about navigating continued contact, power imbalances, and the real risks that can arise from reporting, disclosure, or system involvement. Survivors are best positioned to assess what safety looks like for them within the specific context of their lives.



But in instances where some survivors face risks of leaving their home, leaving their job/school/place of worship, or otherwise leaving a harmful environment, those concerns are real and valid.

If you're undocumented

You may fear deportation if you report or seek services.

You have rights under federal law (e.g., U visa, VAWA petition, T visa).

You do not need a police report to access help from advocates.

Many legal and shelter resources are available without immigration status.

If you're disabled

You may depend on the person who harmed you for care, transportation, or communication.

You deserve accessible advocacy, legal help, and trauma-informed services.

Harm from caregivers or staff is still abuse, even if it's sometimes normalized in institutions.

If you're financially or legally dependent on the person:

You might share kids, a lease, an immigration application, or bank accounts.

Leaving may feel impossible. That's not weakness; that's survival logic.

Ideally, safety planning should account for how you will live, not just how you will leave.

You are navigating harm with courage, caution, and complexity. There are advocates trained to help you create plans that account for these layers; you may choose to seek them when you're ready.



You Are the Expert of Your Survival

No one knows your reality better than you do. You know what safety looks like for you, what feels possible, and what you need to get through the day. This section honors that truth. While we acknowledge that the legal system is an imperfect system, it can be a powerful tool for justice, protection, and accountability if survivors are met with trauma-informed advocates and have access to skilled legal representation and supportive services. Many survivors in New Jersey have accessed meaningful help through pro bono attorneys, protective orders, immigration relief, school-based protections, and civil remedies.

If you are looking for support in thinking through safety in a way that reflects your reality, Confidential Sexual Violence Advocates (CSVAs) are available to help. CSVAs can work alongside you to talk through and support safety concerns and explore options on your terms without the pressure to choose a particular path.



For more information, please visit our **Find Help Page.**



What the Legal System Can Offer

The legal system is not perfect. But it is also true that, when the system does work or when survivors are surrounded by advocates who make it work, the law can offer powerful tools for protection, accountability, and healing. This page is here to name those possibilities. We want survivors to know what's available when the system shows up the way it should.

Immediate Protection Through Protective Orders

In New Jersey, survivors of sexual violence can seek protective orders. These orders can:

Prohibit contact from the person who harmed you.

Create distance by requiring them to stay away from your home, school, or job.

Grant emergency custody or protect children.

Be enforced by law enforcement if violated.

When granted and enforced, these orders can give survivors space to breathe and plan next steps safely. However, they should be viewed as one element of a comprehensive safety plan. Advocates are available to support with comprehensive safety planning.



Access to Compensation and Legal Remedies

Engaging with the legal system can unlock access to:

Victims of Crime Compensation Office (VCCO) funds to help cover therapy, medical bills, relocation, lost wages, and more.

Lease terminations for survivors needing to flee housing.

Family court orders for custody, child support, or divorce.

Accommodations under disability or anti-discrimination law.

For many survivors (especially those without savings or family support), these remedies are not just helpful; they're lifesaving.

Validation and Public Recognition

Sometimes, what matters most is that the harm is named. That it wasn't "just a misunderstanding." That someone with power says, "This was wrong. You didn't imagine it." When legal systems acknowledge the truth through a court ruling, a hearing, or a settlement, survivors are publicly affirmed. That validation can be an important part of healing, especially for those whose experiences were minimized by family, institutions, or community members.



Accountability for the Person Who Caused Harm and Institutions

Criminal cases can lead to incarceration, registration, or supervision of people who cause harm. Civil cases can hold employers, religious institutions, landlords, schools, and other institutions financially and publicly accountable for failing to protect you or enabling abuse. Some survivors have used civil cases to change policy, improve safety protocols, or get public apologies.

Connection to Wraparound Support

Survivors who engage legal services can be connected to:

Trauma-informed advocates

Crisis counseling

Shelter and housing

Case management and referrals

When done right, legal systems don't operate in isolation; they can serve as entry points to holistic care. When paired with survivor advocacy, cultural humility, and trauma-informed practice, the legal system can offer protection, justice, and restoration. And every survivor deserves access to that possibility.



Can You Do More Than One Legal Track?

Sometimes, survivors use multiple legal tools at once. For example:

Filing for a protective order and pursuing a U visa.

Suing an employer in civil court and filing a Title IX complaint.

Participating in a criminal case and applying for VCCO compensation.

These legal tracks are often interconnected, and, when coordinated with care, they can reinforce one another. Advocates and attorneys across New Jersey are increasingly working in partnership to ensure survivors receive wraparound support, especially for those navigating multiple systems at once.

That said, legal processes can be emotionally and physically draining. Each system comes with its own rules, timelines, and documentation needs. Some survivors choose to focus on one pathway at a time to conserve their energy and stay grounded.

You are allowed to prioritize your capacity.

You are allowed to pause.

Your healing is not a race.





How to Find Support

ADVOCATES

PEER SUPPORT

CRISIS LINES

You don't have to go through any of this alone. There are advocates and organizations across New Jersey who specialize in supporting survivors of sexual violence, with or without a police report, with or without legal action.

Talk to a trauma-informed advocate

They can help you understand your options in a safe, confidential way.

Find an advocate:

njcasa.org/find-help

Consult a civil attorney

Legal Services of New Jersey

lsnj.org | 1-888-LSNJ-LAW

Free statewide civil legal aid. Offers help with protective orders, housing, immigration, public benefits, etc.

Take Back the Night Foundation National Sexual Assault Hotline

takebackthenight.org/legal-assistance/
567-SHATTER (567-742-8837)

24/7 confidential national hotline that connects attorneys who can discuss legal options with survivors of sexual violence.

Partners

partnersnj.org | 973-233-0111

Specializes in free legal representation for low-income survivors in family law matters (protective orders, custody, child support) for the following counties: Essex, Union, Middlesex, Hudson, Passaic.

Seton Hall University Center for Social Justice

csj_reception@shu.edu or call 973-642-8700 or 973-761-9000 ext. 8700

University legal clinic supporting survivors of sexual violence.

New Jersey Crime Victims' Law Center

Richard Pompelio: Call 973-903-9848 or rpompelio@njcrimevictims.org

NJCVLC provides pro bono legal assistance to victims of violent crime in New Jersey.

You may qualify for compensation:

You may be eligible for help from the **Victims of Crime Compensation Office (VCCO)**, which may cover some legal or out-of-pocket costs as a result of the harm you have experienced. An advocate can help you [apply. njoag.gov/vcco/vcco-victims/](http://njoag.gov/vcco/vcco-victims/)



Explore Safety Resources

Safety Net Project (NNEDV)

Provides resources for advocates and survivors on technology, privacy, and safety in the context of sexual assault, including toolkits for creating safety plans for digital devices.

EndTAB (End Technology-Assisted Abuse)

Offers training for service providers on keeping survivors safe from tech-enabled abuse.

WomensLaw.org

Provides specialized information on legal rights and safety planning for victims of stalking and social media harassment.

StatuteFINDER.org

A free tool for advocates and survivors to identify specific, applicable laws regarding abuse to assist in navigating the justice system.

Survivor Tech Safety Guides

Detailed guides for securing mobile devices and accounts.

Chayn

A DIY online safety guide designed for survivors.

Apple Safety Check

Tips for managing, reviewing, and restricting shared information on Apple devices.