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DIRECTIVE #12-22

[Supersedes Directive #18-20 and Supplement to Directive #18-20]

Questions or comments may be directed to (609) 815-2900, ext. 55350.

**TO: Assignment Judges
Trial Court Administrators**

FROM: Glenn A. Grant, Administrative Director



**SUBJ: Family – Entry of Default and Uncontested Divorce/Dissolution
Judgments Without Personal Appearances (Divorce on the Papers)**

DATE: December 9, 2022

In specific circumstances, the entry of default and uncontested divorce/dissolution judgments may be permitted without personal appearances when one spouse files for divorce or termination, properly notifies the other spouse, and the other spouse has not filed any response with the court. In lieu of personal appearances, the judge decides whether to enter the judgment for divorce based on the papers filed with the court. This is also referred to as “divorce on the papers.”

This Directive supersedes Directive #18-20 (issued June 5, 2020) and Supplement to Directive #18-20 (issued July 19, 2021) which set forth standardized procedures for the entry of default and uncontested judgments without personal appearances in certain divorce/dissolution (FM) proceedings. This directive is being issued to make conforming revisions to the attached *Instructions to Request the Entry of Default or Uncontested Divorce/Dissolution Without Personal Appearances* and the *Certification in Support of Judgment of Divorce* form (CN12620).

To conform to the applicable statute and court rule, the following changes have been made to the instructions and the required certification form; the corrected versions are attached:

- Deleted *“Is not planning to file for bankruptcy”* from the “Request for Default or Uncontested Divorce (Dissolution) Instructions” and
- Deleted *“I am not considering filing for bankruptcy”* from the “Certification in Support of Judgment of Divorce” form.

Contact the Family Practice Division at (609) 815-2900 ext. 55350 with any questions. Additionally, self-represented litigants can contact the court ombudsman in the county where the action is filed or Legal Services of New Jersey at (732) 572-9100 or www.lsnj.org for sample forms.

Attachments:

1. Instructions to Request the Entry of Default or Uncontested Divorce/Dissolution Without Personal Appearances (Divorce on the Papers)
2. Certification in Support of Judgment of Divorce (CN#12620)

cc: Chief Justice Stuart Rabner
Family Division Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Special Assistants to the Administrative Director
Family Division Managers and Assistant Division Managers
Nancy L. Manuele, Chief, Family Practice Division

Instructions to Request the Entry of Default or Uncontested Divorce/Dissolution Without Personal Appearances (Divorce on the Papers)

This procedure is available **only** in the following situations:

- Divorce/Dissolution of the marriage, civil union, domestic partnership, or complaint for annulment with no additional request for relief, or
- Divorce/Dissolution of the marriage, civil union, domestic partnership, or complaint for annulment with a signed property settlement agreement or the continuation of final orders entered in other proceedings resolving issues of equitable distribution, custody, parenting time, and child support, with no outstanding issues or assets that need to be addressed by the court, or
- Divorce/Dissolution of the marriage or complaint for annulment and a request by the plaintiff to resume any name used before the marriage or assume any surname, consistent with N.J.S.A. 2A:34-21.

Note: The judge has discretion to require a court appearance if any relief sought would inappropriately affect the defendant's rights. If an appearance is required, the plaintiff or plaintiff's attorney will be notified in advance.

Procedures

1. Request for Default Divorce/Dissolution Without a Court Appearance

The request for divorce without a court appearance must be made in writing at the same time the Request to Enter Default is filed.

2. Request for the Entry of an Uncontested Divorce Without a Court Appearance

The request for divorce without a court appearance shall be made in writing by both parties.

Next Steps

1. Court staff will review the documents filed. If the documents are incomplete, staff will send a deficiency notice to plaintiff or plaintiff's attorney requiring that it be corrected. If the deficiencies are not satisfied within ten (10) days or at the discretion of the judge, the case will proceed with the requirement of a court appearance.
2. If the documents are complete, the case will be forwarded to a judge for review within five (5) days of the submission. If the judge is satisfied, the Judgment for

Divorce/Dissolution will be signed and mailed to the plaintiff or plaintiff's attorney. The plaintiff or their attorney must serve (properly deliver) the judgment to the defendant and their attorney.

Required Documents

The following documents must be filed with the court to proceed with the divorce/dissolution without a court appearance (on the papers).

1. Verified Complaint for Divorce, Annulment, Dissolution of a Civil Union, or Domestic Partnership,
2. Proof of Service of the defendant,
3. In adultery cases, notice to the alleged adulterer and proof of service which shall include that the alleged adulterer has not moved to intervene in the divorce case (has not filed any court documents in the case), or otherwise respond to the notice,
4. Request to Enter Default (only required if filing for a default divorce),
5. Certification or Affidavit of Non-Military Service with proof of the appropriate search (only required if filing for a default divorce),
6. Certification of Non-Collusion pursuant to Rule 5:4-2(c),
7. Certification or Affidavit of Insurance pursuant to Rule 5:4-2(f),
8. Confidential Litigant Information Sheet pursuant to Rule 5:4-2(g),
9. Certification of Divorce Dispute Resolution pursuant to Rule 5:4-2(h),
10. Certification that the plaintiff signed the Verified Complaint for Divorce, Annulment, Dissolution of a Civil Union, or Domestic Partnership and that all the allegations in the Complaint are true (only required if filing for a default divorce),
11. An original of the Proposed Final Judgment of Divorce, Annulment, Dissolution of a Civil Union, or Domestic Partnership that states that the matter was heard on the papers filed and that the court made no findings on the merits of the case,
12. Uniform Summary Support Order (USSO), if applicable (if filing for an uncontested divorce), and the related Child Support Guidelines Worksheet, and
 - a. If there is a deviation from the Child Support Guidelines, the USSO must include the reason(s) for the deviation.

13. Certification in Support of Judgment of Divorce

a. Continuation of Prior Court Orders

If the plaintiff requests the continuation of prior court orders, the Complaint or Certification must include copies of those orders and they must be identified in the body of the Certification.

b. Name Change

If the plaintiff requests a name change, the Complaint or Certification must include the last four (4) digits of the plaintiff's Social Security number and the plaintiff's date of birth. It shall also confirm that the plaintiff:

- has not been convicted of a crime under the name used during the marriage. (If the plaintiff was convicted of a crime under the name used during the marriage, a court appearance and testimony are required.)
- is not the subject of any criminal investigation or prosecution.
- is not changing their name to avoid creditors.

Attorney or Pro Se Litigant Information

Name of Attorney or Litigant: _____

NJ Attorney ID Number: _____

Address: _____

Daytime Phone: _____ Cell Phone: _____

Email Address: _____

Plaintiff

v.

Defendant

Superior Court of New Jersey
Chancery Division – Family Part
County _____
Docket Number FM- _____

**Civil Action
Certification in Support of
Judgment of Divorce**

I _____, of full age, hereby certify:

I. Cause of Action

- 1. I am the (check one) Plaintiff / Defendant in this matter and I am filing this Certification in support of my request for a Judgment of Divorce.
- 2. I have read the divorce complaint/counterclaim and there is no prospect of reconciliation at this time.
- 3. I certify to the truth of the complaint.
- 4. I am filing for divorce based on the following grounds outlined in N.J.S.A. 2A:34-2:

- 5. I am aware that I have a right to a trial, and I am waiving my right to a trial.
- 6. I am aware that if I proceed to trial, there may be a different outcome.
- 7. Prior or pending court cases. (Check box a or b below)
 - a. I have no other prior or pending court cases with the other party in this, or any other, jurisdiction.

- b. I have the following prior and/or pending court cases with the other party in this, or any other, jurisdiction. (Provide the case caption, docket number and a brief description of the status of the prior or pending court case(s).)

8. If there is **no written agreement** between the parties that addresses the equitable distribution of property, you **must** check box a below.
- a. No property was acquired during the marriage that is subject to equitable distribution.
9. If there is **no written agreement** between the parties that addresses child support, custody, or any other relief, you **must** check box a below.
- a. I am not seeking child support, custody, or any other form of relief.
10. If applicable, the statutory grounds for annulment have been met in my complaint.
11. If applicable, I am requesting the continuation of prior final orders. (You must include copies of the orders you want to continue.)
12. I further certify to the following. (Check all boxes that apply below)
- a. There are no other outstanding property or debt to be distributed.
- b. There are no other outstanding issues between the plaintiff and defendant.
- c. I understand that all prior orders not specifically referenced in the Final Judgment of Divorce or dissolution will be vacated upon the entering of the Final Judgment, but no restraining order entered under the Prevention of Domestic Violence Act shall be vacated by the entry of the Judgment of Divorce.
- d. I wish to continue a restraining order previously entered under the Prevention of Domestic Violence Act.

II. Marital Settlement Agreement

(Complete this section **only** if the parties have an agreement.)

I have reached an agreement with the other party, and I certify to the following:

1. I understand that if a Property or Marital Settlement Agreement (Agreement) was provided, I have the right to an independent review of the Agreement.
2. The Agreement was the result of negotiations between the plaintiff and defendant.
3. I request the incorporation of the Agreement into the Final Judgment of Divorce.

4. I have read and understand the Agreement fully and it is fair and reasonable.
5. I understand that the court is not going to decide on the merits of the Agreement, only that it finds the parties understand the Agreement to be fair and reasonable.
6. I was not coerced or forced into the Agreement.
7. I agree to be bound by the terms of the Agreement and I am asking the judge to make the Agreement part of the Final Judgment of Divorce.
8. I understand that if the Agreement is made a part of the Final Judgment of Divorce, it will be as enforceable as any other court order.
9. I am not under the influence of any drugs or alcohol today that would impair my ability to understand the nature or terms of the Agreement, and I was not under the influence of any drugs or alcohol when I negotiated, read and/or signed the Agreement.
10. Alimony (Check box a or b below)
- a. Alimony is not being paid as part of the Agreement. (If you check box a, you must also check **one** of the boxes below.)
- 1) I acknowledge that my lifestyle can be maintained as it was during the marriage without alimony;
- OR**
- 2) I understand that my lifestyle cannot be maintained. I want to enter into the Agreement knowing that *my lifestyle cannot be maintained*. Despite this, I believe the agreement is fair and reasonable based on the totality of the circumstances. I acknowledge that I must maintain my financial records and Case Information Statement.
- b. Alimony is being paid as part of the Agreement. (If you check box b, you must also check **one** of the boxes below.)
- 1) I acknowledge that my lifestyle can be maintained as it was during the marriage;
- OR**
- 2) I understand that my lifestyle will not be maintained. I want to enter into the Agreement knowing that *my lifestyle cannot be maintained*. Despite this, I believe the agreement is fair and reasonable based on the totality of the circumstances. I acknowledge that I must maintain my financial records and Case Information Statement.
11. This Agreement incorporates all the terms of the Agreement. There are no remaining issues, oral agreements or side agreements that are not contained in this Agreement.

III. Name Change

I request to have my name changed and certify to the following: (All boxes **must** be checked.)

- 1. I have not been convicted of a crime under the name I used during the marriage; and
- 2. I am not the subject of any criminal investigation or prosecution; and
- 3. I am not changing my name to avoid creditors; and
- 4. I am including the last 4 digits of my social security number and full date of birth in the proposed Judgment of Divorce.

I certify that the statements made above are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment by the Court.

Date

s/

Signature

(check one)

Plaintiff

Defendant