

Docketing Judgments in the Superior Court Clerk's Office

Directive #5-93
Issued by:

July 20, 1993
Robert D. Lipscher
Administrative Director

Pursuant to my authority under *N.J.S.A. 2A:12-3*, I am issuing the following Directive governing the docketing as civil judgments of court-imposed financial obligations when payors are in default.

Since their inception, the county probation divisions in New Jersey have been charged by statute with the responsibility of collecting court-imposed financial obligations. (See *N.J.S.A. 2A:168-11* and *2C:46-4*.) In the last decade, probation collection functions have expanded dramatically with the growing emphasis on monetary penalties and the addition of the Drug Enforcement and Demand Reduction (DEDR) penalties, Forensic Laboratory Fees (FLF), and the increase in dollars and subcategories for Violent Crimes Compensation Board (VCCB) assessments. This trend is likely to continue. Much of the money collected by probation is designated for use by other agencies to operate their programs.

In order to enforce monetary penalties imposed by the courts whenever there is a default in payment, *N.J.S.A. 2C:46-2b* authorizes such steps to be taken against the defendant as are permitted for the collection of an unpaid civil judgment entered in an action on a debt. To take full advantage of these statutorily authorized collection remedies, a statewide uniform procedure is being promulgated for all probation divisions to follow in docketing civil judgments as a means for stimulating collections of court-ordered penalties. The following is the step-by-step procedure; the two forms referred to in the procedure are attached.

I. Criteria

Judgments should be docketed on both adults and juveniles in either of two situations.

A. Total amount owed is \$500 or more (regardless of number of cases);
AND
arrearage totals a minimum of \$100.

B. Probation term or other supervisory status is scheduled to terminate in four months or less;

AND
there is an arrearage of any amount.

- II. Probation officer notifies probationer/supervisee (copy to judge) of intent to docket a judgment unless arrearages are paid within 30 days. The probationer/supervisee will be informed of the possible effects of the judgment:
- a. judgments constitute a statewide lien against all real property owned by the judgment debtor;
 - b. a writ of execution may be issued against all real property and/or personal property or wages (*R. 4:59-1*);
 - c. information about the judgment will be available to credit bureaus which may have an adverse impact on credit ratings and the ability to secure loans or other forms of credit.

- III. Probation officer fills out "Certification of Amount Due" (see copy attached).
- IV. Certifications are signed by the Chief Probation Officer. The original and one copy plus a certified copy of the Judgment of Conviction or Adjudication of Delinquency are sent to:
 - Superior Court of New Jersey
 - Office of the Clerk, Judgment Unit
 - CN 971
 - Trenton, NJ 08625No filing fee is required.
- V. Personnel in the Superior Court Clerk's Office, Judgment Section, docket the judgment indicating the date the judgment was entered and the J number on the certification. One copy is returned to the Probation Division.
- VI. When all collections are completed, the probation officer prepares a "Warrant to Satisfy Judgment" in accordance with the "Certification of Amount Due."
- VII. The "Warrant to Satisfy Judgment" must be signed by the Chief Probation Officer and duly acknowledged by an attorney-at-law or notary public. Original document and one copy are sent to the probationer/supervisee with instructions to submit the warrant and copy along with the filing fee (currently \$5.00) to:
 - Superior Court of New Jersey
 - Office of the Clerk, Judgment Section
 - CN 971
 - Trenton, NJ 08625
- VIII. Personnel in the Superior Court Clerk's Office will record the satisfaction, date the Warrant, and send a copy back to the probationer/supervisee. The original warrant will be returned to the Probation Division. These actions will lift the judgment.
- IX. Docketing of Municipal Court cases in the Superior Court requires the payment of filing fees. Therefore, Probation Divisions will not docket these cases. Instead, when a Municipal Court case is under probation supervision and therefore payments are being made through the Probation Division and that case meets the criteria for docketing cases outlined in Section I above, a letter will be sent to the Municipal Court where it originated recommending docketing of a judgment in Superior Court citing the criteria in Section I. The letter should indicate that:
 - " it is the Municipal Court's responsibility to process the docketing;
 - " when the docket judgment number is received from the Superior Court, a copy of the document should be forwarded from the Municipal Court to the Probation Division;
 - " the Probation Division will maintain responsibility for supervision and collections on that case, *i.e.*, will receive payments and disburse receipts.
- X. When the debt is satisfied, the Probation Division will prepare the "Warrant to

Satisfy Judgment" and two copies. One copy is sent to the Municipal Court. The other copy and the original document are sent to the probationer with instructions to submit both along with the filing fee (currently \$5.00) to:

Superior Court of New Jersey
Office of the Clerk, Judgment Section
CN 971
Trenton, NJ 08625

- XI. Personnel in the Superior Court Clerk's Office will record the satisfaction, date the warrant, and send a copy back to the probationer. This action will lift the judgment.

EDITOR-S NOTE

No change has been made to the original text; however, in 1997, the mailing address for the Administrative Office of Courts was changed from ACN@ to AP.O. Box.®

FOR SUPERIOR COURT CLERK'S OFFICE USE
 PROBATION DIVISION IN THE
 COUNTY OF _____
 (Address)

J#	DATE ENTERED:	

STATE OF NEW JERSEY
 Plaintiff
 VS

SUPERIOR COURT OF NEW JERSEY
 _____ COUNTY

 Defendant

 Street

 City State Zip

LAW DIVISION - CRIMINAL

Indictment No.

Accusation No.

CERTIFICATION OF AMOUNT DUE

Judgment of Conviction was entered on _____ in the above entitled cause against the defendant.

The undersigned does hereby certify that the amounts set forth herein taken from the attached Judgment of Conviction are due the Probation Division in the County of _____ on behalf of the below named creditors.

NAMES OF CREDITORS	TYPE OF PAYMENT	AMOUNT DUE
Violent Crimes Compensation Board	VCCB Assessment	
Victim:	Restitution	
Victim:	Restitution	
Victim:	Restitution	
State of New Jersey	Forensic Lab Fee	
State of New Jersey	D.E.D.R. Penalty	
	Fine	
	Costs	
		<u>TOTAL</u>

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

DATED: _____

 CHIEF PROBATION OFFICER

Attach to Judgment of Conviction filed with the Superior Court Clerk's Office.

PROBATION DIVISION IN THE
COUNTY OF
or
Attorney for Judgment Creditor
(Address)

STATE OF NEW JERSEY
Plaintiff

vs

SUPERIOR COURT OF NEW JERSEY
_____ COUNTY
LAW DIVISION - CRIMINAL

Indictment No.

Accusation No.

Defendant

Street

WARRANT TO SATISFY JUDGMENT

City State Zip Code

TO THE CLERK OF THE SUPERIOR COURT:

Whereas Judgment was entered on the above entitled action in favor of creditors named in the Judgment of Conviction and against the defendant as appears by the record thereof in Judgment Docket Number _____;

NOW THEREFORE this is your warrant and authority to enter on the aforesaid record this satisfaction of judgment.

Dated: _____

Attorney for Judgment Creditor
or Chief Probation Officer

CERTIFICATION (Complete when warrant is executed by the attorney for the creditor.)

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

Dated: _____

Attorney for Judgment Creditor

ACKNOWLEDGEMENT (Complete when warrant is executed by the Chief Probation Officer)

State of New Jersey; County of

Be it remembered, that on _____, before me the subscriber personally appeared _____, Chief Probation Officer of the Probation Division in the County of _____ who, I am satisfied, is the person named in, and who executed the foregoing instrument, and acknowledges that he/she signed, sealed and delivered the same as his/her act and deed, and as the act and deed of the Probation Division named in the instrument for the use and purpose therein expressed.

ATTORNEY AT LAW or *NOTARY PUBLIC

*My commission expires (date)

MUNICIPAL COURT OF
(Address)

STATE OF NEW JERSEY
Plaintiff

SUPERIOR COURT OF NEW JERSEY

vs

_____ COUNTY

_____ Summons Complaint No. _____ Defendant
_____ (_____)

Street Mun. Ct. Code (Docket No.)

City State Zip Code

WARRANT TO SATISFY JUDGMENT

TO THE CLERK OF THE SUPERIOR COURT:

Whereas Judgment was entered in the above entitled Municipal Court on _____ in favor of the:

G Municipal Court
G Probation Division in the County of

and against the defendant;

Judgment was thereafter docketed in the Office of the Clerk of the Superior Court of New Jersey as appears by the record thereof in Judgment Docket Number DJ _____.

NOW THEREFORE this is your warrant and authority to enter on the aforesaid record this satisfaction of judgment.

Dated: _____

Attorney for Judgment Creditor, Chief Probation Officer, or Officer
of the Municipal Court

CERTIFICATION (Complete when warrant is executed by the attorney for the creditor.)

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

Dated: _____

Attorney for Judgment Creditor

ACKNOWLEDGEMENT (Complete when warrant is executed by the Municipal Court or the Chief Probation Officer)

State of New Jersey; County of

Be it remembered, that on _____, before me the subscriber personally appeared (name & title) _____, of the **G** Municipal Court of *or* **G** Probation Division in the County of _____ who, I am satisfied, is the person named in, and who executed the foregoing instrument, and acknowledges that he/she signed, sealed and delivered the same as his/her act and deed, and as the act and deed of the **G** Municipal Court *or* **G** Probation Division named in the instrument for the use and purpose therein expressed.

ATTORNEY AT LAW or *NOTARY PUBLIC

*My commission expires (date)