



Non-dissolution "FD" Case - How to file a non-divorce application for custody, child/spousal support or parenting time (visitation)

Superior Court of New Jersey - Chancery Division - Family Part

Who Should Use This Packet?

This packet should be used by parents who are not married or other adults seeking a court order related to a minor child(ren). You can also use this packet if you are separated from your spouse but need spousal support. Use this packet only if you are filing for the **first** time for custody, parenting time, paternity, child support, medical support, spousal support or visitation with a minor (grandparent/adult sibling). You can also use this packet if you want to file a counterclaim or a response to the complaint filed by the other party.

Some types of court decisions you can request with this packet are:

- Establish a Legal Custody Order for a Minor
- Establish a Child/Spousal Support Order
- Establish Legal Paternity for a child
- Establish a Parenting Time Court Order (Biological Parents)
- Establish Grandparent/Adult Sibling Visitation Order

DO NOT use this packet if :

- You have filed for divorce or have a Judgment of Divorce (JOD)
- You have an active domestic violence restraining order
- You already have a court case starting with the letters "FD"
- You require an emergency hearing (you must go to the court house)

Things to Think About Before You Try to Represent Yourself in Court

Try to Get a Lawyer

The court system can be confusing and it is a good idea to get a lawyer if you can. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found in your local yellow pages under “Legal Aid” or “Legal Services.”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. The telephone number can also be found in your local yellow pages. Most county bar associations have a Lawyer Referral Service. The county bar association Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and sometimes consult with you for a reduced fee.

There are a variety of organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask the Family court staff in your county for a list of lawyer referral services that include these organizations.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help, or attention from the court. The following is a list of things court staff can and cannot do for you.

- We **can** explain and answer questions about how the court works.
- We **can** tell you what the requirements are to have your case considered by the court.
- We **can** give you some information from your case file.
- We **can** provide you with samples of court forms that are available.
- We **can** provide you with guidance on how to fill out forms.
- We **can** usually answer questions about court deadlines.

- We **cannot** give you legal advice. Only your lawyer can give you legal advice.
- We **cannot** give you an opinion about what will happen if you bring your case to court.
- We **cannot** recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We **cannot** talk to the judge for you about what will happen in your case.
- We **cannot** let you talk to the judge outside of court.
- We **cannot** change an order issued by a judge.

Keep Copies of All Papers

Make and keep copies for yourself, written agreements, and other important papers that relate to your case.

These Papers Are for Filing a “Verified Complaint of Counterclaim”

The word *Verified Complaint or Counterclaim* used in this packet means a written request in which you ask the court to establish a court order on your behalf concerning a minor child or spouse. The court will establish an order based on testimony of the parties and written documentation submitted. This is different from an *appeal*.

Notice to Appear

The court will notice the plaintiff, defendant, all listed interested parties, and any attorney connected to your case, through the normal court noticing procedures. You must provide the court with the most current address of the other party that you know and the name of the attorney (if you know it) when you file this complaint with the court. Failure to do so may result in your case being dismissed by the court or delayed because the other party could not be noticed to appear. All papers you send will be shared with the other party with the notice to appear, unless the court rule prohibits this information from being shared. The plaintiff, defendant, interested parties, and attorneys (if known) will receive a notice to appear when the case is scheduled for court. Your appearance is **mandatory**.

“I don’t know the address of the other person”

Every person named in a court action must be given the opportunity to respond. They must be provided notice so that they can exercise their right to answer the complaint.

If you are the plaintiff (person filing the complaint) and you don’t know where the defendant (person you are filing against) lives, the court requires that you try to find them so they can be served with the complaint and have the opportunity to respond. This is called a

“**diligent search**”. This process must be completed before your case can proceed in court. Instructions and forms needed to complete a diligent search are provided on the njcourts.gov. This is required if you are filing for custody, parenting time/visitation with a minor child and you don’t know the whereabouts of the other legal parent/guardian.

IMPORTANT NOTICE: If you are filing to establish paternity or child support a diligent inquiry may be not required. You can go to your local County Welfare Office (CWA) and request locate services. Federal locate services are used only for the purpose of establishing child support.

“My case is an emergency” (Emergent Application Order to Show Cause)

An emergent hearing in family court is designed to protect children from substantial and irreparable harm if someone is not restrained for doing something right now. You must file for an emergent hearing at the courthouse. You may not file for an emergent hearing through the mail. Only a judge can determine if your case will qualify as an emergency. If you are denied an emergency hearing, your case may continue under the normal case process.

If You Want to File An Appeal of a Court Order That Was Already Issued

An appeal is a written request asking a higher court to look at the decision of the judge and change that judge's decision. You must make that written request for an appeal within 45 days after the judge decided the case and signed a judgment in the Superior Court.

If you want to file an appeal of a court order, **do not** use this packet of materials. Instead, you should contact the Appellate Division in writing or by phone at:

Appellate Division, Superior Court
Hughes Justice Complex
P.O. Box 006,
Trenton, NJ 08625-0006

Their telephone number is (609) 292-4822. The Appellate Division staff will provide you with information on how to file an appeal.

Court Terms Used in FD

This packet contains a list of frequently used terms the court uses in processing FD cases. They may help you understand the FD application process and how the court handles an FD case.

Where to Mail or Bring Your Papers

You should mail or bring your completed packet to the court house where the child of spouse lives. When mailing, make sure you specify the “Family Division” and “Non-dissolution Intake” in your address to insure your papers arrive at the correct department in the court.

Sample Address

(Name of County) Courthouse

Family Division

Non-Dissolution Intake

1234 Street

PO Box#

City, State, Zip code

All courthouse addresses can be found on njcourts.gov.

Other Papers That You May Have to Complete Depending on Your Case

Each case has unique circumstances that may require different information. Read the next section carefully and include any documents that will be needed for your particular case. Failure to complete certain required documents may result in your application being returned as “deficient” which will delay you getting your day in court.

Confidential Litigant Information Sheet (included in this kit)

This form must be completed by the person filing this initial application. Failure to do so will result in your papers being returned to you marked “deficient”. This will cause a delay in your case being scheduled for court.

You must complete the entire form and submit it with your papers to the court. If something does not apply to you, put “n/a”. Do not leave any blank spaces. This form is confidential and will **not** be shared with the other party. Each party is required to complete his/her own Confidential Litigant Information Sheet and file it with the court.

Diligent Search Packet

In order for the court to proceed with your case, the respondent (other party you named) must be noticed and have an opportunity to answer your complaint. If you don’t have a valid address where the party can be served, the court requires that you try to find them. This is called a “diligent search” This packet provides the court with your efforts to find the other party. The packet must be completed in its entirety and submitted to the court. If you are unable to send a letter as directed, you must tell the court why by putting your reason on the letter and including it in the completed packet you submit to the court. Once you have submitted your packet to the court, your case will be established and scheduled for a hearing. The judge will decide if your search was sufficient at the hearing. This process does not apply to paternity and child support cases. Go to your local CWA office and request locate services if you don’t know the whereabouts of the other person responsible to pay child support.

Note: Your case cannot proceed without attempted notice to the other party.

Federal Child Support Services Application (IV-D Child Support Program)

You should complete this application if you are applying to establish paternity or child support. Applying for support services under the federal child support program insures your case will be enforced through the court’s Probation Division. Go to the NJchildsupport.org website, fill out the application, print, sign and mail with your court papers. The Federal Child Support Program costs \$6.00. Include a money order or check for that amount along with the application with the papers you are filing with the court. This application is in addition to the other court papers you must file to establish your child support order.

Financial Statement for Summary Support Actions

This form must be completed if you are requesting a child support in an FD case.

You must complete this form if you are filing to establish child support. You must complete the entire form. If something does not apply to you put “n/a”. Do not leave any blank spaces. This completed form must be included in your packet submitted to the court. **This form will be shared with the other party pursuant court rule (R. 5:5-3).** The other party must complete this same form and file it with the court. The court will share this information with the filing party at the court hearing.

Family Case Information Statement (CIS)

This form must be completed only if you are married but separated and want to establish spousal support. Spousal support can only be established under FD when there is no active divorce case.

Pursuant to Court Rule 5:5-2 a spousal support determination requires the parties to submit a Case Information Statement to the court. You must complete the entire form. If something does not apply to you put “n/a”. Do not leave any blank spaces. This completed form must be included in your packet submitted to the court. **This form will be shared with the other party.** The other party must complete this same form file it with the court and send a copy to you. The court will provide instructions to the other party about sharing this information with the filing party prior to the court hearing. This document is confidential pursuant to Court Rule 1:38-3 and is not available for review by any other people besides the two parties involved in the case, their attorneys, and the court.

Certification in Support of Establishing Paternity

This form must be completed if you are the unmarried biological mother of a child seeking paternity or child support and legal paternity of the father that has not been established by a Certificate of Parentage (COP) or a previous court order. This form must also be completed by the biological father filing for legal paternity or the legal caretaker of the child who wants child support, but the legal father has not been identified by the court. Only answer the questions about which you have personal knowledge. Put “n/a” if the questions don’t apply to you. This form will be shared with the alleged biological father/mother when they receive the notice to appear.

Emergency Hearing Form (must be filed in person at the courthouse)

Additional Information Sheet (included in this kit)

Use this form if you need additional space to explain to the court what you want the court to consider or your position on a particular issue stated in the complaint. Type or write legibly and be as specific as possible.

Court Terms Used in FD Cases

Arrears: *Arrears* are unpaid or overdue child support, alimony, or spousal support payments.

Application: An *application* is a written request in which you ask the court to issue an order or to change an order that has already been issued.

Bench Warrant: A *bench warrant* is an order from the court giving legal authority to law enforcement to arrest a person for failure to appear for a court hearing or failure to comply with a court order.

Certification: A *certification* is a written statement made to the court when you file papers with the court, swearing that the information contained in the filed papers is true.

Child Support Number (also referred to as “CS Number”): The *Child Support Number* is the identifying number assigned to your child, spousal, or alimony support case.

Complaint: A *complaint* is a formal document filed in court that starts a case. It typically includes the names of the parties and the issues you are asking the court to decide.

Court Order: A *court order* is the written decision issued by a court of law. For example, a child support court order sets forth how often, how much, and what kind of support is to be paid.

Docket Number: The *docket number* is the identifying number assigned to every case filed in the court.

Exhibits: *Exhibits* are written documents you provide to the court to support what you want the court to decide.

FD: The letters the court uses to identify a Non-dissolution case that involves parents who are not legally married or other adults filing for court relief on behalf of minor children. FD also includes married people who separate but need financial support.

File: To *file* means to give the appropriate forms to the court to begin the court’s consideration of your request

Income Withholding/Wage Garnishment: *Income Withholding/Wage Garnishment* is a process where automatic deductions are made from wages or other income to pay your support obligation. Income withholding has been mandatory since the enactment of the Family Support Act of 1988.

New Jersey Child Support Guidelines: Both parents are responsible for the financial and emotional support of their children. New Jersey has developed a standard method for calculating child support based on the income of both parents and other factors. The full set of *NJ Child Support Guidelines* is contained in *Rule 5:6A* of the New Jersey Court Rules.

NJKiDS (New Jersey Kids Deserve Support): *NJKiDS* is the New Jersey Child Support automated computer system that tracks child support accounts.

Obligor/Payor: An *obligor/payor* is the person ordered by the court to pay support, also known as the non-custodial parent (NCP).

Obligee/Payee: An *obligee/payee* is the person, agency, or institution who receives support, also known as the custodial parent (CP).

Party: A *party* is a person, business, or governmental agency involved in a court action.

Petitioner: *Petitioner* is another name for the person starting the court action by filing the appropriate papers the court will consider.

Respondent: *Respondent* is another name for the person who is named as the other party in the court action filed by the petitioner. This person can answer the filed by the petitioner by filing a cross motion or written response with the court.

Relief: To ask for *relief* is to ask the court to grant something such as custody, parenting time, or support.

Support Obligation: *Support Obligation* is the amount of support that the court orders the obligor to pay. The court order includes how much and how often support has to be paid (i.e., per week, per month, bi-weekly, etc.).

Support Enforcement: The Probation Division is required to enforce court orders that call for the payment of child support, health care coverage, and/or spousal support/alimony. If support is not being paid timely, Probation Support Enforcement has many state and federal tools available to enforce child support orders. These can include, but are not limited to:

- Income withholding
- Court hearing
- Bench warrant
- Tax offset – federal and state
- Judgment (liens attached to property & assets)
- Credit bureau notification
- Financial Institution Data Match (FIDM) – seizure of bank accounts
- Child Support Lien Network (CSLN) – seizure of proceeds from law suits
- Passport denial
- License suspension
- Lottery interception

Instructions for Completing Verified Complaint or Cross Complaint

IMPORTANT NOTICE: Look over the entire form and check only the reliefs you are seeking. You may seek more than one relief, but only the ones you check will be considered on the day of your hearing.

- A. Type or print your name (the filer) on the “Plaintiff” line
- B. Type or print the name of the defendant (the other party in your case) on the “Defendant” line.
- C. Type or print the county in which you are filing the application
- D. Leave the Docket # line blank”. The court will establish this number for you.
- E. Leave the CS# blank. The court will establish this number for you.
- F. Type or print your name on the line that says “I”. This tells the court who is filing the application to establish the case.

- 1. Check whether you are the Plaintiff or Defendant in the case.
- 2. Put your address (plaintiff) in this space and don’t forget to add your apartment # or floor if that applies to you.

Put the defendant’s address in this space and don’t forget to add the apartment # or floor if it applies to this address.

- 3. List any other interested parties that should be noticed to appear in court regarding the children.
- 4. List the children that are part of your case and list the Family court cases they you have been involved in the past

Check Yes or No if you have had previous Family Court activity related to any of the parties listed in this complaint. Check only one box. Use the lines provided.

- 5. Check Yes or No if to your knowledge a child protection agency (i.e., DYFS or similar agency in another state) has been involved with the child(ren) or listed parties.
- 6. Check Yes or No if to your knowledge the children are recipients of public assistance.
- 7. Check all the reliefs you want the court to consider in your case. You may check more than one but only the ones you check will be considered during your court hearing.

Check the correct box if you are applying to establish paternity, maternity, joint legal custody, sole legal custody or physical custody for the child(ren) listed in the complaint.

Check the correct box if you are applying to establish a support order.

Check the correct box if the defendant is the lawful wife or husband to the person filing the complaint

Check the correct box if the defendant is the biological mother/father of the children named in the complaint.

Write the reason you are seeking custody and/or child support in this space.

Establish or Modify Visitation Rights

Check this box if you are requesting to establish or change parenting time, grandparent visitation time, or sibling visitation time.

Medical Coverage

Check this box if you are requesting medical coverage.

Check the correct box if medical coverage is for yourself or the children named in the complaint.

The relief I am seeking is not listed above.

If the relief you are seeking is not contained in any of the numbered items in the form, write in your own words the relief you are seeking for the court in the space provided. Be as specific as possible. Attach another page, if needed.

Required Attachments

Certificate of Parentage

This is only required if you are filing to establish paternity for one or more of the children listed in the complaint. Include a copy of the "Certificate of Parentage", if available, with the papers you file with the court. Check the box only if the form is attached. Make sure you keep a copy for your own records.

Certification to Establish Paternity

Certification of Paternity is required if you checked the relief to establish paternity and you have named the alleged father in the complaint. If a COP was not signed and paternity has not been established through the court, this form must be completed by the person requesting paternity. The form is available and must be attached to the complaint when it is filed.

Court Appearance Information

Your appearance is mandatory. You may bring an attorney, although an attorney is not required. If you require assistance in selecting an attorney, you may contact your County Bar Association. If you cannot afford an attorney, you may contact Legal Services of New Jersey at www.lsnj.org. You may file a written response by certification opposing this application/cross application. Any written response you send to the Court must be sent to the other party. Your written response must be filed with the court and served on the other party at least **15** days prior to the hearing date. If you fail to appear, an Order granting the relief requested by the filing party may be granted although your written response, if filed, will be considered. If you are the filer of this complaint/counterclaim you may file a certification in support of your application which shall not exceed **fifteen (15)** pages. If you are the person served with this complaint, you may file a certification in opposition or a certification in support of a cross application/complaint which shall not exceed **twenty-five (25)** pages. Any further written responses to the above filed certifications shall not exceed **ten (10)** pages. Forms are available on njcourts.com

Read the certification and sign your name and the date you are signing the complaint.

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - FAMILY PART
COUNTY: _____**

DOCKET NO.: FD - _____

CS NO: _____

Plaintiff

vs.

Defendant

CIVIL ACTION

**Verified Complaint or
Counterclaim**

I, _____ by way of verified complaint/counterclaim, I certify the following:

1. I am the Plaintiff Defendant in the above-captioned matter.

2. Plaintiff resides at: Address: _____
City/Town _____
County _____ State _____ Zip Code _____

Defendant resides at: Address: _____
City/Town _____
County _____ State _____ Zip Code _____

3. The child(ren) pertaining to this complaint are:

Name	Date of Birth	M/F	Residing at	Residing with (relationship)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4. Other interested parties' name(s) and address(es):

I have been previously been involved in the following family court actions with regard to any of the parties or children listed above. (If yes, give the title of case and docket number.)

Yes No

Title of Case (_____ vs. _____)

Docket Number

a. _____
b. _____
c. _____

5. A Child Protection Agency (i.e. the Division of Youth and Family Services) (or a similar agency in another State) has been involved with the child(ren) or listed parties.

- Yes No

6. This is an active public assistance case governed by 41 U.S.C.A. 602 (A) (26), N.J.S.A. 44: 10-1.1, et seq.

- Yes No

7. I seek the following for the child(ren) named on page 1:

- Establish Paternity Establish Maternity
 Custody
 Joint Legal Custody Sole Legal Custody Physical Custody

Support Order: I am seeking the establishment of a court order against the person who is the spouse/civil union or domestic partner and/or parent of the persons listed on page 1 and has a legal duty to support same pursuant to N.J.S.A. 9:17-38 et seq. Chapter 92. The law requires that child support provisions of court orders shall be enforced by immediate income withholding upon the obligor’s current or future income due from an employer or future employer, unemployment compensation or income from any source unless the obligor and obligee agree, in writing to an alternative arrangement or either party demonstrates and the court finds good cause for establishing an alternative arrangement (N.J.S.A. 2A: 17-56.9). For the reason(s) checked below, the defendant is under a legal duty to support and maintain the person(s) mentioned on page 1 of this complaint:

- Plaintiff/Defendant is my lawful wife/husband/domestic partner/civil union partner
 Plaintiff/Defendant is the biological mother/father of the child(ren) named on page 1

Reason for seeking custody and/or support:

- Establish court ordered parenting time arrangements:
 Parenting Time Grandparent Time Sibling Time

Reasons for requesting court ordered parenting time arrangements:

- Medical Coverage Requested:
 Health Benefits for myself
 Health Benefits for the child(ren) named in this complaint.

Other Relief Requested. Explain the relief being sought. Use additional information sheet, if necessary.

Required Attachments:

- A Certificate of Parentage is attached (if available)
- Certification to Establish Paternity attached (when seeking establishment of paternity)

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.

Date

Signature plaintiff/counterclaimant

Date

Signature Co-plaintiff/Co-defendant

Court Appearance Information

Your appearance is mandatory. You may bring an attorney, although an attorney is not required. If you require assistance in selecting an attorney, you may contact your County Bar Association. If you cannot afford an attorney, you may contact Legal Services of New Jersey at www.lsnj.org. You may file a written response by certification opposing this complaint/cross complaint. Any written response you send to the Court must be sent to the other party. Your written response must be filed with the court and served on the other party at least **15 DAYS PRIOR** to the hearing date. If you fail to appear at the hearing, an Order granting the relief requested by the filing party may be granted although your written response, if filed, will be considered. If you are the filer of this complaint you may file a certification in support of your complaint which shall not exceed **fifteen (15)** pages. If you are the person served with this complaint/cross complaint, you may file a certification in opposition or a certification in support of a cross complaint which shall not exceed **twenty-five (25)** pages. Any further written responses to the above filed certifications shall not exceed **ten (10)** pages. Forms are available at njcourts.com

Use the Additional Information Sheet, if necessary.

The following form (Confidential Litigant Information Sheet) must be completed or your papers will be returned as deficient.



New Jersey Judiciary

Confidential Litigant Information Sheet (R. 5:4-2(g))

To assure accuracy of court records - To be filled out by Plaintiff, or Defendant, or Attorney Collection of the following information is pursuant to N.J.S.A. 2A:17-56.60 and R. 5:7-4.

Confidentiality of this information must be maintained

Please complete the entire form, leaving no blank spaces. If something does not apply to you, enter "N/A". This form is confidential and will not be shared with the other party.

Docket Number: CS Number: Do you have an active Domestic Violence Order with the other party in this case? [] Yes [] No

Plaintiff Defendant Name (last, first, middle initial) Social Security Number Date of Birth Place of Birth Address: Street City State Zip Plaintiff Telephone Number Employer Telephone Number Defendant Telephone Number Employer Telephone Number Employer Name (or other income source) Employer Address: Street City State Zip Professional, Occupational, Recreational Licenses (include types and license numbers) Driver's License Number State of Issuance Sex Race/Ethnicity Height Weight Eyes Hair Auto: License Plate State Make Model Year Attorney Name Attorney Address: Street City State Zip

Children Information

Name (last, first, middle initial) Date of Birth Race Sex Social Security Number Place of Birth 1. 2. 3. 4.

Health Coverage for Children - available through parent filling out this form ([] Plaintiff / [] Defendant)

Health Care Provider: Policy Number: Group Number: Health Care Provider: Policy Number: Group Number: Health Care Provider: Policy Number: Group Number:

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

Date Signature