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**GLENN A. GRANT, J.A.D.**  
Acting Administrative Director of the Courts

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## **MEMORANDUM**

### **Supplement to Directive #02-14**

**TO: Assignment Judges  
Trial Court Administrators**

**FROM: Glenn A. Grant, J.A.D.**

**DATE: July 16, 2014**

**RE: Probation/Family – Enforcement of Child Support – Revised “Order for Relief to Litigants – Enforcement of Litigants Rights” (CN 11213)**

This memorandum promulgates for immediate statewide use the attached revised form “Order for Relief to Litigant – Enforcement of Litigants Rights” (CN 11213) as approved by the Supreme Court. This revised form order supersedes the form order promulgated by Directive #02-14. That Directive delineates the procedures for determining indigence and conducting a hearing to determine the ability to comply with child support obligations, after a child support obligor is taken into custody on a child support-related warrant. The procedures set forth in Directive #02-14 remain in effect.

One change from the earlier approved form of order is to replace “Other” in paragraph 4(b) and 4(c) with “Other reasons as set forth on the record.” In addition, paragraph 9 was revised to clarify that the court may modify a child support obligation and/or arrears if appropriate.

The Probation Services Division and the Family Practice Division will coordinate joint training for Vicinage court staff on the procedures of Directive #02-14, as well as, the revised form order.

The Division of Family Development, in the Department of Human Services, is in the process of placing this revised order into production on the New Jersey Kids Deserve Support (NJKiDS) child support enforcement system. Notwithstanding the November 15, 2011, memo indicating that all child support orders should be created

electronically in NJKiDS, it will still be necessary to use this revised order until the conforming updates are completed in NJKiDS.

Questions or comments may be directed to Assistant Director Elizabeth Domingo, Probation Services Division at 609-292-1589, or Assistant Director Joanne M. Dietrich, Family Practice Division at 609-984-4228.

G.A.G.

Attachment: Revised Order for Relief to Litigant- Enforcement of Litigant's Rights (CN 11213)

cc Chief Justice Stuart Rabner  
Family Presiding Judges  
Steven D. Bonville, Chief of Staff  
Robert W. Smith, Director  
Elizabeth Domingo, Assistant Director  
Joanne M. Dietrich, Assistant Director  
Gurpreet M. Singh, Special Assistant  
Brenda Beacham, Chief  
Amelia Wachter-Smith, Chief  
Ellen Reaves, Acting Chief  
Family Division Managers  
Vicinage Chief Probation Officers  
Asst. Family Division Managers – Multicounty Vicinages  
Vicinage Asst. Chief Probation Officers – Multicounty Vicinages

\_\_\_\_\_  
Plaintiff

Obligor /  Obligee

v.

\_\_\_\_\_  
Defendant

Obligor /  Obligee

Docket Number: F \_\_\_\_\_

Probation Account Number: CS- \_\_\_\_\_

**Civil Action**  
**Order for Relief to Litigant -**  
**Enforcement of Litigants Rights**

Ability to Comply Hearing

Subsequent Review Hearing

With appearance by:

Plaintiff  Attorney for Plaintiff \_\_\_\_\_

Defendant  Attorney for Defendant \_\_\_\_\_

IV-D Attorney \_\_\_\_\_

\_\_\_\_\_ County Probation Division \_\_\_\_\_

THIS MATTER having come before the Court on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;

AND the court having conducted an ability to comply hearing on \_\_\_\_\_;

AND the Court having considered the evidence and arguments presented, and having found that:

1. The obligor is under a Court Order to pay \$\_\_\_\_\_ per \_\_\_\_\_ for the support of \_\_\_\_\_ child(ren), \$\_\_\_\_\_ per \_\_\_\_\_ for spousal support and \$\_\_\_\_\_ per \_\_\_\_\_ toward arrearages effective \_\_\_\_\_;

2. The obligor has failed to make payments and owes arrearages totaling \$\_\_\_\_\_ as of \_\_\_\_\_ due to the Obligee and/or \_\_\_\_\_ County Welfare;

3a. The obligor is indigent and:  qualifies for court appointed counsel, but none is available;  
 qualifies for court appointed counsel and \_\_\_\_\_ is appointed;

3b. The obligor is not indigent and does not qualify for court appointed counsel for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_;

4a. The obligor has the current ability to pay \$\_\_\_\_\_ toward the arrearages for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_;

4b. The obligor has the financial ability to pay and willfully refuses to do so, however, incarceration is not necessary at this time for the following reasons:

The obligor has custody of the child(ren).

The obligee is no longer the custodial parent/guardian. The child now is in the custody of \_\_\_\_\_.

Other reasons as set forth on the record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4c. The obligor has the financial ability to pay and willfully refuses to do so, and incarceration of the obligor is necessary to coerce compliance for the following reasons:

The obligor is employed, and has been employed for \_\_\_\_\_ [length of time].

The obligor has a source of income from \_\_\_\_\_ and/or assets from \_\_\_\_\_.

The obligor is willfully underemployed because (background to support the court's finding includes, but is not limited to: education, technical or trade skills, work history, no medical limitations)

Other reasons as set forth on the record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Therefore it is hereby ORDERED that:

5. The obligor be incarcerated in the \_\_\_\_\_ County Jail until the Obligor pays \$\_\_\_\_\_ to be applied to said arrears or until further Order of this Court. The Court will review the continuing efficacy of this Order for coercive incarceration no later than two weeks from the date of this Order so long as the above release payment is not paid and the Obligor remains incarcerated.

6. The obligor be released from custody in this matter;

7. The support-related bench warrant currently issued in this matter is discharged;

8. Payments shall be made by Income Withholding on current and future income sources, including:

**Name of income source**

**Address of income source**

_____	_____
_____	_____
_____	_____

Obligor shall, however, make payments at any time that the full amount of support and arrears is not withheld.

- 9. The current child support and/or arrears obligation is modified as follows: The Obligor shall make support payments of \$\_\_\_\_\_ per \_\_\_\_\_ plus \$\_\_\_\_\_ per \_\_\_\_\_ toward arrears for a total amount of \$\_\_\_\_\_ per \_\_\_\_\_.
- 10. A lump sum payment of \$\_\_\_\_\_ must be paid by the obligor by \_\_\_\_\_ or a bench warrant for the arrest of the obligor shall issue without further notice.
- 11. Effective \_\_\_\_\_ future missed payment(s) numbering \_\_\_\_\_ or more may result in the issuance of a warrant, without further notice.
- 12. An employment search must be conducted by the obligor. Written records of at least #\_\_\_\_\_ contacts per week must be presented to the Probation Division. If employed, proof of income and the full name and address of employer must be provided immediately to the Probation Division.
- 13. The obligor is hereby noticed to appear before this court on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_ for further review and possible modification of the child support obligation. The \_\_\_\_\_ Family/ Probation Division shall serve notice to the Obligee and other interested parties, if any, in this matter.
- 14. The Motor Vehicle Commission, State of New Jersey, shall TAKE NOTICE that the suspension of the Obligor's Driver's License caused by the non-payment of child support is hereby removed; the Obligor must take note, however, that the Commission requires a fee for restoration of the license, and that this order does not pertain to any reason for license suspension other than non-payment of child support.
- 15. It is further ORDERED:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 16. It is further ORDERED that all provisions of any prior Orders in this matter, not in conflict with this Order, shall remain in full force and effect.

\_\_\_\_\_  
Date \_\_\_\_\_, J.S.C.