

NOTICE TO THE BAR

PILOT PROGRAM PERMITTING ECONOMIC MEDIATION IN CERTAIN DISSOLUTION MATTERS IN WHICH THERE IS A DOMESTIC VIOLENCE FINAL RESTRAINING ORDER

By Order dated May 8, 2015, the Supreme Court has relaxed and supplemented Rule 1:40-5(b)(1) and the Domestic Violence Procedures Manual ("DVPM") at section 4.10.3. This relaxation of the court rule and the DVPM will permit the establishment of a pilot program in six counties to mediate economic issues in certain family court dissolution matters with a domestic violence final restraining order in effect between the parties. The six counties participating in the pilot program are: Essex, Mercer, Middlesex, Morris, Ocean, and Somerset.

The Judiciary has established mediation to resolve economic issues between parties in a family court dissolution matter efficiently. The rule here being relaxed – Rule 1:40-5(b)(1) – provides that parties with a domestic violence final restraining order in place pursuant to the Prevention of Domestic Violence Act (N.J.S.A. 2C:25-17 et seq.) ("PDVA") otherwise may not participate in mediation. In authorizing this pilot project, the Judiciary remains committed to ensuring the protections of a domestic violence final restraining order. The safety of the domestic violence victim is paramount.

The Judiciary recognizes that the use of mediation may be effective to promptly resolve economic disputes without the necessity of dismissing a domestic violence final restraining order in appropriate cases. Mediation can be an effective tool in bringing prompt resolution to economic disputes in appropriate cases in which a domestic violence final restraining order has been issued. Without mediation as an available tool, these matters often conclude in a trial, which may further exacerbate the relationship of the parties and prolong the resolution. Another possible consequence of the current policy of non-mediation is that victims must dismiss the final restraining order in order to participate in economic mediation.

However, notwithstanding the primacy of protecting the victim from further victimization, in certain situations mediations may be conducted safely while a final restraining order remains in effect. It is on that basis that the Supreme Court has authorized establishment of this six-county pilot program to permit the mediation of economic issues in certain dissolution matters that have a domestic violence final restraining order in effect between the parties.

Participation in this pilot program will be limited to those matters in which there is a final restraining order in place and where there is the consent of the victim. Cases where there is a temporary restraining order are not appropriate for inclusion in the pilot program. Also excluded from mediation are cases in

which there is a contempt charge or there has been a conviction for a violation of the final restraining order.

This document will be published in the New Jersey Law Journal and will be posted on the judiciary's website – www.njcourts.com. Any questions regarding pilot program may be directed to Assistant Director Joanne M. Dietrich, Family Practice Division, Administrative Office of the Courts, at 609-984-4228.

Glenn A Grant by SAB

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: May 14, 2015

SUPREME COURT OF NEW JERSEY

WHEREAS, the Judiciary has established mediation to resolve economic issues between parties in a family court dissolution matter efficiently; and

WHEREAS, the Judiciary is committed to ensuring the protections of a domestic violence final restraining order entered pursuant to the Prevention of Domestic Violence Act (N.J.S.A. 2C:25-17 et seq.); and

WHEREAS, the Judiciary recognizes that a domestic violence final restraining order should remain in effect when appropriate; and

WHEREAS, the Judiciary recognizes that the use of mediation may be effective to promptly resolve economic disputes without the necessity of dismissing a domestic violence final restraining order in appropriate cases; and

WHEREAS, the Supreme Court has authorized and the Judiciary will establish a pilot program to permit the mediation of economic issues in certain dissolution matters with a domestic violence final restraining order in effect between the parties;

THEREFORE IT IS ORDERED, pursuant to N.J. Const. (1947), Art. VI, §2, ¶ 3, that, effective immediately and until further Order, for purposes of the pilot program, Rule 1:40-5(b)(1) is relaxed and supplemented so as to permit the mediation of economic issues in a family court dissolution matter with a domestic violence final restraining order in effect between the parties in accordance with the pilot program protocol, as promulgated by the Administrative Director of the Courts; and

It is FURTHER ORDERED that, the Domestic Violence Procedures Manual (DVPM), section 4.10.3, is relaxed and supplemented for purposes of the pilot program so as to permit the mediation of economic issues in a family court dissolution matter

with a domestic violence final restraining order in effect between the parties in accordance with the pilot program protocol, as promulgated by the Administrative Director of the Courts.

For the Court,

A handwritten signature in blue ink, appearing to be "J. L. ...", written over a horizontal line.

Chief Justice

Dated: May 8, 2015