

## NOTICE TO THE BAR

### Family - Rescinded Directives

In our efforts to maintain current and relevant policies and procedures, all of the Administrative Directives affecting the Family Division have been reviewed. As a result of that review, the Family-related Directives have been categorized as follows: (a) Directives Requiring No Revision and remaining in effect as issued; (b) Rescinded Directives; (c) Directives with Technical Revisions; (d) Directives Containing Substantive Changes proposed by the Conferences of Family Presiding Judges and Family Division Managers; and (e) Directives Pending Revisions (these directives will require further updates, to be developed and issued at a later time).

This Notice lists the second category referenced above, that is, those Family-related Directives that have been rescinded. Going forward, the text of these rescinded directives will be removed from the compilation of directives, retaining only the number, date, and subject for historical reference purposes. The Directives that are rescinded by this Notice are as follows (including the basis for rescission):

#### **General - Family**

##### *#3-68 - Assignment of Counsel*

This Directive advised of the Judiciary's policy not to assign counsel to indigent inmates in divorce actions. There is no requirement to appoint counsel in divorce actions.

#### **Domestic Violence and Quasi-Criminal – FV, FO**

##### *#09-95 - Domestic Violence Training*

This Directive was a summary of a training that occurred many years ago.

#### **Dissolution and Non-Dissolution – FM, FD**

##### *#10-63 - Dissolution Cases – Dismissal of Inactive Cases*

This Directive stated that an FM docket can be dismissed even though a *Pendente Lite* order of support was entered. There are now automated processes in place for review of these cases as well as instructions for the dismissal of inactive cases in the Dissolution manual.

##### *#06-79 - Oral Arguments on Motions*

The purpose of this Directive was to advise every judge who may handle a matrimonial motion, that when appropriate, he or she may restrict, limit, or completely dispense with oral argument in the matter. This Directive has been superseded by R. 1:6-2(d).

##### *#01-89 - Child Support Enforcement Program; Provision of Services in Interstate Title IV-D*

This Directive provided a summary of rules and regulations concerning interstate child support cases as published in the federal register in 1988. The information published in this Directive is now available in the Judiciary's Best Practices

documents, Operations Manuals, court rules, statutes, federal Title IV-D regulations, Administrative Code, and NJKiDS.

*#11-89 - Distribution of Alimony and Support*

This Directive was intended to clarify the Family Division's responsibility to forward copies of signed orders that are payable through the Probation Division. NJKiDS has automated the case processing flow and storing of the Uniform Summary Support Orders. Distribution of a printed Uniform Summary Support Order between Divisions therefore is no longer necessary.

*#01-91 - Child Support Case Closure Criteria and Procedures*

Case closure procedures are defined in the federal Title IV-D regulations which are available to staff in the Child Support Operations Manual. Additionally, most case closure processes are automated through NJKiDS.

*#08-91 - Income Withholding for Child Support*

The authority to withhold income for child support is set forth in R. 5:7-5(b) and N.J.S.A. 2A:17-56.7. Staff also have this information available to them in the Child Support Operations Manual.

*#05-95 - Income Withholding for Child Support – Order to Show Cause*

This Directive provided instructions pursuant to R. 5:7-5(d) for Probation Divisions requesting legal action against non-cooperative employers. Effective September 1, 1994, the New Jersey court rules were amended to permit Probation to apply for orders to show cause without the necessity of counsel appearing. The authority is provided in the court rules (R. 5:7-5(d); R. 1:10-3). Staff also has this information available to them in the Child Support Operations Manual.

**Children in Court – FN, FG, FC, FL, FA**

*#03-83 - Abuse and Neglect Representation*

This Directive is no longer necessary based on statutory requirements for legal representation and the use of the standardized court orders to appoint counsel. Pursuant to N.J.S.A. 9:6-8.21, an attorney from the Office of the Public Defender may be appointed to represent an indigent parent or guardian. Pursuant to N.J.S.A. 9:6-8.23, any minor who is the subject of a child abuse or neglect proceeding must be represented by a law guardian. To implement these statutory requirements, the standardized order to show cause form for child abuse or neglect matters includes provisions to appoint a law guardian and to advise an indigent defendant (parent or guardian) to apply for appointment of counsel through the Office of the Public Defender by submitting a completed assignment of counsel form (also known as a 5A form).

**Juvenile and Family Crisis – FJ, FF**

***#37-61 - Interstate Compact for Juveniles***

Since revisions to the Interstate Compact for Juveniles (ICJ) have been incorporated into the current Juvenile Delinquency Operations Manual, this Directive is outdated and unnecessary.

***#02-88 - Monthly Crisis Intervention Unit Report***

This Directive and its outdated form are unnecessary because an updated form has been in use by the Family Crisis Intervention Unit (FCIU) Directors since 2012. Family Division Operational Guidance Memorandum #13-04 dated August 13, 2013 sets forth instructions and additional technical changes to the form.

***#05-91 - Juvenile-Family Crisis and Out-of-Home Placement Petitions***

The forms promulgated by this Directive were updated in the Juvenile/Family Crisis Operations Manual that was issued on June 29, 2005.

***#02-94 - Juvenile Runaways from Former Department of Corrections Programs Now Administered by the Department of Human Services***

The information in this Directive is out of date and is superseded by a policy memorandum promulgated by the Administrative Director entitled "Screening Protocol for Juveniles in JJC Placement," dated September 18, 2009.

To obtain copies of Rescinded Directives or if there are questions regarding these Directives, contact the Family Practice Division of the Administrative Office of the Courts at 609-984-4228, or by fax: 609-984-0067, or by mail: AOC, Family Practice Division, Richard J. Hughes Justice Complex, 7th Floor North, PO Box 983, Trenton, NJ 08625-0983.



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Dated: December 20, 2016