RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
RULE 5:7. DIVORCE, DISSOLUTION OF CIVIL UNION, TERMINATION OF DOMESTIC PARTNERSHIP, NULLITY, SEPARATE MAINTENANCE

Rule 5:7-1. Venue

Except as otherwise provided by law, venue in actions for divorce, dissolution of civil union or termination of domestic partnership, nullity and separate maintenance shall be laid in the county in which plaintiff was domiciled when the cause of action arose, or if plaintiff was not then domiciled in this State, then in the county in which defendant was domiciled when the cause of action arose; or if neither party was domiciled in this State when the cause of action arose, then in the county in which the plaintiff is domiciled when the action is commenced, or if plaintiff is not domiciled in this State, then in the county where defendant is domiciled when service of process is made. For purposes of this rule, in actions brought under N.J.S.A. 2A:34-2(c), the cause of action shall be deemed to have arisen three months after the last act of cruelty complained of in the Complaint. For purposes of this rule, in actions brought under N.J.S.A. 26:8A-10 for termination of a domestic partnership in which both parties are non-residents, venue shall be laid in the county in which the Certificate of Domestic Partnership is filed.

Note: Source-R. (1969) 4:76. Adopted December 20, 1983, to be effective December 31, 1983; amended January 10, 1984, to be effective immediately; amended July 14, 1992 to be effective September 1, 1992; amended July 13, 1994 to be effective September 1, 1994; Rule 5:7 caption amended and Rule 5:7-1 text amended July 21, 2011 to be effective September 1, 2011.

Rule 5:7-2. Application Pendente Lite

(a) Support Pendente Lite. Applications for support, counsel fees and costs pendente lite, whether made with the complaint or by notice of motion thereafter, shall be accompanied by a completed case information statement in the form set forth in Appendix V to these rules pursuant to R. 5:5-2. If this form has previously been submitted, amendments thereto must be filed with the court no later than eight days prior to the motion hearing date. A completed case information statement shall accompany the response to the application pendente lite. If previously submitted, amendments thereto must be filed with the court no later than eight days prior to the hearing date.

(b) Restraints; Contempt; Enforcement. If pendente lite relief is sought, by way of preliminary restraint, to hold a party in contempt or to enforce litigant's rights, the application shall be by motion or order to show cause.

Note: Source-R. (1969) 4:79-3(a), (b). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (a) amended January 10, 1984, to be effective April 1, 1984; paragraph (b) caption and text amended July 21, 2011 to be effective September 1, 2011.

Rule 5:7-3. Corroboration

All elements of a claim for divorce, dissolution of civil union, termination of domestic partnership or nullity may be proved without corroboration.

Note: Source-R. (1969) 4:79-7. Adopted December 20, 1983, to be effective December 31, 1983; amended July 21, 2011 to be effective September 1, 2011.

Rule 5:7-4. Orders Establishing Alimony and Child Support Obligations

(a) Allocation of Support. In awarding alimony, maintenance or child support, the court shall separate the amounts awarded for alimony or maintenance and the amounts awarded for child support, unless for good cause shown the court determines that the amounts should be unallocated. In awarding child support, payments for health care, child care and other expenses necessary to maintain the child or children shall be designated as part of the child support award unless good cause is shown why such amounts should be separated.

(b) Cases Enforced by the Probation Division. Enforcement of child support orders shall presumptively be in the county in which the child support order is first established (county of venue), unless the court orders the case transferred for cause. In cases where venue of a support case is transferred, Probation supervision of the case shall concurrently be transferred to the county of venue, unless the court otherwise orders for cause. The responsibility for the administration and enforcement of the judgment or order, including the transfer of responsibility, shall be governed by the policies established by the Administrative Director of the Courts. Alimony, maintenance, or child support payments not presently administered by the Probation Division shall be so made on application of either party to the court unless the other party, on application to the court, shows good cause to the contrary. In non-dissolution support proceedings, the court shall record its decision using the Uniform Order for Summary Support promulgated by the Administrative Director of the Courts. On the signing of any order that includes alimony, maintenance, child support, or medical support provisions to be administered by the Probation Division, the court shall, immediately after the hearing, send to the appropriate judicial staff one copy of the order which shall include a Confidential Litigant Information Sheet in the form prescribed by the Administrative Director of the Courts prepared by the parties or their attorneys providing the names, dates of birth, Social Security Numbers, and mailing addresses of the parents and the children; the occupation and driver's license number of the parent who is ordered to pay support; the policy number and name of the health insurance provider of the parent who is ordered to insure the children; and, if income withholding is ordered, the name and address of the obligor's employer. When a party or attorney must prepare a formal written judgment or order pursuant to a judicial decision that includes alimony, maintenance or child support or medical support provisions to be administered by the Probation Division, the court shall, on the date of the hearing, record

the support and health insurance provisions on a Temporary Support Order using the form prescribed by the Administrative Director of the Courts and shall immediately have such order and a Confidential Litigant Information Sheet in the form prescribed by the Administrative Director of the Courts (if it has not yet been provided by the parties or counsel) delivered to the appropriate judicial staff so that a support account can be established on the New Jersey automated child support system. A probation account shall be established on the automated child support system within eight business days of the date the court order was signed. Demographic information provided on the Confidential Litigant Information Sheet shall be required to establish a probation account and send case initiation documents to the parties and the obligor's employer. The Temporary Support Order shall remain in effect until a copy of the final judgment or order is received by the Probation Division. Judgments or orders amending the amounts to be paid through the Probation Division shall be treated in the same manner.

(c) Establishment of Support Arrears at the Hearing. At an establishment hearing in any new dissolution, non-dissolution, or domestic violence case, when the payment of support is ordered, the judge, child support hearing officer, attorneys, or court staff, as appropriate, shall calculate the child support obligation, payment on arrears, and total arrears owed so that these amounts will be known to the parties before they leave court. When establishing arrears, findings shall be made on (1) any direct payments made by the obligor to the obligee between the effective date of the order and the date of the hearing, on a showing of credible proof, and (2) the amount and frequency of regular payments to be made toward the arrears. The forms and procedures to implement the provisions of this rule shall be prescribed by the Administrative Director of the Courts.

(d) Payments to the New Jersey Family Support Payment Center. All orders which include payment of child support, or spousal support in conjunction with child support on the same order, shall be entered onto the statewide automated child support enforcement system, and presumptively deemed payable to the New Jersey Family Support Payment Center, and supervised by the Probation Division, unless the court orders otherwise, for good cause shown.

(e) Income Withholding. All complaints, notices, pleadings, orders and judgments which include child support filed or entered on or after October 1, 1990 shall comply with the income withholding provisions of R. 5:7-4A.

(f) Electronic Signatures on Child Support Orders.

(1) An electronic signature is one gathered through the use of a computer input device. An electronic signature is an acceptable alternative to a signature collected through an ink pen on paper, and constitutes an original signature.

(2) The automated child support system provides a mechanism for collecting electronic signatures of the parties, child support hearing officer, and judge of the Superior Court on a computerized or digital version of the Uniform Summary Support Order ("USSO").

(3) When an electronic signature of a party or other non-judiciary personnel is collected through the automated child support system, the signing individual must be given notice at the time the signature is collected, preferably in writing, of the significance of the requested signature.

Note: Source - R. (1969) 4:79-9(a). Adopted December 20, 1983, to be effective December 31, 1983; amended November 2, 1987 to be effective January 1, 1988; amended January 5, 1988 to be effective February 1, 1988; amended June 29, 1990 to be effective September 4, 1990; caption and text amended October 5, 1993 to be effective October 13, 1993; caption amended, text amended and redesignated as paragraphs (a), (b), and (d), captions of paragraph (a) through (e) and text of paragraphs (c) and (e) adopted July 13, 1994 to be effective September 1, 1994; paragraph (d) amended March 15, 1996 to be effective immediately; paragraph (b) amended June 28, 1996 to be effective immediately; caption of paragraph (d) and text of paragraphs (d) and (e) amended May 25, 1999 to be effective July 1, 1999; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraph (b) caption and text amended, new paragraph (c) adopted, former paragraph (c) redesignated as paragraph (d), former paragraph (d) amended (including incorporation of some text of former paragraph (e)) and redesignated as paragraph (e), and former paragraph (e) deleted July 28, 2004 to be effective September 1, 2004; new paragraph (c) adopted, and former paragraphs (c), (d), and (e) redesignated as paragraphs (d), (e), and (f) July 27, 2006 to be effective September 1, 2006; paragraph (f) amended June 15, 2007 to be effective September 1, 2007; paragraph (b) amended and new paragraph (g) adopted July 21, 2011 to be effective September 1, 2011; caption amended, paragraph (b) caption amended, paragraphs (d) and (e) amended, paragraph (f) deleted and redesignated as R. 5:7-4A(d), and former paragraph (g) redesignated as paragraph (f) July 27, 2015 to be effective September 1, 2015.

Rule 5:7-4A. Income Withholding for Child Support; Notices

(a) Immediate Income Withholding. All orders that include child support shall be paid through immediate income withholding from the obligor's current and future income, unless the parties agree in writing to an alternative arrangement, or either party shows and the court finds good cause for an alternative arrangement. If included in the same order as child support, the court may, in its discretion, garnish a separate amount for alimony, maintenance or spousal support, in accordance with N.J.S.A. 2A:17-50 et seq., and include such amount in the immediate income withholding order.

(1) Application. Immediate income withholding applies to all orders that include child support established or modified on or after October 1, 1990.

(2) Procedure. If an order or judgment contains a child support provision, the child support shall be paid through immediate income withholding and the withholding may include amounts for alimony, maintenance or spousal support, unless the parties agree, in writing, to an alternative arrangement or either party shows and the court finds good cause for an alternative arrangement. The court shall forward the order to the Probation Division which shall prepare and send a Notice to Payor of Income Withholding to the obligor's employer or other source of income.

(3) Advance Notice. Every complaint, notice or pleading for the entry or modification of a child support order shall include the following written notice: In accordance with N.J.S.A. 2A:17-56.7 et seq., the child support provisions of a court order

are subject to income withholding on the effective date of the order unless the parties agree, in writing, to an alternative arrangement or either party shows and the court finds good cause to establish an alternative arrangement. The income withholding is effective upon all types of income including wages from current and future employment.

(b) Initiated Income Withholding. When any child support order, which is not subject to immediate income withholding in accordance with paragraph (a), has an accumulated arrearage equal to or exceeding the amount of support payable for 14 days, the Probation Division supervising the support order shall initiate an income withholding against the obligor's current and future income that is subject to income withholding.

(1) Application. Initiated income withholding applies to all orders which include child support (a) entered prior to October 1, 1990, (b) entered or modified after October 1, 1990 that do not include a provision for immediate income withholding or (c) in which the parties have agreed, in writing, to an alternative arrangement and an arrearage equal to or in excess of the amount of support payable for 14 days exists. Initiated income withholding does not apply to alimony, maintenance or spousal support provisions.

(2) Procedure. When any child support order is in default in an amount equal to or in excess of the amount of support payable for 14 days, the Probation Division of the County responsible for monitoring and enforcing compliance with the order or judgment shall initiate an income withholding against any of the obligor's income, which is subject to income withholding. The Probation Division shall send, by regular mail, a Notice to Obligor of Income Withholding to the obligor's last known address. This notice shall be postmarked no later than 10 days after the date on which the case was identified as having the requisite 14-day arrearage and shall be mailed at the same time as the notice to the payor. The notice shall inform the obligor of the amounts withheld for current support and for the liquidation of arrearages and state that the withholding has commenced. An obligor may contest the withholding only on the basis of mistake of fact. If an obligor objects to the withholding, the Probation Division shall schedule a hearing or administrative review within 20 days after receiving notice of the contest of the withholding. Payment of arrearages after the due date shall not constitute good cause to terminate the withholding. No later than five days after the hearing or administrative review, the Probation Division shall notify the obligor, in writing, whether the withholding shall continue.

(3) Advance Notice. All orders that include child support and that are not subject to immediate income withholding as described in paragraph (a) shall include a notice to the obligor stating that: The child support provisions of a support order are subject to income withholding when a child support arrearage has accrued in an amount equal to or in excess of the amount of support payable for 14 days. The withholding is effective against the obligor's current and future income from all sources authorized by law.

(c) Rules Applicable to All Withholdings. The income withholding shall be binding on the obligor's employer (or other source of income) and successive payors of the obligor's income, immediately after service of the Notice to Payor of Income Withholding upon the payor of such income. An employer (or other source of income) is not required to alter

normal pay cycles to comply with the withholding, but shall withhold and forward the required amount beginning with the first pay period that ends immediately after the notice is postmarked and each time the obligor is paid thereafter. The Notice to Payor of Income Withholding shall state the payor of the obligor's income, except for the Division of Unemployment and Temporary Disability, may deduct a fee of $1.00 for each payment. Such fee shall be deducted from the obligor's income in addition to the amount withheld for child support. The total amount of the withholding shall not exceed the maximum amount permitted under section 303(b) of the federal Consumer Credit Protection Act (15 U.S.C.A. § 1673(b)). If the court modifies any support order based upon changed circumstances, the Probation Division shall notify the payor to change the income withholding accordingly. When the Probation Division is unable to locate the obligor's current employer or other source of income to effectuate an income withholding, it may use any other procedures authorized by law to obtain this information. An income withholding for child support shall have priority over all other legal processes under State law without regard to the date of entry. If the obligor has more than one support order subject to withholding, the employer or other source of income shall withhold the payments on a pro-rata basis. The income withholding shall remain in effect until such time as the court enters an order to the contrary and the Probation Division delivers a Notice of Termination of Income Withholding to the employer or other source of income. An employer may not use an income withholding as a basis for discharge, discipline or discrimination in hiring. An aggrieved obligor may institute court action against the employer or other source of income as set forth in N.J.S.A. 2A:17-56.12. If the obligor's source of income fails to comply with a Notice to Payor of Income Withholding, it is liable for amounts that should have been withheld. The employer or other source of income shall notify the Probation Division promptly upon termination of the obligor's employment. If an employer or other source of income fails to comply with the terms of the income withholding or any withholding provision in this paragraph, the court may, upon application of the Probation Division, issue an Order to Show Cause for Contempt against the payor and proceed with contempt proceedings under Rule 1:10-3. The forms and notices required herein shall be prescribed by the Administrative Director of the Courts.

(d) All Notices Applicable to All Orders and Judgments That Include Child Support Provisions. The judgment or order shall include notices stating: (1) if support is not paid through immediate income withholding, the child support provisions of an order or judgment are subject to income withholding when a child support arrearage has accrued in an amount equal to or in excess of the amount of support payable for 14 days; the withholding is effective against the obligor's current and future income from all sources authorized by law; (2) any payment or installment of an order for child support or those portions of an order that are allocated for child support shall be fully enforceable and entitled to full faith and credit and shall be a judgment by operation of law against the obligor on or after the date it is due; before entry of a warrant of satisfaction of the child support judgment, any party to whom the child support is owed has the right to request assessment of post-judgment interest on child support judgments; (3) no payment or installment of an order for child support or those portions of an order that are allocated for child support shall be retroactively modified by the court except for the period during which the party seeking relief has pending an application for modification as provided in N.J.S.A.

2A:17-56.23a; (4) the occupational, recreational, and professional licenses, including a license to practice law, held or applied for by the obligor may be denied, suspended or revoked if: (i) a child support arrearage accumulates that is equal to or exceeds the amount of child support payable for six months, or (ii) the obligor fails to provide health care coverage for the child as ordered by the court within six months, or (iii) a warrant for the obligor's arrest has been issued by the court for obligor's failure to pay child support as ordered, or for obligor's failure to appear at a hearing to establish paternity or child support, or for obligor's failure to appear at a child support hearing to enforce a child support order and said warrant remains outstanding; (5) the driver's license held or applied for by the obligor may be denied, suspended, or revoked if (i) a child support arrearage accumulates that is equal to or exceeds the amount of child support payable for six months, or (ii) the obligor fails to provide health care coverage for the child as ordered by the court within six months; (6) the driver's license held or applied for by the obligor shall be denied, suspended, or revoked if the court issues a warrant for the obligor's arrest for failure to pay child support as ordered, or for failure to appear at a hearing to establish paternity or child support, or for failure to appear at a child support hearing to enforce a child support order and said warrant remains outstanding; (7) the amount of child support and/or the addition of a health care coverage provision in Title IV-D cases shall be subject to review, at least once every three years, on written request by either party to the Division of Family Development, P.O. Box 716, Trenton, NJ 08625-0716 and adjusted by the court, as appropriate, or upon application to the court; (8) the parties are required to notify the appropriate Probation Division of any change of employer, address, or health care coverage provider within 10 days of the change and that failure to provide such information shall be considered a violation of the order; (9) in accordance with N.J.S.A. 2A:34-23b, the custodial parent may require the non-custodial parent's health care coverage provider to make payments directly to the health care provider by submitting a copy of the relevant sections of the order to the insurer; (10) Social Security numbers are collected and used in accordance with section 205 of the Social Security Act (42 U.S.C.A. § 405), that disclosure of an individual's Social Security number for Title IV-D purposes is mandatory, that Social Security numbers are used to obtain income, employment, and benefit information on individuals through computer matching programs with federal and state agencies, and that such information is used to establish and enforce child support under Title IV-D of the Social Security Act (42 U.S.C.A. § 651 et seq.); and (11) after a judgment or order is entered and a probation support account has been established, the obligee and the obligor shall notify the appropriate Probation Division of any change of employer, health insurance provider, or address and the obligee and obligor shall notify the Probation Division of a change of address or a change in the status of the children as may be required in the order or judgment within ten days of the change, and any judgment or order that includes alimony, maintenance, or child support shall so provide. Failure to provide information as to change of employer, health insurance provider, address, or status of the children shall be considered a violation of the order.

Note: Former R. 5:7-5(b) redesignated as R. 5:7-4A(a), former R. 5:7-5(c) redesignated as R. 5:7-4A(b), former R. 5:7-5(d) redesignated as R. 5:7-4A(c), former R. 5:7-4(f) redesignated as R. 5:7-4A(d) July 27, 2015 to be effective September 1, 2015.

Rule 5:7-5. Failure to Pay; Enforcement by the Court or Party; Suspension and Revocation of Licenses for Failure to Support Dependents; Execution of Assets for Child Support; Child Support Judgments and Post-Judgment Interest

(a) Application for Relief in Aid of Litigant's Rights. If a person fails to make payments or provide health insurance coverage as directed by an order or judgment, the Probation Division responsible for monitoring and enforcing compliance shall notify such person by mail that such failure may result in the institution of Relief to Litigant proceedings in accordance with R. 1:10-3 and R. 5:3-7(b). Upon the accumulation of a support arrearage equal to or in excess of the amount of support payable for 14 days or failure to provide health insurance coverage as ordered, the Probation Division shall file a verified statement setting forth the facts establishing disobedience of the order or judgment. The Probation Division may then, on the litigant's behalf, apply to the court for relief in accordance with R. 1:10-3 and R. 5:3-7(b). Actions for relief under this rule shall be brought in the county in which the support case is being enforced, unless another county is designated by court order. If the application for relief is made on behalf of a party by the Probation Division, filing fees shall be waived. If the application for relief is made by or on behalf of the obligee, other than by the Probation Division, and the applicant states under oath in the application that he or she is indigent and unable to pay the required filing fees, the court, if satisfied of the fact of indigency, may waive the payment of such fees. In the discretion of the court, filing fees subsequently may be assessed against the adverse party if it is determined that he or she has not complied with the order or judgment being enforced. For past-due alimony or child support payments that have not been docketed as a civil money judgment with the Clerk of the Superior Court, the court may, on its own motion or on motion by the party bringing the enforcement action, assess costs against the adverse party at the rate prescribed by R. 4:42-11(a). For past-due child support payments that have been docketed as a civil money judgment, see paragraph d of this Rule.

(b) Suspension and Revocation of Licenses for Failure to Support Dependents.

(1) Driver's License, Recreational Activity License, Professional License. Pursuant to N.J.S.A. 2A:17-56.41, a child support obligor's driver's license shall be suspended by operation of law upon the issuance of a child support-related warrant. Pursuant to N.J.S.A. 2A:17-56.41 to 56.52, an obligor's licenses to drive, participate in recreational activities, or to practice licensed occupations may be denied, suspended, or revoked after notice and a hearing if:

(A) child support arrears equal or exceed the amount payable for six months; or

(B) court-ordered health care coverage for a child is not provided for six months; or

(C) the obligor fails to respond to a subpoena relating to a paternity or child support action; or

(D) a warrant for the obligor's arrest has been issued by the court due to the:

(i) failure to pay child support as ordered,

(ii) failure to appear at a hearing to establish paternity or child support, or

(iii) failure to appear at a child support hearing to enforce a child support order.

(2) License to Practice Law. A license to practice law may be suspended under the same statutory standards as other occupational licenses. If the obligor is an attorney licensed to practice law in New Jersey, the order shall notify the Supreme Court to suspend the obligor's license to practice law.

(3) Transmittal of Order Suspending or Revoking License. The Probation Division shall immediately forward a copy of the order denying, suspending, or revoking an obligor’s license to the obligor and the appropriate licensing authorities. If the order notifies the Supreme Court to suspend the obligor’s license to practice law in New Jersey, the Probation Division shall also forward a copy of the order to the Clerk of the Supreme Court and Office of Attorney Ethics, and the suspension shall be governed by R. 1:20-11A.

(4) Term of Suspension/Restoration of License. A court order denying, suspending, or revoking an obligor’s license shall remain in effect until the obligor files with the licensing authority either a court order restoring the license or a Probation Division certification attesting to the full satisfaction of the child support arrearage. Within three working days of the full payment of the child support arrearage, the Probation Division shall provide the court with a certification stating that the obligor has satisfied the past-due child support amount. Upon receipt of the certification, the court shall issue an order restoring the obligor's licenses. The Probation Division shall immediately forward the restoration order or certification to the obligor. The obligor is responsible for filing the court order or Probation certification with the licensing authority. If a license to practice law in New Jersey was suspended by the Supreme Court pursuant to R. 1:20-11A, the attorney shall forward the Chancery Division, Family Part order that recommends the restoration of the license to the Clerk of the Supreme Court and a copy of the order to the Director of the Office of Attorney Ethics. The reinstatement of a license to practice law in New Jersey shall be governed by R. 1:20-11A. When the court issues an order to vacate a child support-related warrant or local law enforcement authorities execute the warrant, the Probation Division shall send a certification or the court's order to the obligor and to the Motor Vehicle Commission indicating that the child support-related warrant is no longer effective. The Motor Vehicle Commission, upon receipt of the order or certification, may reinstate the obligor's driving privileges, provided that the obligor pays the Division's restoration fee.

(c) Execution on Assets to Collect Alimony and Child Support. If an order is issued pursuant to R. 4:59-1(c) authorizing the Probation Division to execute on cash or cash-equivalent assets as defined therein to collect alimony and child support judgments payable through the Probation Division, the Probation Division may assist judgment creditors by preparing the writ of execution, serving the writ on the holder of the debtor's asset by registered or certified mail, and scheduling the matter before the court to obtain

an order to turn over funds. Service of the writ shall freeze the asset for the amount of the judgment, but no turnover of funds shall be made or required to be made until ordered by the court. The writ of execution shall be signed by the judgment creditor or the attorney for the judgment creditor and may, subject to the limitations of this rule, be issued by the Vicinage Chief Probation Officer acting as deputy clerk of the Superior Court pursuant to R. 4:59-1(c). The Probation Division shall mail a notice to the debtor as required by R. 4:59-1(h) immediately after the writ has been served on the holder of the asset. The Probation Division shall send a copy of all writs of execution issued pursuant to R. 4:59-1(c) to the Family Division Case Management Office. No costs or fees shall be assessed by the Probation Division for aiding in the execution of a judgment for alimony or child support. With respect to assets other than cash or cash-equivalents as defined in R. 4:59-1(c), the Probation Division may assist the judgment creditor in preparing the writ of execution and such other forms relating to the execution as may be required, and in referring the judgment creditor to the sheriff of the county where the asset is located.

(d) Child Support Judgments and Post-judgment Interest. In accordance with N.J.S.A. 2A:17-56.23a, past-due child support payments are a judgment by operation of law on or after the date due and are subject to post-judgment interest at the rates prescribed in Rule 4:42-11 at the time of satisfaction or execution. Past-due child support payable through the Probation Division shall be automatically docketed as civil judgments with the Clerk of the Superior Court on the first day of the month following the date the payment was due. The Probation Division may, with the authorization of a child support judgment creditor, assist that party in calculating post-judgment interest in accordance with Rule 4:42-11 at the time an offer of satisfaction is tendered or an execution of assets is initiated. For child support that is not payable through the Probation Division, the obligee shall file a motion with the court asking that the amount of past-due child support be fixed and that a judgment be entered for that amount. The obligee shall be responsible for filing the judgment with the Clerk of the Superior Court. Alternatively, the obligee may procure a judgment by filing an application with the Probation Division requesting that past-due and future child support payments be made through that office in accordance with Rule 5:7-4(b).

Note: Source - R. (1969) 4:79-9(b)(1), (2) (3). Adopted December 20, 1983 to be effective December 31, 1983; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended July 13, 1994, to be effective August 1, 1994; paragraphs (b), (c) and (d) amended July 13, 1994 to be effective September 1, 1994; caption amended, paragraph (e) adopted March 15, 1996, to be effective immediately; caption amended, paragraphs (a) and (d) amended, and paragraphs (f) and (g) adopted June 28, 1996, to be effective immediately; paragraphs (b), (c), and (e) amended May 25, 1999 to be effective July 1, 1999; paragraph (a) caption and text, and paragraphs (e)(1), (e)(3), and (e)(7) amended June 15, 2007 to be effective September 1, 2007; paragraph (f) amended July 19, 2012 to be effective September 4, 2012; caption amended, paragraph (a) amended, new paragraph (b) adopted, former paragraphs (b), (c) and (d) deleted and redesignated as paragraphs (a), (b) and (c) in new R. 5:7-4A, paragraph (e) deleted, former subparagraph (e)(5) amended and redesignated as new subparagraph (b)(3), former subparagraph (e)(7) redesignated as new subparagraph (b)(4), former paragraph (f) redesignated as paragraph (c), and former paragraph (g) redesignated as paragraph (d) July 27, 2015 to be effective September 1, 2015.

Rule 5:7-6. Consolidated Enforcement and Modification Proceedings

(a) Where an order or judgment requires administration of support or alimony through the Probation Division in a county other than the county of venue and where motions are pending both for modification and enforcement of the order or judgment, all such motions shall be heard in the county of venue. Where motions are pending both for modification and enforcement, a payment history shall be forwarded by the Probation Division to the court of original venue with copies to parties and counsel seven days prior to the return date.

(b) Where any judgment or order is administered through the Probation Division, notice of all motions for modification or enforcement shall be provided to the Probation Division by mailing a copy of the Notice of Motion without the certifications and supporting documentation by regular mail to the Probation Division administering the case.

Note: Source-R. (1969) 4:79-9(c). Adopted December 20, 1983, to be effective December 31, 1983; former rule amended and redesignated paragraph (a) and paragraph (b) adopted November 1, 1985 to be effective January 2, 1986; paragraphs (a) and (b) amended July 28, 2004 to be effective September 1, 2004.

Rule 5:7-7. Delay in Prosecution: Order to Proceed

In divorce, dissolution of civil union, termination of domestic partnership, and nullity actions, a party either resisting an order of dismissal pursuant to R. 1:13-7 or seeking an order to proceed after such dismissal shall file an affidavit stating the reason for the delay, the relations of the parties toward each other since the commencement of the action, and any agreements or understandings between them.

Note: Source-R. (1969) 4:79-10. Adopted December 20, 1983, to be effective December 31, 1983; amended July 21, 2011 to be effective September 1, 2011.

Rule 5:7-8. Bifurcation

Bifurcation of trial of the divorce, dissolution of civil union, termination of domestic partnership or custody dispute from trial of disputes over support and equitable distribution shall be permitted only with the approval of the Family Presiding Judge, which approval shall be granted only in extraordinary circumstances and for good cause shown.

Note: Adopted January 21, 1999 to be effective April 5, 1999; amended July 21, 2011 to be effective September 1, 2011.

Rule 5:7-9. Affidavit or Certification of Non-Military Service

In every action and proceeding for divorce, dissolution of civil union, termination of domestic partnership, nullity, separate maintenance, or child support, no order shall be entered by default unless an affidavit or certification of non-military service is provided to the court, as provided in R. 1:5-7.

Note: Adopted June 15, 2007 to be effective September 1, 2007; amended July 21, 2011 to be effective September 1, 2011.

Rule 5:7-10. Suspension Provisions of Child Support Orders

(a) Applicability. This rule is applicable to all orders and judgments that include child support provisions. "Suspension of enforcement" of a provision of an order means that judicial enforcement of such provision temporarily ceases until further order of the court. Except as provided by law, the trial court, in its discretion, may enter an order: (1) temporarily suspending enforcement of provisions of an existing child support order; this references only judicial enforcement, meaning that no bench warrants will issue, the case will not be listed for enforcement action, and no relief to litigant proceedings under R. 1:10-3 will be instituted until further order of the court; or (2) temporarily suspending specifically identified enforcement mechanisms, such as judicial enforcement and income withholding, of provisions of an existing child support order; or (3) temporarily suspending all support provisions of an existing order, including the charging and enforcement of current support and enforcement of past due obligations, until further order of the court; or (4) temporarily suspending the current support obligation only, but allowing enforcement of past due obligations to continue until further order of the court.

(b) Scope. Orders entered by the court under this rule that contain provisions for suspension of enforcement, shall not be scheduled for enforcement hearings, no bench warrants shall issue, and no relief to litigant proceedings under R. 1:10-3 shall be instituted until further order of the court. Unless otherwise specified in the order, all other enforcement remedies, including, but not limited to, income withholding, automatic entry of judgments, tax offset, license suspension, credit agency reporting, Financial Institution Data Match (FIDM), lottery intercepts, passport denial, and Child Support Lien Network (CSLN) intercepts, shall continue unless the court directs otherwise.

(c) Review. The court shall review suspension provisions of the order 60 days from the date of the order, and every 60 days thereafter, unless the court directs otherwise. A child support case under the supervision of the Probation Division that contains a suspension of enforcement provision shall be listed by Probation for a hearing every 60 days if there has been no activity on the case, unless the court directs otherwise.

Note: Adopted June 15, 2007 to be effective September 1, 2007.

Rule 5:7-11. Application for Title IV-D Child Support Services; Probation Division Enforcement; Monitoring-Only Services

(a) IV-D Application. Any party seeking full Title IV-D enforcement services by the Probation Division of an order that includes the payment of child support, or spousal support in conjunction with child support on the same order, shall submit a completed Title IV-D application, except as otherwise provided by law. An application fee must be paid by the party applying for services or paid by the State out of its own funds and may be recovered from the non-custodial parent, except as otherwise provided by law. The forms and procedures to implement the processing of the IV-D application and collection of the fee shall be prescribed by the Administrative Director of the Courts.

(b) Monitoring-Only Application. In the absence of the submission of a Title IV-D application for services, as required by paragraph (a) of this Rule, the Probation Division may provide monitoring-only services of support orders that are paid to the New Jersey Family Support Payment Center. Monitoring-only services shall be limited to entering and updating of case demographics on the statewide automated system, and the collection, disbursement and recording of payments made to the New Jersey Family Support Payment Center. In the absence of a Title IV-D application, the Probation Division shall not provide any enforcement services. A party may apply for limited, monitoring-only services, by completing a monitoring-only application and pay the applicable fee. The forms and procedures to implement the processing of the monitoring-only application and collection of the fee shall be prescribed by the Administrative Director of the Courts.

If the order, when initially entered, contains a provision for the payment of child support or spousal support in conjunction with child support on the same order, the support shall be paid through immediate income withholding, unless either party shows and the court finds good cause for an alternative arrangement.

Note: Adopted July 27, 2015 to be effective September 1, 2015.