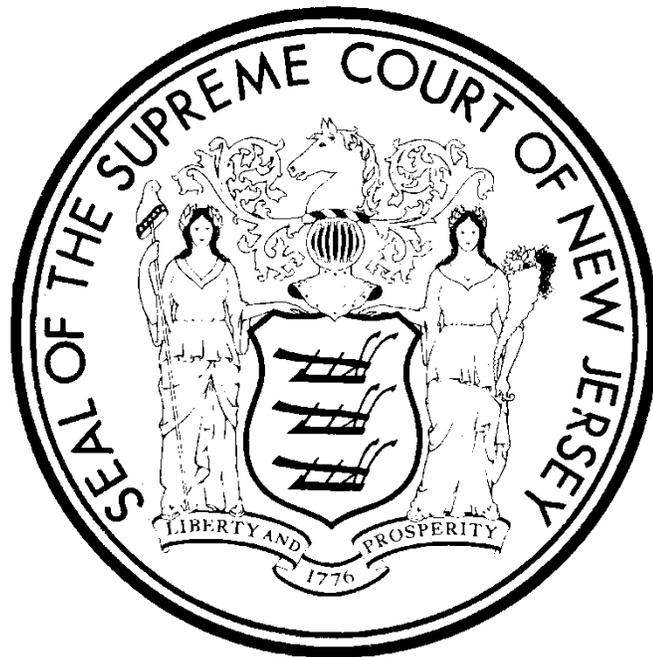


# **FAMILY PRACTICE COMMITTEE REPORT**



## **2015-2017 RULES CYCLE**

January 20, 2017

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## I. Introduction

The Supreme Court Family Practice Committee ("Committee") recommends that the Supreme Court adopt the proposed rule amendments and new rules contained in this report. The Committee also reports on other issues reviewed on which it concluded no rule change or a non-rule recommendation was appropriate.

Where rule changes are proposed, deleted text is bracketed [**as such**], and added text is underlined **as such**. No change to a paragraph of the rule is indicated by ". . . **no change**."

## II. Proposed Rule Amendments

### A. Proposed Amendment to R. 1:5-6. Filing

#### **Proposed rule amendment reiterating the requirement of R. 5:4-2(i) regarding non-conforming complaints filed in non-dissolution matters**

The Committee considered amending R. 1:5-6(c) to address non-conforming papers filed in non-dissolution matters. By way of background, effective September 1, 2015, R. 5:4-2(i) was adopted to codify the administrative requirement that non-dissolution actions commence with the filing of a verified complaint form promulgated by the Administrative Director of the Courts. Rule 5:4-2(i) also included a provision permitting attorneys to file a non-conforming complaint, which must have appended to it a completed supplement promulgated by the Administrative Director of the Courts (reference number: CN 11917). It would benefit filing attorneys to be reminded of this requirement by restating it in R. 1:5-6(c). The Committee also recommends adding to the court rule a reference to the form's website address, <http://www.judiciary.state.nj.us/forms.html>.

The Committee recommends the following amendment.

## **Rule 1:5-6. Filing**

### Rule 1:5-6. Filing

(a) Time for Filing . . . no change.

(b) What Constitutes Filing with the Court . . . no change.

(c) Nonconforming Papers. The clerk shall file all papers presented for filing and may notify the person filing if such papers do not conform to these rules, except that

(1) the paper shall be returned stamped "Received but not Filed (date)" if it is presented for filing unaccompanied by any of the following:

(A) . . . no change.

(B) . . . no change.

(C) in Family Part actions, the affidavit of insurance coverage required by R. 5:4-2(f), the Parents Education Program registration fee required by N.J.S.A. 2A:34-12.2, the Affidavit of Verification and Non-Collusion as required by R. 5:4-2(c), the Confidential Litigant Information Sheet as required by R. 5:4-2(g) in the form prescribed by the Administrative Director of the Courts, the Affidavit or Certification of Notification of Complementary Dispute Resolution Alternatives as required by R. 5:4-2(h) in the form prescribed in Appendix XXVII-A or XXVII-B of these rules, or the kinship caregiver assessment required in the kinship legal guardianship petition pursuant to N.J.S.A. 3B:12A-5(b); non-dissolution actions shall commence with the filing of a verified complaint/counterclaim form promulgated by the Administrative Director of the Courts, except that attorneys may file a non-conforming complaint, which must have appended to it a completed supplemental form promulgated by the Administrative Director of the Courts (<http://www.judiciary.state.nj.us/forms.html>) ; or

(D) . . . no change.

(E) . . . no change.

(2) . . . no change.

(3) . . . no change.

(4) . . . no change.

(d) Misfiled Papers . . . no change.

(e) Attorneys Answerable for Clerk's Fees . . . no change.

Note: Source - R.R. 1:7-11, 1:12-3(b), 2:10, 3:11-4(d), 4:5-5(a), 4:5-6(a) (first and second sentence), 4:5-7 (first sentence), 5:5-1(a). Paragraphs (b) and (c) amended July 14, 1972 to be effective September 5, 1972; paragraph (c) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended November 26, 1990 to be effective April 1, 1991; paragraphs (b) and (c) amended, new text substituted for paragraph (d) and former paragraph (d) redesignated paragraph (e) July 13, 1994 to be effective September 1, 1994; paragraph (b)(1) amended, new paragraph (b)(2) adopted, paragraphs (b)(2), (3), (4), (5) and (6) redesignated paragraphs (b)(3), (4), (5), (6) and (7), and newly designated paragraph (b)(4) amended July 13, 1994 to be effective January 1, 1995; paragraphs (b)(1), (3) and (4) amended June 28, 1996 to be effective September 1, 1996; paragraph (b)(4) amended July 10, 1998 to be effective September 1, 1998; paragraph (c) amended July 5, 2000 to be effective September 5, 2000; paragraphs (c)(1) and (c)(3) amended July 28, 2004 to be effective September 1, 2004; subparagraph (c)(1)(E) adopted, paragraphs (c)(2) and (c)(3) amended, and paragraph (c)(4) adopted July 27, 2006 to be effective September 1, 2006; paragraph (b) amended June 15, 2007 to be effective September 1, 2007; subparagraph (c)(1)(C) amended July 16, 2009 to be effective September 1, 2009; subparagraph (c)(1)(E) amended December 20, 2010 to be effective immediately; subparagraphs (b)(4) and (c)(1)(C) amended July 21, 2011 to be effective September 1, 2011; subparagraph (c)(1)(C) amended July 9, 2013 to be effective September 1, 2013; subparagraph (c)(1)(C) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**B. Proposed Amendments to R. 1:38. Public Access to Court Records and Administrative Records**

**1. Proposed amendment to R. 1:38-3 to include: (a) settlement agreements incorporated into judgments or orders in dissolution and non-dissolution actions; (b) notices for final judgment; and (c) parenting time and visitation plans and to establish a “good cause” standard for the release of documents**

The Committee recommends amending the list of court records excluded from public access under R. 1:38-3 to include settlement agreements incorporated into judgments or orders in dissolution and non-dissolution actions; notices for final judgment required by R. 5:5-10 in default matters; and parenting time and visitation plans. The Committee also recommends establishing a “good cause” standard for the release of documents.

The Committee believes information contained in settlement agreements and notices for final judgment include detailed financial and personal information identical to information contained in Family Case Information Statements (CIS), which is now excluded from public access under R. 1:38-3(d)(1). The Committee is concerned the detailed information contained in those documents could be used improperly if obtained by unauthorized third parties, for example, exposing parties to identity theft.

The Committee believes parenting time and visitation plans should also be excluded from public access. This recommendation is intended to protect children whose detailed personal information will be included in those documents. Such information would pertain to, among other things, custody, visitation, education and medical arrangements.

The Supreme Court Advisory Committee on Public Access (Public Access Committee) considered the Committee’s recommendation because it amends R. 1:38. The Public Access Committee endorsed this Committee's recommendation with a minor revision. The Public Access Committee recommended settlement agreements and parenting time and visitation plans be excluded from public access and released to a member of the public only on court order

following a motion establishing “good cause.” This Committee included that revision in this rule recommendation.

**2. Proposed amendment to R. 1:38-1 to clarify restriction to public access shall not apply to parties in the litigation**

The Public Access Committee further recommended parties to the case not be considered “members of the public” under the rule so that a party’s access to documents remain available without the necessity of filing a motion. The Committee agrees with this recommendation.

Having considered the comments of the Public Access Committee, the Committee recommends the following amendments to R. 1:38-1 and R. 1:38-3.

## **Rule 1:38-1 - Policy**

### Rule 1:38-1. Policy

Court records and administrative records as defined by R. 1:38-2 and R. 1:38-4 respectively and within the custody and control of the judiciary are open for public inspection and copying except as otherwise provided in this rule. Exceptions enumerated in this rule shall be narrowly construed in order to implement the policy of open access to records of the judiciary. Restrictions on access shall not apply to named parties in any litigation.

Note: New caption for Rule 1:38 adopted July 16, 2009 to be effective September 1, 2009. New Rule 1:38-1 adopted July 16, 2009 to be effective September 1, 2009; amended  
to be effective.

## **Rule 1:38-3. Court Records Excluded from Public Access**

### Rule 1:38-3. Court Records Excluded from Public Access

The following court records are excluded from public access:

(a) General. Records required to be kept confidential by statute, rule, or prior case law consistent with this rule, unless otherwise ordered by a court upon a finding of good cause. These records remain confidential even when attached to a non-confidential document.

(b) Internal Records . . . no change.

(c) Records of Criminal and Municipal Court Proceedings . . . no change.

(d) Records of Family Part Proceedings.

(1) Family Case Information Statements required by R. 5:5-2, Notices required by R. 5:5-10 including requisite financial, custody and parenting plans, [and] Financial Statements in Summary Support Actions required by R. 5:5-3, including all attachments[;], and settlement agreements incorporated into judgments or orders in dissolution and non-dissolution actions.

(2) . . . no change

(3) . . . no change.

(4) . . . no change.

(5) . . . no change.

(6) . . . no change.

(7) . . . no change.

(8) . . . no change.

(9) . . . no change.

(10) . . . no change.

(11) . . . no change.

(12) . . . no change.

(13) Child custody evaluations, parenting time and visitation plans, reports, and records pursuant to R. 5:8-4, R. 5:8-5, R. 5:8B, N.J.S.A. 9:2-1, or N.J.S.A. 9:2-3;

(14) . . . no change.

(15) . . . no change.

(16) . . . no change.

(17) . . . no change.

(e) Records of Guardianship Proceedings . . . no change.

(f) Records of Other Proceedings . . . no change.

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009; subparagraph (b)(1) amended December 9, 2009 to be effective immediately; paragraphs (e) and (f) amended January 5, 2010 to be effective immediately; subparagraph (c)(11) amended, subparagraph (c)(12) adopted, and subparagraph (d)(10) amended February 16, 2010 to be effective immediately; subparagraph (d)(1) amended June 23, 2010 to be effective July 1, 2010; paragraph (e) amended October 10, 2010 to be effective immediately; paragraph (e) amended February 28, 2013 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013; subparagraphs (f)(2) and (f)(5) amended, and new subparagraph (f)(9) added December 9, 2014 to be effective immediately; subparagraph (d)(2) amended July 27, 2015 to be effective September 1, 2015; paragraph (a) and subparagraphs (d)(1) and (d)(13) amended  
to be effective \_\_\_\_\_.

**C. Proposed Amendment to R. 1:9-1 – For Attendance of Witness; Forms; Issuance; Notice in Lieu of Subpoena**

**Waiver of prepayment of witness fees upon subpoena by Law Guardian in child welfare proceeding**

The Committee considered amending R. 1:9-1 to allow for the waiver of the prepayment of witness fees upon the issuance of a subpoena by a Law Guardian on behalf of a child who is the subject of child welfare proceedings brought in the Family Part. Rule 1:9-1 currently addresses waiving the prepayment of witness fees in criminal actions. If the witness is to testify in a criminal action for the State or an indigent defendant, the subpoena shall contain an order to appear without the prepayment of any witness fee. Rule 1:9-1 does not address a causes of action brought pursuant to Title 9 or Title 30 of the State statutes, which are applicable to the Office of Law Guardian.

To address this situation, the Committee recommends the following amendment.

**Rule 1:9-1. For Attendance of Witnesses; Forms; Issuance; Notice in Lieu of Subpoena**

Rule 1:9-1. For Attendance of Witnesses; Forms; Issuance; Notice in Lieu of Subpoena

A subpoena may be issued by the clerk of the court or by an attorney or party in the name of the clerk or as provided by R. 7:7-8 (subpoenas in certain cases in the municipal court). It shall state the name of the court and the title of the action and shall command each person to whom it is directed to attend and give testimony at the time and place specified therein. If the witness is to testify in a criminal action for the State or an indigent defendant, or in an action brought by the Division of Child Protection and Permanency pursuant to Title 9 or Title 30 of the New Jersey Statutes, the subpoena so shall note, and shall contain an order to appear without the prepayment of any witness fee. The testimony of a party who could be subpoenaed may be compelled by a notice in lieu of subpoena served upon the party's attorney demanding that the attorney produce the client at trial. If the party is a corporation or other organization, the testimony of any person deposable on its behalf, under R. 4:14-2, may be compelled by like notice. The notice shall be served in accordance with R. 1:5-2 at least 5 days before trial. The sanctions of R. 1:2-4 shall apply to a failure to respond to a notice in lieu of a subpoena.

Note: Source-R. 3:5-10(a)(b), 4:46-1, 6:3-7(a), 7:4-3 (second paragraph), 8:4-9(a)(b); caption and text amended November 27, 1974 to be effective April 1, 1975; amended July 13, 1994 to be effective September 1, 1994; amended January 5, 1998 to be effective February 1, 1998; amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**D. Proposed Amendments Reflecting Statutory Amendments to the New Jersey Uniform Interstate Family Support Act (UIFSA)**

**Amendments to R. 5:2-1, R. 5:6-1, R. 5:6-4 and R. 5:25-3 to reflect the statutory changes to UIFSA**

Federal legislation passed in 2014 mandated all States integrate into their laws the 2008 Uniform Interstate Family Support Act (UIFSA) amendments as a condition to continuing to receive federal funds for State IV-D child support programs. On April 1, 2016, New Jersey enacted P.L. 2016, c.1., a new “Uniform Interstate Family Support Act” codified at N.J.S.A. 2A:4-30.124, et seq.

The Committee identified court rules that must be amended to conform to the UIFSA statutory updates. The court rule amendments are technical in nature.

The Committee recommends the following amendments.

## **Rule 5:2-1. Venue, Where Laid**

### Rule 5:2-1. Venue, Where Laid

Venue in family actions shall be laid in accordance with the applicable provisions of R. 3:14-1 and R. 4:3-2 except as follows:

(a)(1) In actions primarily involving the support or parentage of a child (except actions in which the issue of support of a child is joined with claims for divorce, dissolution of civil union, termination of domestic partnership, or nullity) venue shall be laid, pursuant to the Uniform Interstate Family Support Act (UIFSA), in the county of New Jersey in which the child is domiciled, if New Jersey is determined to be the child's home state, as defined under N.J.S.A. [2A:4-30.65] 2A:4-30.125.

(2) In a proceeding to establish or enforce [, or modify] a support order or to determine parentage, personal jurisdiction over nonresident individuals shall be governed by N.J.S.A. [2A:4-30.68 and 2A:4-30.69] 2A:4-30.129.

(3) The jurisdictional basis for the establishment of a support order shall be governed by N.J.S.A. [2A:4-30.71] 2A:4-30.132.

(4) The continuing exclusive jurisdiction of New Jersey or another issuing state, exceptions thereto and modification of a support order issued by a court of this or another state, shall be governed by N.J.S.A. [2A:4-30.72] 2A:4-30.133.

(5) Recognition of an order entered by this State, or by a tribunal of another state, and the method to determine which order is controlling, when multiple orders exist, including responses to multiple registrations or petitions for enforcement, shall be governed by N.J.S.A. [2A:4-30.74] 2A:4-30.134 and [2A:4-30.75] 2A:4-30.135.

(b) . . . no change.

(c) . . . no change.

(d) . . . no change.

(e) . . . no change.

(f) . . . no change.

(g) . . . no change.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; new paragraph (f) added June 15, 2007 to be effective September 1, 2007; paragraph (a) amended and text reallocated as paragraphs (a) and (b), paragraphs (b), (c), (d), (e), and (f) reallocated as paragraphs (c), (d), (e), (f), and (g) July 16, 2009 to be effective September 1, 2009; subparagraphs (a)(1) and (b)(1) and paragraph (c) amended July 21, 2011 to be effective September 1, 2011; subparagraphs (a)(1), (2), (3), (4), and (5) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

## **Rule 5:6-1. When and By Whom Filed**

### Rule 5:6-1. When and By Whom Filed

Except for UIFSA proceedings pursuant to N.J.S.A. [2A:4-30.65 to -30.123] 2A:4-30.124 to 2A:4-30.201, a summary action for support may be brought by either the party entitled thereto, an assistance agency or a party seeking to establish that party's support obligation provided no other family action is pending in which the issue of support has been or could be raised.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; amended November 1, 1985 to be effective January 2, 1986; amended May 25, 1999 to be effective July 1, 1999; amended July 27, 2015 to be effective September 1, 2015; amended \_\_\_\_\_ to be effective \_\_\_\_\_.

## **Rule 5:6-4. Interstate Support**

### Rule 5:6-4. Interstate Support

Matters originating under N.J.S.A. [2A:4-30.65 to 2A:4-30.123] 2A:4.30.124 to 2A:4-30.201 inclusive (Uniform Interstate Family Support Act), shall be scheduled in the same manner as other Family cases and shall be heard expeditiously.

Note: Source - R. (1969) 5:5-5. Adopted December 20, 1983, to be effective December 31, 1983; caption and text amended May 25, 1999 to be effective July 1, 1999; amended \_\_\_\_\_ to be effective \_\_\_\_\_.

## **Rule 5:25-3. Child Support Hearing Officers**

### Rule 5:25-3. Child Support Hearing Officers

(a) Appointment . . . no change.

(b) Jurisdiction . . . no change.

(1) . . . no change.

(2) . . . no change.

(3) . . . no change.

(4) . . . no change.

(5) . . . no change.

(6) The establishment, modification and enforcement of support pursuant to N.J.S.A. [2A:4-30.65 to -30.123] 2A:4-30.124 to 2A:4-30.201, the Uniform Interstate Family Support Act.

(7) . . . no change.

(8) . . . no change.

(c) Duties, Posers, and Responsibilities . . . no change.

(d) Review by Presiding Judge or Designee; Appeal; Time; Record . . . no change.

(e) Service . . . no change.

(f) Standards and Guidelines . . . no change.

(g) Qualifications and Compensation . . . no change.

Note: Source - new. Adopted September 24, 1985 to be effective October 1, 1985; paragraph (c)(12) adopted June 28, 1996 to be effective September 1, 1996; paragraph (b)(6) amended May 25, 1999 to be effective July 1, 1999; paragraphs (c)(10) and (c)(11) amended June 15, 2007 to be effective September 1, 2007; paragraph (d)(2) amended July 16, 2009 to be effective September 1, 2009; subparagraph (b)(6) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**E. Proposed Amendments to R. 5:3-5. Attorney Fees and Retainer Agreements in Civil Family Actions; Withdrawal**

**1. Amendments to R. 5:3-5(c) to require the filing of an affidavit of services with an initial motion or cross-motion for a counsel fee request, and enumerate required factors for the affidavit**

The Committee recommends attorneys requesting an award of attorney fees be required to file an affidavit of services along with the initial motion or cross-motion which includes a fee request. This would enable judges to decide the fee issue along with the other relief requested and enter one order. The proposal is consistent with the Part IV Rules for fees in civil actions and includes a recommendation to incorporate the language of R. 4:42-9(b) enumerating the factors required to be addressed in the affidavit of services.

Therefore, the Committee recommends amending R. 5:3-5(c).

**2. Amendment to R. 5:3-5(d) to address severability of counsel's application to withdraw from representation**

To address the situation where an attorney files a request to be relieved as counsel in a pending matter, the Committee recommends addressing counsel's withdrawal request when returnable with other substantive motions. The Committee recommends an amendment to R. 5:3-5(d) to address severability of these issues. The amendment would permit the court to address a motion or cross-motion, and absent good cause, sever all other relief sought. The amendment would require the judge to first decide the motion to be relieved, and in the order granting or denying relief, include a scheduling order to address a timeframe for consideration of the severed substantive issues.

Therefore, the Committee recommends amending R. 5:3-5(d).

## **Rule 5:3-5. Attorney Fees and Retainer Agreements in Civil Family Actions; Withdrawal**

### Rule 5:3-5. Attorney Fees and Retainer Agreements in Civil Family Actions; Withdrawal

(a) Retainer Agreements . . . no change.

(b) Limitations on Retainer Agreements . . . no change.

(c) Award of Attorney Fees. Subject to the provisions of R. 4:42-9(b), (c), and (d), the court in its discretion may make an allowance, both pendente lite and on final determination, to be paid by any party to the action, including, if deemed to be just, any party successful in the action, on any claim for divorce, dissolution of civil union, termination of domestic partnership, nullity, support, alimony, custody, parenting time, equitable distribution, separate maintenance, enforcement of agreements between spouses, domestic partners, or civil union partners and claims relating to family type matters. All applications or motions seeking an award of attorney fees shall include an affidavit of services at the time of initial filing, as required by paragraph (d) of this rule. A pendente lite allowance may include a fee based on an evaluation of prospective services likely to be performed and the respective financial circumstances of the parties. The court may also, on good cause shown, direct the parties to sell, mortgage, or otherwise encumber or pledge assets to the extent the court deems necessary to permit both parties to fund the litigation. In determining the amount of the fee award, the court should consider, in addition to the information required to be submitted pursuant to R. 4:42-9, the following factors: (1) the financial circumstances of the parties; (2) the ability of the parties to pay their own fees or to contribute to the fees of the other party; (3) the reasonableness and good faith of the positions advanced by the parties both during and prior to trial; (4) the extent of the fees incurred by both parties; (5) any fees previously awarded; (6) the amount of fees previously paid to counsel by

each party; (7) the results obtained; (8) the degree to which fees were incurred to enforce existing orders or to compel discovery; and (9) any other factor bearing on the fairness of an award.

(d) Affidavit of Service. All applications for the allowance of fees shall be supported by an affidavit of services addressing the factors enumerated by RPC 1.5(a). The affidavit shall also include a recitation of other factors pertinent in the evaluation of the services rendered, the amount of the allowance applied for, and an itemization of disbursements for which reimbursement is sought. If the court is requested to consider the rendition of paraprofessional services in making a fee allowance, the affidavit shall include a detailed statement of the time spent and services rendered by paraprofessionals, a summary of the paraprofessionals' qualifications, and the attorney's billing rate for paraprofessional services to clients generally. No portion of any fee allowance claimed for attorneys' services shall duplicate in any way the fees claimed by the attorney for paraprofessional services rendered to the client. For purposes of this rule, "paraprofessional services" shall mean those services rendered by individuals who are qualified through education, work experience or training who perform specifically delegated tasks which are legal in nature under the direction and supervision of attorneys and which tasks an attorney would otherwise be obliged to perform.

[(d)] (e) Withdrawal from Representation.

(1) . . . no change.

(2) . . . no change.

(3) Upon the filing of a motion or cross-motion to be relieved as counsel, the court, absent good cause, shall sever all other relief sought within the motion or cross-motion from the motion to be relieved. The court shall first determine the motion to be relieved and, in the order either granting or denying the motion to be relieved, include a scheduling order for the

filing of responsive pleadings and the return date for all other relief sought in the motion or cross-motion.

Note: Adopted January 21, 1999 to be effective April 5, 1999; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; new paragraph (a)(10) adopted, and paragraphs (d)(1) and (d)(2) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 16, 2009 to be effective September 1, 2009; paragraph (c) amended and subparagraphs (d)(1) and (d)(2) amended July 21, 2011 to be effective September 1, 2011; subparagraphs (d)(1) and (d)(2) amended July 9, 2013 to be effective September 1, 2013; paragraph (c) amended and new (e)(3) adopted paragraph (d), former paragraph (d) redesignated as paragraph (e), and new subparagraph (e)(3) adopted \_\_\_\_\_ to be effective \_\_\_\_\_.

**F. Proposed Amendment to R. 5:3-7. Additional Remedies on Violation of Orders Relating to Parenting Time, Alimony, Support or Domestic Violence Restraining Orders**

The Committee considered whether it would be beneficial to clarify the remedies available to the court, in addition to those prescribed by R. 1:10-3, for violations of financial maintenance orders. The Committee concluded R. 5:3-7(b) already provides remedies for the violation of orders pertaining to the collection of support arrears. The Committee recommends that this rule include "financial maintenance orders" because the new legislation introduces this term to provide for support of children over 23 years of age.

Therefore, the Committee recommends the following amendment.

**Rule 5:3-7. Additional Remedies on Violation of Orders Relating to Parenting Time, Alimony, Support or Domestic Violence Restraining Orders**

Rule 5:3-7. Additional Remedies on Violation of Orders Relating to Parenting Time, Alimony, Financial Maintenance, Support or Domestic Violence Restraining Orders

(a) Custody or Parenting Time Orders . . . no change.

(b) Alimony, Financial Maintenance or Child Support Orders. On finding that a party has violated an alimony, financial maintenance or child support order the court may, in addition to remedies provided by R. 1:10-3, grant any of the following remedies, either singly or in combination: (1) fixing the amount of arrearages and entering a judgment upon which interest accrues; (2) requiring payment of arrearages on a periodic basis; (3) suspension of an occupational license or driver's license consistent with law; (4) economic sanctions; (5) participation by the party in violation of the order in an approved community service program; (6) incarceration, with or without work release; (7) issuance of a warrant to be executed upon the further violation of the judgment or order; and (8) any other appropriate equitable remedy.

(c) Enforcement of Relief under Provisions of Domestic Violence Restraining Orders

Not Subject to Criminal Contempt Complaints . . . no change.

Note: Adopted January 21, 1999 to be effective April 5, 1999; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; caption amended, paragraph (a) amended, and new paragraph (c) adopted July 21, 2011 to be effective September 1, 2011; caption amended, and paragraph (b) caption and text amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**G. Proposed Amendments to R. 5:4-2. Complaint**

**1. Requirement to address civil union or domestic partnership**

The Committee considered requirements of pleadings in dissolution actions and recommends a dissolution complaint or counterclaim state whether a civil union or domestic partnership exists between the parties and whether relief is sought to terminate the civil union or domestic partnership when the judgment of divorce is entered. This would assure proper notice of the relief requested.

**2. Requirement to include disability insurance coverage, renter's insurance and any umbrella policies on the Affidavit or Certification of Insurance Coverage**

The Committee considered including line items for disability insurance coverage, renter's insurance, and any umbrella policies related to renters or homeowner's insurance on the Affidavit or Certification of Insurance Coverage. The rule currently provides the first pleading of each party shall have annexed thereto an affidavit listing all known insurances. However, the rule is frequently interpreted to apply only to life, health, automobile and homeowner's insurance. The Committee felt it prudent to specify the additional common types of insurance.

Therefore, the Committee recommends the following amendments.

## **Rule 5:4-2. Complaint**

### Rule 5:4-2. Complaint.

#### (a) Complaint Generally.

(1) . . . no change.

(2) Contents. Every complaint in a family part action, in addition to the special requirements prescribed by these rules for specific family actions shall also include a statement of the essential facts constituting the basis of the relief sought, the statute or statutes, if any, relied on by the plaintiff, the street address or, if none, the post office address of each party, or a statement that such address is not known; a statement of any previous family actions between the parties; and, if not otherwise stated, the facts upon which venue is based. If a civil union or domestic partnership exists between the parties, it shall be stated in the complaint. When dissolution or termination of that relationship is sought, the complaint shall contain a separate cause of action seeking such relief.

(b) Corespondent . . . no change.

(c) Affidavit of Verification o and Non-Collusion . . . no change.

(d) Counterclaim . . . no change.

(e) Amended or Supplemental Complaint or Counterclaim for Dissolution Matters . . . no change.

(f) Affidavit or Certification of Insurance Coverage. The first pleading of each party shall have annexed thereto an affidavit listing all known insurance coverage of the parties and their minor children, including but not limited to life, health, automobile, [and] homeowner's and renter's and any umbrella policy related thereto, long-term care, and disability insurance. The affidavit shall specify the name of the insurance company, the policy number, the named insured and, if applicable, other persons covered by the policy; a description of the coverage

including the policy term, if applicable; and in the case of life insurance, an identification of the named beneficiaries. The affidavit shall also specify whether any insurance coverage was canceled or modified within the ninety days preceding its date and, if so, a description of the canceled insurance coverage. Insurance coverage identified in the affidavit shall be maintained pending further order of the court. If, however, the only relief sought is dissolution of the marriage or civil union, or a termination of a domestic partnership, or if a settlement agreement addressing insurance coverage has already been reached, the parties shall annex to their pleadings, in lieu of the required insurance affidavit, an affidavit so stating. Nevertheless, if a responding party seeks financial relief, the responding party shall annex an insurance-coverage affidavit to the responsive pleading and the adverse party shall serve and file an insurance-coverage affidavit within 20 days after service of the responsive pleading. A certification in lieu of affidavit may be filed.

(g) Confidential Litigant Information Sheet . . . no change.

(h) Affidavit or Certification of Notification of Complementary Dispute

Resolution Alternatives . . . no change.

(i) Complaint in Non-Dissolution Matters . . . no change.

(j) Designation of Complex Non-Dissolution Matters . . . no change.

Note: Source - R. (1969) 4:77-1(a)(b)(c)(d), 4:77-2, 4:77-3, 4:77-4, 4:78-3, 5:4-1(a) (first two sentences). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (b)(2) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a)(2) and (d) amended November 2, 1987 to be effective January 1, 1988; paragraphs (b)(2) and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a)(2) amended July 10, 1998 to be effective September 1, 1998; new paragraph (f) adopted January 21, 1999 to be effective April 5, 1999; paragraph (f) caption and text amendment July 12, 2002 to be effective September 3, 2002; new paragraph (g) adopted July 28, 2004 to be effective September 1, 2004; new paragraph (h) adopted July 27, 2006 to be effective September 1, 2006; paragraph (h) amended October 10, 2006 to be effective immediately; paragraph (g) amended June 15, 2007 to be effective September 1, 2007; paragraphs (g) and (h) amended July 16, 2009 to be effective September 1, 2009; paragraphs (c), (d), (e), (f) and (g) amended July 21, 2011 to be effective September 1,

2011; paragraph (g) amended July 9, 2013 to be effective September 1, 2013; subparagraph (a)(2) amended, paragraph (e) caption amended, paragraph (h) amended, and paragraphs (i) and (j) adopted July 27, 2015 to be effective September 1, 2015; subparagraph (a)(2) and paragraph (f) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**H. Proposed Amendment to R. 5:7-1. Venue**

**Permitting non-residents to dissolve a civil union or domestic partnership in New Jersey**

The Committee recommends permitting non-residents to obtain a termination or dissolution of any civil union or domestic partnership solemnized in New Jersey, when the non-residents are without a forum available to terminate the civil union or domestic partnership in the jurisdiction(s) where they currently reside.

Therefore, the Committee recommends the following amendment.

## **Rule 5:7-1. Venue**

### 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 and without a forum available to dissolve the domestic partnership, venue shall be laid in the county in which the Certificate of Domestic Partnership is filed. For purposes of this rule, for the dissolution of a civil union created in New Jersey in which both parties are now non-residents and without a forum available to dissolve the civil union, venue shall be laid in the county in which the civil union was solemnized.

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; amended to be effective.

I. **Proposed Amendment to R. 5:7-4A. Income Withholding for Child Support; Notices**

**Technical revision to correct statutory citation**

The Committee identified an incorrect citation in R. 5:7-4A(a)(3). The reference to "N.J.S.A. 2A:17-56.7" should read "N.J.S.A. 2A:17-56.7a."

The Committee recommends the following amendment.

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

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

(a) Immediate Income Withholding . . . no change.

(1) Application . . . no change.

(2) Procedure . . . no change.

(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:17-56.7a 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 . . . no change.

(c) Rules Applicable to All Withholdings . . . no change.

(d) All Notices Applicable to All Orders and Judgments That Include Child Support Provisions . . . no change.

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; subparagraph (a)(3) amended  
\_\_\_\_\_ to be effective \_\_\_\_\_.

**J. Proposed Amendment to R. 5:7A. Domestic Violence: Restraining Orders**

**Amendment to reflect current practice of domestic violence hearing officers hearing applications for temporary restraining orders**

The Committee recommends amending R. 5:7A to reflect current practice where domestic violence hearing officers hear applications for domestic violence temporary restraining orders.

The Committee recommends the following amendment.

## **Rule 5:7A. Domestic Violence: Restraining Orders**

### Rule 5:7A. Domestic Violence: Restraining Orders

(a) Application for Temporary Restraining Order. Except as provided in paragraph (b) herein, an applicant for a temporary restraining order shall appear before a judge or domestic violence hearing officer to personally [to] testify upon the record or by sworn complaint submitted pursuant to N.J.S.A. 2C:25-28. If it appears that the applicant is in danger of domestic violence, the judge shall, upon consideration of the applicant's domestic violence affidavit, complaint or testimony, order emergency relief including ex parte relief, in the nature of a temporary restraining order as authorized by N.J.S.A. 2C:25-17 et seq.

(b) Issuance of Temporary Restraining Order by Electronic Communication . . . no change.

(c) Temporary Restraining Order . . . no change.

(d) Final Restraining Order . . . no change.

(e) Procedure upon Arrest without a Warrant . . . no change.

(f) Venue in Domestic Violence Proceedings . . . no change.

Note: Adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended, paragraph (b) caption and text amended and new paragraphs (c) and (d) adopted November 2, 1987 to be effective January 1, 1988; caption amended, former paragraph (c) redesignated paragraph (e), former paragraph (d) redesignated paragraph (f) and new paragraphs (c) and (d) adopted November 18, 1993 to be effective immediately; paragraphs (a), (b), and (e) amended July 12, 2002 to be effective September 3, 2002; paragraph (f) amended July 7, 2005 to be effective immediately; paragraph (b) amended July 21, 2011 to be effective September 1, 2011; paragraph (a) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**K. Proposed Amendments to R. 5:8-5. Custody and Parenting Time/Visitation Plans, Recital in Judgment or Order**

**Establishment of a due date for filing a custody and parenting time/visitation plan following unsuccessful mediation**

The Committee considered the timing of the filing of a custody and parenting time/visitation plan where the parties have attended mediation but did not reach an agreement. The Committee recommends amending R. 5:8-5(a) to provide a custody and parenting time/visitation plan be filed at the conclusion of unsuccessful mediation, required pursuant to R. 1:40-5(a). Rule 5:8-5(a) presently provides these plans are to be filed no later than 75 days following the filing of the last responsive pleading. However, R. 5:8-5(a) was enacted prior to R. 1:40-5(a)(2), which requires custody disputes to be referred to mediation unless the matter involves domestic violence. The filing of a custody and parenting time/visitation plan, in cases not involving domestic violence, are now only necessary if mediation is unsuccessful.

Therefore, the Committee recommends the following.

## **Rule 5:8-5. Custody and Parenting Time/Visitation Plans, Recital in Judgment or Order**

### Rule 5:8-5. Custody and Parenting Time/Visitation Plans, Recital in Judgment or Order

(a) In any family action in which the parties cannot agree to a custody or parenting time/visitation arrangement, the parties must each [submit] file a Custody and Parenting Time/Visitation Plan [to the court no later than seventy-five (75) days after the last responsive pleading], which the court shall consider in awarding custody and fixing a parenting time or visitation schedule. The Custody and Parenting Time/Visitation Plan shall be filed no later than seventy-five (75) days after the last responsive pleading is filed. If, however, mediation as permitted by R. 1:40-5(a) is conducted, the Custody and Parenting Time/Visitation Plan shall be filed no later than 14 days following an unsuccessful mediation.

Contents of Plan. The Custody and Parenting Time/Visitation Plan shall include but shall not be limited to the following factors:

- (1) Address of the parties.
- (2) Employment of the parties.
- (3) Type of custody requested with the reasons for selecting the type of custody.
  - (a) Joint legal custody with one parent having primary residential care.
  - (b) Joint physical custody.
  - (c) Sole custody to one parent, parenting time/visitation to the other.
  - (d) Other custodial arrangement.
- (4) Specific schedule as to parenting time/visitation including, but not limited to, weeknights, weekends, vacations, legal holidays, religious holidays, school vacations, birthdays and special occasions (family outings, extracurricular activities and religious services).
- (5) Access to medical school records.

(6) Impact if there is to be a contemplated change of residence by a parent.

(7) Participation in making decisions regarding the child(ren).

(8) Any other pertinent information.

(b) . . . no change.

(c) . . . no change.

Note: Source-R. (1969) 4:79-8(e). Adopted December 20, 1983, to be effective December 31, 1983; amended July 14, 1992 to be effective September 1, 1992; new paragraph (c) adopted January 21, 1999 to be effective April 5, 1999; caption and paragraphs (a) and (c) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**L. Proposed Amendment to Appendix V - Family Part Case Information Statement**

**Recommendation to identify a request for contribution for anticipated college and post-secondary education expenses as an issue in dispute and the promulgation of a form listing required documents to be filed**

The Committee recommends amending the Family Part Case Information Statement (CIS)(Rules Appendix V) in two sections to (1) identify anticipated college and post-secondary expenses as an issue in dispute and (2) reference a list of the required documents to be filed in support thereof. The first amendment would be included in "Part A-Issues in Dispute" to identify anticipated college and post-secondary education expenses as an issue in dispute. The second amendment would be included in "Part G-Required Attachments" to reference a list of required documents and the list's location on the Judiciary website. See Attachment A – Rules Appendix V – Family Case Information Statement (CN 10482).

As to the list of required documents to be referenced in Part G of the CIS, the Committee recommends the promulgation of a form by the Administrative Director of the Courts, which will include the following items:

1. Documentation of costs as prepared or published by the college or university (room, board, tuition registration fees, books, computer costs and laboratory materials);
2. Cost of non-reoccurring initial setup of on or off-campus housing (such as furniture, linens, small appliances, television);
3. If off-campus housing, a comparison of on and off-campus costs (including a statement from the college or university of on-campus housing costs; a copy of proposed lease or other probative documentation of rentals in the area; cost of renter's insurance, if applicable; and anticipated utility costs if not included in the lease);
4. A statement from each college or university to which the child has applied regarding the application fee, along with a copy of the canceled check, credit card statement or other proof of payment of application fee(s);
5. Costs of transcripts from high school or prior college or university if transferring;

6. A statement and proof of payment for any preparatory or tutorial course (e.g., SAT preparation);

7. Proof of enrollment including, but not limited to, course schedule;

8. Proof of all financial aid, scholarships, grants and student loans and copies of all applications for financial aid, scholarships, grants and student loans;

9. Proof of existence of any accounts or other resources which may be used to satisfy college expenses;

10. The degree contemplated, including a description of degree-specific and general education requirements for degree completion and graduation;

11. Transportation and/or storage costs, including but not limited to those costs associated with travel to and from school for holidays, school recesses, while on campus (e.g., possible automobile maintenance or payments, gasoline, parking, or alternate travel expenses);

12. Number of credits (taken and achieved);

13. Proof of cell phone costs, landline telephone (if applicable), and/or internet access;

14. Cost of supplies (including, but not limited to, computer, printer, paper, pens, markers, calculators);

15. Cost of sundries (e.g., cleaning and laundry supplies);

16. Cost of toiletries;

17. Cost of entertainment for college events and organizations;

18. The amount of reasonable spending money;

19. Marginal cost of insurance coverage for the child (e.g., automobile, health and personal property);

20. If the child has worked in the past, proof of past earnings in the form of W-2, tax return;

21. Expenses related to equipment, travel, lodging, fees and other expenses related to the child's participation in sports or other extracurricular activities not covered by the university.

Adopted \_\_\_\_\_ to be effective \_\_\_\_\_, CN XXXXX

**M. Proposed Amendment to Rules Appendix IX-A - Considerations in Use of Child Support Guidelines, Section 21, Other Factors that May Require an Adjustment to a Guidelines-Based Award**

**Recommendation to permit adjustment of child support if substantiated financial obligations for elder care or a disabled family member exists before or after the filing of the child support action.**

The Committee considered whether Appendix IX-A (Considerations in the Use of Child Support Guidelines) should be amended to include substantiated financial obligations for elder care or disabled family members and whether consideration should be limited to obligations incurred after child support is initiated. Historically, this limitation was imposed to avoid parents manufacturing elder care expenses to reduce child support. With the elder care adjustment being in place for almost 20 years now, the Committee found no evidence of widespread misuse of the adjustment for elder care. Elder care obligations may cause a significant financial burden on families regardless of whether they arise before or after a child support action is initiated. The courts can fairly assess whether parents have legitimate elder care obligations in individual cases. The Committee recommended removing the limitation and including obligations incurred for the care of other disabled family members. The new text would read:

m. substantiated financial obligations for elder care [that existed before the filing of the support action];

n. substantial financial obligations for a disabled family member;

[Subsequent subparagraphs would be renumbered accordingly.]

The Committee recommends amendments to Rules Appendix IX-A. See Attachment B.

**N. Proposed Amendment to Rules Appendix XXVI- Guidelines for the Compensation of Mediators Serving in the Civil and Family Economic Mediation Programs.**

**Providing for collection of an unpaid mediator's bill in Family Part**

The Committee recommends amending Appendix XXVI to provide for collection of an unpaid mediator's bill in the Family Part, in addition to the current procedure in the Special Civil Part. Currently, Appendix XXVI does not provide for such application for fees to be filed in the Family Part. Rule 1:10-3 authorizes the Family Part to enforce an order for mediation inclusive of the payment provisions. Appendix XXVI currently permits a mediator or party to file an action to compel payment in the Special Civil Part, but does not restrict this procedure as the exclusive available remedy. The Committee believes the Family Part is in the best position to assess the reasonableness of the fees based on familiarity with the underlying case. The amended text would read as follows:

16. Collection of Unpaid Mediator's Bill/Failure to Mediate in Accordance with Order: If a mediator has not been timely paid or a mediator and/or a party has incurred unnecessary costs or expenses because of the failure of a party and/or counsel to participate in the mediation process in accordance with the Order of Referral to Mediation, the mediator, a [and/or] party may file [bring] an action to compel payment in the Family Part or in the Special Civil Part of the county in which the underlying case was filed. The Family Part may exercise other available remedies to compel payment.

Therefore, the Committee recommends amending Appendix XXVI. See Attachment C.

### **III. Proposed New Rules**

#### **A. Proposed New R. 5:4-5. Issuance of Summons for Dissolution Complaints**

##### **Proposed rule for the issuance of a summons**

The Committee recommends imposing a timeframe for a plaintiff to issue a summons following the filing of a dissolution complaint. There is currently no due date for the service of a dissolution complaint within the court rules. The Committee recommends requiring the plaintiff to issue the summons within 60 days from the date of filing of a dissolution complaint. If the plaintiff fails to do so, the Committee recommends including a procedure for the defendant to seek dismissal of the complaint or such other relief as is just and equitable. Such dismissal would be without prejudice unless otherwise specified in the order. The recommendation is intended to prevent a filing party from intentionally failing to serve a complaint to achieve a strategic advantage in a case. The Committee's recommendation is limited only to dissolution complaints.

**[New] Rule 5:4-5. Issuance of Summons for Dissolution Complaints**

Rule 5:4-5. Issuance of Summons for Dissolution Complaints [new]

Plaintiff shall cause a summons to issue within sixty (60) days of the filing of a dissolution complaint. Should plaintiff fail to issue a summons within sixty (60) days from the date of the filing of a dissolution complaint, a defendant may seek dismissal of the complaint or such other relief as is just and equitable. Such a dismissal shall be without prejudice unless otherwise specified in the order.

A. Note: Adopted \_\_\_\_\_ to be effective \_\_\_\_\_.

**B. Proposed New R. 5:6-9. Termination of Child Support Obligations**  
**Automatic termination of child support obligation**

The Committee recommends a new rule to conform to P.L. 2015, c. 223, effective February 1, 2017, which relates to child support matters. The recommendation is intended to implement court procedures relevant to the statute. The statute provides for the automatic termination of a child support obligation upon the child's 19th birthday, unless a court order specifies another age of termination or continued support is granted by the court. The obligation also terminates by operation of law on the date the child marries, dies, or enters military service. The new law allows for the continuation of child and/or medical support for certain cases in which the dependent is: still in high school or other secondary school; attending a full-time post-secondary education program; disabled; in an out-of-home placement through the Division of Child Protection and Permanency; or if the parties reach a separate agreement. Notwithstanding any provision in the statute, in no case may the obligation to pay current child support continue beyond the child's 23<sup>rd</sup> birthday. In addition, notices must be sent to all parties whose cases will be impacted by the new statute.

Therefore, the Committee recommends the following.

## **[New] Rule 5:6-9. Termination of Child Support Obligations**

### Rule 5:6-9. Termination of Child Support Obligations [new]

(a) Duration of Support. In accordance with N.J.S.A. 2A:17-56.67 et seq., unless otherwise provided in a court order or judgment, the obligation to pay current child support, including health care coverage, shall terminate by operation of law when the child being supported:

- (1) dies;
- (2) marries;
- (3) enters the military service; or
- (4) reaches 19 years of age, except as otherwise provided within this rule.

In no case shall a child support obligation extend beyond the date the child reaches the age of 23.

### (b) Termination of Obligation in Cases Administered by the Probation Division.

(1) Notices of Proposed Termination. Where no other emancipation date or termination has been ordered by the court, the Probation Division shall send the obligor and obligee notice of proposed termination of child support prior to the child reaching 19 years of age in accordance with N.J.S.A. 2A:17-56.67 et seq. Notices shall contain the proposed termination date and information for the obligee to submit a written request for continuation of support beyond the date the child reaches 19 years of age.

(2) Written Request for Continuation. In response to the notice prescribed in section (1), the obligee may submit to the court, a written request for continuation, on a form and within timeframes promulgated by the Administrative Office of the Courts, with supporting documentation and a future termination date, seeking the continuation of support beyond the child's 19<sup>th</sup> birthday if the child being supported:

- (A) is still enrolled in high school or other secondary educational program;

(B) is enrolled full-time in a post-secondary educational program; or

(C) has a physical or mental disability as determined by a federal or state agency that existed prior to the child reaching the age of 19 and requires continued support.

(3) Review of Written Request for Continuation. The Probation Division shall review the obligee's written request and documentation and shall make recommendation to the court as to whether the support obligation will continue beyond the child's 19<sup>th</sup> birthday. If sufficient proof has been provided, the court shall issue an order to both parties establishing the future termination date. If sufficient proof has not been provided, the court shall issue an order to both parties terminating the current support obligation as of the date of the child's 19<sup>th</sup> birthday. No additional notice shall be provided to the parties.

(4) No Response to Notice of Proposed Termination. If the Probation Division receives no response to the notices of proposed termination of child support, the court shall issue an order to both parties establishing the termination of obligation as of the child's 19<sup>th</sup> birthday. No additional notice shall be provided to the parties.

(5) Motion or Application. If a party disagrees with the termination or continuation order entered, the party may file a motion in a dissolution matter or an application in a non-dissolution or domestic violence matter requesting either termination or continuation of the child support obligation, as applicable.

(6) Arrears Remain Due and Enforceable. Any arrearages accrued prior to the date of termination shall remain due and enforceable by the Probation Division as appropriate until they are paid in full or the court terminates the Probation Division's supervision of the support order. Upon termination of an obligation to pay current support, the amount to be paid to satisfy the arrearage shall be the sum of the obligation amount in effect immediately prior to the

termination plus any arrears repayment amount if there are no other children remaining on the support order.

(7) Notice of Termination. Where an emancipation date or termination date has been ordered by the court, the Probation Division shall send the obligor and obligee notice of termination of child support prior to the child reaching the court ordered emancipation date or future termination date in accordance with N.J.S.A. 2A:17-56.67 et seq. Notice shall contain the date on which child support shall terminate and information regarding the adjustments that shall be made to the obligation, as applicable.

(8) Unallocated Orders. Whenever there is an unallocated child support order for two or more children and the obligation to pay support for one or more of the children is terminated pursuant to N.J.S.A. 2A:17-56.67 et seq., the amount to be paid prior to the termination shall remain in effect for the other children. Either party may file a motion in a dissolution matter or an application in a non-dissolution or domestic violence matter to adjust the support amount.

(9) Allocated Orders. Whenever there is an allocated child support order for two or more children and the obligation to pay support for one or more of the children is terminated pursuant to N.J.S.A. 2A:17-56.67 et seq., the amount to be paid shall be adjusted to reflect the reduction of the terminated obligation(s) for the other children. Either party may file a motion in a dissolution matter or an application in a non-dissolution or domestic violence matter to adjust the support amount.

(c) Termination or Continuation of Child Support Obligations Not Administered by the Probation Division. Where an obligor has been ordered to pay child support directly to the obligee, the child support obligation shall terminate by operation of law in accordance with

N.J.S.A. 2A:17-56.67 et seq., unless otherwise provided in a court order or judgment.

Notwithstanding any other provision of law, a party may file a motion in a dissolution matter or an application in a non-dissolution or domestic violence matter requesting termination or continuation of a child support obligation at any time, for good cause. The Probation Division shall not be required to provide any noticing, monitoring or enforcement services in any case where the obligor has been ordered to pay child support directly to the obligee.

(d) Other Reasons for Termination of Child Support Obligations. A party to a child support order, at any time, may file a motion in a dissolution matter or an application in a non-dissolution or domestic violence matter requesting termination of a child support obligation based upon good cause. Any arrearages accrued prior to the date of termination shall remain due and enforceable by the obligee or the Probation Division, as appropriate.

(e) Emancipation. Except as otherwise provided by these rules, and in accordance with N.J.S.A. 2A:34-23, N.J.S.A. 2A:17-56.67 et seq., and related case law, a party to a child support order, at any time, may file a motion in a dissolution matter or an application in a non-dissolution or domestic violence matter requesting emancipation of a child. Court ordered emancipation shall terminate the obligation of an obligor to pay current child support, as of the effective date set forth in the order of emancipation. Any arrearages accrued prior to the date of emancipation shall remain due and enforceable by the obligee or the Probation Division, as appropriate.

(f) Support for Children in Out-of-Home Placement through the Division of Child Protection and Permanency. A child support obligation payable to the Division of Child Protection and Permanency (DCP&P) for children in an out-of-home placement shall not be terminated by operation of law upon the child turning 19 years of age. A child support obligation

payable to DCP&P shall terminate upon notification that the child is no longer in placement or upon the child turning 23 years of age, whichever first occurs.

(g) Financial Maintenance for a Child Beyond 23 Years of Age. Pursuant to N.J.S.A. 2A:34-23, N.J.S.A. 2A:17-56.67 et seq., and related case law:

(1) a child beyond 23 years of age may apply to the court for an order requiring the payment of financial maintenance or reimbursement from a parent;

(2) a parent, or child over the age of 23, may apply to the court for an order converting a child support obligation to another form of financial maintenance in exceptional circumstances, including but not limited to the child's physical or mental disability that existed prior to the date the child reached the age of 23;

(3) Any arrearages accrued prior to the date of termination or conversion shall remain due and enforceable by the obligee or Probation Division, as appropriate; and

(4) Court ordered financial maintenance or reimbursement from a parent shall not be payable or enforceable as child support. The Probation Division shall not be required to provide any establishment, monitoring or enforcement of such maintenance or reimbursement order.

(h) Foreign Orders or Judgments. The provisions of N.J.S.A. 2A:17-56.67 et seq. shall not apply to child support provisions contained in orders or judgments entered by a foreign jurisdiction and registered in New Jersey for modification or enforcement pursuant to the "Uniform Interstate Family Support Act", N.J.S.A.2A:4-30.124 et seq.

**Note:** Adopted \_\_\_\_\_ to be effective \_\_\_\_\_..

**C. Proposed New R. 5:7B**

**Proposed new court rule to implement procedures to conform to P.L. 2015, c.147, Sexual Assault Survivor Protection Act of 2015 (SASPA), effective May 9, 2016.**

The Committee recommends new R. 5:7B to implement procedures conforming to P.L. 2015, c.147, Sexual Assault Survivor Protection Act of 2015 (SASPA), effective May 9, 2016. The law was intended to provide protection for victims of sexual assault on college campuses. However, any person who is a victim of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, and who does not fit the definition of a “victim” in the Prevention of Domestic Violence Act may file for a Protection Order.

## **[New] Rule 5:7B. Sexual Assault Survivor Protection Act**

### Rule 5:7B-1. Sexual Assault Survivor Protection Act: Protective Orders [new]

(a) Application for Temporary Protective Order. Except as provided in paragraph (b) herein, an applicant for a temporary protective order shall appear before a judge or domestic violence hearing officer to personally-testify upon the record or by sworn complaint submitted pursuant to N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15. If it appears that the order is necessary to protect the safety and wellbeing of the victim, the judge shall, upon consideration of the applicant's affidavit, complaint or testimony, order emergency relief including ex parte relief, in the nature of a temporary protective order as authorized by N.J.S.A. 2C:14-13 et seq.

(b) Issuance of Temporary Protective Order by Electronic Communication. A judge may issue a temporary protection order upon sworn oral testimony of an applicant who is not physically present. Such sworn oral testimony may be communicated to the judge by telephone, radio or other means of electronic communication. The judge assisting the applicant shall contemporaneously record such sworn oral testimony by means of a sound recording device or stenographic machine if such are available; otherwise, adequate longhand notes summarizing what is said shall be made by the judge. Subsequent to taking the oath, the applicant must identify himself or herself, specify the purpose of the request and disclose the basis of the application. This sworn testimony shall be deemed to be an affidavit for the purposes of issuance of a temporary protective order. A temporary protective order may issue if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown. Upon issuance

of the temporary protective order, the judge shall memorialize the specific terms of the order. This order shall be deemed a temporary protective order for the purpose of N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15.

(c) Temporary Protective Order. In court proceedings instituted under the Sexual Assault Survivor Protection Act of 2015, the judge shall issue a temporary protective order when the victim has been subject to nonconsensual sexual contact, sexual penetration, or lewdness, or an attempt at such conduct. The order may be issued ex parte when necessary to protect the safety and wellbeing of the victim on whose behalf the relief is sought.

(d) Final Protective Order. A final order restraining a defendant shall be issued only on a specific finding of nonconsensual sexual contact, sexual penetration, or lewdness, or an attempt at such conduct or on a stipulation by a defendant to the commission of an act or acts of sexual contact as defined by the statute.

(e) Venue in Sexual Assault Survivor Protection Act Proceedings. Venue in these actions shall be laid in the county where either of the parties resides, in the county where the offense took place or where the victim is sheltered. The final hearing is to be held in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere.

**Note:** Adopted \_\_\_\_\_ to be effective \_\_\_\_\_.

***D. Proposed New R. 5:7C – Limitations on Pretrial Incarceration***

**Limitation on incarcerating defendants pretrial no longer than the time they could serve if found guilty of the offense**

The Committee proposes a new rule consistent with the January 1, 2017 bail reform and speedy trial statutes to address limiting pretrial incarceration for a defendant who has been criminally charged with any offense involving domestic violence or the Sexual Assault Survivor Protection Act. The recommendation will ensure those defendants cannot be incarcerated pretrial longer than the time they could serve if found guilty. This recommendation is consistent with R. 7:8-11, effective January 1, 2017, which provides for that limitation on incarceration in municipal court matters.

Therefore, the Committee recommends the following new rule:

## **[New] Rule 5:7C. Limitations on Pretrial Incarceration**

### Rule 5:7C. Limitations on Pretrial Incarceration [new]

(a) Defendants Subject to Limitations on Pretrial Incarceration. This rule applies to a defendant for whom a Complaint-Warrant (CDR-2) has been issued and who: (1) has been charged with any offense under 2C:29-9(b) or 2C:29-9(d), along with any underlying offense and is detained pursuant to R. 3:4A, or (2) is detained in jail due to an inability to post monetary bail on the initial offense charged on a Complaint-Warrant (CDR-2). This rule only applies to a defendant who is arrested on or after January 1, 2017, regardless of when the offense giving rise to the arrest was allegedly committed.

(b) Limitation on Pretrial Incarceration. A defendant as described in subsection (a) above may not be incarcerated for a time period longer than the maximum period of incarceration for which the defendant could be sentenced for the initial offense charged on the Complaint-Warrant (CDR-2).

(c) Time Period of Pretrial Incarceration. This time period of incarceration starts on the day the defendant was initially taken into custody.

(d) Release. If a defendant is detained pursuant to subsection (a) of this rule and the maximum period of incarceration is reached pursuant to subsection (b) of this rule, the Superior Court shall establish conditions of pretrial release pursuant to R. 3:26 and release the defendant. For matters in which the defendant was issued a Complaint-Warrant (CDR-2), was charged with any offense under 2C:29-9b or 2C:29-9d along with any underlying offense and was detained pursuant to R. 3:4A, a Judge of the Superior Court shall conduct a release hearing and make the release decision. In matters in which the defendant has been issued a Complaint-Warrant (CDR-

2) and detained in jail due to an inability to post monetary bail on the initial offense charged, a judge with authority to modify the conditions of release shall make the release decision.

Note: Adopted \_\_\_\_\_ to be effective \_\_\_\_\_.

## **IV. Issues Considered Without Recommendation**

### **A. Non-Binding Arbitration as a Judicially Imposed Complementary Dispute Resolution Event**

The Committee considered whether a rule amendment is necessary to clarify that non-binding arbitration, as opposed to binding arbitration, is a judicially imposed complementary dispute resolution event following early settlement panel. The Committee concluded no rule change was necessary as the court rule amendments concerning complementary dispute resolution effective September 1, 2015 adequately address this issue and there would be no benefit from such a rule amendment.

### **B. Referencing Complementary Dispute Resolution Rules in Part V Rules**

The Committee reviewed the Part V rules to see if amendments are necessary to cross-reference the complementary dispute resolution rules which took effect September 1, 2015. The Committee concluded no changes were necessary.

### **C. Imposition of a Deadline to Render Decision Following Plenary Hearing or Trial**

The Committee considered whether a rule amendment is necessary to provide for a deadline for the trial court to render a decision following a plenary hearing or trial. Directive #11-05 (“Reserved Decisions”) addresses this issue. Pursuant to Directive #11-05, if a case or motion has been reserved for more than two months, that reserved matter is listed in the monthly Judicial Council agenda, with the appropriate Assignment Judge reporting to the Chief Justice and the Judicial Council on the status of each such reserved matter over two months old. Therefore, the Committee concluded a rule amendment is unnecessary.

**D. Proposed Amendment to R. 5:7-4(b)- Replace “Administered” with “Supervised” and Delete “Through the Probation Division”**

The Committee considered amending R. 5:7-4(b) to replace the word “administered” with “supervised” and to delete “through the Probation Division” from the last sentence. The court rules are replete with references to variations of the terms enforcement, supervision, monitoring, and administering services provided by the Probation Division (Probation) and the Committee concluded that, while consistency is a laudable goal, such an amendment might have unintended consequences for Probation. Therefore, no action is recommended.

**E. Proposed Amendment to R. 5:1-4 – Reference Track Assignments in Non-Dissolution Actions**

The Committee considered amending R. 5:1-4 to reference the track assignment language for non-dissolution actions, but concluded R. 5:5-7(c), which describes the complex track for non-dissolution matters, adequately addresses this situation.

**F. Proposed Amendment to R. 5:8-6 – Require Recording of In Camera Interviews of Children in Guardianship Cases**

The Committee considered amending R. 5:8-6 to require the recording of in camera interviews of children in guardianship cases. The Committee concluded no amendment to R. 5:8-6 was necessary because R. 5:3-2(a) already addresses this issue.

**G. Evidential Issues in Children in Court Matters**

The Committee considered amending R. 5:12-4(d) to extend the hearsay exception and certification procedures within N.J.S.A. 9:6-8.4(a)(3) to Title 30 cases, or to cover all providers' records rather than reports only, or to extend the rule to encompass providers and experts not engaged by the Division. The Committee concluded doing so would modify and extend a substantive statute by court rule, and these issues should be addressed by a legislative change. Therefore, the Committee recommends no action.

The Committee also considered amending R. 5:12-4 so statements made by defendants availing themselves of evaluation and treatment services in a child abuse or neglect case are deemed inadmissible in a related criminal case. The Committee concluded this issue is more appropriately addressed by legislation rather than by court rule and therefore recommends no action.

**H. Notice to Attorneys in Child Welfare Cases Where There is a Request for Confidential Division of Child Protection and Permanency (DCPP) Records in a Criminal Case**

The Committee discussed concerns about the lack of notice to attorneys in child welfare cases where there is a request in a criminal case for release of Division of Child Protection and Permanency (DCPP) records pursuant to N.J.S.A. 9:6-8.10a(b)(6). The Committee took no action, but instead recommended, by memorandum to the Administrative Director of the Courts, establishing a joint working group of the Criminal and Family Practice Committees to consider whether notice to affected parties should be addressed by court rule or by statute. If appropriate through rulemaking, then the Committee suggested the development of rule recommendations, setting forth notice requirements and the process for the attorneys in a Children in Court (CIC) case (those matters brought by DCPP) to address concerns regarding the records request with the Criminal Part. Such a rule would apply only to situations where the records request is made at the time the related CIC case is active.

**I. Affidavit of Insurance Coverage – Designation of Beneficiaries on Retirement Assets**

The Committee considered amending R. 5:4-2(f) to require the Affidavit or Certification of Insurance Coverage to include a designation of beneficiaries on retirement assets. The Committee concluded retirement plans are not insurance policies and such amendment would improperly expand the rule. Therefore, the Committee recommends no action on this issue.

**J. Allowing Victims in Domestic Violence Cases to Testify Remotely in Exceptional Cases**

The Committee considered Recommendation 3 of the Report of the Ad Hoc Committee on Domestic Violence to explore the development of court rules and procedures to allow domestic violence victims, in exceptional cases, to testify without being physically present in the courtroom for Final Restraining Order (FRO) Hearings. The Committee expressed numerous concerns regarding such a practice. These include: violation of due process rights of defendants; impairing cross-examination and the judge's ability to assess credibility because the testifying witness is not physically present in the courtroom; allowing the testifying witness to improperly access materials to aid in their testimony, which is not in view of the video monitor; and allowing testimony from a remote location gives the impression plaintiff's fear of the defendant prevents the plaintiff from appearing in court, which is highly prejudicial to a defendant. The Committee also expressed concerns about the cost of technology to implement such a process.

In weighing those concerns, the Committee recommends this issue not be addressed by a court rule. Although the Committee does not recommend the adoption of a court rule, the Committee notes this does not preclude a judge from exercising reasonable discretion to craft a procedure necessary in a matter deemed exceptional which would mandate the protection of a victim.

**K. Electronic Signatures on Documents and Court Orders Involving Child Protection Matters and Kinship Legal Guardianship**

The Committee considered a rule recommendation to allow electronic signatures in eFilings for documents and court orders as an acceptable alternative to a signature collected through an ink pen on paper in child protection and kinship legal guardianship matters. However, the Committee determined this issue is already addressed by R. 1:32-2A.

## V. Matters Held for Consideration

### A. Whether to Adjust the Child Support Guidelines Self-Support Reserve (SSR) - Rules Appendix IX-A, Section 7.h; Quadrennial Review of Child Support Guidelines

In the 2011-2013 rules cycle, the Committee completed a comprehensive quadrennial review of the New Jersey Child Support Guidelines, R. 5:6A, but carried the issue of adjusting the Self-Support Reserve (SSR) for further consideration. The SSR is a factor in calculating a child support award only when one or both of the parents have a low income based on the federal poverty level. The child support calculation must leave an obligated parent enough income to meet his or her own basic needs. The SSR is an amount calculated to ensure that a non-custodial parent (NCP) has sufficient income to maintain a basic subsistence level and the incentive to work so that child support can be paid. New Jersey's SSR formula employs a 105% above-the-poverty-line standard of need as established by the U.S. Department of Health and Human Services for a single individual living alone. As of January 25, 2016, the self-support reserve is \$240 per week.

The New Jersey Division of Family Development, Office of Child Support Services (OCSS), contracted with expert analysts to prepare and calculate simulations of child support guidelines for each of the SSR levels under consideration with a variety of incomes for custodial and non-custodial parents. OCSS has also retained economic experts for the next quadrennial review of the current child support guidelines during the 2017-2019 cycle.

The SSR issue and the upcoming quadrennial review relate to the same subject matter and should be analyzed together. Since the technical analysis of those issues by the experts retained will not be completed during the 2015-2017 term, the Committee recommends that the SSR issue be carried to the next rules cycle.

**B. Conflicts of interest in Children in Court Cases**

Based on the opinion set forth in Dept. of Child Protection and Permanency v. G.S. and K.S., 2016 N.J. Super. LEXIS145 (App. Div. 2016), the Committee is considering the issue of potential conflicts of interest as recommended by the appellate panel in G.S. As suggested in G.S., the Committee will consider representational issues when Office of Parental Representation staff attorneys in the same office represent different defendants in the same DCPD litigation.

As this issue cannot be resolved during the current rules cycle, the Committee will carry this issue to the 2017-2019 rules cycle.

**C. Process Whereby a Criminal Defendant or Victim can Apply to have a No Contact Provision or other Condition of a Summons Removed or Revised**

The Committee is considering a rule recommendation to address the situation where a defendant charged criminally with an offense involving domestic violence, or the victim, may apply to the court to have a no-contact or other provision of a summons revised or removed.

As this issue cannot be resolved during the current rules cycle, the Committee will carry this issue to the 2017-2019 rules cycle.

**D. Consider Rule Recommendations to Implement the "Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs Final Rule"**

The "Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs Final Rule" ("Final Rule") was issued by the federal Administration for Children and Families, Office of Child Support Enforcement on December 20, 2016. The goal of the Final Rule is to set realistic child support orders for non-custodial parents to pay regularly, rather than setting an unrealistically high child support obligation that results in higher rates of nonpayment. The Final Rule is expected to have an impact on the child support program and court practices. The

Committee is considering the adoption of a new court rule to implement the requirements of the Final Rule.

As this issue cannot be resolved during the current rules cycle, the Committee will carry this issue to the 2017-2019 rules cycle.

**E. When a Court Rule Authorizes the Administrative Director of the Courts to Promulgate a Form, the Rule Should Indicate that the Form is Located on the Judiciary's Website**

In the 2013-2015 term, the Committee recommended technical amendments to any court rule referencing forms promulgated or prescribed by the Administrative Director of the Courts to also include a reference to the Judiciary's website ([www.njcourtsonline.com](http://www.njcourtsonline.com)). This is intended to provide litigants and attorneys with easy access to forms on the Judiciary's website. The Committee recommends this issue be addressed in the Part I Rules, because other practice areas also have promulgated forms referenced by rule and located on the Judiciary website. This issue will be carried to the 2017-2019 rules cycle so other Practice Committees can be consulted on a rule recommendation.

## VI. Out of Cycle Activity

### A. Working Group on the Clarification of Divisions – Civil, Family or General Equity

A joint working group of the Family Practice and Civil Practice Committees was established to draft rule recommendations implementing policies the Supreme Court recently approved clarifying the hearing responsibilities of the various Parts of the Superior Court (Civil, Family or General Equity). The joint working group's rule recommendations will be presented to the Practice Committees for comment.

### B. Rule Governing Discovery in Juvenile Delinquency Matters

A joint working group of the Family Practice and Criminal Practice Committees was formed to consider rule recommendations consistent with State in the Interest of N.H., 226 N.J. 242 (2016), holding juveniles facing waiver to the Criminal Part are entitled to full discovery. The statutes and Court Rules do not expressly address discovery in juvenile cases. To clarify this area of law, the Court instructed the Family Practice and Criminal Practice Committees to develop a proposed rule to regulate timely discovery in juvenile proceedings. The Family Practice and Criminal Practice Committees are considering a rule recommendation proposed by the joint working group. This proposed rule recommendation is pending.

## Committee Members and Staff

Hon. Marie E. Lihotz, J.A.D. (Chair)  
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Respectfully submitted,

Hon. Marie E. Lihotz, P.J.A.D., Chair

Dated: January 20, 2017

## **List of Attachments**

- A.** Rules Appendix V - Family Case Information Statement (CN 10482)
- B.** Rules Appendix IX-A - Considerations in the Use of Child Support Guidelines
- C.** Rules Appendix XXVI - Guidelines for the Compensation of Mediators Serving in the Civil and Family Economic Mediation Programs

**Appendix V  
Family Part Case Information Statement**

**This form and attachments are confidential pursuant to Rules 1:38-3(d)(1) and 5:5-2(f)**

Attorney(s):  
Office Address:  
Tel. No./Fax No.  
Attorney(s) for:

	Plaintiff,
vs.	
	Defendant.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, FAMILY PART  
\_\_\_\_\_ COUNTY

DOCKET NO. \_\_\_\_\_  
CASE INFORMATION STATEMENT  
OF \_\_\_\_\_

**NOTICE:** This statement must be fully completed, filed and served, with all required attachments, in accordance with Court Rule 5:5-2 based upon the information available. In those cases where the Case Information Statement is required, it shall be filed within 20 days after the filing of the Answer or Appearance. Failure to file a Case Information Statement may result in the dismissal of a party's pleadings.

**INSTRUCTIONS:**

The Case Information Statement is a document which is filed with the court setting forth the financial details of your case. The required information includes your income, your spouse's/partner's income, a budget of your joint life style expenses, a budget of your current life style expenses including the expenses of your children, if applicable, an itemization of the amounts which you may be paying in support for your spouse/partner or children if you are contributing to their support, a summary of the value of all assets referenced on page 8 – **It is extremely important that the Case Information Statement be as accurate as possible because you are required to certify that the contents of the form are true.** It helps establish your lifestyle which is an important component of alimony/spousal support and child support.

The monthly expenses must be reviewed and should be based on actual expenditures such as those shown from checkbook registers, bank statements or credit card statements from the past 24 months. The asset values should be taken, if possible, from actual appraisals or account statements. If the values are estimates, it should be clearly noted that they are estimates.

According to the Court Rules, you **must** update the Case Information Statement as your circumstances change. For example, if you move out of your residence and acquire your own apartment, you should file an Amended Case Information Statement showing your new rental and other living expenses.

It is also very important that you **attach** copies of relevant documents as required by the Case Information Statement, including your most recent **tax returns with W-2 forms, 1099s and your three (3) most recent paystubs.**

If a request has been made for college or post-secondary school contribution, you must also attach all relevant information pertaining to that request, including but not limited to documentation of all costs and reimbursements or assistance for which contribution is sought, such as invoices or receipts for tuition, board and books; proof of enrollment; and proof of all financial aid, scholarships, grants and student loans obtained.

**Part A - Case Information:**

Date of Statement \_\_\_\_\_  
Date of Divorce, Dissolution of Civil Union or Termination of Domestic Partnership (post-Judgment matters) \_\_\_\_\_  
Date(s) of Prior Statement(s) \_\_\_\_\_  
Your Birthdate \_\_\_\_\_  
Birthdate of Other Party \_\_\_\_\_  
Date of Marriage, or entry into Civil Union or Domestic Partnership \_\_\_\_\_  
Date of Separation \_\_\_\_\_  
Date of Complaint \_\_\_\_\_  
Does an agreement exist between parties relative to any issue?  
If Yes, **ATTACH** a copy (if written) or a summary (if oral).

**Issues in Dispute:**

Cause of Action \_\_\_\_\_  
Custody \_\_\_\_\_  
Parenting Time \_\_\_\_\_  
Alimony \_\_\_\_\_  
Child Support \_\_\_\_\_  
Equitable Distribution \_\_\_\_\_  
Counsel Fees \_\_\_\_\_  
Anticipated College/Post-Secondary Education Expenses \_\_\_\_\_  
Other issues (be specific) \_\_\_\_\_  
 Yes  No.

1. Name and Addresses of Parties:

Your Name \_\_\_\_\_  
Street Address \_\_\_\_\_ City \_\_\_\_\_ State/Zip \_\_\_\_\_  
Other Party's Name \_\_\_\_\_  
Street Address \_\_\_\_\_ City \_\_\_\_\_ State/Zip \_\_\_\_\_

2. Name, Address, Birthdate and Person with whom children reside:

a. *Child(ren) From This Relationship*

Child's Full Name	Address	Birthdate	Person's Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. *Child(ren) From Other Relationships*

Child's Full Name	Address	Birthdate	Person's Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Part B - Miscellaneous Information:**

1. Information about Employment (Provide Name & Address of Business, if Self-employed)

Name of Employer/Business \_\_\_\_\_ Address \_\_\_\_\_  
Name of Employer/Business \_\_\_\_\_ Address \_\_\_\_\_

2. Do you have Insurance obtained through Employment/Business?  Yes  No. Type of Insurance:  
Medical  Yes  No; Dental  Yes  No; Prescription Drug  Yes  No; Life  Yes  No; Disability  Yes  No  
Other (explain) \_\_\_\_\_

Is Insurance available through Employment/Business?  Yes  No

Explain: \_\_\_\_\_

3. **ATTACH** Affidavit of Insurance Coverage as required by Court Rule 5:4-2 (f) (See Part G)

4. Additional Identification:

Confidential Litigant Information Sheet: Filed  Yes  No

5. **ATTACH** a list of all prior/pending family actions involving support, custody or Domestic Violence, with the Docket Number, County, State and the disposition reached. Attach copies of all existing Orders in effect.

**Part C. - Income Information:**

Complete this section for self and (if known) for other party. If W-2 wage earner, gross earned income refers to Medicare wages.

**1. Last Year's Income**

	Yours	Joint	Other Party
1. Gross earned income last calendar (year)	\$ _____	\$ _____	\$ _____
2. Unearned income (same year)	\$ _____	\$ _____	\$ _____
3. Total Income Taxes paid on income (Fed., State, F.I.C.A., and S.U.I.). If Joint Return, use middle column.	\$ _____	\$ _____	\$ _____
4. Net income (1 + 2 - 3)	\$ _____	\$ _____	\$ _____

**ATTACH** to this form a corporate benefits statement as well as a statement of all fringe benefits of employment. (See Part G)

**ATTACH** a full and complete copy of last year's Federal and State Income Tax Returns. **ATTACH** W-2 statements, 1099's, Schedule C's, etc., to show total income plus a copy of the most recently filed Tax Returns. (See Part G)

Check if attached:  Federal Tax Return  State Tax Return  W-2  Other

**2. Present Earned Income and Expenses**

	Yours	Other Party (if known)
1. Average gross weekly income (based on last 3 pay periods – <b>ATTACH</b> pay stubs) Commissions and bonuses, etc., are: <input type="checkbox"/> included <input type="checkbox"/> not included* <input type="checkbox"/> not paid to you. * <b>ATTACH</b> details of basis thereof, including, but not limited to, percentage overrides, timing of payments, etc. <b>ATTACH</b> copies of last three statements of such bonuses, commissions, etc.	\$ _____	\$ _____
2. Deductions per week (check all types of withholdings): <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> F.I.C.A. <input type="checkbox"/> S.U.I. <input type="checkbox"/> Other	\$ _____	\$ _____
3. Net average weekly income (1 - 2)	\$ _____	\$ _____

**3. Your Current Year-to-Date Earned Income**

Provide Dates: From \_\_\_\_\_ To \_\_\_\_\_

1. GROSS EARNED INCOME: \$ _____	Number of Weeks _____
2. TAX DEDUCTIONS: (Number of Dependents: _____)	
a. Federal Income Taxes	a. \$ _____
b. N.J. Income Taxes	b. \$ _____
c. Other State Income Taxes	c. \$ _____
d. F.I.C.A.	d. \$ _____
e. Medicare	e. \$ _____
f. S.U.I. / S.D.I.	f. \$ _____
g. Estimated tax payments in excess of withholding	g. \$ _____
h. _____	h. \$ _____
i. _____	i. \$ _____
TOTAL	\$ _____

3. GROSS INCOME NET OF TAXES \$ \_\_\_\_\_

4. OTHER DEDUCTIONS

If mandatory, check box

- a. Hospitalization/Medical Insurance a. \$ \_\_\_\_\_
- b. Life Insurance b. \$ \_\_\_\_\_
- c. Union Dues c. \$ \_\_\_\_\_
- d. 401(k) Plans d. \$ \_\_\_\_\_
- e. Pension/Retirement Plans e. \$ \_\_\_\_\_
- f. Other Plans - specify \_\_\_\_\_ f. \$ \_\_\_\_\_
- g. Charity g. \$ \_\_\_\_\_
- h. Wage Execution h. \$ \_\_\_\_\_
- i. Medical Reimbursement (flex fund) i. \$ \_\_\_\_\_
- j. Other \_\_\_\_\_ j. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

5. NET YEAR-TO-DATE EARNED INCOME: \$ \_\_\_\_\_

NET AVERAGE EARNED INCOME PER MONTH: \$ \_\_\_\_\_

NET AVERAGE EARNED INCOME PER WEEK \$ \_\_\_\_\_

**4. Your Year-to-Date Gross Unearned Income From All Sources**

(including, but not limited to, income from unemployment, disability and/or social security payments, interest, dividends, rental income and any other miscellaneous unearned income)

Source	How often paid	Year to date amount
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
TOTAL GROSS UNEARNED INCOME YEAR TO DATE		\$ _____

**5. Additional Information:**

- How often are you paid? \_\_\_\_\_
- What is your annual salary? \$ \_\_\_\_\_
- Have you received any raises in the current year?  Yes  No  
If yes, provide the date and the gross/net amount. \_\_\_\_\_
- Do you receive bonuses, commissions, or other compensation, including distributions, taxable or non-taxable, in addition to your regular salary?  Yes  No  
If yes, explain: \_\_\_\_\_
- Does your employer pay for or provide you with an automobile (lease or purchase), automobile expenses, gas, repairs, lodging and other.  Yes  No  
If yes, explain.: \_\_\_\_\_

6. Did you receive bonuses, commissions, or other compensation, including distributions, taxable or non-taxable, in addition to your regular salary during the current or immediate past 2 calendar years?  Yes  No  
If yes, explain and state the date(s) of receipt and set forth the gross and net amounts received:  
\_\_\_\_\_
7. Do you receive cash or distributions not otherwise listed?  Yes  No  
If yes, explain. \_\_\_\_\_
8. Have you received income from overtime work during either the current or immediate past calendar year?  Yes  No  
If yes, explain. \_\_\_\_\_
9. Have you been awarded or granted stock options, restricted stock or any other non-cash compensation or entitlement during the current or immediate past calendar year?  Yes  No  
If yes, explain. \_\_\_\_\_
10. Have you received any other supplemental compensation during either the current or immediate past calendar year?  Yes  No  
If yes, state the date(s) of receipt and set forth the gross and net amounts received. Also describe the nature of any supplemental compensation received.  
\_\_\_\_\_  
\_\_\_\_\_
11. Have you received income from unemployment, disability and/or social security during either the current or immediate past calendar year?  Yes  No  
If yes, state the date(s) of receipt and set forth the gross and net amounts received.  
\_\_\_\_\_
12. List the names of the dependents you claim: \_\_\_\_\_  
\_\_\_\_\_
13. Are you paying or receiving any alimony?  Yes  No  
If yes, how much and from or to whom? \_\_\_\_\_  
\_\_\_\_\_
14. Are you paying or receiving any child support?  Yes  No  
If yes, list names of the children, the amount paid or received for each child and to whom paid or from whom received.  
\_\_\_\_\_  
\_\_\_\_\_
15. Is there a wage execution in connection with support?  Yes  No  
If yes explain. \_\_\_\_\_
16. Does a Safe Deposit Box exist and if so, at which bank?  Yes  No
17. Has a dependent child of yours received income from social security, SSI or other government program during either the current or immediate past calendar year?  Yes  No  
If yes, explain the basis and state the date(s) of receipt and set forth the gross and net amounts received  
\_\_\_\_\_
18. Explanation of Income or Other Information:  
\_\_\_\_\_

**Part D - Monthly Expenses (computed at 4.3 wks/mo.)**

Joint Marital or Civil Union Life Style should reflect standard of living established during marriage or civil union. Current expenses should reflect the current life style. Do not repeat those income deductions listed in Part C – 3.

	Joint Life Style Family, including _____ children	Current Life Style Yours and _____ children
<b>SCHEDULE A: SHELTER</b>		
<b>If Tenant:</b>		
Rent .....	\$ _____	\$ _____
Heat (if not furnished) .....	\$ _____	\$ _____
Electric & Gas (if not furnished) .....	\$ _____	\$ _____
Renter’s Insurance .....	\$ _____	\$ _____
Parking (at Apartment) .....	\$ _____	\$ _____
Other charges (Itemize) .....	\$ _____	\$ _____
<b>If Homeowner:</b>		
Mortgage .....	\$ _____	\$ _____
Real Estate Taxes (if not included w/mortgage payment) .....	\$ _____	\$ _____
Homeowners Ins. (if not included w/mortgage payment) .....	\$ _____	\$ _____
Other Mortgages or Home Equity Loans .....	\$ _____	\$ _____
Heat (unless Electric or Gas) .....	\$ _____	\$ _____
Electric & Gas .....	\$ _____	\$ _____
Water & Sewer .....	\$ _____	\$ _____
Garbage Removal .....	\$ _____	\$ _____
Snow Removal .....	\$ _____	\$ _____
Lawn Care .....	\$ _____	\$ _____
Maintenance/Repairs .....	\$ _____	\$ _____
Condo, Co-op or Association Fees .....	\$ _____	\$ _____
Other Charges (Itemize) .....	\$ _____	\$ _____
<b>Tenant or Homeowner:</b>		
Telephone .....	\$ _____	\$ _____
Mobile/Cellular Telephone .....	\$ _____	\$ _____
Service Contracts on Equipment .....	\$ _____	\$ _____
Cable TV .....	\$ _____	\$ _____
Plumber/Electrician .....	\$ _____	\$ _____
Equipment & Furnishings .....	\$ _____	\$ _____
Internet Charges .....	\$ _____	\$ _____
Home Security System .....	\$ _____	\$ _____
Other (itemize) .....	\$ _____	\$ _____
<b>TOTAL</b>	\$ _____	\$ _____
<b>SCHEDULE B: TRANSPORTATION</b>		
Auto Payment .....	\$ _____	\$ _____
Auto Insurance (number of vehicles: _____) .....	\$ _____	\$ _____
Registration, License .....	\$ _____	\$ _____
Maintenance .....	\$ _____	\$ _____
Fuel and Oil .....	\$ _____	\$ _____
Commuting Expenses .....	\$ _____	\$ _____
Other Charges (Itemize) .....	\$ _____	\$ _____
<b>TOTAL</b>	\$ _____	\$ _____

SCHEDULE C: PERSONAL

	Joint Life Style Family, including _____ children	Current Life Style Yours and _____ children
Food at Home & household supplies .....	\$ _____	\$ _____
Prescription Drugs .....	\$ _____	\$ _____
Non-prescription drugs, cosmetics, toiletries & sundries .....	\$ _____	\$ _____
School Lunch .....	\$ _____	\$ _____
Restaurants .....	\$ _____	\$ _____
Clothing .....	\$ _____	\$ _____
Dry Cleaning, Commercial Laundry .....	\$ _____	\$ _____
Hair Care .....	\$ _____	\$ _____
Domestic Help .....	\$ _____	\$ _____
Medical (exclusive of psychiatric)* .....	\$ _____	\$ _____
Eye Care* .....	\$ _____	\$ _____
Psychiatric/psychological/counseling* .....	\$ _____	\$ _____
Dental (exclusive of Orthodontic)* .....	\$ _____	\$ _____
Orthodontic* .....	\$ _____	\$ _____
Medical Insurance (hospital, etc.)* .....	\$ _____	\$ _____
Club Dues and Memberships .....	\$ _____	\$ _____
Sports and Hobbies .....	\$ _____	\$ _____
Camps .....	\$ _____	\$ _____
Vacations .....	\$ _____	\$ _____
Children's Private School Costs .....	\$ _____	\$ _____
Parent's Educational Costs .....	\$ _____	\$ _____
Children's Lessons (dancing, music, sports, etc.) .....	\$ _____	\$ _____
Babysitting .....	\$ _____	\$ _____
Day-Care Expenses .....	\$ _____	\$ _____
Entertainment .....	\$ _____	\$ _____
Alcohol and Tobacco .....	\$ _____	\$ _____
Newspapers and Periodicals .....	\$ _____	\$ _____
Gifts .....	\$ _____	\$ _____
Contributions .....	\$ _____	\$ _____
Payments to Non-Child Dependents .....	\$ _____	\$ _____
Prior Existing Support Obligations this family/other families (specify) .....	\$ _____	\$ _____
Tax Reserve (not listed elsewhere) .....	\$ _____	\$ _____
Life Insurance .....	\$ _____	\$ _____
Savings/Investment .....	\$ _____	\$ _____
Debt Service (from page 7) (not listed elsewhere) .....	\$ _____	\$ _____
Parenting Time Expenses .....	\$ _____	\$ _____
Professional Expenses (other than this proceeding) .....	\$ _____	\$ _____
Pet Care and Expenses .....	\$ _____	\$ _____
Other (specify) .....	\$ _____	\$ _____

**\*unreimbursed only**

	TOTAL	\$ _____	\$ _____
Please Note: If you are paying expenses for a spouse or civil union partner and/or children not reflected in this budget, attach a schedule of such payments.			
Schedule A: Shelter .....		\$ _____	\$ _____
Schedule B: Transportation .....		\$ _____	\$ _____
Schedule C: Personal .....		\$ _____	\$ _____
		\$ _____	\$ _____
Grand Totals .....		\$ _____	\$ _____

**Part E - Balance Sheet of All Family Assets and Liabilities**

**Statement of Assets**

Description	Title to Property (P, D, J) <sup>1</sup>	Date of purchase/acquisition. If claim that asset is exempt, state reason and value of what is claimed to be exempt	Value \$ Put * after exempt	Date of Evaluation Mo./Day/ Yr.
1. Real Property				
2. Bank Accounts, CD's (identify institution and type of account(s))				
3. Vehicles				
4. Tangible Personal Property				
5. Stocks, Bonds and Securities (identify institution and type of account(s))				
6. Pension, Profit Sharing, Retirement Plan(s), 401(k)s, etc. (identify each institution or employer)				
7. IRAs				
8. Businesses, Partnerships, Professional Practices				
9. Life Insurance (cash surrender value)				
10. Loans Receivable				
11. Other (specify)				

TOTAL GROSS ASSETS: \$ \_\_\_\_\_  
 TOTAL SUBJECT TO EQUITABLE DISTRIBUTION: \$ \_\_\_\_\_  
 TOTAL NOT SUBJECT TO EQUITABLE DISTRIBUTION: \$ \_\_\_\_\_

<sup>1</sup> P = Plaintiff; D = Defendant; J = Joint  
 Revised to be effective \_\_\_\_\_, CN: 10482 (Court Rules Appendix V)  
**Attachment A**



**Part F - - Statement of Special Problems**

Provide a Brief Narrative Statement of Any Special Problems Involving This Case: As example, state if the matter involves complex valuation problems (such as for a closely held business) or special medical problems of any family member, etc.

**Part G - Required Attachments**

**Check If You Have Attached the Following Required Documents**

- 1. A full and complete copy of your last federal and state income tax returns with all schedules and attachments. (Part C-1)
- 2. Your last calendar year’s W-2 statements, 1099’s, K-1 statements.
- 3. Your three most recent pay stubs.
- 4. Bonus information including, but not limited to, percentage overrides, timing of payments, etc.; the last three statements of such bonuses, commissions, etc. (Part C)
- 5. Your most recent corporate benefit statement or a summary thereof showing the nature, amount and status of retirement plans, savings plans, income deferral plans, insurance benefits, etc. (Part C)
- 6. Affidavit of Insurance Coverage as required by Court Rule 5:4-2(f) (Part B-3)
- 7. List of all prior/pending family actions involving support, custody or Domestic Violence, with the Docket Number, County, State and the disposition reached. Attach copies of all existing Orders in effect. (Part B-5)
- 8. Attach details of each wage execution (Part C-5)
- 9. Schedule of payments made for a spouse or civil union partner and/or children not reflected in Part D.
- 10. Any agreements between the parties.
- 11. An Appendix IX Child Support Guideline Worksheet, as applicable, based upon available information.
- 12. If a request has been made for college or post-secondary school contribution, all relevant information pertaining to that request, including but not limited to documentation of all costs and reimbursements or assistance for which contribution is sought, such as invoices or receipts for tuition, board and books; proof of enrollment; and proof of all financial aid, scholarships, grants and student loans obtained. A complete list of those documents required can be found at [www.njcourts.gov](http://www.njcourts.gov).

I certify that, other than in this form and its attachments, confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

I certify that the foregoing information contained herein is true. I am aware that if any of the foregoing information contained therein is willfully false, I am subject to punishment.

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

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**CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES**

(Includes amendments through those effective \_\_\_\_\_, 2017)

1. Philosophy of the Child Support Guidelines . . . no change.
2. Use of the Child Support Guidelines As a Rebuttable Presumption . . . no change.
3. Deviating from the Child Support Guidelines . . . no change.
4. The Income Shares Approach to Sharing Child-Rearing Expenses . . . no change.
5. Economic Basis for the Child Support Guidelines . . . no change.
6. Economic Principles Included in the Child Support Guidelines . . . no change.
7. Assumptions Included in the Child Support Guidelines . . . no change.
8. Expenses Included in the Child Support Schedules) . . . no change.
9. Expenses That May Be Added to the Basic Child Support Obligation . . . no change.
10. Adjustments to the Support Obligation . . .no change.
11. Defining Income . . . no change.
12. Imputing Income to Parents . . . no change.
13. Adjustments for PAR Time (formerly Visitation Time) . . . no change.
14. Shared-Parenting Arrangements . . . no change.
15. Split-Parenting Arrangements . . . no change.
16. Child in the Custody of a Third Party . . . no change.
17. Adjustments for the Age of the Children . . . no change.
18. College or Other Post-Secondary Education Expenses . . . no change.
19. Determining Child Support and Alimony or Spousal Support Simultaneously . . . no change.
20. Extreme Parental Income Situations . . . no change.
21. Other Factors that May Require an Adjustment to a Guidelines-Based Award

At the court's discretion, the following factors may require an adjustment to a guidelines-based child support award:

- a. equitable distribution of property;
- b. income taxes;
- c. fixed direct payments (e.g., mortgage payments);

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- d. unreimbursed medical/dental expenses for either parent;
- e. tuition for children (i.e., for private, parochial, or trade schools, or other secondary schools, or post-secondary education);
- f. educational expenses for either parent to improve earning capacity;
- g. single family units (i.e., one household) having more than six children;
- h. cases involving the voluntary placement of children in foster care;
- i. special needs of gifted or disabled children;
- j. ages of the children;
- k. hidden costs of caring for children such as reduced income, decreased career opportunities, loss of time to shop economically, or loss of savings;
- l. extraordinarily high income of a child (e.g., actors, trusts);
- m. substantiated financial obligations for elder care [that existed before the filing of the support action];
- n. substantial financial obligations for a disabled family member;
- [n] o. the tax advantages of paying for a child's health insurance;
- [o] p. one obligor owing support to more than one family (e.g. multiple prior support orders);
- [p] q. a motor vehicle purchased or leased for the intended primary use of a child subject to the support order;
- [q] r. parties sharing equal parenting time; and
- [r] s. overnight adjustment for multiple children with varying parenting time schedules.

The court may consider other factors that could, in a particular case, cause the child support guidelines to be inapplicable or require an adjustment to the child support award. In all cases, the decision to deviate from the guidelines shall be based on the best interests of the child. All deviations from the guidelines-based award and the amount of the guidelines-based award must be stated in writing in the support order or on the guidelines worksheet.

- 22. Stipulated Agreements . . . no change.
- 23. Modification of Support Awards . . . no change.
- 24. Effect of Emancipation of a Child . . . no change.
- 25. Support for a Child Who has Reached Majority . . . no change.
- 26. Health Insurance for Children . . . no change.

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- 27. Unpredictable, Non-Recurring Unreimbursed Health-Care In Excess of \$250 Per Child Per Year . . . no change.
- 28. Distribution of Worksheets and Financial Affidavits . . . no change.
- 29. Background Reports and Publications . . . no change.

## Appendix XXVI

### RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY APPENDIX XXVI

#### Guidelines for the Compensation of Mediators Serving in the Civil and Family Economic Mediation Programs

These guidelines apply to the compensation that may be charged by all mediators serving in the Statewide Mediation Program for Civil, General Equity, and Probate cases, and, where applicable, to mediators serving in the Family Economic Mediation Program.

1. First Two Hours Free: . . . no change.
2. Time Spent Before Initial Mediation Session: . . . no change.
3. Substitute Mediators: . . . no change.
4. Mediation Involving Mentoring: . . . no change.
5. Non-Roster Mediators: . . . no change.
6. Cost of Organizational Conference Call: . . . no change.
7. Non-Party Participation: . . . no change.
8. Continuing the Mediation: . . . no change.
9. Newly Added Parties: . . . no change.
10. Allocation of Mediation Fees and Expenses: . . . no change.
11. Mediator's Expenses: . . . no change.
12. Failure to Appear or Cancel Timely: . . . no change.
13. Submission of Mediator's Bills: . . . no change.
14. Location of Mediation Sessions: . . . no change.
15. Pre-Mediation Submissions and Preparation: . . . no change.

16. Collection of Unpaid Mediator's Bill/Failure to Mediate in Accordance with Order: If a mediator has not been timely paid or a mediator and/or a party has incurred unnecessary costs or expenses because of the failure of a party and/or counsel to participate in the mediation process in accordance with the Order of Referral to Mediation, the mediator, a [and/or] party may file [bring] an action to compel payment in the Family Part or in the Special Civil Part of the county in which the underlying case was filed. The Family Part may exercise other available remedies to compel payment.

Note: Appendix XXVI adopted July 27, 2006 to be effective September 1, 2006; Guideline 15 amended June 15, 2007 to be effective September 1, 2007; caption and introductory text amended, and Guidelines 2, 4, 9, 12, and 15 amended July 16, 2009 to be effective September 1, 2009; Guidelines 1, 2, 4 (including caption), 7, 10, 12 and 15 amended July 21, 2011 to be effective September 1, 2011; Guideline 2 amended, new Guideline 4 caption and text adopted, former Guideline 4 redesignated as Guideline 5, former Guideline 5 amended and redesignated as Guideline 6, former Guideline 6 redesignated as Guideline 7, former Guideline 7 amended and redesignated as Guideline 8, former Guideline 8 redesignated as Guideline 9, former Guideline 9 amended and redesignated as Guideline 10, former Guideline 10 amended and redesignated as Guideline 11, former Guideline 11 amended and redesignated as Guideline 12, former Guideline 12 redesignated as Guideline 13, former Guideline 13 redesignated as Guideline 14, former Guideline 14 redesignated as Guideline 15, and former Guideline 15 redesignated as Guideline 16, July 27, 2015 to be effective September 1, 2015; Guideline 16 amended \_\_\_\_\_ to be effective \_\_\_\_\_.