

Filer Information

Name: _____

NJ Attorney ID Number: _____

Address: _____

Phone Number: _____

Email Address: _____

Plaintiff

v.

DefendantSuperior Court of New Jersey
Chancery Division – Family Part

County _____

Docket Number FM- _____

Civil Action**Certification in Support of
Judgment of Divorce
Without a Court Appearance**

I _____, of full age, hereby certify:

I. Cause of Action**The plaintiff must check all boxes that apply in 1(a) through 1(e).**

1. I am the plaintiff, and I am filing this Certification in support of my request for a Judgment of Divorce without appearing in court.
 - ☐ a. I filed a Complaint for Divorce, Dissolution of Civil Union, Termination of Domestic Partnership, or Annulment.
 - ☐ b. I certify to the truth of the Complaint.
 - ☐ c. The defendant filed an Answer, Counterclaim, General Appearance, or Acknowledgment of Service. I read the defendant's Answer/Counterclaim.
 - ☐ d. The defendant did not file an Answer, Counterclaim, General Appearance or Acknowledgment of Service and I filed a Request to Enter Default.
 - ☐ e. I do not want to reconcile with the defendant.

The defendant must check all boxes that apply in 2(a) through 2(d).

2. I am the defendant, and I am filing this Certification in support of my request for a Judgment of Divorce without appearing in court.
 - ☐ a. I read the plaintiff's Complaint.
 - ☐ b. I filed a Counterclaim for Divorce, Dissolution of Civil Union, Termination of Domestic Partnership, or Annulment.
 - ☐ c. I certify to the truth of the Counterclaim.
 - ☐ d. I do not want to reconcile with the plaintiff.

The person completing this form (plaintiff or defendant) must check all boxes that apply in 3 through 9.

- ☐ 3. I am aware that I have a right to a trial, and I am waiving that right.
- ☐ 4. I am aware that if there is a trial, the outcome could be different.
- 5. ☐ a. There are no other closed or open cases in this court or any other court between me and the other party.

OR

- ☐ b. The following is a list of other closed or open cases between me and the other party. (Provide the court address, case caption, docket/case number, and the status of each case.)

- 6. If you do not have a written agreement that describes how property will be divided, check the box below.
 - ☐ No property was bought, owned, or received during the marriage that needs to be legally divided.
- 7. If you do not have a written agreement that describes how child support, custody, or parenting time will be handled, check the box below.
 - ☐ I am not seeking child support, custody, or parenting time.
- ☐ 8. I request that the prior court orders that are described in, and attached to, the proposed Final Judgment of Divorce stay in effect and be included as part of the Final Judgment of Divorce.
- ☐ 9. I further certify to the following. (Check all boxes that apply.)
 - ☐ a. There is no other property or debt to be divided.
 - ☐ b. There are no other issues between the plaintiff and defendant.
 - ☐ c. I understand that any prior court orders that are not described in the Final Judgment of Divorce will be vacated/void. I also understand that any restraining order between the plaintiff and defendant that was entered under the Prevention of Domestic Violence Act will continue to be valid after the Judgment of Divorce is final.
 - ☐ d. I am the plaintiff in a domestic violence case with the other party and have a restraining order against them. I want the restraining order to continue after the Judgment of Divorce is final.

II. Property or Marital Settlement Agreement

If the plaintiff and defendant have an agreement they must check all boxes that apply in 1 through 12.

I have reached an agreement with the other party, and I certify to the following:

- ☐ 1. I understand that I have the right to have the Property/Marital Settlement Agreement (Agreement) reviewed by an independent person.
- ☐ 2. I understand that I am giving up my right to an independent review of the Agreement.
- ☐ 3. The Agreement was the result of negotiations between the plaintiff and defendant.
- ☐ 4. I request that the Agreement be made part of the Final Judgment of Divorce.
- ☐ 5. I have read and understand the Agreement fully and I believe that it is fair and reasonable.
- ☐ 6. I understand that the court is not going to review or make any decisions about the Agreement. The court will only confirm that the plaintiff and defendant understand the Agreement and agree that it is fair and reasonable.
- ☐ 7. I was not coerced or forced into signing the Agreement.
- ☐ 8. I agree to follow the terms of the Agreement.
- ☐ 9. I understand that if the Agreement is made a part of the Final Judgment of Divorce, it can be enforced by the court.
- ☐ 10. I am not under the influence of any drugs or alcohol that would impair my ability to understand the nature or terms of the Agreement. I was not under the influence of any drugs or alcohol when I negotiated, read, and signed the Agreement.
- 11. Alimony (Check box (a) or (b).)
 - ☐ a. Alimony is not being paid as part of the Agreement. (If you check box (a) you must also check **one** of the boxes below.)
 - ☐ 1) My lifestyle after the marriage can be the same as it was during the marriage without receiving alimony;

OR

 - ☐ 2) My lifestyle after the marriage cannot be the same as it was during the marriage without receiving alimony. I want to enter into the Agreement knowing that my lifestyle cannot be the same. I believe the Agreement is fair and reasonable based on the facts and circumstances.
 - ☐ b. Alimony is being paid as part of the Agreement. (If you check box (b) you must also check **one** of the boxes below.)
 - ☐ 1) My lifestyle after the marriage can be the same as it was during the marriage with alimony;

OR

- ☐ 2) My lifestyle after the marriage cannot be the same as it was during the marriage with alimony. I want to enter into the Agreement knowing that my lifestyle cannot be the same. I believe the agreement is fair and reasonable based on the facts and circumstances.

- ☐ 12. This Agreement includes all the terms agreed to by the plaintiff and defendant. There are no other issues, oral agreements, or side agreements that are not included in this Agreement.

III. Name Change

If the plaintiff or defendant are requesting a name change they must check boxes 1 through 3 and file the *Dissolution (FM) Judgment for Name Change* and *FM Judgment for Name Change Addendum* form (CN 13146).

I request to have my name changed and I certify that:

- ☐ 1. I have not been convicted of a crime under the name I used during the marriage/civil union/domestic partnership, and
- ☐ 2. I am not being criminally investigated or prosecuted, and
- ☐ 3. I am not changing my name to avoid creditors.

I certify that the statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment by the court.

Date

s/

Signature of ☐ Plaintiff ☐ Defendant



New Jersey Judiciary

Requirements and Instructions to Request a Divorce Without Appearing in Court (Divorce on the Papers)

If you filed for divorce, dissolution of civil union, termination of domestic partnership, or annulment and want to finalize it without appearing in court you can request this **only if** it is a default divorce or uncontested divorce.

Note: The judge still can require you to appear in court. If this is necessary, you will be notified.

Default divorce – You are the only party initiating the divorce because the other party has not responded.

You also can ask to:

1. include a Property or Marital Settlement Agreement signed by both parties, and/or
2. change your last name.

Uncontested divorce – Both parties agree on the divorce and its terms, and both parties file the required documents.

You also can ask to:

1. include a Property or Marital Settlement Agreement signed by both parties, and/or
2. include prior court orders that resolve finances, property, custody, parenting time, or child support.
3. change your last name.

Plaintiff's instructions for default divorce

If the defendant did not file any response or counterclaim, file the following documents:

1. [Certification in Support of Judgment of Divorce without a Court Appearance](#) (CN 12620)
2. Proof of Service of the Complaint to the defendant.
3. If applicable, Proof of Service of the Complaint to a third party in cases of adultery.
4. Request to enter default.
5. If applicable, Property or Marital Settlement Agreement.
6. Proposed Final Judgment of Divorce.
 - Include a statement that:
 - a. The case was decided based on the papers filed and without a court hearing, and
 - b. The court did not review or evaluate the Property or Marital Settlement Agreement, if there is a signed agreement.
 - If you want the court to include prior court orders that resolve finances, property, custody, parenting time, or child support include a list of the orders and a copy of each order.

7. [Dissolution \(FM\) Judgment for Name Change and Dissolution \(FM\) Judgment for Name Change Addendum](#) (CN 13146). Use this form if the plaintiff is requesting a name change.
8. [Certification or Affidavit of Non-Military Service](#) (CN 11191).

Plaintiff's instructions for uncontested divorce

File the following documents:

1. [Certification in Support of Judgment of Divorce without a Court Appearance](#) (CN 12620)
2. Proof of Service of the Complaint to the defendant.
3. If applicable, Proof of Service of the Complaint to a third party in cases of adultery.
4. If applicable, Property or Marital Settlement Agreement.
5. Proposed Final Judgment of Divorce.
 - Include a statement that:
 - a. The case was decided based on the papers filed and without a court hearing, and
 - b. The court did not review or evaluate the Property or Marital Settlement Agreement, if there is a signed agreement.
 - If you want the court to include prior court orders that resolve finances, property, custody, parenting time, or child support include a list of the orders and a copy of each order.
6. [Dissolution \(FM\) Judgment for Name Change and Dissolution \(FM\) Judgment for Name Change Addendum](#) (CN 13146). Use this form if the plaintiff is requesting a name change.

Defendant's instructions for uncontested divorce

File the following documents:

1. [Certification in Support of Judgment of Divorce without a Court Appearance](#) (CN 12620).
If the defendant does not file this certification, a court hearing may be scheduled.
2. [Dissolution \(FM\) Judgment for Name Change and Dissolution \(FM\) Judgment for Name Change Addendum](#) (CN 13146). Use this form if the defendant is requesting a name change.

Note: If any of the above documents have been previously filed, they do not need to be filed again.