SUPREME COURT OF NEW JERSEY

ORDER

It is ORDERED that the attached amendments to Rule 5:8-1 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court
 Deborah T. Poritz
 Chief Justice
 Dated: September 17, 2001

5:8 - 1. Investigation Before Award

In family actions where the court finds that the custody of children is a genuine and substantial issue the court shall refer the case to mediation in accordance with the provisions of R. 1:40B5. If the mediation is not successful in resolving custody issues, the court may before final judgment or order, require an investigation to be made by the <u>Family Division</u> [county probation office] of the character and fitness of the parties, the economic condition of the family and the financial ability of the party to pay alimony or support or both. In other family actions the court may, if the public interest so requires, order such an investigation. The court may continue any family action for the purpose of such investigation, but shall not withhold the granting of any temporary relief by way of alimony or support or both under R. 5:7B2 where the circumstances require. Such investigation of the parties shall be conducted by the <u>Family Division</u> [probation office] of the county of venue, notwithstanding that one of the parties may live in another county, and the <u>Family Division</u> [probation office] shall file its report with the court no later than 45 days after its receipt of the judgment or order requiring the investigation, unless the court otherwise provides. Such investigation of the parties shall be conducted by the probation office of the county of the home state of the child, notwithstanding that one of the parties may live in another country or state.

Note: Source - R. (1969) 4:79B8(a). Adopted December 20, 1983, to be effective December 31, 1983; amended November 7, 1988 to be effective January 2, 1989; amended July 14, 1992, to be effective September 1, 1992; <u>amended September 17, 2001 to be effective immediately</u>.

Notices to the Bar