

NOTICE TO THE BAR

Rescission of Supplement to Directive #2-04

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To: Assignment Judges

From: Theodore J. Fetter
Deputy Administrative Director of the Courts

Subj: Rescission of September 14, 2004 Supplement to Directive #2-04 -- Child Support Enforcement Counsel – Supreme Court Stay of Appellate Division Decision in Pasqua v. Council

Date: September 22, 2004

By order of September 22, 2004 the Supreme Court granted plaintiffs' motion to stay the Appellate Division's September 10, 2004 decision in Pasquav. Council, A-6875-02T3, pending disposition of the petition for certification. That Appellate Division decision reversed the order of the Law Division in Pasqua v. Council, MER-L-406-03, entered on April 24, 2003 (supplemental opinion about counsel fees entered on July 11, 2003), which had held that child support obligors facing coercive incarceration at a hearing to enforce litigants rights have a constitutional right to counsel.

In light of the Court's stay of the Appellate Division's decision, my September 14, 2004 memorandum, denoted as a Supplement to Directive #2-04 and withdrawing certain portions of that Directive, is hereby rescinded. This rescission thus has the effect of reinstating Directive #2-04 in its entirety.

T.J.F.