SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 1, 2017.

For the Court,

Chief Justice

Dated: July 28, 2017

The Rules and Appendices Amended and Adopted by this Order Are as Follows:

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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); in non-dissolution actions, either a verified complaint/counterclaim form or a non-conforming complaint and completed supplemental form as required by R. 5:4-2(i); 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)(2) amended July 19, 2012 to be effective September 4, 2012; subparagraph (c)(1)(C) amended July 9, 2013 to be effective September 1, 2013; new subparagraph (b)(8) added August 1, 2016 to be effective September 1, 2016; subparagraph (c)(1)(C) amended July 28, 2017 to be effective September 1, 2017.

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 has been subpoenaed by a Law Guardian 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 shall so 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.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 July 28, 2017 to be effective September 1, 2017.

1:11-2. Withdrawal or Substitution

(a) Generally. Except as otherwise provided by R. [5:3-5(d)] 5:3-5(e) (withdrawal in a civil family action),

(1) prior to the entry of a plea in a criminal action or prior to the fixing of a trial date in a civil action, an attorney may withdraw upon the client's consent provided a substitution of attorney is filed naming the substituted attorney or indicating that the client will appear pro se. If the client will appear pro se, the withdrawing attorney shall file a substitution. [An attorney retained by a client who had appeared pro se shall file a substitution.] If a mediator has been appointed, the attorney shall serve a copy of the substitution of attorney on that mediator simultaneously with the filing of the substitution with the court, and

(2) after the entry of a plea in a criminal action or the fixing of a trial date in a civil action, an attorney may withdraw without leave of court only upon the filing of the client's written consent, a substitution of attorney executed by both the withdrawing attorney and the substituted attorney, a written waiver by all other parties of notice and the right to be heard, and a certification by both the withdrawing attorney and the substituted attorney that the withdrawal and substitution will not cause or result in delay.

(3) In a criminal action, no substitution shall be permitted unless the withdrawing attorney has provided the court with a document certifying that he or she has provided the substituting attorney with the discovery that he or she has received from the prosecutor.

(b) Professional Associations. ... no change

(c) Appearance by Attorney for Client Who Previously Had Appeared Pro Se. Where an attorney is seeking to appear representing a client who previously appeared pro se, the attorney must file a notice of appearance, not a substitution of attorney, and pay the appropriate notice of appearance fee.

Note: Source - R.R. 1:12-7A; amended July 16, 1981 to be effective September 14, 1981; amended November 7, 1988 to be effective January 2, 1989; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; amended and paragraph designations and captions added January 21, 1999 to be effective April 5, 1999; paragraphs (a)(1) and (a)(2) amended July 27, 2006 to be effective September 1, 2006; subparagraph (a)(1) amended July 19, 2012 to be effective September 4, 2012; new paragraph (a)(3) adopted December 4, 2012 to be effective January 1, 2013; paragraph (a) amended and new paragraph (c) added July 28, 2017 to be effective September 1, 2017.

Rule 1:20-6. Hearings

(a) . . . no change

(b) Special Ethics Masters.

(1) . . . no change

(2) Appointment; Compensation. Special ethics masters shall be appointed by, and shall serve at the pleasure of, the Supreme Court under the administration of the Director of the Office of Attorney Ethics. Attorneys shall be paid the per diem rate in effect for single arbitrators under R. 4:21A-2(d)(1). The full per diem rate shall be paid for each day of a prehearing conference or hearing, or part thereof, [but shall not be paid for separate days] and for each day or part thereof for opinion preparation. The number of days or part thereof that are paid for opinion preparation in a particular matter may not exceed the total number of days that are paid in that matter for prehearing conference and hearing. A reasonable additional amount may be paid for actual typing expenses. Retired judges may serve pro bono or with compensation or, if they are on recall, shall be paid at the rate in effect for judges on recall service.

(3) ...no change

(4) ...no change

(c) ... no change

(d) ... no change

(e) ... no change

Note: Adopted January 31, 1995 to be effective March 1, 1995; paragraph (c) amended July 25, 1995 to be effective immediately; paragraph (b)(2) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(1), (a)(2), and (c)(2)(E)(i) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (b) amended, paragraph (c) caption and text amended, former paragraph (d) deleted, and new paragraph (d) adopted July 28, 2004 to be effective September 1, 2004; new paragraph (e) adopted July 27, 2006 to be effective September 1, 2006; subparagraph (c)(2)(F) amended August 1, 2006 to be effective September 1, 2006; subparagraphs (b)(1) and (c)(2)(A) amended July 9, 2008 to be effective September 1, 2008;

paragraph (b)(3) amended December 8, 2010 to be effective January 1, 2011; subparagraph (b)(2) amended July 28, 2017 to be effective September 1, 2017.

1:20-9. Confidentiality; Access to and Dissemination of Disciplinary Information

(a) ... no change

(b) ... no change

(c) . . . no change

(d) Public Records.

(1) ... no change

(2) ... no change

(3) ... no change

(4) Ethics Committees, Office of Attorney Ethics or the Board may [impose a reasonable] charge for copies of records in accordance with R. 1:38-9 [the actual cost of reproducing public documents].

(5) [The following records are also public for purpose of inspection:] The District Ethics Committee Manual and the District Fee Arbitration Manual also are public documents, copies of which shall be available from [These manuals may be inspected at] the Office of Attorney Ethics, the Disciplinary Review Board and the secretaries of the respective Ethics Committees and Fee Committees.

(e) . . . no change

(f) ... no change

(g) ... no change

(h) ... no change

(i) ... no change

(j) ... no change

(k) ... no change

(l) ... no change

(m) ... no change

(n) ... no change

(o) ... no change

(p) ... no change

Note: Former R. 1:20-9 redesignated R. 1:20-12, new text adopted January 31, 1995 to be effective March 1, 1995; paragraph (k) amended July 10, 1998 to be effective September 1, 1998; paragraphs (d) and (g) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a), (b), (c), (f), (g), (i), (k), (l), (m), and (n) amended, and paragraphs (e) and (j) caption and text amended July 28, 2004 to be effective September 1, 2004; paragraph (a) caption and text amended, new paragraph (b) adopted, former paragraphs (b), (c), and (h) amended and redesignated as paragraphs (c), (d), and (i), former paragraphs (d), (e), (f), (g), (i), (j), (k), (l), (m), (n), and (o) redesignated as paragraphs (e), (f), (g), (h), (j), (k), (l), (m), (n), (o), and (p) July 27, 2006 to be effective September 1, 2006; corrective amendment to paragraph (b) adopted September 26, 2006 to be retroactive to September 1, 2006; paragraph (a), subparagraphs (d)(1) and (f)(1), and paragraph (k) amended July 9, 2008 to be effective September 1, 2008; subparagraphs (d)(4) and (d)(5) amended July 28, 2017 to be effective September 1, 2017.

1:32-2A. Electronic Court Systems, Electronic Records, Electronic Signatures, Metadata

(a) Authorization of Electronic Court Systems. ... no change

(b) Force and Effect of Data and Documents Submitted or Maintained Electronically. ... no change

(c) Electronic Signatures. ... no change

(d) Metadata. Filers are on notice that any document being submitted to the Judiciary for electronic filing may contain metadata, which is embedded information in electronic documents, including possibly personal identifiers, that is generally hidden from view. Filers are required by Rule 1:38-7 to remove all confidential personal identifiers from documents prior to submitting such documents for electronic filing. It is the responsibility of filers to remove any metadata in documents that they do not want to become part of the public record before submitting such documents for electronic filing. To remove metadata from a document after it has been filed, the filer must file a motion to remove the metadata or to replace the document with a version that does not contain the metadata. Metadata in a submitted document not removed by the filer is subject to public disclosure.

Note: New rule adopted July 9, 2013 to be effective September 1, 2013; caption amended and new paragraph (d) adopted July 28, 2017 to be effective September 1, 2017.

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 26, 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; subparagraph (b)(1) amended May 30, 2017 to be effective immediately; paragraph (a) and subparagraphs (d)(1) and (d)(13) amended July 28, 2017 to be effective September 1, 2017.

1:40-4. Mediation – General Rules

(a) Referral to Mediation . . . no change.

(b) Compensation and Payment of Mediators Serving in the Civil and Family Economic Mediation Programs. The real parties in interest in Superior Court, except in the Special Civil Part, assigned to mediation pursuant to this rule shall equally share the fees and expenses of the mediator on an ongoing basis, subject to court review and allocation to create equity. Any fee or expense of the mediator shall be waived in cases, as to those parties exempt, pursuant to R. 1:13-2(a). Subject to the provisions of Guidelines 2 and 15 in Appendix XXVI, Guidelines for the Compensation of Mediators, if the parties select a mediator from the court's rosters of civil and family mediators, the parties may opt out of the mediation process after the mediator has expended two hours of service, which shall be allocated equally between preparation and the first mediation session, and which shall be at no cost to the parties. As provided in Guideline 7 in Appendix XXVI, fees for roster mediators after the first two free hours shall be at the mediator's market rate as set forth on the court's mediation roster. As provided in Guideline 4 in Appendix XXVI, if the parties select a non-roster mediator, that mediator may negotiate a fee and need not provide the first two hours of service free. When a mediator's fee has not been paid, collection shall be in accordance with Guideline 16 of Appendix XXVI. Specifically, the remedy for a family mediator to compel payment is either by an application, motion or order to show cause in the Family Part or by a separate collection action in the Special Civil Part (or in the Civil Part if the amount exceeds the jurisdictional limit of the Special Civil Part). The remedy for a civil mediator to compel payment is a separate collection action in the Special Civil Part (or in the Civil Part if the amount exceeds the jurisdictional limit of the Special Civil Part). Any action to compel payment may be brought in the county in which the mediation order originated. The

remedy for a party and/or counsel to seek compensation for costs and expenses related to a court-ordered mediation shall be in accordance with Guideline 17 of Appendix XXVI.

(c) Evidentiary Privilege ... no change.

(d) Confidentiality ... no change.

(e) Limitations on Service as a Mediator ... no change.

(f) Mediator Disclosure of Conflict of Interest ... no change.

(g) Conduct of Mediation Proceedings ... no change.

(h) Termination of Mediation ... no change.

(i) Final Disposition ... no change.

Note: Adopted July 14, 1992 to be effective September 1, 1992; paragraph (c)(3) amended and paragraph (c)(4) adopted June 28, 1996 to be effective September 1, 1996; paragraphs (a) and (c)(2) amended and paragraph (c)(3)(v) adopted July 10, 1998 to be effective September 1, 1998; caption amended, paragraph (a) amended and redesignated as paragraphs (a) and (b), paragraphs (b), (c), (d), (e), and (f) amended and redesignated as paragraphs (c), (d), (e), (f), and (g) July 5, 2000 to be effective September 5, 2000; paragraphs (d)(2) and (d)(3) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; new paragraph (c) adopted, former paragraph (c) redesignated as paragraph (d) and amended, former paragraph (d) redesignated as paragraph (e), new paragraph (f) adopted, former paragraph (e) redesignated as paragraph (g) and amended, former paragraph (f) redesignated as paragraph (h), and former paragraph (g) redesignated as paragraph (i) June 15, 2007 to be effective September 1, 2007; paragraph (b) amended and new subparagraph (f)(3) adopted July 16, 2009 to be effective September 1, 2009; paragraph (b) amended, subparagraph (e)(1) deleted, subparagraphs (e)(2), (e)(3) and (e)(4) amended and redesignated as subparagraphs (e)(1), (e)(2) and (e)(3), subparagraphs (f)(1) and (f)(3) amended, paragraph (g) amended, subparagraphs (h)(1) and (h)(2) amended, and paragraph (i) amended July 27, 2015 to be effective September 1, 2015; paragraph (b) amended July 28, 2017 to be effective September 1, 2017.

1:40-12. Mediators and Arbitrators in Court-Annexed Programs

(a) ...no change.

(1) ...no change.

(2) ...no change.

(3) Civil, General Equity, and Probate Action Roster Mediators. Mediator applicants to be on the roster for civil, general equity, and probate actions shall have [at least]: (A) at least a bachelor's degree; (B) at least five years of professional experience in the field of their expertise in which they will mediate; (C) completed the required mediation training as defined in subparagraph (b)(5) within the last five years; and (D) except for retired or former New Jersey Supreme Court justices, Superior Court judges, and Administrative Law judges, evidence of completed mediation or co-mediation of a minimum of two civil, general equity or probate cases within the last year. Applicants who had the required training over five years prior to their application to the roster must complete the six-hour family or civil supplemental mediation course as defined in subparagraph (b)(8) of this rule.

(4) ...no change.

(5) Municipal Court Volunteer Mediators. Individuals may serve as volunteer mediators in municipal court mediation programs. To serve as municipal court mediators and volunteer their time, effort and skill to mediate minor disputes in municipal court actions, such individuals (A) must be approved by the Assignment Judge or designee in the vicinage in which they intend to serve, (B) must meet the basic dispute resolution training required by R. 1:40-12(b)(1), and (C) must have satisfied any continuing training requirements under R. 1:40-12(b)(2). [Municipal Court mediators shall be approved for that position by the Assignment Judge for the vicinage in which they intend to serve on recommendation of the Municipal Court

judge, stating the applicant's qualifications. In considering the recommendation, the Assignment Judge shall review the applicant's general background, suitability for service as a mediator, and any mediation training the applicant may have completed.]

(6) ...no change.

(i) ...no change.

(ii) ...no change.

(iii) ...no change.

(b) ...no change.

(1) General Provisions. All persons serving as mediators shall have completed the basic dispute resolution training course as prescribed by these rules and approved by the Administrative Office of the Courts. Volunteer mediators in the Special Civil Part and Municipal Court mediators shall have completed 18 classroom hours of basic mediation skills complying with the requirements of subparagraph (b)(3) of this rule. Mediators on the civil, general equity, and probate roster of the Superior Court shall have completed 40 classroom hours of basic mediation skills complying with the requirements of subparagraph (b)(5) of this rule and shall be mentored in at least two cases in the Law Division – Civil Part of Chancery Division – General Equity or Probate Part of the Superior Court for a minimum of five hours by a civil roster mentor mediator who has been approved in accordance with the "Guidelines for the Civil Mediation Mentoring Program" promulgated by the Administrative Office of the Courts. Family Part mediators shall have completed a 40-hour training program complying with the requirements of subparagraph (b)(4) of this rule and, unless otherwise exempted in this rule, at least five hours being mentored by a family roster mentor mediator in at least two cases in the Family Part. In all cases it is the obligation of the mentor mediator to inform the litigants prior to mediation that a

second mediator will be in attendance and why. If either party objects to the presence of the second mediator, the second mediator may not attend the mediation. In all cases, the mentor mediator conducts the mediation, while the second mediator observes. Mentored mediators are provided with the same protections as the primary mediator under the Uniform Mediation Act. Retired or former New Jersey Supreme Court justices and Superior Court judges, retired or former Administrative Law judges, [Child] child welfare mediators, and staff/law clerk mediators are exempted from the mentoring requirements except as required to do so for remedial reasons. Mediators already serving on the Civil mediator roster prior to September 1, 2015 are exempted from the updated training requirements. Family Roster mediators who wish to serve on the Civil Roster, must complete the six-hour supplemental Civil Mediation training and must comply with the Civil roster mentoring requirement of five hours and two cases in the Civil Part. Judicial law clerks shall have successfully completed 12 classroom hours of basic mediation skills complying with the requirements of subparagraph (b)(6) of this rule.

(2) ...no change.

(3) ...no change.

(4) ...no change.

(5) ...no change.

(6) ...no change.

(7) ...no change.

(8) ...no change.

(c) Arbitrator Qualification and Training. Arbitrators serving in judicial arbitration programs shall have the minimum qualifications prescribed by Rule 4:21A-2 and must be annually recommended for inclusion on the approved roster by the local arbitrator selection

committee and approved by the Assignment Judge or designee. All arbitrators shall attend initial training of at least three classroom hours and continuing training [every two years] of at least two hours in courses approved by the Administrative Office of the Courts.

(1) New Arbitrators. After attending the initial training, a new arbitrator shall attend continuing training after two years. Thereafter, an arbitrator shall attend continuing training every four years.

(2) Roster Arbitrators. Arbitrators who have already attended the initial training and at least one continuing training shall attend continuing training every four years.

(3) [(1)] Arbitration Course Content – Initial Training. The three-hour classroom course shall teach the skills necessary for arbitration, including applicable statutes, court rules and administrative directives and policies, the standards of conduct, applicable uniform procedures as reflected in the approved procedures manual and other relevant information.

(4) [(2)] Arbitration Course Content – Continuing Training. The two-hour [biannual] continuing training course should cover at least one of the following: (a) reinforcing and enhancing relevant arbitration skills and procedures, (b) ethical issues associated with arbitration, or (c) other matters related to court-annexed arbitration as recommended by the Arbitration Advisory Committee.

(d) ...no change.

Note: Adopted July 14, 1992 as Rule 1:40-10 to be effective September 1, 1992; caption amended, former text redesignated as paragraphs (a) and (b), paragraphs (a)3.1 and (b)4.1 amended June 28, 1996 to be effective September 1, 1996; redesignated as Rule 1:40-12, caption amended and first sentence deleted, paragraph (a)1.1 amended and redesignated as paragraph (a)(1), paragraph (a)2.1 amended and redesignated as paragraph (a)(2), paragraph (a)2.2 amended and redesignated as paragraph (b)(5), new paragraphs (a)(3) and (a)(4) adopted, paragraph (a)3.1 redesignated as paragraph (a)(5), paragraph (a)3.2 amended and incorporated in paragraph (b)(1), paragraph (a)4.1 amended and redesignated as paragraph (b)(6), paragraph (b)1.1 amended and redesignated as paragraph (b)(1), paragraphs (b)2.1 and (b)3.1 amended and redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)4.1 redesignated as paragraph (b)(4)

with caption amended, paragraph (b)5.1 amended and redesignated as paragraph (b)(7) with caption amended, new section (c) adopted, and paragraph (b)5.1(d) amended and redesignated as new section (d) with caption amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(3) and (b)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b)(1), (b)(3), and (c) amended July 28, 2004 to be effective September 1, 2004; caption amended and paragraph (a)(4) caption and text amended June 15, 2007 to be effective September 1, 2007; new paragraph (a)(6) caption and text adopted, paragraph (b)(1) amended, paragraph (b)(2) deleted, paragraphs (b)(3) and (b)(4) redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)(5) amended and redesignated as paragraph (b)(4), and paragraphs (b)(6) and (b)(7) redesignated as paragraphs (b)(5) and (b)(6) July 16, 2009 to be effective September 1, 2009; subparagraphs (b)(2) and (b)(4) amended July 21, 2011 to be effective September 1, 2011; subparagraph (a)(3) caption and text amended, subparagraphs (a)(4), (a)(6), (b)(1), (b)(2) and (b)(4) amended, former subparagraph (b)(5) redesignated as subparagraph (b)(6), former subparagraph (b)(6) redesignated as subparagraph (b)(7), new subparagraphs (b)(5) and (b)(8) adopted July 27, 2015 to be effective September 1, 2015; subparagraphs (a)(3) text, (a)(5) caption and text, and (b)(1) text and paragraph (c) amended July 28, 2017 to be effective September 1, 2017.

3:4-2. First Appearance After Filing Complaint

(a) ... No change

(b) ... No change

(c) ... No change

(d) ... No change

(e) ... No change

(f) Waiver of First Appearance By Written Statement. Unless otherwise ordered by the court, a defendant charged on a complaint-summons (CDR-1) for an indictable offense and who is represented by an attorney and is not incarcerated may waive the first appearance by electronically filing, at or before the time fixed for the first appearance, a written statement in a form prescribed by the Administrative Director of the Courts, signed by the attorney, certifying that the defendant has:

(1) ... No change

(2) ... No change

(3) ... No change

~~(4) been informed that there is a pretrial intervention program and where and how an~~ application to it may be made; [and]

(5) been informed of the right to have a hearing as to probable cause, the right to indictment by the grand jury and trial by jury, and if applicable, that the offense charged may be tried by the court upon waiver of indictment and trial by jury, if in writing and signed by the defendant[.];

(6) been informed of the date of the pre-indictment disposition conference held pursuant to Rule 3:4-6, which shall occur no later than 45 days after the date of the first appearance; and

(7) been informed that there is a drug court program and where and how to make an application to that program.

[At the time the] The written statement waiving the first appearance shall be electronically [is] filed with the court, and notification [a copy of that written statement shall be provided to the Criminal Division Manager's office and] provided to the County Prosecutor or the Attorney General, if the Attorney General is the prosecuting attorney. [The court shall also notify counsel of the date of the pre-indictment disposition conference, which shall occur no later than 45 days after the date of the first appearance.]

Note: Source – R.R. 3:2-3(b), 8:4-2 (second sentence). Amended July 7, 1971 effective September 13, 1971; amended April 1, 1974 effective immediately; text of former Rule 3:4-2 amended and redesignated paragraphs (a) and (b) and text of former Rules 3:27-1 and -2 amended and incorporated into Rule 3:4-2, July 13, 1994 to be effective January 1, 1995; paragraphs (a) and (b) amended June 28, 1996 to be effective September 1, 1996; paragraph (b) amended January 5, 1998 to be effective February 1, 1998; caption amended, paragraphs (a) and (b) deleted, new paragraphs (a), (b), (c), and (d) adopted July 5, 2000 to be effective September 5, 2000; new paragraph (e) adopted July 21, 2011 to be effective September 1, 2011; paragraph (a) amended, new paragraph (b) added, former paragraphs (b), (c), and (e) amended and redesignated as paragraphs (c), (d), and (f), and former paragraph (d) redesignated as paragraph (e) April 12, 2016 to be effective September 1, 2016; paragraphs (a) and (b) amended, subparagraph (c)(1) amended, new subparagraphs (c)(1)(A) and (c)(1)(B) adopted, subparagraphs (c)(9) and (c)(10) amended, new subparagraph (c)(11) adopted, subparagraphs (d)(3) and (d)(4) amended, and new subparagraph (d)(5) adopted August 30, 2016 to be effective January 1, 2017; paragraph (a) amended December 6, 2016 to be effective January 1, 2017; subparagraph (c)(1) amended May 10, 2017 to be effective immediately; paragraph (f) amended July 28, 2017 to be effective September 1, 2017.

3:4A. Pretrial Detention

(a) Timing of Motion. A prosecutor may file a motion at any time seeking the pretrial detention of a defendant for whom a complaint-warrant or [complaint-]warrant on indictment is issued for an initial charge involving an indictable offense, or a disorderly persons offense involving domestic violence, as provided in N.J.S.A. 2A:162-15 et seq. A defendant who is the subject of a warrant on indictment is an eligible defendant pursuant to N.J.S.A. 2A:162-15 et seq.

(b) ... No change

(c) ... No change

(d) ... No change

(e) ... No change

Note: Adopted August 30, 2016 to be effective January 1, 2017; paragraph (a) amended July 28, 2017 to be effective September 1, 2017.

3:7-2. Use of Indictment or Accusation

[A crime punishable by death shall be prosecuted by indictment.] Every [other] crime shall be prosecuted by indictment unless the defendant, after having been advised of the right to indictment, shall waive the right in a signed writing, in which case the defendant may be tried on accusation. Such accusation shall be prepared by the prosecuting attorney and entitled and proceeded upon in the Superior Court. Nothing herein contained, however, shall be construed as limiting the criminal jurisdiction of a municipal court over indictable offenses provided by law and these rules.

Note: Source-R.R. 3:4-2(a)(b). Amended August 28, 1979 to be effective September 1, 1979; amended July 13, 1994 to be effective September 1, 1994; amended July 28, 2017 to be effective September 1, 2017.

3:7-3. Nature and Contents of Indictment or Accusation [; Timing of Supplemental Indictment].

(a) Nature and Contents Generally. ... No change

(b) Indictment for Murder. ... No change

[(c) Specification of Aggravating Factors. In addition to the requirements in paragraph (b) of this rule, every indictment or supplemental indictment for a crime punishable by death shall specify any aggravating factors as set forth in N.J.S.A. 2C:11-3(c)(4) that the State intends to prove at the penalty phase.]

[(d) Timing of Supplemental Indictments. Any supplemental indictment specifying aggravating factors set forth in N.J.S.A. 2C:11-3(c)(4) shall be returned no later than 90 days after the return or unsealing of the original indictment, which period shall be enlarged only for good cause shown.]

Note: Source-R.R. 3:4-3(a)(b)(c), 3:4-4. Paragraphs (a) and (b) amended August 28, 1979 to be effective September 1, 1979; paragraph (b) amended September 28, 1982 to be effective immediately; paragraph (b) amended July 13, 1993 to be effective immediately; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; caption amended and new paragraphs (c) and (d) adopted March 14, 2005 to be effective immediately; paragraph (b) text and caption amended June 15, 2007 to be effective September 1, 2007; caption amended and paragraphs (c) and (d) deleted July 28, 2017 to be effective September 1, 2017.

3:7-8. Issuance of a Warrant or Summons upon Indictment or Accusation Where Defendant Has Not Been Previously Charged

Upon the return of an indictment or the filing of an accusation, a summons on indictment or warrant on indictment shall be [issued] prepared by a law enforcement officer or the prosecutor using the Judiciary's computerized system for issuance by the Assignment Judge or a designated Superior Court judge or, in their absence, by any Superior Court judge assigned to the Law Division in that county in accordance with R. 3:3-1 [by the criminal division manager as designee of the deputy clerk of the Superior Court in the manner provided by law] for each defendant named in the indictment or accusation who has not been previously charged in the matter. [The criminal division manager as designee of the deputy clerk of the Superior Court, upon request, shall issue more than one warrant or summons for the same defendant.] A defendant who is the subject of a warrant on indictment is an eligible defendant pursuant to N.J.S.A. 2A:162-15 et seq. If the defendant fails to appear in response to a summons, a bench warrant shall issue.

If a summons on indictment is issued [upon indictment] to a defendant who has not been previously held to answer a complaint, the defendant shall undergo all post-arrest identification procedures that are required by law upon arrest, on the return date of the summons, or upon written request of the appropriate law enforcement agency.

Note: Source-R.R. 3:4-9. Amended July 22, 1983 to be effective September 12, 1983; amended July 13, 1994 to be effective January 1, 1995; amended August 30, 2016 to be effective January 1, 2017; caption and text amended July 28, 2017 to be effective September 1, 2017.

3:7-9. Form of Post-Indictment or Post-Accusation Warrant and Summons

The post-indictment or post-accusation warrant shall contain the name of the defendant or, if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty, shall describe the offense charged in the indictment or accusation and shall command that the defendant be arrested and [brought before a judge authorized to set conditions of pretrial release pursuant to R. 3:26-2] remanded to the county jail pending a determination of conditions of pretrial release or a determination regarding pretrial detention if a motion has been filed by the prosecutor. [Conditions of pretrial release shall be fixed by the court and endorsed thereon, and in such case the sheriff or warden may take any monetary bail.]

The post-indictment or post-accusation summons shall be in the same form as the post-indictment or post-indictment warrant except that it shall be directed to the defendant and require the defendant to appear to plead before the court at a stated time and place. The summons shall also state that if the defendant fails to so appear, a bench warrant for defendant's arrest shall issue.

Note: Source-R.R. 3:4-10(a) (b); amended July 13, 1994 to be effective January 1, 1995; amended August 30, 2016 to be effective January 1, 2017; caption and text amended July 28, 2017 to be effective September 1, 2017.

3:9-2. Pleas

A defendant may plead only guilty or not guilty to an offense. The court, in its discretion, may refuse to accept a plea of guilty and shall not accept such plea without first questioning the defendant personally, under oath or by affirmation, and determining by inquiry of the defendant and others, in the court's discretion, that there is a factual basis for the plea and that the plea is made voluntarily, not as a result of any threats or of any promises or inducements not disclosed on the record, and with an understanding of the nature of the charge and the consequences of the plea. In addition to its inquiry of the defendant, the court may accept a written stipulation of facts, opinion, or state of mind that the defendant admits to be true, provided the stipulation is signed by the defendant, defense counsel, and the prosecutor. [When the defendant is charged with a crime punishable by death, no factual basis shall be required from the defendant before entry of a plea of guilty to a capital offense or to a lesser included offense, provided the court is satisfied from the proofs presented that there is a factual basis for the plea.] For good cause shown the court may, in accepting a plea of guilty, order that such plea not be evidential in any civil proceeding. If a plea of guilty is refused, no admission made by the defendant shall be admissible in evidence against the defendant at trial. If a defendant refuses to plead or stands mute, or if the court refuses to accept a plea of guilty, a plea of not guilty shall be entered. Before accepting a plea of guilty, the court shall require the defendant to complete, insofar as applicable, and sign the appropriate form prescribed by the Administrative Director of the Courts, which shall then be filed with the criminal division manager's office.

Note: Source – R.R. 3:5-2(a)(b). Amended July 14, 1972 to be effective September 5, 1972. Amended July 17, 1975 to be effective September 8, 1975; amended September 28, 1982 to be effective immediately; amended July 13, 1994 to be effective January 1, 1995; amended July 28, 2004 to be effective September 1, 2004; amended July 28, 2017 to be effective September 1, 2017.

[3:13-4. Additional Discovery in Capital Cases

(a) In addition to any discovery provided pursuant to R. 3:13-3, the prosecuting attorney shall provide the defendant with the indictment containing the aggravating factors that the State intends to prove at the penalty phase together with all discovery bearing on these factors. The prosecuting attorney shall provide the defendant with any discovery in the possession of the prosecution that is relevant to the existence of any mitigating factors. Such discovery shall be transmitted at the arraignment/status conference unless the time to do so is enlarged for good cause. If the aggravating factors are not contained in the original indictment, but are contained in a supplemental indictment, the prosecuting attorney shall provide the defendant with any discovery bearing on these factors immediately upon return of the supplemental indictment, unless the time to do so is enlarged for good cause shown.

(b) The defendant shall provide the prosecuting attorney with an itemization setting forth the mitigating factors the defendant intends to rely on at the sentencing hearing together with any discovery in the possession of the defendant in support of those factors. Such discovery shall be transmitted to the prosecuting attorney forthwith upon a verdict of guilty, or plea of guilty, to a crime punishable by death.

(c) The duty to disclose the discovery relevant to the existence of aggravating and mitigating factors shall be a continuing one.]

Note: Adopted September 28, 1982 to be effective immediately; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 13, 1994 and December 9, 1994, to be effective January 1, 1995; paragraph (a) amended March 14, 2005 to be effective immediately; rule deleted in its entirety July 28, 2017 effective September 1, 2017.

3:21-2. Presentence Procedure

(a) Investigation. Before the imposition of a sentence or the granting of probation court support staff shall make a presentence investigation in accordance with N.J.S.A. 2C:44-6 and shall report to the court. The report shall contain all presentence material having any bearing whatever on the sentence and shall be furnished to the defendant and the prosecutor. [On counts on which the death penalty is to be imposed, a presentence report shall not be prepared.]

(b) ... No change

(c) ... No change

Note: Source-R.R. 3:7-10(b). Amended July 7, 1971 to be effective September 13, 1971; amended June 29, 1973 to be effective September 10, 1973; amended August 27, 1974 to be effective September 9, 1974; amended July 29, 1977 to be effective September 6, 1977; amended July 16, 1979 to be effective September 10, 1979; paragraph designations and new paragraph (b) adopted and paragraph (c) amended August 28, 1979, to be effective September 1, 1979; paragraph (a) amended September 28, 1982, to be effective immediately; paragraphs (a) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a) and (b) amended July 13, 1994 to be effective January 1, 1995; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 28, 2017 to be effective September 1, 2017.

[3:21-4A. Sentence, Murder under N.J.S.A. 2C:11-3(a)(1) or N.J.S.A. 2C:11-3(a)(2)

Where the defendant has been convicted of, or has entered a plea of guilty to, N.J.S.A. 2C:11-3(a)(1) or N.J.S.A. 2C:11-3(a)(2) and where the provisions of N.J.S.A. 2C:11-3(c) apply, a separate sentencing hearing shall be conducted pursuant to N.J.S.A. 2C:11-3(c) immediately thereafter, except for good cause shown. At the sentencing hearing the jury, or the court if there is no jury, shall complete a special verdict form.]

Note: Adopted September 28, 1982 to be effective immediately; rule deleted in its entirety July 28, 2017 effective September 1, 2017.

3:21-5. Judgment

[(a) Capital Convictions. On the imposition of a sentence of death, the court shall immediately enter the judgment of conviction and the Criminal Division Manager shall transmit it within two days to the Clerk of the Supreme Court, all parties, and their counsel. If a defendant sentenced to death is later sentenced for non-capital offenses, the court shall prepare an amended judgment containing all convictions. A copy of such amended judgment shall be provided to the Clerk of the Supreme Court.]

[(b) Non-Capital Convictions.] The judgment shall be signed by the judge and entered by the clerk. A judgment of conviction shall set forth the plea, the verdict or findings, the adjudication and sentence, a statement of the reasons for such sentence, and a statement of credits received pursuant to R. 3:21-8. If the defendant is found not guilty or for any other reason is entitled to be discharged judgment shall be entered accordingly. The Criminal Division Manager shall forward a copy of the judgment forthwith to all parties and their counsel.

Note: Source-R.R. 3:7-10(e); amended August 27, 1974 to be effective September 9, 1974; amended July 29, 1977 to be effective September 6, 1977; amended November 1, 1985 effective January 2, 1986; new paragraph (a) added, and former text amended, caption added, and designated as paragraph (b) July 12, 2002 to be effective September 3, 2002; paragraph (a) caption and text deleted and paragraph (b) caption and paragraph designation deleted July 28, 2017 to be effective September 1, 2017.

3:21-8. Credit for Confinement Pending Sentence and Re-Sentence

(a) The defendant shall receive credit on the term of a custodial sentence for any time served in custody in jail or in a state hospital between arrest and the imposition of sentence.

(b) While committed to a residential treatment facility, the defendant shall receive credit on the term of a custodial sentence for each day during which the defendant satisfactorily complied with the terms and conditions of Drug Court "special probation" pursuant to N.J.S.A. 2C:35-14 or Drug Court probation pursuant to N.J.S.A. 2C:45-1. The court, in determining the number of credits for time spent in a residential treatment facility, shall consider the recommendations of the treatment provider.

Note: Source – R.R. 3:7-10(h) (first sentence); amended July 13, 1994 to be effective September 1, 1994; caption amended and text designated as paragraph (a), paragraph (b) adopted July 28, 2017 to be effective September 1, 2017.

3:22-12. Limitations

(a) General Time Limitations.

(1) First Petition For Post-Conviction Relief. Except as provided in paragraphs (a)(2), (a)(3), and (a)(4) of this rule, no petition shall be filed pursuant to this rule more than 5 years after the date of entry pursuant to Rule 3:21-5 of the judgment of conviction that is being challenged unless:

(A) it alleges facts showing that the delay beyond said time was due to defendant's excusable neglect and that there is a reasonable probability that if the defendant's factual assertions were found to be true enforcement of the time bar would result in a fundamental injustice[.]; or

(B) it alleges a claim for relief as set forth in paragraph (a)(2)(A) or paragraph (a)(2)(B) of this rule and is filed within the one-year period set forth in paragraph (a)(2) of this rule.

(2) ... No change

(3) ... No change

(4) ... No change

[(b) Capital Causes; Petition. In cases in which the death penalty has been imposed, defendant's petition for post-conviction relief must be filed within thirty days of the denial of certiorari or other final action by the United States Supreme Court in respect of defendant's direct appeal.]

[(c)] (b) These time limitations shall not be relaxed, except as provided herein.

Note: Source-R.R. 3:10A-13. Caption added and text designated as paragraph (a), and new paragraph (b) added July 12, 2002 to be effective September 3, 2002; paragraph (a) amended and new paragraph (c) adopted July 16, 2009 to be effective September 1, 2009; former paragraph (a)

amended and allocated into subparagraphs (a)(1), (a)(3), and (a)(4), captions adopted for subparagraphs (a)(1), (a)(3), and (a)(4), and new subparagraph (a)(2) caption and text adopted January 14, 2010 to be effective February 1, 2010; paragraph (a)(1) amended, paragraph (b) deleted, and paragraph (c) redesignated paragraph (b) July 28, 2017 to be effective September 1, 2017.

3:25-2. Order for Trial

A defendant who has remained in custody awaiting trial on an indictment [, other than for a capital offense,] for at least 90 consecutive days after the return of that indictment may move for a trial date. The motion shall be on notice to the prosecutor and shall be accompanied by a certification that the defense is ready to proceed to trial. The court shall, after affording the prosecutor an opportunity to be heard, fix a date for trial. In the event the prosecutor is unable to proceed on the trial date, the court shall take such action and enter such orders as the interest of justice requires, which may include pretrial release.

Note: Source-R.R. 3:11-3(b); amended July 17, 1975 to be effective September 8, 1975; former Rule redesignated paragraph (a) and paragraph (b) adopted November 2, 1987 to be effective January 1, 1988; paragraph (a) deleted, paragraph (b) amended and paragraph designation removed July 13, 1994 to be effective January 1, 1995; amended July 28, 2017 to be effective September 1, 2017.

3:25-4. Speedy Trial for Certain Defendants

(a) Eligible Defendant. For purposes of this rule, the term "defendant" or "eligible defendant" shall mean a person for whom a complaint-warrant or [complaint-] warrant on indictment was issued for an initial charge involving an indictable offense or a disorderly persons offense and who: (1) is detained pursuant to R. 3:4A or R. 3:26-2(d)(1), or (2) is detained in jail due to an inability to post monetary bail pursuant to R. 3:26. A defendant who is the subject of a warrant on indictment is an eligible defendant pursuant to N.J.S.A. 2A:162-15 et seq. This rule only applies to an eligible defendant who is arrested on or after January 1, 2017, regardless of whether the crime or offense related to the arrest was allegedly committed before, on, or after January 1, 2017. For defendants who are detained only for a disorderly persons offense, the limits on pretrial incarceration are governed by R. 7:8-11.

(b) ... No change

(c) ... No change

(d) ... No change

(e) ... No change

(f) ... No change

(g) ... No change

(h) ... No change

(i) ... No change

(j) ... No change

Note: Adopted August 30, 2016 to be effective January 1, 2017; paragraphs (a), (c)(1), and (d)(1) amended November 14, 2016 to be effective January 1, 2017; paragraphs (a), (b)(4)(C), (c)(1), (c)(4)(C), and (d)(1) amended December 13, 2016 to be effective January 1, 2017; paragraph (a) amended July 28, 2017 to be effective September 1, 2017.

3:26-1. Right to Pretrial Release Before Conviction

(a) Persons Entitled; Standards for Fixing.

(1) Persons Charged on a Complaint-Warrant or Warrant on Indictment. Except when the prosecutor files a motion for pretrial detention pursuant to N.J.S.A. 2A:162-18 and -19 and R. 3:4A, all persons for whom a complaint-warrant or a [complaint-] warrant on indictment is issued for an initial charge involving an indictable offense or disorderly persons offense shall be released before conviction on either personal recognizance, the execution of an unsecured appearance bond, or the least restrictive non-monetary conditions that, in the judgment of the court, will reasonably assure their presence in court when required, the protection of the safety of any other person or the community, and that the defendant will not obstruct or attempt to obstruct the criminal justice process. A defendant who is the subject of a warrant on indictment is an eligible defendant pursuant to N.J.S.A. 2A:162-15 et seq. In addition to these non-monetary conditions, monetary conditions may be set for a defendant but only when it is determined that no other conditions of release will reasonably assure the defendant's appearance in court when required. The court shall consider all the circumstances, the Pretrial Services Program's risk assessment and recommendations and any information that may have been provided by a prosecutor or the defendant on conditions of release before making any pretrial release decision. If the court enters a release order containing conditions contrary to those recommended by the Pretrial Services Program obtained using a risk assessment instrument then the court shall set forth its reasons for not accepting those recommendations. The court shall make a pretrial release determination no later than 48 hours after a defendant's commitment to the county jail.

When a defendant is charged with a crime or offense involving domestic violence, the court authorizing the release may, as a condition of release, prohibit the defendant from having any contact with the victim. The court may impose any additional limitations upon contact as otherwise authorized by N.J.S.A. 2C:25-26.

(2) Persons Charged on a Complaint-Summons or Summons on Indictment. A defendant who is charged on a complaint-summons or summons on indictment shall be released from custody. If the defendant later fails to appear in court when required and the court issues a bench warrant for the defendant's arrest, the court shall at that time either (A) order that the defendant be released on personal recognizance upon arrest or (B) set monetary bail.

(b) ... No change

(c) ... No change

(d) ... No change

(e) ... No change

Note: Source-R.R. 3:9-1(a)(b)(c)(d); paragraph (a) amended September 28, 1982 to be effective immediately; paragraphs (a), (b), (c) and (d) amended July 13, 1994 to be effective January 1, 1995; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; new paragraph (b) adopted, and former paragraphs (b), (c), and (d) redesignated as paragraphs (c), (d), and (e) June 15, 2007 to be effective September 1, 2007; new paragraph (c) adopted and former paragraphs (c), (d), and (e) redesignated as paragraphs (d), (e), and (f) July 9, 2008 to be effective September 1, 2008; paragraph (a) amended and new paragraph (g) adopted July 9, 2013 to be effective September 1, 2013; caption amended, text of paragraph (a) amended and redesignated as paragraph (a)(1) with caption added, new paragraph (a)(2) adopted, paragraphs (b) and (c) amended, former paragraphs (d) and (e) deleted; former paragraph (f) amended and redesignated as paragraph (d), former paragraph (g) amended and redesignated as paragraph (e) August 30, 2016 to be effective January 1, 2017; paragraph (a)(1) amended November 14, 2016 to be effective January 1, 2017; paragraphs (a)(1), (a)(2), and (d) amended December 6, 2016 to be effective January 1, 2017; captions and text of paragraphs (a)(1) and (a)(2) amended July 28, 2017 to be effective September 1, 2017.

3:26-2. Authority to Set Conditions of Pretrial Release

(a) ... No change

(b) Conditions of Release. Conditions of pretrial release shall be set pursuant to R. 3:4-2(c) or (d) for persons for whom a complaint-warrant or a [complaint-] warrant on indictment is issued for an initial charge involving an indictable offense or a disorderly persons offense. A defendant who is the subject of a warrant on indictment is an eligible defendant pursuant to N.J.S.A. 2A:162-15 et seq.

(1) ... No change

(2) ... No change

(3) ... No change

(c) ... No change

(d) Violations of Conditions of Release.

(1) Violation of Condition of Release When Defendant Released from Jail. Upon the motion of the prosecutor, when a defendant for whom a complaint-warrant or [complaint-] warrant on indictment was issued is released from custody, the court, upon a finding, by a preponderance of the evidence, that the defendant while on release violated a restraining order or condition of release, or upon a finding of probable cause to believe that the defendant has committed a new crime while on release, may revoke the defendant's release and order that the defendant be detained pending trial where the court, after considering all relevant circumstances including but not limited to the nature and seriousness of the violation or criminal act committed, finds clear and convincing evidence that no monetary bail, non-monetary conditions of release or combination of monetary bail and conditions would reasonably assure the defendant's appearance in court when required, the protection of the safety of any other person or the

community, or that the defendant will not obstruct or attempt to obstruct the criminal justice process.

(2) ... No change

(e) Person Released on a Complaint-Summons or Summons on Indictment Who is Thereafter Arrested on a Warrant for a Failure to Appear. If a defendant charged on a complaint-summons or a summons on indictment is subsequently arrested on a warrant for a failure to appear in court when required, that defendant shall be eligible for release on personal recognizance or release on monetary bail by sufficient sureties at the discretion of the court. If monetary bail was not set when an arrest warrant for the defendant was issued, the court shall set monetary bail without unnecessary delay, but in no case later than 12 hours after arrest.

Note: Source-R.R. 3:9-3(a) (b) (c); amended July 24, 1978 to be effective September 11, 1978; amended May 21, 1979 to be effective June 1, 1979; amended August 28, 1979 to be effective September 1, 1979; amended July 26, 1984 to be effective September 10, 1984; caption amended, former text amended and redesignated paragraph (a) and new paragraphs (b), (c) and (d) adopted July 13, 1994 to be effective January 1, 1995; paragraph (b) amended January 5, 1998 to be effective February 1, 1998; paragraph (d) amended July 9, 2013 to be effective September 1, 2013; paragraph (a) amended July 27, 2015 to be effective September 1, 2015; caption amended, paragraphs (a) and (b) caption and text amended, former paragraphs (c) and (d) deleted, and new paragraphs (c), (d), and (e) adopted August 30, 2016 to be effective January 1, 2017; paragraphs (b) and (d)(1) amended November 14, 2016 to be effective January 1, 2017; paragraph (a) amended December 6, 2016 to be effective January 1, 2017; paragraphs (b) and (d)(1) amended, and caption and text of paragraph (e) amended July 28, 2017 to be effective September 1, 2017.

3:26-6. Forfeiture

(a) Declaration; Notice. Upon breach of a condition of a recognizance, the court on its own motion shall order forfeiture of the monetary bail, and the finance division manager shall forthwith send notice of the forfeiture, by ordinary mail, to county counsel, the defendant, and any surety or insurer, bail agent or agency whose names appear on the bail recognizance. Notice to any insurer, bail agent or agency shall be sent to the address recorded in the Bail Registry maintained by the Clerk of the Superior Court pursuant to R. 1:13-3. The notice shall direct that judgment will be entered as to any outstanding monetary bail absent a written objection seeking to set aside the forfeiture, which must be filed within 75 days of the date of the notice. The notice shall also advise the insurer that if it fails to satisfy a judgment entered pursuant to paragraph (c), and until satisfaction is made, it shall be removed from the Bail Registry and its bail agents and agencies, guarantors, and other persons or entities authorized to administer or manage its bail bond business in this State will have no further authority to act for it, and their names, as acting for the insurer, will be removed from the Bail Registry. In addition the bail agent or agency, guarantor or other person or entity authorized by the insurer to administer or manage its bail bond business in this State who acted in such capacity with respect to the forfeited bond will be precluded, by removal from the Bail Registry, from so acting for any other insurer until the judgment has been satisfied. The court shall not enter judgment until the merits of any objection are determined either on the papers filed or, if the court so orders for good cause, at a hearing. In the absence of objection, judgment shall be entered as provided in paragraph (c), but the court may thereafter remit it, in whole or in part, [in the interest of justice] pursuant to the court rules and/or administrative directives, including but not limited to the Revised Remission Guidelines.

(b) Setting Aside. The court may, either before or after the entry of judgment, direct that an order of forfeiture or judgment be set aside, in whole or in part, [if its enforcement is not required in the interest of justice] pursuant to the court rules and/or administrative directives, including but not limited to the Revised Remission Guidelines, upon such conditions as it imposes.

(c) Enforcement; Remission. In the absence of a motion, when a forfeiture is not set aside or satisfied, the court shall, upon expiration of the 75 days provided for in paragraph (a), summarily enter a judgment of default for any outstanding bail and execution may issue thereon.

The time period of 75 days may be extended by the court to permit one stay by consent order of no more than 30 days. Entry of judgment shall follow, unless upon motion to the court a longer period is permitted based upon a finding of exceptional circumstances.

After entry of such judgment, the court may remit it in whole or in part, [in the interest of justice] pursuant to the court rules and/or administrative directives, including but not limited to the Revised Remission Guidelines. If, following the court's decision on an objection pursuant to paragraph (a) of this rule, the forfeiture is not set aside or satisfied in whole or in part, the court shall enter judgment for any outstanding bail and, in the absence of satisfaction thereof, execution may issue thereon.

Judgments entered pursuant to this rule shall also advise the insurer that if it fails to satisfy a judgment, and until satisfaction is made, it shall be removed from the Bail Registry and its bail agents and agencies, guarantors, and other persons or entities authorized to administer or manage its bail bond business in this State will have no further authority to act for it, and their names, as acting for the insurer, will be removed from the Bail Registry, as provided in paragraph (a). A copy of the judgment entered pursuant to this rule is to be served by ordinary mail to county counsel, and on any surety or any insurer, bail agent or agency named in the judgment. Notice to

any insurer, bail agent or agency shall be sent to the address recorded in the Bail Registry. In any contested proceeding, county counsel shall appear on behalf of the government. County counsel shall be responsible for collection of forfeited amounts.

Note: Source-R.R. 3:9-7 (a)(b)(c) (first sentence) (d); paragraphs (a) and (c) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (b) and (c) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended August 30, 2016 to be effective January 1, 2017; paragraphs (a), (b) and (c) amended July 28, 2017 to be effective September 1, 2017.

3:26-9. Disclosures to Pretrial Services Program: Confidentiality [new]

(a) No statement or other disclosure, written or otherwise, made by a defendant to the Pretrial Services Program may be used by the prosecution to prove any crime or offense alleged in the pending case.

(b) Except as provided in paragraph (c) or (d), all statements or other disclosures, written or otherwise, made by a defendant to the Pretrial Services Program shall be used only for the purposes of (1) making recommendations to the court concerning the release or detention of the defendant, (2) monitoring or enforcing any nonmonetary release conditions, or (3) determining the defendant's eligibility for the services of the Office of the Public Defender, and shall otherwise remain confidential.

(c) Nothing in paragraphs (a) or (b) shall be construed to limit the use of any such disclosure in any subsequent prosecution for:

(1) Fraudulently obtaining pretrial release, or

(2) Fraudulently obtaining the services of the public defender.

(d) Nothing in paragraphs (a) or (b) shall be construed to limit the use of any such disclosure:

(1) In pretrial release modification or revocation proceedings, or

(2) For the purpose of compiling presentence reports.

(e) To the extent that paragraphs (b), (c), or (d) authorize the use of a disclosure, such disclosure shall be limited to the minimum information necessary to facilitate the authorized use and shall not be used if the information is available from another source.

(f) At the defendant's initial interview by the Pretrial Services Program, the defendant shall be advised of the permissible uses of any statements or disclosures made to the Pretrial Services Program.

Note: Adopted July 28, 2017 to be effective September 1, 2017.

4:21A-2. Qualification, Selection, Assignment and Compensation of Arbitrators

(a) By Stipulation. ... no change

(b) Appointment From Roster. If the parties fail to stipulate to the arbitrators pursuant to paragraph (a) of this rule, the arbitrator shall be designated by the civil division manager from the roster of arbitrators maintained by the Assignment Judge on recommendation of the arbitrator selection committee of the county bar association. Inclusion on the roster shall be limited to retired judges of any court of this State who are not on recall and attorneys admitted to practice in this State having at least [seven] ten years of consistent and extensive experience in New Jersey in any of the substantive areas of law subject to arbitration under these rules, and who have completed the training and continuing education required by R. 1:40-12(c). A Certified Civil Trial Attorney with the requisite experience will be entitled to automatic inclusion on the roster. The arbitrator selection committee, which shall meet at least once annually, shall be appointed by the county bar association and shall consist of one attorney regularly representing plaintiffs in each of the substantive areas of law subject to arbitration under these rules, one attorney regularly representing defendants in each of the substantive areas of law subject to arbitration under these rules, and one member of the bar who does not regularly represent either plaintiff or defendant in each of the substantive areas of law subject to arbitration under these rules. The arbitrator selection committee shall review the roster of arbitrators annually and, when appropriate, shall make recommendations to the Assignment Judge to remove arbitrators from the roster. The members of the arbitrator selection committee shall be eligible for inclusion in the roster of arbitrators. The Assignment Judge shall file the roster with the Administrative Director of the Courts. A motion to disqualify a designated arbitrator shall be made to the Assignment Judge on the date of the hearing.

(c) Number of Arbitrators. ... no change

(d) Compensation of Arbitrators. ... no change

Note: Adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (b) amended July 10, 1998 to be effective September 1, 1998; caption amended, paragraph (c) amended, and new paragraph (d) adopted July 5, 2000 to be effective September 5, 2000; paragraphs (b) and (d)(1) amended, and former paragraph (d)(3) deleted July 12, 2002 to be effective September 3, 2002; paragraphs (b), (c), (d)(1), and (d)(2) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (b) amended July 28, 2017 to be effective September 1, 2017.

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), (a)(2), (a)(3), (a)(4), and (a)(5) amended July 28, 2017 to be effective September 1, 2017.

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 Services Provided. All applications for the allowance of fees shall be supported by an affidavit of services addressing the factors enumerated in 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 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 that are legal in nature under the direction and supervision of attorneys and which tasks an attorney would otherwise be obliged to perform.

(e) [(d)] 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 by the motion or cross-motion from the motion to be relieved as counsel. The court shall first decide the motion to be relieved and, in the order either granting or denying the motion to be relieved, shall 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, new paragraph (d) adopted, former paragraph (d) redesignated as paragraph (e), and new subparagraph (e)(3) adopted July 28, 2017 to be effective September 1, 2017.

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 July 28, 2017 to be effective September 1, 2017.

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.

In any action involving the welfare or status of a child, the complaint shall include the child's name, address, the date of birth, and a statement of where and with whom the child resides.

(b) Corespondent . . . no change.

(c) Affidavit of Verification 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 insurance 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 amended 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 July 28, 2017 to be effective September 1, 2017.

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

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

Note: Adopted July 28, 2017 to be effective September 1, 2017.

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 July 28, 2017 to be effective September 1, 2017.

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 July 28, 2017 to be effective September 1, 2017.

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, judgment, or preexisting agreement, 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 nineteenth 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 nineteenth 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 nineteenth birthday. No additional notice need 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 nineteenth birthday. No additional notice need 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 either 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. Such notice shall contain the date on which child support shall terminate and information regarding the adjustments that will 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 on 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 occurs first.

(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 a 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 that 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 July 28, 2017 to be effective September 1, 2017.

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 July 28, 2017 to be effective September 1, 2017.

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 [2A:17-56.7] et seq., the child support provisions of a court order are subject to income withholding on the effective date of the order unless the parties agree, in writing, to an alternative arrangement or either party shows and the court finds good cause to establish an alternative arrangement. The income withholding is effective upon all types of income including wages from current and future employment.

(b) Initiated Income Withholding . . . 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 July 28, 2017 to be effective September 1, 2017.

5:7A. Domestic Violence: Restraining Orders

(a) Application for Temporary Restraining Order. Except as provided in paragraph (b) of this rule [herein], an applicant for a temporary restraining order shall appear before a judge or a domestic violence hearing officer to personally [to] testify on [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 July 28, 2017 to be effective September 1, 2017.

5:7B. Sexual Assault Survivor Protection Act: Protective Orders [new]

(a) Application for Temporary Protective Order. Except as provided in paragraph (b) of this rule, an applicant for a temporary protective order shall appear before a judge or a domestic violence hearing officer to personally testify on 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 protective 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, 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 July 28, 2017 to be effective September 1, 2017.

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 N.J.S.A. 2C:29-9b or N.J.S.A. 2C:29-9d, 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 defendants 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 paragraph (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 paragraph (a) of this rule and the maximum period of incarceration is reached pursuant to paragraph (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 N.J.S.A. 2C:29-9b or N.J.S.A. 2C:29-9d along with any underlying offense, and was detained pursuant to R. 3:4A, a Superior Court judge 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 July 28, 2017 to be effective September 1, 2017.

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 July 28, 2017 to be effective September 1, 2017.

5:13-5. Reviews of Children in Placement; Court Orders; Submission of Placement Plan

(a) Enhanced [45-Day] Initial Reviews. In all cases involving a child placed by the Division of Child Protection and Permanency ("Division"), the child placement review board shall act on the court's behalf by conducting an enhanced [45-day] review initiated 60 days after placement, which includes the collection of information to be entered on a form prescribed by the Administrative Director of the Courts. Upon completion of the enhanced [45-day] 60-day review, the board shall make its recommendations to the court on a form prescribed by the Administrative Director of the Courts.

(b) Court Orders; Placement Plans. All orders entered by the court prior to the enhanced [45-day] 60-day review by the child placement review board placing a child in the custody of the Division pursuant to N.J.S. 9:6-8.54, N.J.S. 30:4C-12, N.J.S. 2A:4A-43 or N.J.S. 2A:4A-46 shall be provided by the court to the board. The Division shall submit a placement plan to the court within 30 days of the date of placement. In any case in which the placement is the result of a court order, the notice of the enhanced [45-day] 60-day child placement review shall be made available to all counsel or parties appearing pro se who have related matters pending before the Family Part of Superior Court. In addition, counsel or parties appearing pro se shall receive timely notice of all subsequent proceedings and orders under the Child Placement Review Act relating to that litigation.

Note: Source-R. (1969) 5:7B(e). Adopted December 20, 1983, to be effective December 31, 1983; amended November 5, 1986 to be effective January 1, 1987; caption amended, text amended and designated as paragraph (b), paragraph (b) caption adopted, and new paragraph (a) caption and text adopted July 9, 2013 to be effective September 1, 2013; paragraph (a) caption and text amended and paragraph (b) amended July 28, 2017 to be effective September 1, 2017.

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 July 28, 2017 to be effective September 1, 2017.

7:4-5. Forfeiture

(a) Declaration; Notice. On breach of a condition of a recognizance, the court may forfeit the bail on its own or on the prosecuting attorney's motion. If the court orders bail to be forfeited, the municipal court administrator or deputy court administrator shall immediately forfeit the bail pursuant to R. 7:4-3(e) and shall send notice of the forfeiture by ordinary mail to the municipal attorney, the defendant, and any non-corporate surety or insurer, bail agent, or bail agency whose names appear on the bail recognizance. Notice to any insurer, bail agent, or bail agency shall be sent to the address recorded in the Bail Registry maintained by the Clerk of the Superior Court pursuant to R. 1:13-3. The notice shall direct that judgment will be entered as to any outstanding bail absent a written objection seeking to set aside the forfeiture, which must be filed within 75 days of the date of the notice. The notice shall also advise the insurer that if it fails to satisfy a judgment entered pursuant to paragraph (c) of this rule, and until satisfaction is made, it shall be removed from the Bail Registry and its bail agents and agencies, guarantors, and other persons or entities authorized to administer or manage its bail bond business in this State will have no further authority to act for it, and their names, as acting for the insurer, will be removed from the Bail Registry. In addition, the bail agent or agency, guarantor, or other person or entity authorized by the insurer to administer or manage its bail bond business in this State who acted in such capacity with respect to the forfeited bond will be precluded, by removal from the Bail Registry, from so acting for any other insurer until the judgment has been satisfied. The court shall not enter judgment until the merits of any objection are determined either on the papers filed or, if the court so orders, for good cause, at a hearing. In the absence of a written objection, judgment shall be entered as provided in paragraph (c) of this rule, but the court may thereafter

remit it, in whole or in part, [in the interest of justice] pursuant to the court rules and/or administrative directives, including but not limited to the Revised Remission Guidelines.

(b) Setting Aside. The court may, upon such conditions as it imposes, direct that an order of forfeiture or judgment be set aside in whole or in part, [if required in the interest of justice] pursuant to the court rules and/or administrative directives, including but not limited to the Revised Remission Guidelines.

(c) Enforcement; Remission. If a forfeiture is not set aside or satisfied, the court shall, on motion, enter a judgment of default for any outstanding bail, and execution may issue on the judgment.

The time period of 75 days provided for in paragraph (a) of this rule may be extended by the court to permit one stay by consent order of no more than 30 days. Entry of judgment shall follow, unless upon motion to the court a longer period is permitted based upon a finding of exceptional circumstances.

After entry of the judgment, the court may remit the forfeiture in whole or in part, [in the interest of justice] pursuant to the court rules and/or administrative directives, including but not limited to the Revised Remission Guidelines.

If, following the court's decision on an objection pursuant to paragraph (a) of this rule, the forfeiture is not set aside or satisfied in whole or in part, the court shall enter judgment for any outstanding bail and, in the absence of satisfaction thereof, execution may issue thereon.

Judgments entered pursuant to this rule shall also advise the insurer that if it fails to satisfy a judgment, and until satisfaction is made, it shall be removed from the Bail Registry and its bail agents and agencies, guarantors, and other persons or entities authorized to administer or manage its bail bond business in this State will have no further authority to act for it, and their names, as

acting for the insurer, will be removed from the Bail Registry as provided in paragraph (a) of this rule. A copy of the judgment entered pursuant to this rule is to be served by ordinary mail on the municipal attorney, and on any surety or any insurer, bail agent, or bail agency named in the judgment. Notice to any surety or insurer, bail agent, or bail agency shall be sent to the address recorded in the Bail Registry. In any contested proceeding, the municipal attorney shall appear on behalf of the government. The municipal attorney shall be responsible for the collection of forfeited amounts.

Source-R. (1969) 7:5-1, 3:26-6. Adopted October 6, 1997 to be effective February 1, 1998; paragraph (a) caption and text amended, and paragraphs (b) and (c) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a), (b) and (c) amended July 28, 2017 to be effective September 1, 2017.

GUIDELINES FOR THE OPERATION OF PRETRIAL INTERVENTION PROGRAMS [IN NEW JERSEY] (Pursuant to Rule 3:28)

[ORDERED that the attached revised guidelines governing pretrial intervention programs are approved for implementation as applicable in counties where such programs have been authorized by the Supreme Court pursuant to R. 3:28; and

FURTHER ORDERED that the guidelines approved by the order of January 10, 1979 are hereby superseded.

Dated: July 13, 1994]

Guideline 1

... No change

Guideline 2

... No change

Guideline 3

In evaluating a defendant's application for participation in a pretrial intervention program, consideration shall be given to the criteria set forth in N.J.S.A. 2C:43-12(e). In addition, thereto, the following factors shall also be considered together with other relevant circumstances:

(a) ... No change

(b) ... No change

(c) ... No change

(d) ... No change

(e) ... No change

(f) ... No change

(g) ... No change

(h) ... No change

(i) Assessment of the Nature of the Offense: Any defendant charged with a crime is eligible for enrollment in a PTI program, but the nature of the offense is a factor to be considered in reviewing the application.

(1) Organized Criminal Activity or Continuing Criminal Business. If the crime was: [(1)] (a) part of organized criminal activity; or [(2)] (b) part of a continuing criminal business or enterprise; or [(3) deliberately committed with violence or threat of violence against another person; or (4)] (c) a breach of the public trust where admission to a PTI program would deprecate the seriousness of defendant's crime, the defendant's application should generally be rejected.

(2) Presumption Against Admission Into PTI. Pursuant to N.J.S.A. 2C:43-12b(2), there shall be a presumption against admission into PTI for (a) a defendant who was a public officer or employee and who is charged with a crime that touched the public office or employment; or (b) a defendant charged with any crime or offense involving domestic violence, as defined in N.J.S.A. 2C:25-19, (i) if the defendant committed the crime or offense while subject to a temporary or permanent restraining order issued pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., or (ii) if the crime or offense charged involved violence or the threat of violence, which means (A) the victim sustained serious or significant bodily injury as defined in N.J.S.A. 2C:11-1, or (B) the actor was armed with and used a deadly weapon or threatened by word or gesture to use a deadly weapon as defined in N.J.S.A. 2C:11-1, or (C) the actor threatened to inflict serious or significant bodily injury as defined in N.J.S.A. 2C:11-1.

(3) Joint Application. A defendant charged with a first or second degree offense or sale or dispensing of Schedule I or II narcotic drugs as defined in L.1970, c. 226 (N.J.S.A. 24:21-1 et seq.) by persons not drug dependent, should ordinarily not be considered for enrollment in a PTI program except on joint application by the defendant and the prosecutor.

(4) Submission of Compelling Reasons with the Application. [However, in such] For cases that fall under Guideline 3(i), the applicant shall have the opportunity to present to the criminal division manager, and through the criminal division manager to the prosecutor, any facts or materials demonstrating the applicant's amenability to the rehabilitative process, showing compelling reasons justifying the applicant's admission and establishing that a decision against enrollment would be arbitrary and unreasonable.

(j) ... No change

(k) ... No change

(l) The prosecutor and the court, in formulating their recommendations or decisions regarding an applicant's participation in a supervisory treatment program, shall give due consideration to the victim's position, if any, on whether the defendant should be admitted.

Official Comment

Guideline 3, in its introductory statement, requires that the statutory criteria of N.J.S.A. 2C:43-12(e) be considered in the evaluation of a defendant's application for pretrial intervention. That statutory provision requires consideration of those criteria "among others." Accordingly, the original criteria of this guideline have also been retained as explanatory of and supplemental to the statutory criteria. For convenience in reference, the statutory criteria are as follows:

(1) The nature of the offense;

(2) The facts of the case;

(3) The motivation and age of the defendant;

(4) The desire of the complainant or victim to forego prosecution;

(5) The existence of personal problems and character traits which may be related to the applicant's crime and for which services are unavailable within the criminal justice system, or which may be provided more effectively through supervisory treatment and the probability that the causes of criminal behavior can be controlled by proper treatment;

(6) The likelihood that the applicant's crime is related to a condition or situation that would be conducive to change through his participation in supervisory treatment;

(7) The needs and interests of the victim and society;

(8) The extent to which the applicant's crime constitutes part of a continuing pattern of anti-social behavior;

(9) The applicant's record of criminal and penal violations and the extent to which he may present a substantial danger to others;

(10) Whether or not the crime is of an assaultive or violent nature, whether in the criminal act itself or in the possible injurious consequences of such behavior;

(11) Consideration of whether or not prosecution would exacerbate the social problem that led to the applicant's criminal act;

(12) The history of the use of physical violence toward others;

(13) Any involvement of the applicant with organized crime;

(14) Whether or not the crime is of such a nature that the value of supervisory treatment would be outweighed by the public need for prosecution;

(15) Whether or not the applicant's involvement with other people in the crime charged or in other crime is such that the interest of the State would be best served by processing his case through traditional criminal justice system procedures;

(16) Whether or not applicant's participation in pretrial intervention will adversely affect the prosecution of co-defendants; and

(17) Whether or not the harm done to society by abandoning criminal prosecution would outweigh the benefits to society from channeling an offender into a supervisory treatment program.

Guideline 3(a) indicates that the services of PTI programs may, in appropriate instances and at the request of juvenile authorities and programs, be made available to juvenile defendants when the need for inter-program cooperative work is indicated.

Under Guideline 3(b), residents of other States, charged with offenses in New Jersey counties in which there exist pretrial intervention programs may, with the approval of the prosecuting attorney, the designated judge, and Administrative Office of the Courts, be permitted to participate in such out-of-state program while enrolled pursuant to R. 3:28.

Regardless of the New Jersey jurisdiction in which the complaint, indictment or accusation has been filed, defendants or participants may, with the agreement of the PTI coordinators involved, be transferred for participation among the various county or vicinage programs.

Guideline 3(c) establishes jurisdictional requirements. However, defendants charged in other States or in the Federal Courts, may in appropriate instances and with the permission of the Administrative Office of the Court, be permitted to participate in the counseling or supervision

regimes of the county or vicinage PTI programs on request of the Federal Authorities or a PTI program in another State.

Guideline 3(d) sets forth the policy that those charged with minor violations should not be admitted to a PTI program. [It is felt that while no per se exclusion of non-indictable offenses is appropriate, the PTI process is not appropriate for such cases which do not involve a potential sentence of consequence. Rodriguez v. Rosenblatt, 58 N.J. 281, 277 A.2d 216 (1971).[1]]

Guideline 3(e) makes it clear that a prior criminal record may be indicative of a behavioral pattern not conducive to short term rehabilitation. Therefore, pretrial intervention should ordinarily be limited to persons who have not previously been convicted of a crime and hence a rebuttable presumption against enrollment is created by the fact of a prior conviction. An even heavier onus is placed upon defendants whose prior conviction is of a first or second degree crime or who have completed a term of imprisonment, probation or parole within the five-year period immediately preceding the application for diversion. As to those defendants, admission to the program is ordinarily dependent upon the prosecutor joining in the PTI application.

Guideline 3(f) sets forth a policy permitting probationers and parolees to enter PTI programs. Since the parolee/probationer is under the supervision of the District Parole Supervisor or Chief Probation Officer, consultation should be sought prior to recommending enrollment of the defendant into a PTI program.

Guideline 3(g) creates a bar against admission into a PTI program for those defendants who have previously been diverted under N.J.S.A. 2C:43-12 et seq. or conditionally discharged pursuant to N.J.S.A. 24:21-27 or N.J.S.A. 2C:36A-1. The Pretrial Intervention Registry

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[[1] Of course, all defendants with an indictable offense are eligible for PTI.]

established pursuant to N.J.S.A. 2C:43-21(a) and R. 3:28 serves as the means of identifying defendants previously diverted through a PTI program. This registry is designed to complement the Controlled Dangerous Substance Registry Act of 1970, pursuant to N.J.S.A. 26:2G-17 et seq.

Guideline 3(h) deems it appropriate that PTI programs may assume the supervision of N.J.S.A. 24:21-27 or N.J.S.A. 2C:36A-1 cases.

Guideline 3(i) has been amended to include the presumptions against admission in N.J.S.A. 2C:43-12b(2)(a) and (2)(b). This Guideline recognizes that consistent with State v. Leonardis, 71 N.J. 85, 363 A.2d321 (1976) and 73 N.J. 360, 375 A.2d 607 (1977), there must be a balance struck between a defendant's amenability to correction, responsiveness to rehabilitation and the nature of the offense. It is to be emphasized that while all persons are eligible for pretrial intervention programs, those charged with offenses encompassed within certain enumerated categories must bear the burden of presenting compelling facts and materials justifying admission. First and second degree crimes (and their Title 2A cognates) and the sale or dispensing of Schedule I and II narcotics by persons not drug dependent are specific categories of offenses that establish a rebuttable presumption against admission of defendants into a PTI program. This presumption reflects the public policy of PTI. PTI programs should ordinarily reject applications by defendants who fall within these categories unless the prosecutor has affirmatively joined in the application. A heavy burden rests with the defendant to present to the criminal division manager at the time of application (a) proof that the prosecutor has joined in the application and (b) any material that would otherwise rebut the presumption against enrollment. When a defendant charged with a first or second degree crime or the sale or dispensing of Schedule I or II narcotics has been rejected because the prosecutor refuses to consent to the filing of the application, or because in the sound discretion of the criminal division

manager the defendant has not rebutted the presumption against admission, the burden lies with the defendant upon appeal to the court to show that the prosecutor or criminal division manager abused such discretion. When an application is rejected because the defendant is charged with a crime of the first or second degree or sale or dispensing of Schedule I or II narcotics, and the prosecutor refuses to join affirmatively in the filing of an application or later refuses to consent to enrollment, such refusal should create a rebuttable presumption against enrollment.

Guideline 3(k) recognizes that the use of restitution and community service may play an integral role in rehabilitation. Requiring either is strongly consonant with the individual approach defined in State v. Leonardis, 71 N.J. 85, 363 A.2d 321 (1976) and 73 N.J. 360, 375 A.2d 607 (1977), which emphasized the needs of the offender. In determining the restitution requirement and its terms including ability of the offender to pay, the Court should rely on the procedures outlined in State in Interest of DGW, 70 N.J. 488, 361 A.2d 513 (1976) and State v. Harris, 70 N.J. 586 (1976).

Full restitution need not be completed during participation in the program. In determining whether a restitution requirement has been fulfilled, the designated judge shall consider good-faith efforts by the defendant. In appropriate cases, at the conclusion of participation, a civil judgment by confession may be entered by the court. However, restitution should never be used in PTI for the sole purpose of collecting monies for victims.

Guideline 3(l) contains the requirement that the court and the prosecutor must consider the victim's position, if any, when evaluating the defendant's application into PTI pursuant to N.J.S.A. 2C:43-12e.

Guideline 4

(a) In General. Except as set forth in paragraph (b), enrollment [Enrollment] in PTI programs should be conditioned upon neither informal admission nor entry of a plea of guilty. Enrollment of defendants who maintain their innocence should be permitted unless the defendant's attitude would render pretrial intervention ineffective.

(b) Guilty Plea Required. To be admitted into PTI, a guilty plea must be entered for a defendant who is charged with: (1) a first or second degree crime; (2) any crime if the defendant had previously been convicted of a first or second degree crime; (3) a third or fourth degree crime involving domestic violence, as defined in N.J.S.A. 2C:25-19; or (4) any disorderly persons or petty disorderly persons offense involving domestic violence, as defined in N.J.S.A. 2C:25-19 if the defendant committed the offense while subject to a temporary or permanent restraining order issued pursuant to the provisions of the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq.

Official Comment

Guideline 4 differentiates when defendants will be required to enter a guilty plea in order to be admitted into PTI pursuant to N.J.S.A. 2C:43-12g(3). Paragraph (b), which requires a guilty plea for defendants charged with certain offenses, was added to the guideline in order to provide guidance in conforming with the statute.

A PTI program is presented to defendants as an opportunity to earn a dismissal of charges for social reasons and reasons of present and future behavior, legal guilt or innocence notwithstanding. This stance produces a relation of trust between counselor and defendant. Within the context of pretrial intervention when and whether guilt should be admitted is a decision for counselors. Counselors should be free to handle each case individually according to their best judgment. Neither admission of guilt nor acknowledgment of responsibility is

required, except for defendants who are charged with a crime or offense falling under Guideline 4(b). Steps to bar participation solely on such grounds would be an unwarranted discrimination. Nevertheless, many guilty defendants blame their behavior on society, family, friends or circumstance, and avoid recognition of the extent of their own role and responsibility. While such an attitude continues, it is unlikely that behavioral change can occur as a result of short-term rehabilitative work. An understanding and acceptance of responsibility for behavior achieved through counseling, can and often does, result in the beginnings of the defendant's ability to control his/her acts and is an indication that rehabilitation may, in large measure, have been achieved.

Guideline 5

... No change

Guideline 6

... No change

Guideline 7

... No change

Guideline 8

... No change

Guidelines 2, 3, 6 and 8 and Comments to Guidelines 2, 3, 5 and 6 amended July 13, 1994 to be effective January 1, 1995; Guidelines 3(g) and (h) and Comments to Guidelines 3(g) and (h) amended June 28, 1996 to be effective September 1, 1996; Guideline 3(a) amended July 19, 2012 to be effective September 4, 2012; Comment to Guideline 6 amended August 1, 2016 to be effective September 1, 2016; caption amended, Guideline 3(d) Comment amended, Guideline 3(i) text and Comment amended, Guideline 3(l) text and Comment adopted, Guideline 4 text designated as paragraph (a) and paragraph caption added and new paragraph (b) caption and text adopted, and Comment to Guideline 4 amended July 28, 2017 to be effective September 1, 2017.

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? ☐ Yes ☐ No.
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) _____

_____

_____

_____

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 – **ATTACH** pay stubs)	$_____	$_____
Commissions and bonuses, etc., are: ☐ included ☐ not included* ☐ not paid to you.		
2. Deductions per week (check all types of withholdings): ☐Federal ☐State ☐F.I.C.A. ☐S.U.I. ☐Other	$_____	$_____
3. Net average weekly income (1 - 2)	$_____	$_____

*__ATTACH__ details of basis thereof, including, but not limited to, percentage overrides, timing of payments, etc. **ATTACH** copies of last three statements of such bonuses, commissions, etc.

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:

1. How often are you paid? _____
2. What is your annual salary? $_____
3. Have you received any raises in the current year? ☐Yes ☐No
   If yes, provide the date and the gross/net amount. _____
4. 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: _____
5. 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
SCHEDULE A: SHELTER		
If Tenant:		
Rent	$_____	$_____
Heat (if not furnished)	$_____	$_____
Electric & Gas (if not furnished)	$_____	$_____
Renter's Insurance	$_____	$_____
Parking (at Apartment)	$_____	$_____
Other charges (Itemize)	$_____	$_____
If Homeowner:		
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)	$_____	$_____
Tenant or Homeowner:		
Telephone	$_____	$_____
Mobile/Cellular Telephone	$_____	$_____
Service Contracts on Equipment	$_____	$_____
Cable TV	$_____	$_____
Plumber/Electrician	$_____	$_____
Equipment & Furnishings	$_____	$_____
Internet Charges	$_____	$_____
Home Security System	$_____	$_____
Other (itemize)	$_____	$_____
TOTAL	$_____	$_____
SCHEDULE B: TRANSPORTATION		
Auto Payment	$_____	$_____
Auto Insurance (number of vehicles: _____)	$_____	$_____
Registration, License	$_____	$_____
Maintenance	$_____	$_____
Fuel and Oil	$_____	$_____
Commuting Expenses	$_____	$_____
Other Charges (Itemize)	$_____	$_____
TOTAL	$_____	$_____

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)[1]	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: $_____

[1] P = Plaintiff; D = Defendant; J = Joint

Statement of Liabilities

Description	Name of Responsible Party (P, D, J)	If you contend liability should not be shared, state reason	Monthly Payment	Total Owed	Date
1. Real Estate Mortgages					
2. Other Long Term Debts					
3. Revolving Charges					
4. Other Short Term Debts					
5. Contingent Liabilities					

TOTAL GROSS LIABILITIES: $_____
(excluding contingent liabilities)

NET WORTH: $_____
(subject to equitable distribution)

TOTAL SUBJECT TO EQUITABLE DISTRIBUTION: $_____

TOTAL NOT SUBJECT TO EQUITABLE DISTRIBUTION: $_____

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 list of the information as promulgated by the Administrative Director can be found on the Judiciary website.	☐

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: _____

APPENDIX IX-A
CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES

(Includes amendments through those effective September 1, 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);

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. substantiated 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.

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

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 [and/or party] may bring an action to compel payment in the county in which the mediation order originated [in the Special Civil Part of the county in which the underlying case was filed.] as follows:

(a) The remedy for a family mediator to compel payment is either by an application, motion or order to show cause in the Family Part or by a separate collection action in the Special Civil Part (or in the Civil Part if the amount exceeds the jurisdictional limit of the Special Civil Part).

(b) The remedy for a civil mediator to compel payment is by a separate collection action in the Special Civil Part (or in the Civil Part if the amount exceeds the jurisdictional limit of the Special Civil Part).

17. Collection of Costs and Expenses: A party and/or counsel requesting compensation for costs and expenses related to a court-ordered mediation may bring an action to compel payment in the county in which the mediation order originated as follows:

(a) For family mediations, the remedy for a party and/or counsel to compel payment is by an application, motion or order to show cause in the Family Part or by a separate collection action in the Special Civil Part (or in the Civil Part if the amount exceeds the jurisdictional limit of the Special Civil Part).

(b) For civil mediations, the remedy for a party and/or counsel to compel payment is by a separate collection action in the Special Civil Part (or in the Civil Part if the amount exceeds the jurisdictional limit of the Special Civil Part).

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 and new Guideline 17 adopted July 28, 2017 to be effective September 1, 2017.