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DIRECTIVE #11-19
[Supersedes Directive #11-99]
[Questions or comments may be directe to (609) 815-2940 x55350]

TO: **Assignment Judges**
Family Presiding Judges
Trial Court Administrators
Family Division Managers

FROM: **Glenn A. Grant, J.A.D.**

SUBJ: **Family – Dissolution – Revised Standards for the Administration of the Parents' Education Act (*N.J.S.A.* 2A:34-12.1 to 2A:34-12.8)**

DATE: **June 17, 2019**

This Directive promulgates a revised set of operating standards for the Parents' Education Program for dissolution matters and supersedes Directive #11-99. The revisions clarify procedures to ensure the Parents' Education program for dissolution matters is in full conformance with current statutes, court rules and Judiciary policies.

Please contact the Family Practice Division at 609-815-2900 extension 55350, with any questions concerning this Directive or the Parents' Education Program.

EDITOR'S NOTE

11/08/1999 - Directive #11-99, Parents' Education Act (*N.J.S.A.* 2A:34-12.1 to 2A:34-12.8), promulgated by Richard J. Williams Acting Administrative Director

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cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Special Assistants to the Administrative Director
Amelia Wachter-Smith, Chief, Family Practice
Assistant Family Division Managers

Parents Education Act (*N.J.S.A.* 2A:34-12.1 to 2A:34-12.8)

The following procedures are to be used for the administration of the Parents' Education Program for dissolution matters pursuant to the provisions of the Parents' Education Act, *N.J.S.A.* 2A:34-12.1 to 2A:34-12.8., P.L. 1999, c. 111, effective November 15, 1999 [hereinafter "Act"].

I. Overview of the Program

All parties who have filed an action for divorce, nullity, or separate maintenance and have minor children are required to attend the Parents' Education Program (hereinafter " Program") and to pay a $25.00 registration fee. Parties that are requesting to dissolve Domestic Partnerships or Civil Unions are also required to participate in the Program based on the applicable statutes and directives. [1]

The parties will be **exempt** from attending the Program for the following reasons:

- if a temporary restraining order exists between the parties pursuant to the Prevention of Domestic Violence Act;
- if a final order exists between the parties pursuant to the Prevention of Domestic Violence Act;
- if either party is restrained from contact with the other party, or a child of the other party, under the criminal or civil laws of this or any other state;
- if the complaint, answer or other first pleading includes the request to incorporate the property settlement agreement;
- if the court finds good cause for exemption.

The Program should be made available twice a month and the parties are to attend separate sessions. The parties must complete the program prior to the entry of judgment of divorce or dissolution. The court shall consider failure of a party to attend the program session as a factor when making any custody or visitation determinations. The Program shall be designed to assist and advise parents who are dissolving their relationship on issues concerning the legal process as well as how divorce affects the children.

The Assignment Judge of each county must designate appropriate staff to serve as program representative(s). A person serving as a program representative will not be liable for damages resulting from any exercise of judgment or discretion in connection with the person's duties unless the actions are fraudulent or there is evidence of a reckless disregard for the duties imposed by the position. There will be

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[1] Pursuant to, PL 2006, c.103 (A3787 2R), the dissolution of civil unions shall follow the same procedures and be subject to the same substantive rights and obligations that are involved in the dissolution of marriage.

no immunity, however, for damage caused by a willful, wanton, or grossly negligent act of commission or omission. Program representatives are forbidden from soliciting, accepting employment from, or counseling a program participant for a period of one year after the program participant has completed the program.

All communications made by any program participant during the course of attending the program are confidential and shall not be admissible as evidence in any court proceeding.

II. Proceedings in the Superior Court

A. Screening of Pleadings for Applicability/Payment of Registration Fee

(1) All Complaints, Counterclaims, Answers or other first pleadings in an action for divorce, nullity, separate maintenance, termination of a domestic partnership or dissolution of a civil union shall be screened by a Family or Finance Division staff member at the time of filing to see if a minor child(ren) in common is named on the complaint. The staff member will then check to see if there is a domestic violence restraining order between the parties. If a domestic violence restraining order exists between the parties, attendance at the program and the program fee is **not** required to be submitted by either party. If there is no active restraining order at the time of filing and a request to incorporate a property settlement agreement is **not** contained in the body of the complaint, answer or other first pleading, that party must attend the Program and must include the $25.00 Parents' Education Registration Fee along with the filing fee.

(2) Pursuant to Rule 1:5-6(c)(1), if a party required to attend the Parents' Education Program does not submit the $25.00 registration fee at the time his or her Complaint, Counterclaim, or Answer is presented for filing, the pleading must be returned to the litigant stamped "Received but not Filed (date)" with notice that if the pleading is retransmitted together with the registration fee within ten days after the date of the clerk's notice, filing will be deemed to have been made on the stamped receipt date. This notice will be in the form of a Notice of Deficiency sent to the litigant by the Family Division.

(3) The registration fee will be collected and recorded by the Family or Finance Division in conjunction with the filing fee. The fee will be credited to a central dedicated Parents' Education Fund by the Office of the Clerk of the Superior Court. Transaction codes and document codes for recordation are established in FACTS-FM.

(4) If a party applies for a waiver of filing or other court fees due to indigence, the waiver of the Parents' Education Program fee will be considered at the same time.

(5) If a party has paid the $25.00 registration fee in error, any refund shall be at the request of the party and will be handled according to procedures established by the Clerk of the Superior Court.

B. Scheduling the Program Session

(1) As soon as practicable after the $25.00 registration fee is paid and the pleading is filed, the party is to be scheduled for the Program. A Scheduling Notice to Litigants shall be sent to the litigant indicating the date, time, and location of the session. Each party shall be scheduled for separate program sessions.

(2) The party or parties must contact the Family Division to remove their names from the list of parties scheduled to attend, if one of the following conditions are met after the case has been scheduled for a program session:

- A party is excused by the court, pursuant to 2A:34-12.5(d), from attending the session,
- a request to incorporate a property settlement agreement is filed, or
- any type of order is entered restraining either party from contacting the other or the child of the other.

The Scheduling Notice to Litigants will advise of this requirement and the fact that failure to attend the program will be considered as a factor by the court in making custody and visitation decisions.

C. Program Session

(1) The program sessions should be made available two times per month if volume and convenience to the litigants requires it.

(2) An individual record documenting attendance or non-attendance must be maintained at each session. This attendance record will be placed in the litigant's court file.

(3) If a party on two occasions fails to appear at the Parents' Education Program, staff will notify the Court who will make a determination as to the subsequent actions in the case.

III. Confidentiality

All communications made by any program participant during the course of attending the program are confidential and shall not be admissible as evidence in any court proceeding.

IV. Curriculum

A. Pursuant to the Act, the issues set forth below must be covered in the Parents' Education Program curriculum:

(1) Understanding the legal process and cost of separation, divorce, termination of domestic partnership or dissolution of a civil union, including arbitration and mediation;

(2) Understanding the financial responsibilities for the children;

(3) Understanding the interaction between parent and child, the family relationship and any other areas of adjustment and concern during the process of divorce and separation;

(4) Understanding how children react to divorce or separation, how to spot problems, what to tell them about divorce or separation, how to keep communication open and how to answer questions and concerns the children may have about the process;

(5) Understanding how parents can help their children during the divorce or separation, specific strategies, ideas, tools, and resources for assistance;

(6) Understanding how parents can help their children after the divorce or separation and how to deal with new family structures and different sets of rules; and

(7) Understanding that cooperation may sometimes be inappropriate in cases of domestic violence. An explanation to the participants that the dynamics of domestic violence may prevent equal participation in dispute resolution programs must be included.

B. The first two criteria addressing financial issues may be addressed in the following manner:

(1) A vicinage handout and/or lecture should be given to help guide litigants through the dissolution process as it pertains to the county in which the divorce or dissolution complaint was filed. Each county shall provide a description and explanation of all programs available to assist the litigants in the divorce process, including Matrimonial Early Settlement Panels, mediation, collaborative divorce, and arbitration. In addition, the Statement of Client Rights and Responsibilities will be provided with instructions for each party to consult with his or her attorney for specific fees and costs for representation. However, it should be emphasized to the participants that litigation can be expensive and it can be more cost

efficient to resolve issues through the dispute resolution process.

(2) The philosophy underlying the New Jersey child support guidelines and the financial responsibilities of supporting children should be explained both during the session and a handout provided to the participants.