New Jersey Courts
Independence • Integrity • Fairness • Quality Service

Administrative Office of the Courts

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

Richard J. Hughes Justice Complex • P.O. Box 037 • Trenton, NJ 08625-0037 njcourts.gov • Tel: 609-376-3000 • Fax: 609-376-3002

To: **Assignment Judges**
Trial Court Administrators

From: **Glenn A. Grant, J.A.D.** GAG SDG

DIRECTIVE #18-20
[Questions or comments may be directed to (609) 815-2900, ext. 55350]

Subj: **Family – Entry of Default and Uncontested Dissolution Judgments Without Personal Appearances (divorce on the papers)**

Date: **June 5, 2020**

This Directive promulgates for statewide implementation instructions for the entry of default and uncontested judgments without personal appearances in certain dissolution (FM) proceedings. In specific circumstances, this allows litigants to request a divorce without a formal appearance before the court. Effective immediately, each Vicinage is to implement these procedures in all appropriate cases as described below. However, if deemed necessary, a judge has the discretion to have the proceedings scheduled to be heard remotely using telephonic or video technology. Dissolution case types include verified complaints for divorce, annulments, dissolution of civil unions, and the dissolution of domestic partnerships.

Default cases are cases in which one spouse has filed for divorce or termination, properly notified the other spouse, and that other spouse has not filed any response with the court. Uncontested cases are cases in which the spouses both want the divorce or termination and agree on all issues between them.

In both types of cases, this procedure is available if the spouse who filed is only asking the court to:

1. Terminate the marriage, civil union, or domestic partnership with no additional request for relief; or
2. Terminate the marriage, civil union, or domestic partnership and include any signed property settlement agreement or existing final court order that resolves all issues between the spouses (such as custody, child support, and property distribution).

    - For those cases that include a property settlement agreement, each party is required to submit the attached certification (CN# 12620) which includes an acknowledgment that each party understands

they have a right to an independent review of the agreement prior to signature. A certification is a document representing the completion of certain requirements or confirmation that some fact or statement is true.

In either of these situations, the spouse who filed can resume any name used before the marriage or change their name, consistent with New Jersey law.

Attached to this directive is a certification and instructions detailing all required documentation that the filing party must complete and submit to the court with their request to terminate the marriage, civil union, or domestic partnership.

Contact the Family Practice Division at (609) 815-2900 extension 55350 with any questions. Additionally, self-represented litigants can contact the court ombudsman in the county where the action is filed or Legal Services of New Jersey at (732) 572-9100 or www.lsnj.org for sample forms.

Attachments:
Instructions
Certification in Support of Judgment of Divorce (CN#12620)

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
Jennifer M. Perez, Director
Joanne M. Dietrich, Assistant Director
Special Assistants to the Director
Amelia Wachter-Smith, Chief, Family Practice
Assistant Family Division Managers

Request for Default or Uncontested Divorce (Dissolution) Instructions

(Self-represented litigants can obtain sample forms from Legal Services of New Jersey at www.lsnj.org or by contacting the court ombudsman in the county where you are filing your action.)

NOTE:
All certifications and/or affidavits submitted to the court must be witnessed and/or notarized.

This procedure will be available **only** in the following situations:

- Divorce/Dissolution of the marriage, civil union, domestic partnership, or complaint for annulment with no additional request for relief;
- Divorce/Dissolution of the marriage, civil union, domestic partnership, or complaint for annulment with a signed property settlement agreement or the continuation of final orders entered in other proceedings resolving all issues of equitable distribution, custody, parenting time, and child support, with no outstanding issues or assets that need to be addressed by the court.
- Divorce/Dissolution of the marriage or complaint for annulment and a request by the plaintiff to resume any name used before the marriage or assume any surname, consistent with N.J.S.A. 2A:34-21. (See section IV below).

NOTE: The judge has discretion to require a court appearance if any relief sought would inappropriately affect the defendant's rights. If an appearance is required, the plaintiff or plaintiff's attorney will be notified in advance.

PROCEDURES:

1. **Request for Default Divorce/Dissolution Without a Court Appearance:**

   The request for divorce without a court appearance must be made in writing at the same time that the Request to Enter Default is filed.

2. **Request for the Entry of an Uncontested Divorce without a Court Appearance:**

   The request for divorce without a court appearance shall be made in writing by both parties.

NEXT STEPS:

1. Court staff will review the documents submitted. If the documents are incomplete, court staff will send a deficiency notice to plaintiff or plaintiff's counsel requiring that it be corrected. If the deficiencies are not satisfied within ten (10) days or at the discretion of the judge, the case will proceed with the requirement of a court appearance.

2. If the documents appear to be in order, the case will be forwarded to a judge for review within five (5) days of the submission. If the judge is satisfied, the Judgment for Divorce/Dissolution will be signed and mailed to the plaintiff or plaintiff's attorney. The plaintiff or their attorney must serve (properly deliver) the judgment to the defendant and their attorney.

REQUIRED DOCUMENTS:

NOTE:
Many of the below required documents and certifications may have already been filed prior to this procedure. If those documents and/or certifications have been filed, you do not need to re-file these documents with the court.

The following documents must be filed with the court in order to proceed with divorce/dissolution on the papers (without a court appearance). Many of the documents listed below may have already been filed and do not need to be refiled with the court:

a. Verified Complaint for Divorce, Annulment, Dissolution of a Civil Union or Domestic Partnership;

b. Proof of Service of the defendant;

c. In adultery cases, notice to the alleged adulterer and proof of service, which shall include that the alleged adulterer has not moved to intervene (file a court document) or otherwise respond to the notice;

d. Request to Enter Default (Only required if filing for a default divorce);

e. Certification of Affidavit of Non-Military Service with proof of the appropriate search (Only required if filing for a default divorce);

f. Certification of Non-Collusion, R. 5:4-2 (c);

g. Certification or Affidavit of Insurance, R. 5:4-2 (f);

h. Confidential Litigants Information Sheet (CLIS), R. 5:4-2 (g);

i. Certification of Divorce Dispute Resolution, R. 5:4-2 (h);

j. Certification that the plaintiff signed the complaint and all the allegations in the complaint are true (Only required if filing for a default divorce);

k. An original of the Proposed Final Judgment of Divorce, Annulment or Dissolution of a Civil Union or Domestic Partnership that states that the matter

was heard on the papers submitted and that the court made no finding on the merits;

l. Uniform Summary Support Order, if applicable, (if filing for an uncontested divorce) and
   - Child support guidelines worksheet, and if there is a deviation from the guidelines, a statement of reasons for the deviation, if applicable; and

Certification
The attached certification must be completed and signed.

Continuation of Prior Orders
If the plaintiff requests the continuation of prior final orders, the complaint or certification must include copies of those order(s) and identify them in the body of the certification.

Name Change
If the plaintiff is requesting a name change, the complaint or certification must include the last 4 digits of the plaintiff's social security number and plaintiff's date of birth. It shall also confirm that the plaintiff:

- Has not been convicted of a crime under the name used during the marriage (if this is answered in the affirmative, an appearance and testimony will be required for the name change application);
- Is not the subject of any criminal investigation or prosecution;
- Is not contemplating the filing of bankruptcy; and
- Is not changing the name to avoid creditors.

Filing Attorney Information or Pro Se Litigant

Name _____

NJ Attorney ID Number _____

Address _____

_____

Daytime Phone _____

Cell Phone _____

Email Address _____

Litigant Name _____

(check one) ☐ Plaintiff ☐ Defendant

_____

Plaintiff

v.

_____

Defendant

Superior Court of New Jersey
Chancery Division – Family Part
County _____
Docket Number FM- _____

Civil Action

Certification in Support of Judgment of Divorce

I, _____, of full age, hereby certify:

1. I am the (check one) ☐ Plaintiff ☐ Defendant in this matter and I am filing this Certification in support of my request for a Judgment of Divorce.

☐ 2. I understand that if a Property or Marital Settlement Agreement (Agreement) was provided, that I have the right to an independent review of the agreement.

☐ 3. The Agreement was the result of negotiations between the plaintiff and defendant.

☐ 4. I request the incorporation of the Agreement into the Final Judgment of Divorce.

☐ 5. I understand that if the Agreement is made a part of the Final Judgment of Divorce, it will be as enforceable as any other court order.

☐ 6. I have read and understand the Agreement fully and that it is fair and reasonable.

☐ 7. I understand that the court is not going to decide on the merits of the Agreement, only that it finds the Agreement to be fair and reasonable.

☐ 8. I was not coerced or forced into the Agreement.

☐ 9. I agree to be bound by the terms of the Agreement and am asking the judge to make the Agreement part of the Final Judgment of Divorce.

☐ 10. I was not under the influence of any drug or alcohol at the time of I negotiated, read, and signed the Agreement that would impair my ability to understand the nature of the Agreement.

☐ 11. Alimony (check one)

☐ a. Alimony is not being paid as part of the Agreement. I acknowledge that my lifestyle can be maintained as it was during the marriage or I understand that my lifestyle cannot be maintained and want to enter into the Agreement knowing that my lifestyle cannot be maintained; or

☐ b. Alimony is being paid as part of the Agreement. I acknowledge that my lifestyle can be maintained as it was during the marriage or I understand that my lifestyle will not be maintained and want to enter into the Agreement knowing that my lifestyle cannot be maintained.

☐ i. Attached to this certification is a Marital Lifestyle Statement (only needed by one party) which is a Case Information Statement that reflects the income and expenses of the parties during the marriage.

☐ ii. Parties must indicate that they agree that the Marital Lifestyle Statement correctly reflects their expenditures during the marriage.

☐ iii. Attached is a current, less than one year old, Case Information Statement.

☐ 12. The Agreement incorporates all the terms of the agreement and that there are no remaining issues or side agreements not contained in the Agreement.

☐ 13. I am aware that I am waiving the right to have the judge decide the issues.

☐ 14. I have no other prior or pending court cases with the other party.

☐ 15. I have the following prior and/or pending court cases with the other party in this or any other jurisdiction. (Include the caption, docket number and a brief description of the status of the cases.)

_____

_____

_____

_____

_____

_____

☐ 16. No property was acquired during the marriage that is subject to equitable distribution unless a final order or Agreement has been entered that resolved this issue.

☐ 17. I am not seeking child support, custody, or any other form of relief unless a final order has been entered that resolved these issues.

☐ 18. The statutory grounds for annulment have been met in my Complaint for Annulment.

☐ 19. I am requesting the continuation of prior final orders (include copies of the orders).

- ☐ i. There are no other outstanding property or debt to be distributed.
- ☐ ii. There are no other outstanding issues between the plaintiff and defendant.
- ☐ iii. I understand that all prior orders not specifically referenced in the Final Judgment of Divorce or dissolution will be vacated upon the entering of the Final Judgment, but no restraining order entered under the Prevention of Domestic Violence Act shall be vacated by the entry of the Judgment of Divorce.
- ☐ iv. I wish to continue a restraining order previously entered under the Prevention of Domestic Violence Act.

☐ 20. Name Change

- ☐ i. I have not been convicted of a crime under the name used during the marriage; and
- ☐ ii. I am not the subject of any criminal investigation or prosecution; and
- ☐ iii. I am not contemplating the filing of a bankruptcy; and
- ☐ iv. I am not changing my name to avoid creditors; and
- ☐ v. I am including the last 4 digits of my social security number and full date of birth in the proposed Judgment of Divorce.

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

_____	s/ _____
Date	Signature
	(check one) ☐ Plaintiff ☐ Defendant