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Administrative Director of the Courts

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

**DIRECTIVE #17-23**  
**(Supersedes Directive #06-20)**  
Questions may be directed to the Family Practice  
Division at (609) 815-2900, ext. 55350.

**From: Glenn A. Grant, Administrative Director**

**Subject: Domestic Violence Economic Mediation (DVEM) Program:  
Updated Operational Guidelines and Forms**

**Date: September 11, 2023**

This directive promulgates updated Operational Guidelines and forms for the Domestic Violence Economic Mediation (DVEM) Program. The updated Operational Guidelines and forms replace those promulgated by Directive #06-20, “Family – Domestic Violence Economic Mediation Program – Operational Guidelines; Forms,” which directive is superseded.

Put on pause because of the pandemic, the availability of DVEM will resume in the six pilot counties (Essex, Mercer, Middlesex, Morris, Ocean, Somerset) as of October 1, 2023, and will be available in all counties by January 1, 2024. See the [July 7 Notice to the Bar](#). These updated Operational Guidelines and forms must be used for all cases participating in the program.

### History of the DVEM

The Supreme Court in its [May 8, 2015 Order](#) relaxed and supplemented Rule 1:40-5(b)(1) and provisions of the Domestic Violence Procedures Manual to establish a pilot program for economic mediation in certain family court dissolution (FM) matters in which a final restraining order is in effect between

the parties. After an extended design and development period, the DVEM pilot program became operational.

Following pilot exploration for three years in six counties (Essex, Mercer, Middlesex, Morris, Ocean, and Somerset), the Court authorized issuance of statewide operational guidelines and forms for the DVEM, as promulgated in Directive #06-20. At that time, the plan was to continue the program in the pilot counties and expeditiously expand statewide. However, as noted above, the Covid-19 pandemic in early 2020 interrupted both the continuation of DVEM in the pilot counties and its expansion statewide of the DVEM.

### Resumption and Expansion of the DVEM; Related Court Rule Amendments

Following the conclusion of pandemic-related adjustments to court operations, the Supreme Court authorized resumption of the DVEM as set out in the Administrative Director's [July 7, 2023](#) Notice to the Bar. As authorized by the Court, the DVEM will be operational in the original six pilot counties as of October 1, 2023 and in all remaining counties by January 1, 2024.

The Court in its September 11, 2023 Order has amended Rules 1:40-5 ("Mediation in Family Part Matters") and 1:40-12 ("Mediators and Arbitrators in Court-Annexed Programs") to formalize the provisions of the DVEM. As amended, those Rules will now provide as follows:

- They permit referral to post-Early Settlement Panel (ESP) economic mediation when there is a final restraining order with the consent of the protected party. Parties with a temporary restraining order, as well as cases in which there is a pending contempt charge or prior conviction for violation of a final restraining order, cannot participate in the DVEM. All DVEM sessions focus only on economic issues and do not address custody or parenting time.
- They provide for approved economic mediators to participate in the DVEM program following completion of domestic violence mediation training. This mandatory training focuses on domestic violence topics

including but not limited to power and control; the progression of abuse; the cycle of violence; and issues related to victims and perpetrators.

### Key Provisions of the Operational Guidelines

DVEM sessions must be conducted either in person at the courthouse or virtually. In either instance, the parties must not have any contact. The mediator instead uses a “shuttle diplomacy” process in which the parties are in separate physical or virtual rooms and the mediator travels (physically or virtually) between the parties to communicate separately with each party. Security requirements set forth in the Operational Guidelines must be followed for both in-person and virtual sessions. As updated, the Operational Guidelines clarify that before the first mediation session, designated court staff will facilitate the exchange of information and documents between the mediator and the parties, including self-represented parties. If the parties acquire additional financial information during the mediation process, the parties are required to submit the information to the mediator, and the mediator should exchange the information between the parties if they are self-represented.

### Questions

Questions on this directive and the Domestic Violence Economic Mediation Program may be directed to the AOC Family Practice Division at (609) 815-2900 x55350.

### Attachments

1. Domestic Violence Economic Mediation Operational Guidelines – Updated 2023
2. Protected Party Frequently Asked Questions (CN 12356)
3. Non-Protected Party Frequently Asked Questions (CN 12357)
4. Certification of Plaintiff in Support of Request to Amend Final Restraining Order to Permit Economic Mediation (CN 12358)
5. Judge’s Colloquy and Suggested Language for Amended Final

- Restraining Order (template)
6. Order of Referral to Domestic Violence Economic Mediation (CN 12359)
  7. Protective Order (CN 10485)
  8. Protected Party Post-Mediation Questionnaire (CN 11911)
  9. Non-Protected Party Post-Mediation Questionnaire (CN 12143)
  10. Economic Mediation Results Form (For Mediator) (CN 10491)

cc: Chief Justice Stuart Rabner  
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