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Sent: Tuesday, February 24, 2015 2:56 PM
To: Comments Mailbox
Cc: jllawrence@nmmlaw.com
Subject: Family Practice Committee Report

Please accept the comments below concerning the Family Practice Committee Report proposed revisions to the Court Rules. Please note that I have been a staff attorney for Bergen County Board of Social Services since 1987, and am extremely familiar with non-dissolution and child support matters.

1. R. 5:4-2(e)(2) – The criticism voiced in R.K. v. D.L. was the regarding the requirement to require anything other than pleadings prepared by an attorney in non-dissolution cases. Having reviewed hundreds of applications on the AOC-promulgated non-dissolution forms, I can state that nothing substantive can be gained by requiring attorneys to complete the forms in addition to the attorney-prepared pleadings. In addition, there is an addition (and unnecessary) cost to the litigant in having his or her lawyer complete the superfluous forms. I propose that the following sentence be added to the proposed R. 5:4-2(e)(2), “Attorneys may draft and submit complaints and post-applications in non-dissolution actions without the necessity of filing the non-dissolution forms promulgated by the Administrative Office of the Courts.”

2. R. 5:7-4(d) – The paragraph concerning the presumption of child support payments through probation should be clarified. My concern is when a child support order is silent as to the manner in which the child support is to be paid. If the intention of the rule is that in such situations payments are to be made through probation, then the rule should be clearly stated. If so intended, then I would propose the following language, “All child support orders, whether or not so stated, shall be presumed to be payable through and enforceable by probation or the New Jersey Family Support Payment Center, unless the order clearly and unequivocally states that the child support payments are to be made directly between the parties and not through probation.”

3. Standardized Notices – There are a myriad of Notices required to be part of orders in Child Support actions. The required Notices are available off the Summary Support Orders on the Judiciary website. It may, though, be beneficial to the bench and the bar that the required Notices be included as part of the Court Rules Appendix in a form that can be printed and made part of attorney or court prepared orders (other than USSOs). This would bring ease and uniformity to the Notices.

Thank you for your consideration.

Mitch Steinhart.

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