

RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
RULE 5:6. SUMMARY ACTION FOR SUPPORT

Rule 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, 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.

Rule 5:6-2. Matters brought by assistance agencies

In a proceeding for support brought by an assistance agency, any support that may be directed to be paid shall comply with R. 5:6A. If sufficient financial information is not available for either party, the court shall, insofar as practicable, make the support award in consideration of the amount of assistance received by the obligee.

Note: Source-R. (1969) 5:5-3(b). Adopted December 20, 1983, to be effective December 31, 1983; amended July 14, 1992 to be effective September 1, 1992.

Rule 5:6-3. Hearing

The court shall hear and determine the matter in a summary manner on the return day fixed in the process unless it is adjourned by or with the consent of the court. If the plaintiff does not attend the hearing, the court may dismiss the complaint, adjourn the matter to a future date and renotify the parties or take other appropriate action. On its own or a party's motion on good cause shown the court may order that the matter proceed in a plenary manner as it shall direct.

Note: Source-R. (1969) 5:3-2 (third sentence), 5:5-1(a), (c). Adopted December 20, 1983, to be effective December 31, 1983.

Rule 5:6-4. Interstate support

Matters originating under N.J.S.A. 2A:4-30.65 to 2A:4-30.123 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.

Rule 5:6-5. Enforcement of Orders

Support orders may be enforced and proceeded upon in accordance with R. 1:10-3 and the applicable provisions of R. 5:3-7, R. 5:7-5, and R. 5:7-6.

Note: Source-R. (1969) 5:6-4. Adopted December 20, 1983, to be effective December 31, 1983; amended June 15, 2007 to be effective September 1, 2007.

Rule 5:6-6. Probation-Initiated Status Review of Support Orders.

The Probation Division may present to the court for status review any appropriate case being enforced by Probation, subject to appropriate procedural due process requirements. The court shall consider such cases and may modify, suspend or terminate a support order, close a Probation-supervised case, or take such action as the court may deem appropriate and just. Status review hearings shall not substitute for motions or applications for post-dispositional relief initiated by parties to the case and may only be used by Probation as a vehicle to manage cases being enforced by Probation. The forms and procedures to implement the provisions of this Rule shall be prescribed by the Administrative Director of the Courts.

Note: Adopted October 5, 1993, to be effective October 13, 1993; caption and text amended July 21, 2011 to be effective September 1, 2011.

Rule 5:6-7. Separate Maintenance

An action for separate maintenance pursuant to N.J.S.A. 2A:34-24 shall be brought as a summary action unless designated as non-summary in nature by the Family Part Presiding Judge. When the response to the original Complaint for Separate Maintenance contains a counterclaim for divorce, dissolution of civil union or termination of domestic partnership, the action shall immediately be transferred to the dissolution (FM) docket without the need for a formal motion.

Note: Adopted July 28, 2004 to be effective September 1, 2004; amended July 21, 2011 to be effective September 1, 2011.

Rule 5:6-8. Affidavit or Certification of Non-Military Service

In every summary action and proceeding for support, no order shall be entered by default unless an affidavit or certification of non-military service is provided to the court, as provided in R. 1:5-7. The forms and procedures to implement the provisions of this rule shall be prescribed by the Administrative Director of the Courts.

Note: Adopted June 15, 2007 to be effective September 1, 2007.