How to Ask the Court to Change/Enforce an Order in Your Case or Request Another Related Action in Your Case

(Family Multipurpose Post-Judgment Motions)

Who Should Use This Packet?

You can use this packet if you have an order from the court that you wish to change or enforce in your divorce, your civil union or your domestic partnership.

The word *motion* used in this packet means a written request in which you ask the court to change or enforce an order it has already made. The court will change an order only if important facts or circumstances have changed from the time the order was issued. This is different from an *appeal*.

Family court motions are governed by Court *Rule* 5:5-4; your motion must follow the requirements of this rule. **Unless otherwise noted, this packet is for use in cases with an "FM" docket number.

Some types of motions you can use this packet for are:

- A motion to increase or decrease child support payments.
- A motion to terminate or continue child support.
- A motion to increase, decrease or terminate alimony or spousal support payments.
- A motion to change the custody arrangements of a minor child.
- A motion to change the visitation/parenting time arrangements in your case.
- A motion to enforce litigants' rights. (This includes but is not limited to enforcing custody, college expenses, visitation, child support and alimony or spousal support payment orders.)
- A motion for emancipation of a child (termination of child support obligation).
- A motion for reimbursement of medical expenses.
- A motion for a change the county where the case is heard (Change of Venue).
- A motion for removal (relocation) of children.
- Miscellaneous Family Court motions governed by Court *Rule* 5:5-4.
- A motion to resume your maiden name after a divorce. **Note**: if your judgment of divorce stipulates that you may resume your maiden name, you do not need to use this packet, and may apply for a new social security card free of charge with the Social Security Administration office.
- A motion for reconsideration (**FM, FD or FV cases**).
- A motion to reinstate your divorce complaint.
- A cross-motion responding to one of the motions listed above.

DO NOT complete this packet if your court order requires payment of child support, alimony or spousal support directly to you and your only request is that these payments be made through the Probation Division. In this case, you should contact your county Family Division directly.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the forms will be available at the county courthouse or at njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Descriptions of Motions That You Can File with This Packet

Note: this packet is for use in cases that begin with the letters "FM", except for a motion of reconsideration (page 3), which can be used for cases with the letters "FM", "FD", and "FV".

Motion to Increase or Decrease Child Support payments:

If you are receiving child support payments, you can file this motion to ask the court to increase the amount of child support you are receiving. If you are paying child support, you can use this packet to file a motion to ask the court to decrease the amount of child support you have to pay.

A Motion to Terminate or Continue Child Support

The new Child Support Termination law (*N.J.S.A.* 2A:17-56.67 *et seq*.), effective February 1, 2017, allowed for the termination of a child support obligation by operation of law (automatically) for a dependent who has reached the age of 19. If you are contesting the termination of the child support obligation or you are contesting the continuation of the child support obligation past the dependent's age of 19, you can use this packet. If you are requesting financial maintenance beyond the dependent's age of 23, you can also use this packet.

Motion to Increase, Decrease or Terminate Alimony payments:

You can use this packet to ask the court to either increase, decrease or discontinue the previously ordered alimony obligation.

Motion to Change the Custody Arrangements of a minor child:

If a judge in your case has issued a custody order which outlines the custody arrangements between you and the other party, and you wish to change that arrangement, you can use this packet to ask the court to change the custody order.

Motion to Change Visitation/Parenting Time arrangements:

You can use this packet to ask the court to change a previously ordered visitation and/or parenting time arrangement.

Motion to Enforce Litigants' Rights:

If you have obtained a court order in your case directing the other party to do something or not do something, and the other party is not following the court's order, you can use this motion to ask the court to ensure that the other party does so.

Motion for Emancipation of a Child:

Emancipation is defined as when a child has obtained an independent status on their own. Some examples of when this might occur:

- The child is 18 years of age and is no longer a full-time student, whichever is the last to occur.
- The marriage of the child.
- The entry of the child into the armed forces.

Motion for Reimbursement of Medical Expenses:

If you have paid certain medical expenses for your child and you wish to seek reimbursement from the other party for these expenses, you can use this packet to ask the court to order the other party to reimburse you for these medical expenses.

Motion for a Change of County Where the Case is Heard (Venue):

If you want to request the court to change the county in which all future filings pertaining to your divorce will be heard, you must request a change of venue.

A Motion for Removal (Relocation) of children:

When a custodial parent wants to move out of New Jersey, that parent must have either the written consent of the other parent or a court order permitting the relocation. If the non-custodial parent does not consent to the child's relocation, then the custodial parent seeking the relocation must file a motion with the court seeking relocation as a relief.

Miscellaneous Motions Governed by Court *Rule* 5:5-4 (Other Family Motions)

This packet can be used for motions not listed above but which require court consideration and a Family Court judge's decision.

A Motion for Reconsideration of a Family Court Order (FM, FD or FV):

A motion for reconsideration is used to request the court to reconsider a decision it has rendered within 20 days of a signed court order issued to you. A motion for reconsideration is filed in court and reviewed by the same judge who made the decision you are requesting to be changed. You can also file an appeal in the Appellate Court within 45 days after the court has issued an order. However, that is a different process. You can read information about filing an appeal on page 5 of this packet. If you wish to file an appeal instead of a modification, you would use CN 10837 - How to Appeal a Trial Court, Tax Court or State Agency Decision found on our website at njcourts.gov.

Cross-Motion responding to one of the Motions listed above (All Cases):

A cross-motion is a motion that attempts to counter a motion filed by an opposing party. An example could be that the plaintiff filed a motion for custody of the minor child and the defendant filed a cross-motion for custody of the same minor child.

Definition of cases that begin with the letters FM, FD or FV:

FM cases are defined as "dissolution" cases such as divorce from marriage, termination of a civil union, or the termination of a domestic partnership.

FD cases are defined as the "non-dissolution" cases, which include cases involving unmarried parents, or other adults seeking a court order related to a minor child. To change or enforce your FD non-dissolution order, use CN 11492 - How to File a Request to Modify a Non-Dissolution "FD" Court Order Previously Issued by the Court available on our website at njcourts.gov.

FV cases are defined as cases involving a domestic violence complaint and order. To change or enforce your FV order, contact the Family Court in the county where your case was last heard.

What deadlines do you need to meet?

You must tell the other party in writing when you are requesting the motion be heard by the court. That notice must include the time and date of the scheduled motion hearing. Refer to the motion date on your Notice of Motion (Form A) to understand your deadlines.

The other party in the case or their lawyer must receive these papers at least 24 calendar days before the motion is scheduled to be heard by the court. **NOTE**: If you are sending your motion by mail, you **must** mail it at least 27 calendar days before the motion is scheduled to be heard by the court. This allows 3 calendar days for mailing and delivery.

Submit your completed forms online by using the Judiciary Electronic Document Submission (JEDS) system. JEDS can be found on our website at njcourts.gov. If you cannot submit your documents electronically, you can mail them to the Family Court that issued the order you are trying to change or that last heard your case. You will find all Family Court addresses on njcourts.gov.

Note: Applications can be submitted electronically (uploaded) to the Judiciary Electronic Document Submission (JEDS) System (JEDS) at any time; however, they will only be reviewed by Superior Court staff during normal business hours.

Things to Think About Before You Try to Represent Yourself in Court

Try to Get a Lawyer

The law, the proofs necessary to present your case, and the procedural rules governing cases in the Family Division are complex. It is recommended that you make every effort to obtain the assistance of a lawyer. If you cannot afford a lawyer, you can contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found online under "Legal Aid" or "Legal Services."

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Most county bar associations have a Lawyer Referral Service. The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and will sometimes consult with you at a reduced fee.

There are varieties of organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask the Family court staff in your county for a list of lawyer referral services that include these organizations.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help, or attention from the court. You must still comply with the Rules of the Court, even if you are not familiar with them. The following is a list of things court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.

- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

Make and keep for yourself copies of any signed orders, written agreements, Judgments of Divorce, Case Information Statements, and other important papers that relate to your case.

Delivering Papers to the Correct People

The instructions in this packet will tell you to submit electronically, mail, deliver or have delivered by a process server, courier, or an adult neutral third party, copies of all letters, motions, certifications, orders or other papers to the lawyer representing the other person in the case. However, if the other person in the case does not have a lawyer and is representing themselves, then you must send those copies to that person.

To electronically submit your documentation in to new or existing cases to the court, use the **Judiciary Electronic Document Submission (JEDS) system.** (Attorneys can use this system **only** for case types not available in eCourts.) Click on the following link for more information about the JEDS system (including FAQs) and how to register to use the system: https://www.njcourts.gov/selfhelp/jeds.html

Note: Applications can be submitted electronically (uploaded) to the Judiciary Electronic Document Submission (JEDS) System (JEDS) at any time; however, they will only be reviewed by Superior Court staff during normal business hours.

If you mail your papers, you must send them to the other party using both regular and certified mail, return receipt requested. This will provide you with a post office receipt and green card that can serve as proof of service. Your post office can tell you how to send things by certified mail, return receipt requested.

If you are using an adult neutral third party to serve your papers, an affidavit of service from the third party must be provided to the court.

If you are going to personally serve the papers to the opposing party, you must attach a notarized acknowledgement of service from the receiving party (Form H).

If You Want to File an Appeal, Not a Motion

An appeal is a written request asking a higher court to look at the decision of the judge and change that judge's decision. You must make that written request for an appeal within 45 days after the judge decided the case and signed a judgment in the Superior Court.

DO NOT use this packet of materials if you want to file an appeal of a court order. If you wish to file an appeal instead of a modification, you would use CN 10837 - How to Appeal a Trial Court, Tax Court or State Agency Decision found on our website at njcourts.gov.

Definitions of Some Words Used in This Packet

Adult Neutral Party - An *adult neutral party* is an impartial third-party that has no financial, official, or personal interest in a controversy, dispute, or issue.

Affidavit - An *affidavit* is a notarized written statement made to the court when you file papers with the court swearing that the information contained in the filed papers is true.

Appeal - An *appeal* is a written request asking a higher court to look at the decision of the judge and change that judge's decision.

Arrears - The word *arrears* means unpaid or overdue child support, alimony or spousal support payments.

Caption - The *caption* is how the parties' names were written in the original papers filed for your divorce. If you were the plaintiff or defendant you are still the plaintiff or defendant for all subsequent filings.

Certification - A *certification* is a written statement made to the court when you file papers, swearing that the information contained in the filed papers is true.

Defendant - The *defendant* is the person against whom the court action was originally filed.

Exhibits - *Exhibits* are papers and information you provide to support what is in your motion.

Family Case Information Statement (CIS) - The CIS tells the court your past financial status as well as your current status. If you are filing an FM motion and asking for any type of monetary relief such as an increase or decrease in support, you must complete and file a copy of the last CIS submitted to the court and complete a new and current CIS. The CIS which is to be used with this packet can be found on our Self-Help Resource Center.

File - To *file* means to give the appropriate forms to the court to begin the court's consideration of your request.

Judiciary Electronic Document Submission (JEDS) system - The *JEDS system* is an electronic filing system for self-represented litigants for submitting documents to the court. Attorneys can **only** use the JEDS system in cases **not** managed through eCourts.

Motion - A *motion* is a written request in which you ask the court to issue an order, change an order it has already issued, enforce an order it has already issued, ***or ask the court to take some other action related to your case.***

Order - An *order* is a signed paper from the judge telling someone they must do something.

Party - A *party* is a person, business or governmental agency involved in a court action.

Plaintiff - The *plaintiff* is the person who filed the original court action.

Pleading - a *pleading* is a formal written statement of the respective parties of their claim or response to a claim.

Definitions of Some Words Used in This Packet (continued)

Pro Se - The term *pro se* means that you are representing yourself in court without a lawyer.

Process Server - A *process server* is a person (for example, a sheriff or deputy), who serves writs, subpoenas, etc.

Relief - To ask for *relief* is to ask the court for something.

Service - *Service* refers to the delivery of a writ, summons, or other legal papers to the person required to respond to them.

Substantial Change - A *substantial change*, as used in this packet, means a significant change in your situation or circumstances affecting your case.

Third Party - A *third party* is a person or group besides the two primarily involved in a situation, especially a dispute.

Warrant - A *warrant* is a notification to law enforcement that a person should be arrested when found.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ "x 11" white paper only. Forms cannot be filed on a different size or color paper. Use only the forms included in this packet. Be sure to keep a copy for your records.

Steps for Filing a Motion

If you are filing a Motion to Increase/ Decrease/Terminate child support payments, you need to know that Child Support Guidelines are used in New Jersey to determine child support awards (*N.J. Court Rule* 5:6A). A copy of the New Jersey Court Rules is available in all county law libraries and on njcourts.gov.

STEP 1: Fill out the *Notice of Motion* (Form A)
The *Notice of Motion* tells the court and the other party the things you want the court to do. It also tells the other person in the case, and the court, the date the motion will be heard.

STEP 2: Get a court date for your motion
You must locate a date you want your motion to be heard by the court. Go to https://www.njcourts.gov/calendars.html (under the "Miscellaneous" heading select "Motion Day Schedule"). Pick a Friday date that allows sufficient time to meet the required service and answer timeframes. Fill in that date on your Notice of Motion form.

NOTE: The date you are initially assigned might change depending on the judge's schedule. If that happens, the court will contact you and all parties listed in your papers.

STEP 3: Fill out the Confidential Litigant Information Sheet
The purpose of the *Confidential Litigant Information Sheet* (CN 10486) is to ensure accuracy of court records. You must complete this form any time you file a pleading (not just the first pleading) involving alimony, maintenance, child support, custody, parenting time, visitation or paternity. Complete the entire form. Do **NOT** leave any blank spaces. If something does not apply to you, enter "N/A". You can find this form on njcourts.gov.

STEP 4: Fill out the *Certification in Support of Motion* (Form B)
On the *Certification in Support of Motion*, type or print the specific reasons you think the court should agree to the things you are asking for in your Notice of Motion. The reasons you give to the court must be based on the facts that you know are true. Type or print the details about the events that led up to your filing this motion.

You **must** include with the completed Certification form a copy of all previous orders. Remember to **sign** and **date** the form. You should also attach copies of any other papers that will prove that the things you say in your Certification are true, such as pay stubs or federal or state tax returns. These other papers are called *exhibits*.

STEP 5: Fill out the *Proposed Order* (Form C) unless you are requesting to establish, increase or decrease child support (see "Note")
You should include in the *Proposed Order* (Form C) all the things that you are asking the court for in your Notice of Motion. If the judge does not agree with everything you asked for, the judge might change your Proposed Order. The **original and two copies** of the Proposed Order **must be attached** to your Notice of Motion when you deliver it to the court, along with a stamped self-addressed envelope.

Note: Do **NOT** use this form if you are requesting to establish a new child support order, or to increase or decrease your current child support obligation. If you are requesting to establish child support or to increase or decrease your current child support obligation, you should complete the Uniform Summary Support Order (USSO) (CN 10284), which can be found on njcourts.gov.

If the judge grants your motion after the hearing, the judge will sign either the Proposed Order or the USSO.

STEP 6: Fill out the *Certification of Filing and Service* (Form D)
This form tells the court the date that you mailed or delivered the copies of the documents to the other party or other party's attorney, as well as the method of mailing (process server, courier, adult neutral third party; in person; or by regular and certified mail, return receipt requested).

STEP 7: Fill out the *Notice to Litigants* (Form E)
The Notice to Litigants form lets the other party know how to respond to your Notice of Motion.

Your motion could be *dismissed* if your motion papers do not include the Notice to Litigants.

Step 8: Fill out the *Statement for the Probation Division* (Form F)
Fill out this form **ONLY if your child support order is being administered through the Probation Division** and you want to change that order.

You must fill out this form if you are filing a Motion to Increase, Decrease or Terminate Child Support payments that are paid to, or received through, the Probation Division. This form helps Probation know what the court has ordered so that it can keep track of child support payments in the case. If you are **not** paying or receiving child support through the Probation Division, but are filing a Motion to Increase, Decrease, or Terminate Child Support payments, **DO NOT** complete this form, instead go directly to Step 9.

STEP 9: Fill out the Case Information Statement (CIS)
If you are filing an FM motion and asking for any type of monetary relief such as an increase or decrease in support, and you have previously completed a CIS in this case; you must file a copy of the last CIS submitted to the court. You must also complete a new and current CIS, and file a copy of that to the court as well. (This means you will be attaching two CIS forms to your current motion.) The two Case Information Statements tell the court your past financial status as well as your current status, and both must be attached to your Notice of Motion. Make sure to attach proof of your income (i.e., pay stubs, tax returns, etc.)

You will also need to include a blank CIS form in the packet of papers that you mail (or deliver) to the other party. The other party must then complete the CIS and mail (or deliver) a completed copy back to you, as well as send a completed copy to the court.

The Case Information Statement form (CN 10482) can be found at njcourts.gov.

STEP 10: Fill out the *Letter to the Clerk* (Form G)
Complete the Letter to the Clerk of the Superior Court. This letter must be the first page of the packet of papers that you file with the court. You **must include** a self-addressed, stamped envelope with this letter.

For FM cases only: attach your check or money order for $50 made payable to the ***Treasurer, State of New Jersey.*** **DO NOT** send cash.

FV case types do **not** require a filing fee.

STEP 11: Check your completed forms and make copies.
Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed all the forms wherever necessary.

You also need to make three copies of the entire packet of the completed forms, and 2 extra copies of the proposed order. Keep one copy of the entire packet for your own records.

In Step 12 you will be directed to mail or upload your documents to the court. The following checklist will help ensure your package is complete:

Checklist
Make sure you have all of the following items and that they are in this order:

___ *Letter to the Clerk of the Superior Court* (Form G).

___ $50 check or money order (FM cases only). Make the check or money order payable to, ***Treasurer, State of New Jersey***. **Do not** send cash. If you pay in person, keep the receipt for your records.

___ A self-addressed, stamped envelope for the court order that will be mailed to you (if you did not select oral argument).

___ *Notice of Motion* (Form A), *Certification in Support of Motion* (Form B).

___ Any papers to support your motion (called exhibits), including all prior orders.

___ *Proposed Order* (Form C) or *Uniform Summary Support Order* (CN 10284), *Certification of Filing and Service* (Form D), *Notice to Litigants* (Form E), *Statement for the County Probation Division* (Form F) if required (see Step 8).

___ Previous Case Information Statement (CIS) and a current CIS (CN 10482), if applicable.

STEP 12: Submit electronically, mail, deliver or have delivered your package of completed papers to the court and the other party in the case. Submit electronically, mail, deliver or have delivered the original and one copy of all the forms, **and** 2 extra copies of the proposed order to the court.

To electronically submit your documentation in to new or existing cases to the court, use the **Judiciary Electronic Document Submission (JEDS) system.** (Attorneys can use this system **only** for case types not available in eCourts.) Click on the following link for more information about the JEDS system (including FAQs) and how to register to use the system: https://www.njcourts.gov/selfhelp/jeds.html

Note: Applications can be submitted electronically (uploaded) to the Judiciary Electronic Document Submission (JEDS) System (JEDS) at any time; however, they will only be reviewed by Superior Court staff during normal business hours.

Mail, deliver or have delivered one copy of the entire packet of completed forms to the other party or their current lawyer, if known.

You can properly serve the packet on the other party or their attorney as follows: by certified and regular mail through the Postal Service; by a process server or courier service, or by an adult neutral third party (*an accompanying notarized affidavit must be submitted to the court if choosing this method of service - the form must be notarized at the time of service*) or you can personally deliver the packet to the other party (*an accompanying notarized affidavit signed by the receiving party must be submitted to the court if you choose this method of service- the form must be notarized at the time of service*). You must prove to the court that the other non-filing party has been served with your papers.

Attention: If using this packet for a case that begins with the letters "FV" do not personally serve this motion packet. Contact the Family Court for further instructions on service of this packet.

REMINDER: Keep one copy of the entire packet for your own records.

If you are mailing the papers, you must use regular **and** certified mail with return receipt requested. This will provide you with a post office receipt and green card. Return of a signed green card is proof of service to the other party. Your post office can tell you how to send certified mail with return receipt requested.

Additional information:

- If any person named in the Notice of Motion is receiving public assistance and this motion involves child support, you must also send a copy of the packet to the Social Services agency in the county that is providing assistance to that person and/or child(ren). If this applies to you, then you must make an extra copy of the entire packet of completed forms, and an extra copy of the Proposed Order.
- Mail, upload, deliver or have delivered one copy of the Probation Statement to the county Probation Division if you are filing a Motion to Increase, Decrease or Terminate Child Support and/or Alimony or Spousal Support payments and those payments are monitored through the county Probation Division.
- If you are personally delivering the motion, you must have the opposing party complete the Acknowledgement of Personal Service Form (Form H). This form must be notarized by a Notary Public.

DEADLINES

- You must get the motion papers to the other person in the case or to their lawyer **at least 24 calendar days before** the motion is scheduled to be heard by the court.
- If you are sending your motion by mail, you must mail it **no later than 27 calendar days before** the motion is scheduled to be heard by the court. This allows three days for mailing and delivery.

Instructions for Notice of Motion (Form A)

A. At the top of the form, type or print your *Name*, *Attorney ID Number* (if applicable), current *Address*, *Daytime Phone*, *Cell Phone* and *Email Address*. Enter *Your Name* and check whether you are the *Plaintiff* or the *Defendant*.

You remain the same party as you were in the original complaint filed with the court. If you were the defendant in the original complaint, you are still the defendant in this motion. If you were the plaintiff in the original complaint, you are still the plaintiff in this motion.

B. Enter the names of the plaintiff and defendant on the *Plaintiff* and *Defendant* lines, as they appear on the original court order.

C. Enter the name of the *County* where you are filing this motion. This should be the county where the original case was heard.

D. Enter the case *Docket Number* as it appears on your original court order.

E. Provide the name and address of the other party's lawyer, if they have one. If they don't have one, write the name and address of the other party.

F. If you pay or receive child support through the Probation Division, fill in the name and address of the county Probation Division. **Do not** complete this if you do not pay or receive child support payments through the Probation Division.

G. Enter the date of the motion hearing on the line following *Please take notice that on Friday*. Please see Step 2 on page 8.

H. Enter your name in the space following *as the matter may be heard* and select whether you are the plaintiff or defendant.

I. Enter the county on the line following *Family Part*. Enter the county on the line following *at the*. Enter the city where you are filing the motion on the line following *County Courthouse*.

J. Check off the type of motion or motions you want the court to consider in the case. If you select *Other*, please specify what you want the court to do.

K. In each paragraph (1-4) write a short and clear statement explaining what you are asking the court to do. Write as many paragraphs as you need. Some examples of what you might put in this section are:

- The child support payments should be increased or decreased from $_____ a week to $_____ a week;
- The custody status of my child should be changed because it is in the best interest of my child;
- The parenting visitation time should be increased from _____ hours per week to _____ hours per week;
- The alimony or spousal support payments should be increased or decreased from $_____ a week to $_____ a week;
- An order was previously entered by the court and is not being complied with by [name of other party] and the court should issue an order to Enforce Litigants' Rights to have the other party comply with the court's order. [List the type of order that has been violated.]
- [Name of the other party] should repay me $_____ as reimbursement for medical expenses.

L. If you pay or receive child support payments through the Probation Division or if you otherwise have a child support account number, fill in the name of the Probation Division as well as your child support (CS) number in paragraph 5. If you **do not** pay or receive child support through the Probation Division, you won't have a child support number. If this is the case, leave this section blank.

M. In paragraph 7 tell the court whether you want oral argument to be scheduled. Oral argument is when you and the other party go in front of the judge at the same time and both you and the other party tell the judge about your case. The judge will decide whether to grant your request for oral argument. If oral argument is not requested, the judge based on the papers you and the other party submit will decide the motion.

N. Sign and date the form.

O. Select whether you are the plaintiff or the defendant.

P. If you requested oral argument, select whether you need an interpreter. If yes, specify the language. Check whether you need a disability accommodation. If yes, specify the accommodation.

Save Print Clear

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or military status information.

Form A - Notice of Motion

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

_____

Daytime Phone _____ Cell Phone _____

Email Address _____

Your Name _____ (check one) ☐ Plaintiff ☐ Defendant

_____

Plaintiff, (Name as it appears in original caption)

v.

_____

Defendant (Name as it appears in original caption)

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

Civil Action

Notice of Motion

(See Below)

TO: (Other party's lawyer or Other Party)

(County Probation Division)

PLEASE TAKE NOTICE that on Friday, _____, at 9:00 a.m., or as soon after that as the matter may be heard, _____, the (check one) ☐ plaintiff ☐ defendant will apply to whichever judge is hearing matters in the Superior Court, Chancery Division - Family Part, _____ County, at the _____ County Courthouse _____, New Jersey for an order to:

- ☐ Continuation/Termination of Child Support
- ☐ Increase/Decrease Child Support payments
- ☐ Increase/Decrease Alimony payments
- ☐ Change Custody arrangements
- ☐ Change Visitation arrangements
- ☐ Other (specify): _____
- ☐ Motion for Reconsideration
- ☐ Enforce Litigants' Rights
- ☐ Emancipate a Child
- ☐ Reimburse Medical Expenses
- ☐ Change of Venue

(Type or print what you are asking the court to do. Attach additional sheets of 8.5” x 11" white paper, if necessary.)

1.

2.

3.

4.

5. Require the _____ County Probation Division to adjust its records in accordance with this order for Child Support account CS _____, and reissue any orders of income withholding if necessary;

6. Or such other relief as the Court may deem equitable and just.

7. I (check one) ☐ do ☐ do not want oral argument.

s/ _____ Date: _____

(Signature)

(check one) ☐ Plaintiff ☐ Defendant

If you requested oral argument do you need to request:

An interpreter ☐ Yes ☐ No Language: _____

A disability accommodation ☐ Yes ☐ No Accommodation: _____

_____

Instructions for Certification in Support of Motion (Form B)

A. At the top of the form, type or print your *Name*, *Attorney ID Number* (if applicable), current *Address*, *Daytime Phone*, *Cell Phone* and *Email Address*. Enter *Your Name* and check whether you are the *Plaintiff* or the *Defendant*.

   You remain the same party as you were in the original complaint filed with the court. If you were the defendant in the original complaint, you are still the defendant in this motion. If you were the plaintiff in the original complaint, you are still the plaintiff in this motion.

B. Enter the names of the plaintiff and defendant on the *Plaintiff* and *Defendant* lines, as they appear on the original court order.

C. Enter the name of the *County* where you are filing this motion. This should be the county where the original case was heard.

D. Enter the case *Docket Number* as it appears on your original court order.

E. Enter your name in the line for *I, _____ of full age…*

F. Select whether you are the plaintiff or the defendant in this matter.

G. Check off the type of motion or motions you want the court to consider in the case. If you select *Other*, please specify what you want the court to do.

H. In paragraph 2, state the specific facts explaining **WHY** you are filing this motion. You need to explain in detail the following reasons for your request:

   - **For a Motion to Increase, Decrease or Terminate Child Support, Alimony payments:** Why the court should modify/terminate your existing child support or alimony order.
   - **For a Motion to Change the Custody arrangements of a minor child:** Why the court should change your existing custody order.
   - **For a Motion to Change the Visitation/Parenting Time arrangements:** Why the court should change your existing parenting time or visitation order.
   - **For a Motion to Enforce Litigants' Rights:** Explain that an order was previously issued by the court in this case and describe how and when the other party has not complied with the court's order.
   - **For a Motion for Emancipation of a Child:** Why the court should find that your child is an adult and end your child support payments.
   - **For a Motion for Reimbursement of Medical Expenses:** Why the court should order the other party to reimburse you for certain medical expenses. Describe the expenses in detail and document payments by health insurance.
   - **For a Motion to Change Venue:** Why your case should be transferred to another county and identify the county.
   - **For a Motion for Reconsideration:** What you want the judge to reconsider and why the judge should reconsider their decision.
   - **For a Motion for Relocation of Children:** Why the court should grant your request to relocate the child(ren).

- **Miscellaneous Motions Governed by *Court Rule* 5:4-4:** Why the court should take some other action in your case not related to the above examples. Be as specific as possible in your request to the court.

For a Cross-Motion responding to one of the motions listed previously: A cross- motion is a motion that disputes or responds to a motion filed by an opposing party. An example could be that the plaintiff filed a motion for custody of the minor child and the defendant filed a cross-motion for custody of the same minor child.

- Include all important information and any relevant dates.
- Write only one fact for each lettered paragraph. You may add as many lettered paragraphs as you need to state all the facts that support your requests. Attach additional 8 1/2" x 11" sheets of white paper, if necessary.
- Be sure to state specific facts that explain in detail why the court should grant your motion. If the existing order has not been followed, state specific examples of how the existing order has not been followed.
- Remember to attach the original order and any other previous court orders or other documents (exhibits) that support your requests and the statements in your Certification. These documents should be mentioned in your Certification. Make sure to mark them “1...2....3, etc.” in the upper right-hand corner, and attach them to the Certification.

I. Sign and date the form.

J. Select whether you are the plaintiff or the defendant.

Form B – Certification in Support of a Motion

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

_____

Daytime Phone _____ Cell Phone _____

Email Address _____

Your Name _____ (check one) ☐ Plaintiff ☐ Defendant

_____

Plaintiff, (Name as it appears in original caption)

v.

_____

Defendant (Name as it appears in original caption)

Superior Court of New Jersey

Chancery Division-Family Part

County _____

Docket Number _____

Civil Action

Certification in Support of a Motion

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 Notice of Motion to:

☐ Continuation/Termination of Child Support

☐ Increase/Decrease Child Support payments

☐ Increase/Decrease Alimony payments

☐ Change Custody arrangements

☐ Change Visitation arrangements

☐ Motion for Reconsideration

☐ Enforce Litigants' Rights

☐ Emancipate a Child

☐ Reimburse Medical Expenses

☐ Change of Venue

☐ Other (specify): _____

2. Explanation of facts: (Attach additional sheets of 8.5" x 11" white paper, if necessary.)

   a.

   b.

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

Remember to attach all copies of exhibits, orders, case information statements, etc., to this form.

Instructions for Preparing a Proposed Order (Form C)

A. At the top of the form, type or print your *Name*, *Attorney ID Number* (if applicable), current *Address*, *Daytime Phone*, *Cell Phone* and *Email Address*. Enter *Your Name* and check whether you are the *Plaintiff* or the *Defendant*.

You remain the same party as you were in the original complaint filed with the court. If you were the defendant in the original complaint, you are still the defendant in this motion. If you were the plaintiff in the original complaint, you are still the plaintiff in this motion.

B. Enter the names of the plaintiff and defendant on the *Plaintiff* and *Defendant* lines, as they appear on the original court order.

C. Enter the name of the *County* where you are filing this motion. This should be the county where the original case was heard.

D. Enter the case *Docket Number* as it appears on your original court order.

E. On the line following *opened to the court on Friday*, fill in the date your motion will be heard. This is the same date that is on your *Notice of Motion* form (Form A). (See Step 2 on page 8).

F. Check off the type of motion or motions you want the court to consider in the case. If you select *Other*, please specify what you want the court to do.

G. After *filed by*, select whether you are the plaintiff or defendant. Leave the space blank after *and*. The judge will enter name of other party or their lawyer.

H. After *appearing on behalf of the*, select whether you are the plaintiff or defendant.

I. Enter the date of the hearing before *ORDERED THAT:*

J. In paragraph 1, state what you want the judge to order the other person to do. Write one relief for each letter paragraph. Include all of the things you asked for in your Notice of Motion. If you need additional space, you may attach an additional 8 ½ x 11 page. Some examples are:

- The child support payments in this case are increased or decreased from $_____ a week to $_____ a week;
- The custody status of the minor child is changed because it is in the best interest of the child;
- The parenting time/visitation time is increased from _____ hours per week to _____ hours per week;
- The alimony payments are to be increased or decreased from $_____ a week to $_____ a week;
- The child should be emancipated and all support obligations are hereby terminated effective _____ (date).

NOTE: For a Motion to Enforce Litigants' Rights, leave the relief section blank for the judge to complete.

K. Complete paragraph 2 **only** if you are filing a motion to increase or decrease child support: If your child support payments are administered through the Probation Division or if you otherwise have a child support account number, type or print that number in paragraph 2. The child support account number begins with the letters "CS." If your child support payments are not administered by the Probation Division, you won't have a child support account number. If this is the case, leave this section blank.

Form C - Proposed Order

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

_____

Daytime Phone _____ Cell Phone _____

Email Address _____

Your Name _____ (check one) ☐ Plaintiff ☐ Defendant

_____

Plaintiff, (Name as it appears in original caption)

v.

_____

Defendant. (Name as it appears in original caption)

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

Civil Action

Order

(See Below)

THIS MATTER being opened to the court on Friday, _____, on a Notice of Motion to:

☐ Continuation/Termination of Child Support
☐ Increase/Decrease Child Support payments
☐ Increase/Decrease Alimony payments
☐ Change Custody arrangements
☐ Change Visitation arrangements
☐ Motion for Reconsideration
☐ Enforce Litigants' Rights
☐ Emancipate a Child
☐ Reimburse Medical Expenses
☐ Change of Venue
☐ Other (specify): _____

filed by ☐ plaintiff ☐ defendant and _____
(leave blank, Judge will enter name of other party or their lawyer)

appearing on behalf of the (check one) ☐ plaintiff ☐ defendant; and the court having read and considered the certifications and other papers filed herein and having heard the arguments and considered the arguments of the parties and for good cause shown; It is now this _____ ORDERED THAT:

1. The ☐ plaintiff ☐ defendant is hereby ☐ granted ☐ denied the following relief(s): (See step 5 on page 8)
   a. _____
   b. _____
   c. _____
   d. _____
   (Attach additional sheets of 8.5" x 11" white paper if necessary.)

Additional Relief. (Leave these lines blank for the Judge).

_____
_____
_____
_____
_____

2. The _____ County Probation Division responsible for this matter shall make any adjustments to the account (see Instruction for Form D) CS _____, required by this order and reissue, if necessary, any income withholding orders.

_____
, J.S.C.

Instructions for Certification of Filing and Service (Form D)

Include the Certification of Filing and Service (Form D) when you file your motion with the court. You must send or deliver copies of your motion to the other party or the other party's lawyer in order to have your motion heard by a judge (see Step 5 on page 8 of this packet.). If you are serving this packet to the other party by **BOTH** certified and regular mail, you must obtain the certified mail number from the Post Office to complete this form. If you are personally delivering this packet to the other party, an accompanying notarized acknowledgement of service signed by the receiving party must be submitted with this packet (**Form H**).

Form D- Certification of Filing and Service

I hereby certify that the original of the attached Notice of Motion, the original of the attached supporting Certification, and the original and two copies of the Proposed Order are being filed with the Clerk of the Superior Court at the _____ Family Division Manager's Office.

In addition, I certify that I served a copy of this motion (check one)

☐ personally on the person(s) or attorney(s) listed below.
  ☐ Notarized acknowledgement of service signed by the other party attached (Form H). (Required if checking the box above.)

☐ by process server, courier service or by an adult neutral third party, on the person(s) or attorney(s) listed below.
  ☐ Affidavit/Acknowledgement of service attached. (Required if checking the box above.)

☐ by mailing it on this date to the person(s) or attorney(s) listed below by **BOTH** regular and certified mail.

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

(Name)	(Name)
(Certified Mail Number)	(Certified Mail Number)
(Address)	(Address)
(City, State & Zip Code)	(City, State & Zip Code)
(Name)	(Name)
(Certified Mail Number)	(Certified Mail Number)
(Address)	(Address)
(City, State & Zip Code)	(City, State & Zip Code)

s/ _____ Date: _____
(Signature)

_____
(Type or print your name)

(check one) ☐ Plaintiff ☐ Defendant

Instructions for Notice to Litigants (Form E)

IMPORTANT: You must include the *Notice to Litigants* form in your motion packet (*Rule* 5:5-4 (d) - Motions in Family Actions). This form gives the other party or the other party's lawyer important instructions. Read the form carefully. Type or print in the spaces provided, the name, address, city/town, state, and zip code of the county courthouse of the county in which you are filing your motion. This is the same information that is on the first page of the *Notice of Motion* (Form A).

Form E - Notice to Litigants

If You Want to Respond to This Motion You Must Do So in Writing

This written response shall be by affidavit or certification. Affidavits and certifications are documents filed with the court. In either document, the person signing it swears to its truth and acknowledges that they are aware that they can be punished for not filing a true statement with the court. Affidavits are notarized and certifications are not.

If you would also like to submit your own separate requests in a motion to the judge you can do so by filing a cross-motion. Your response and/or cross-motion may ask for oral argument. That means you can ask to appear before the court to explain your position. However, you must submit a written response even if you request oral argument. Any papers you send to the court must be sent to the opposing side, either to the attorney if the opposing party is represented by one, or to the other party if they represent themselves. Two copies of all motions, cross-motions, certifications, and briefs shall be sent to the opposing side.

The response and/or cross-motion must be submitted to the court by a certain date. All motions must be filed on the Tuesday 24 days before the return date. A response and/or cross motion must be filed fifteen days (Thursday) before the return date. Answers or responses to any opposing affidavits and cross-motions shall be served and filed not later than eight days (Thursday) before the return date. No other response is permitted without permission of the court. If you mail in your papers you must add three days to the above time periods.

Response to motion papers sent to the court are to be sent to the following address: [Fill in the address of the Family Division in the county where this motion was filed. A directory of Family Division offices can be found at njcourts.gov]

_____

_____

Call the Family Division Manager's office (fill in phone number: _____) if you have any questions on how to file a motion, cross-motion or any response papers. Please note that the Family Division Manager's office cannot give you legal advice.

Instructions for Statement for the Probation Division (Form F)

ONLY complete this form if your child support or alimony payments are administered through the Probation Division. If your child support or alimony payments are ***not*** administered through the Probation Division, **DO NOT** complete this form.

A. Type or print the plaintiff and defendant's names from your *Notice of Motion* (Form A). Provide the plaintiff and defendant's current employer and address.

B. Enter your child support account number. This account number begins with the letters "CS" and should be on your original order.
   - Enter the name of each child for which child support has been ordered and their address. Attach additional sheets of 8.5" x 11" white paper, if necessary.

C. Enter each parent's name and the name of each child. For each person listed, write the date of birth on the line next to *DOB*, as well as the *Social Security Number* on the line provided. Attach additional sheets of 8.5" x 11" white paper, if necessary.

D. Provide additional information about licenses that any party may have, or any insurance information, if known.

Form F - Statement for the _____ County Probation Division

The following information is submitted in compliance with New Jersey *Court Rule* 5:7-4.

Plaintiff's name as it appears in the original caption, address and phone number.

_____

Plaintiff's employer's name, address and phone number:

_____

Defendant's name as it appears in the original caption, address and phone number:

_____

Defendant's employer's name, address and telephone number:

_____

Child Support Account Number: CS _____.

Children's names and address(es):

Child: _____

Child: _____

Child: _____

Child: _____

(Attach additional sheets of 8.5" x 11" white paper, if necessary.)

Type or print the name, date of birth, and Social Security Number of: (see instruction C)

Parent: _____ DOB: _____ Social Security #: _____

Parent: _____ DOB: _____ Social Security #: _____

Child: _____ DOB: _____ Social Security #: _____

Child: _____ DOB: _____ Social Security #: _____

Child: _____ DOB: _____ Social Security #: _____

Child: _____ DOB: _____ Social Security #: _____

(Attach additional sheets of 8.5"x 11" white paper, if necessary.)

Type or print the driver's license information (state and number) of the parent paying child support:

_____

Type or print any professional license held by the parent paying child support, if known. For example: doctor, lawyer, electrician, plumber, hairdresser:

_____

Type or print health insurance provider's name, address and policy number of the parent paying child support:

_____

Instructions for Letter to the Clerk of the Superior Court (Form G)

A. At the top of the form, type or print your *Name*, *Attorney ID Number* (if applicable), current *Address*, *Daytime Phone*, *Cell Phone* and *Email Address*. Enter *Your Name* and check whether you are the *Plaintiff* or the *Defendant*.

You remain the same party as you were in the original complaint filed with the court. If you were the defendant in the original complaint, you are still the defendant in this motion. If you were the plaintiff in the original complaint, you are still the plaintiff in this motion.

B. Enter the name of the county, the street address, the city, state and zip code for the *Superior Court Clerk, Family Part* at your county courthouse.

C. Enter the name of the case (Plaintiff v. Defendant).

D. Enter *Docket Number* of your case as it appeared on the original complaint.

E. Enter the name of the person to whom you mailed/delivered your motion papers on the line provided. If it was the other party, write the party's name. If it was the other party's lawyer, write their name.

F. Sign your full name on the signature line.

G. Under the *Enclosures*: enter the name of the other party's lawyer (if they received a copy of your motion papers), otherwise write the name of the other party (if the party received your motion papers). Write the name of the county Probation Division if you receive or make child support payments through Probation.

H. Put this letter on top of your motion papers and then mail to the clerk of the Superior Court at your county courthouse or upload the papers through JEDS.

Form G - Letter to the Clerk of the Superior Court

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

_____

Daytime Phone _____ Cell Phone _____.

Email Address _____.

Your Name _____ (check one) ☐ Plaintiff ☐ Defendant

_____ Superior Court Clerk, Family Part.
(county)

_____
(street address)

_____
(city, state, zip code)

RE: _____
(Name of case, Plaintiff v. Defendant)

Docket Number: _____ - _____
(Type or print docket number)

Dear Sir or Madam:
Enclosed is an original and one copy of a Notice of Motion and Certification in Support of Motion as well as an original and two copies of the Proposed Order submitted by me in the above matter.

Copies of these documents have been forwarded to _____.
(name of other party or other party's lawyer)

Please mark the copy of the Notice of Motion and Certification "filed" and return them in the enclosed envelope. (If you are filing an FM/matrimonial motion, you must include a $50 check or money order payable to *Treasurer, State of New Jersey* for filing this motion. All other case types do not require a filing fee.) Thank you for your cooperation in this matter.

Very truly yours,

s/_____
Signature

Enclosures
Copies to:

_____
Name of other party's lawyer, if applicable or name of other party

_____
Name of County Probation Division collecting support, if applicable

Instructions for Acknowledgment of Personal Service (Form H)

ONLY use this form if you are personally delivering (serving) this motion on the opposing party(ies).

The opposing party, upon whom you are personally serving the attached motion must complete their own information on the Acknowledgement of Personal Service. You will need one Acknowledgement of Personal Service form for each party that you are personally serving with this motion.

A. In the next lines, the person must write in their *Name*, *Address*, *City*, *State & Zip Code* on the lines provided.

B. Have the opposing party sign and date the form. Make sure to inform them that by signing the form they are acknowledging that they have received the attached Notice of Motion and Certification in Support of the Motion; however, they are **also acknowledging that their statements are true** and if any are false, they are subject to punishment.

Note that the signature acknowledging receipt of the attached motion must be notarized. The notary public must enter their name, signature and date in the section marked Notary Public.

Form H - Acknowledgment of Personal Service

I hereby certify that I was personally served with an original of the attached Notice of Motion and the original of the attached supporting Certification in Support of Motion.

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

_____
Name

_____
Address

_____
City, State, Zip Code

_____
Date

s/ _____
Signature

_____
Type or print your name

Notary Public

Sworn and subscribed to
before me this _____ day of _____, 20____

_____
Notary Public of New Jersey

_____
Signature