

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 1, 2009.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: July 16, 2009

The Rules and Appendices Amended and Adopted by this Order Are as Follows:

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1:38-3 (new)	5:13-1
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1:1-2. Construction and Relaxation; References to Marriage, Spouse and Related Terms

(a) The rules in Part I through Part VIII, inclusive, shall be construed to secure a just determination, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay. Unless otherwise stated, any rule may be relaxed or dispensed with by the court in which the action is pending if adherence to it would result in an injustice. In the absence of rule, the court may proceed in any manner compatible with these purposes and, in civil cases, consistent with the case management/trial management guidelines set forth in Appendix XX of these rules.

(b) As used in Part I through Part VIII of these rules and appendices, references to "marriage," "husband," "wife," "spouse," "family," "immediate family," "dependent," "next of kin," "widow," "widower," "widowed," or another word that in a specific context denotes a marital or spousal relationship shall include a civil union, as established by N.J.S.A. 37:1-28 to -36, and a registered domestic partnership, as established by N.J.S.A. 26:8A-1 to -13, and the persons in those relationships.

Note: Source -- *R.R.* 1:27A, 3:1-2, 3:11-9, 4:1-2, 4:121, 6:1-1 (second sentence), 6:1-2, 8:1-2. Amended June 20, 1979 to be effective July 1, 1979; amended July 5, 2000 to be effective September 5, 2000; caption amended, former text designated as paragraph (a), and new paragraph (b) adopted July 16, 2009 to be effective September 1, 2009.

1:2-1. Proceedings in Open Court; Robes

All trials, hearings of motions and other applications, pretrial conferences, arraignments, sentencing conferences (except with members of the probation department) and appeals shall be conducted in open court unless otherwise provided by rule or statute. If a proceeding is required to be conducted in open court, no record of any portion thereof shall be sealed by order of the court except for good cause shown, as defined by R. 1:38-11(b), which shall be set forth on the record. Settlement conferences may be heard at the bench or in chambers. Every judge shall wear judicial robes during proceedings in open court.

Note: Source-R.R. 1:28-6, 3:5-1 (first clause), 4:29-5, 4:118-5, 7:7-1, 8:13-7(c); amended July 14, 1992 to be effective September 1, 1992; amended July 16, 2009 to be effective September 1, 2009.

1:3-4. Enlargement of Time.

(a) . . . No Change

(b) . . . No Change

(c) Enlargements Prohibited. Neither the parties nor the court may, however, enlarge the time specified by R. 1:7-4 (motion for amendment of findings); R. 3:18-2 (motion for judgment of acquittal after discharge of jury); R. 3:20-2, R. 4:49-1(b) and (c) and R. 7:10-1 (motion for new trial); R. 3:21-9 (motion in arrest of judgment); R. 3:21-10(a); R. 3:22-12 (petitions for post-conviction relief); R. 3:23-2 (appeals to the Law Division from judgments of conviction in courts of limited criminal jurisdiction); R. 3:24 (appeals to the Law Division from interlocutory orders and orders dismissing the complaint entered by courts of limited criminal jurisdiction); R. 4:40-2(b) (renewal of motion for judgment); R. 4:49-2 (motion to alter or amend a judgment); and R. 4:50-2 (motion for relief from judgment or order).

Note: Source-R.R. 1:27B (a) (b) (c) (d) (e), 4:6-1, 8:12-5(a)(b). Paragraph (c) amended July 7, 1971, effective September 13, 1971; paragraph (b) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended July 22, 1983 to be effective September 12, 1983; paragraph (c) amended July 26, 1984 to be effective September 10, 1984; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended January 5, 1998 to be effective February 1, 1998; paragraph (c) amended July 10, 1998 to be effective September 1, 1998; paragraph (c) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 16, 2009 to be effective September 1, 2009.

1:5-6. Filing

(a) ...no change.

(b) ...no change.

(c) Nonconforming Papers. The clerk shall file all papers presented for filing and may notify the person filing if such papers do not conform to these rules, except that

(1) the paper shall be returned stamped "Received but not Filed (date)" if it is presented for filing unaccompanied by any of the following:

(A) the required filing fee; or

(B) a completed Case Information Statement as required by R. 4:5-1 in the form set forth in Appendix XII to these rules; or

(C) in Family Part actions, the affidavit of insurance coverage required by R. 5:4-2(f), the Parents Education Program registration fee required by N.J.S.A. 2A:34-12.2, the Confidential Litigant Information Sheet as required by R. 5:4-2(g) in the form prescribed in Appendix XXIV, or the Affidavit or Certification of Notification of Complementary Dispute Resolution Alternatives as required by R. 5:4-2 (h) in the form prescribed in Appendix XXVII-A or XXVII-B of these rules;

or

(D) the signature of an attorney permitted to practice law in this State pursuant to R. 1:21-1 or the signature of a party appearing pro se, provided, however, that a pro se appearance is provided for by these rules; or

(E) a certification of title search as required by R. 4:64-1(a).

If a paper is returned under this rule, it shall be accompanied by a notice advising that if the paper is retransmitted together with the required signature, document or fee, as appropriate, within ten days after the date of the clerk's notice, filing will be deemed to have been made on the stamped receipt date.

(2) if an answer is presented by a defendant against whom default has been entered other than in a mortgage or tax foreclosure action, the clerk shall return the same stamped "Received but not Filed (date)" with notice that the defendant may move to vacate the default.

(3) a demand for trial de novo may be rejected and returned if not filed within the time prescribed in R. 4:21A-6 or if it is submitted for filing by a party in default or whose answer has been suppressed.

(4) a paper shall be returned stamped "Received but not Filed (date)" if it does not conform to the requirements of R. 1:4-9 with notice that if the document is retransmitted on conforming paper within 10 days after the date of the clerk's notice, filing will be deemed to have been made on the stamped receipt date.

(d) ...no change

(e) ...no change

Note: Source – R. R.1:7-11, 1:12-3(b), 2:10, 3:11-4(d), 4:5-5(a), 4:5-6(a) (first and second sentence), 4:5-7 (first sentence), 5:5-1(a). Paragraphs (b) and (c) amended July 14, 1972 to be effective September 5, 1972; paragraph (c) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended November 26, 1990 to be effective April 1, 1991; paragraphs (b) and (c) amended, new text substituted for paragraph (d) and former paragraph (d)

redesignated paragraph (e) July 13, 1994 to be effective September 1, 1994; paragraph (b)(1) amended, new paragraph (b)(2), adopted, paragraphs (b)(2), (3), (4), (5) and (6) redesignated paragraphs (b)(3), (4), (5), (6) and (7), and newly designated paragraph (b)(4) amended July 13, 1994 to be effective January 1, 1995; paragraphs (b)(1),(3) and (4) amended June 28, 1996 to be effective September 1, 1996; paragraph (b)(4) amended July 10, 1998 to be effective September 1, 1998; paragraph (c) amended July 5, 2000 to be effective September 5, 2000; paragraphs (c)(1) and (c)(3) amended July 28, 2004 to be effective September 1, 2004; subparagraph (c)(1)(E) adopted, paragraphs (c)(2) and (c)(3) amended, and paragraph (c)(4) adopted July 27, 2006 to be effective September 1, 2006; paragraph (b) amended June 15, 2007 to be effective September 1, 2007; subparagraph (c)(1)(C) amended July 16, 2009 to be effective September 1, 2009.

1:6-3. Filing and service of motions and cross-motions

(a) . . . no change

(b) Cross-Motions. A cross-motion may be filed and served by the responding party together with that party's opposition to the motion and noticed for the same return date only if it relates to the subject matter of the original motion, except [. Other than] in Family Part motions brought under Part V of these Rules [, a] where a notice of cross-motion may seek relief unrelated to that sought in the original motion. A cross-motion relating to the subject matter of the original motion shall, if timely filed pursuant to this rule, relate back to the date of the filing of the original motion. The original moving party's response to the cross-motion shall be filed and served as provided by paragraph (a) for reply papers. The court may, however, on request of the original moving party, or on its own motion, enlarge the time for filing an answer to the cross-motion, or fix a new return date for both. No reply papers may be served or filed by the cross-movant without leave of court.

(c) . . . no change

Note: Source -- R.R. 3:11-1, 4:6-3(a); amended July 24, 1978 to be effective September 11, 1978; amended July 16, 1979 to be effective September 10, 1979; amended July 16, 1981 to be effective September 14, 1981; amended November 1, 1985 to be effective January 2, 1986; amended June 29, 1990 to be effective September 4, 1990; amended July 13, 1994 to be effective September 1, 1994; amended and paragraphs (a), (b) and (c) designated July 10, 1998 to be effective September 1, 1998; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraph (b) amended June 15, 2007 to be effective September 1, 2007; paragraph (b) amended July 16, 2009 to be effective September 1, 2009.

1:21-1. Who May Practice; Appearance in Court

(a) ... no change

(b) ...no change

(c) ...no change

(d) ...no change

(e) ...no change

(f) Appearances Before Office of Administrative Law and Administrative Agencies. Subject to such limitations and procedural rules as may be established by the Office of Administrative Law, an appearance by a non-attorney in a contested case before the Office of Administrative Law or an administrative agency may be permitted, on application, in any of the following circumstances:

(1) where required by federal statute or regulation;

(2) to represent a state agency if the Attorney General does not provide representation in the particular matter and the non-attorney representative is an employee of the agency with special expertise or experience in the matter in controversy;

(3) to represent a county welfare agency if County Counsel does not provide representation in the particular matter and the non-attorney representative is an employee of the agency with special expertise or experience in the matter in controversy;

(4) to assist in providing representation to an indigent as part of a Legal Services program if the non-attorney is a paralegal or legal assistant employed by that program;

(5) to represent a state, county or local government employee in Civil Service proceedings, provided (i) the non-attorney making such appearance is an authorized representative of a labor organization and (ii) the labor organization is the duly authorized representative of the employee for collective bargaining purposes;

(6) to represent a close corporation provided the non-attorney is a principal of the corporation;

(7) to assist an individual who is not represented by an attorney provided (i) the presentation appears likely to be enhanced by such assistance, (ii) the individual certifies that he or she lacks the means to retain an attorney and that representation is not available through a Legal Services program and (iii) the conduct of the proceeding by the Office of Administrative Law will not be impaired by such assistance;

(8) to represent parents or children in special education proceedings, provided the non-attorney has knowledge or training with respect to handicapped

pupils and their educational needs so as to enable the non-attorney to facilitate the presentation of the claims or defenses of the parent or child[.];

(9) to represent union members and employees entitled to union representation in public employment relations proceedings, provided the appearance is by a union representative[.];

(10) to represent a county or local government appointing authority in Civil Service proceedings, provided the non-attorney representative is an employee of the appointing authority with special expertise or experience in the matter in controversy and the legal representative for the county or municipality does not provide representation in the particular matter[.]; or

(11) to represent a claimant or employer before the Appeal Tribunals or Board of Review of the Department of Labor.

No representation or assistance may be undertaken pursuant to subsection (f) by any disbarred or suspended attorney or by any person who would otherwise receive a fee for such representation.

(g) Appearances at Personal Injury Protection Arbitrations. A non-attorney may represent an insurance company employer at a Personal Injury Protection (PIP) arbitration.

Note: Source – R.R. 1:12-4(a) (b) (c) (d) (e) (f). Paragraph (c) amended by order of December 16, 1969 effective immediately; paragraphs (a) and (c) amended July 29, 1977 to be effective September 6, 1977; paragraph (a) amended July 24, 1978 to be effective September 11, 1978; paragraph (a) amended September 21, 1981 to be

effective immediately; paragraph (c) amended and paragraph (d) adopted July 15, 1982 to be effective September 13, 1982; paragraph (a) amended August 13, 1982 to be effective immediately; paragraph (e) adopted July 22, 1983 to be effective September 12, 1983; paragraph (c) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended and paragraph (d) caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended and paragraph (e)(8) adopted July 14, 1992 to be effective September 1, 1992; paragraphs (c), (e), and (e)(7) amended, and paragraph (e)(9) added July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (e) amended June 28, 1996 to be effective September 1, 1996; paragraph (c) amended November 18, 1996 to be effective January 1, 1997; paragraph (c) amended January 5, 1998 to be effective February 1, 1998; paragraph (a) amended, former paragraphs (d) and (e) redesignated as paragraphs (e) and (f), and new paragraph (d) adopted July 10, 1998 to be effective September 1, 1998; closing paragraph amended July 5, 2000 to be effective September 5, 2000; paragraph (f) amended and new paragraph (f)(11) added July 12, 2002 to be effective September 3, 2002; paragraph (a) amended November 17, 2003 to be effective January 1, 2004; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (e) caption and text amended July 27, 2006 to be effective September 1, 2006; paragraph (f) amended and paragraph (g) adopted July 16, 2009 to be effective September 1, 2009.

[RULE 1:38. Confidentiality of Court Records] [deleted]

[All records which are required by statute or rule to be made, maintained or kept on file by any court, office or official within the judicial branch of government shall be deemed a public record and shall be available for public inspection and copying, as provided by law, except:

(a) Personnel and pension records;

(b) Criminal, Family, and Probation Division records pertaining to investigations and reports made for a court or pertaining to persons on probation;

(c) Completed jury questionnaires, which shall be for the exclusive use and information of the jury commissioners and the Assignment Judge, and the preliminary lists of jurors prepared pursuant to N.J.S.A. 2A:70-1 and 2, which shall be confidential unless otherwise ordered by the Assignment Judge;

(d) Records required by statute or rule to be kept confidential or withheld from indiscriminate public inspection;

(e) Records in any matter which a court has ordered impounded or kept confidential;

(f) Records of programs approved for operation under R. 3:28 and reports made for a court or prosecuting attorney pertaining to persons enrolled in or under investigation for enrollment in such programs;

(g) Records of programs approved for operation under R. 7:8-1;

(h) Reports required to be prepared by trial court judges and municipal court judges on a weekly, monthly, or other basis and submitted to the Administrative Director of the Courts pursuant to R. 1:32-1;

(i) Records and information obtained and maintained by the Judicial Performance Committee pursuant to R. 1:35A, except as otherwise provided in that rule;

(j) Discovery materials obtained by the criminal division manager's office from the prosecutor pursuant to R. 3:9-1 and R. 3:13-3.

Unfiled discovery materials in any action shall not be deemed under this rule to be public records available for public inspection and copying.]

Note: Source – R.R. 1:29-2 (second and third sentences), 1:35. Paragraph (f) adopted April 1, 1974 effective immediately; paragraph (g) adopted November 1, 1985 to be effective January 2, 1986; paragraphs (e), (f) and (g) amended and paragraphs (h) and (i) adopted November 7, 1988 to be effective January 2, 1989; paragraph (j) adopted July 13, 1994 and new text amended December 9, 1994, to be effective January 1, 1995; paragraph (g) amended January 5, 1998 to be effective February 1, 1998; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; closing paragraph adopted July 27, 2006 to be effective September 1, 2006; R. 1:38 (“Confidentiality of Court Records”) deleted and replaced with new R. 1:38 (“Public Access to Court Records and Administrative Records”) July 16, 2009 to be effective September 1, 2009.

Rule 1:38. PUBLIC ACCESS TO COURT RECORDS
AND ADMINISTRATIVE RECORDS

1:38-1. Policy

Court records and administrative records as defined by R. 1:38-2 and R. 1:38-4 respectively and within the custody and control of the judiciary are open for public inspection and copying except as otherwise provided in this rule. Exceptions enumerated in this rule shall be narrowly construed in order to implement the policy of open access to records of the judiciary.

Note: New caption for Rule 1:38 adopted July 16, 2009 to be effective September 1, 2009. New Rule 1:38-1 adopted July 16, 2009 to be effective September 1, 2009.

1:38-2. Definition of Court Records

(a) "Court record" includes:

(1) any information maintained by a court in any form in connection with a case or judicial proceeding, including but not limited to pleadings, motions, briefs and their respective attachments, evidentiary exhibits, indices, calendars, and dockets;

(2) any order, judgment, opinion, or decree related to a judicial proceeding;

(3) any official transcript or recording of a public judicial proceeding, in any form;

(4) any information in a computerized case management system created or prepared by the court in connection with a case or judicial proceeding;

(5) any record made or maintained by a Surrogate as a judicial officer.

(b) "Court record" does not include:

(1) information gathered, maintained or stored by a governmental agency or other entity to which the court has access but which is not part of the court record as defined by this rule;

(2) unfiled discovery materials in any action.

Note: New Rule 1:38-2 adopted July 16, 2009 to be effective September 1, 2009.

1:38-3. Court Records Excluded from Public Access

The following court records are excluded from public access:

(a) General.

Records required to be kept confidential by statute, rule, or prior case law consistent with this rule, unless otherwise ordered by a court.

These records remain confidential even when attached to a non-confidential document.

(b) Internal Records.

(1) Notes, memoranda, draft opinions, or other working papers maintained in any form by or for the use of a justice, judge, or judiciary staff member in the course of performing official duties, except those notes, not otherwise excluded from public access under this rule, that are required by rule or law, e.g., R. 7:2-1(d), to be taken as part of the record of the proceeding;

(2) Records of consultative, advisory, or deliberative discussions pertaining to the rendering of decisions or the management of cases.

(c) Records of Criminal and Municipal Court Proceedings.

(1) Discovery materials provided to the Criminal Division Manager's office by the prosecutor pursuant to R. 3:9-1 and R. 3:13-3;

- (2) Writs to produce prisoners pending execution of the writ;
- (3) Indictments sealed pursuant to R. 3:6-8(a);
- (4) Records relating to grand jury proceedings pursuant to R. 3:6-7 except as provided by R. 3:6-6(b) and R. 3:6-9(d);
- (5) Records relating to participants in drug court programs and programs approved for operation under R. 3:28 (Pre-trial Intervention), and reports made for a court or prosecuting attorney pertaining to persons enrolled in or applications for enrollment in such programs, but not the fact of enrollment and the enrollment conditions imposed by the court;
- (6) Victim statements unless placed on the record at a public proceeding;
- (7) Expunged records pursuant to N.J.S.A. 2C:52-15;
- (8) Reports of the Diagnostic Center to the extent provided under R. 3:21-3;
- (9) Records relating to child victims of sexual assault or abuse pursuant to N.J.S.A. 2A:82-46;
- (10) Search warrants pursuant to Rule 3:5-4 and the affidavit or testimony upon which a warrant is based, except as provided in Rules 3:5-6(c) and 3:13-3;

(11) Documents, records and transcripts related to proceedings and hearings required by the Supreme Court pursuant to Doe v. Poritz, 142 N.J. 1, 39 (1995), or subsequent orders of the Court.

(d) Records of Family Part Proceedings.

(1) Family Case Information Statements required by R. 5:5-2 including all attachments;

(2) Confidential Litigant Information Sheets pursuant to R. 5:4-2(g);

(3) Medical, psychiatric, psychological, and alcohol and drug dependency records, reports, and evaluations in matters related to child support, child custody, or parenting time determinations;

(4) Documents, records and transcripts related to proceedings and hearings required by the Supreme Court pursuant to Doe v. Poritz, 142 N.J. 1, 39 (1995), or subsequent orders of the Court;

(5) Juvenile delinquency records and reports pursuant to R. 5:19-2 and N.J.S.A. 2A:4A-60;

(6) Records of Juvenile Conference Committees to the extent provided under R. 5:25-1(e);

(7) Expunged juvenile records pursuant to N.J.S.A. 2A:4A-62f and 2C:52-15;

(8) Sealed juvenile records pursuant to N.J.S.A. 2A:4A-62;

(9) Domestic violence records and reports pursuant to N.J.S.A. 2C:25-33;

(10) Names and addresses of victims or alleged victims of domestic violence pursuant to N.J.S.A. 2C:25-26c, or sexual offenses pursuant to N.J.S.A. 2C:14-12c;

(11) Records relating to child victims of sexual assault or abuse pursuant to N.J.S.A. 2A:82-46;

(12) Records relating to Division of Youth and Family Services proceedings held pursuant to R. 5:12;

(13) Child custody evaluations, reports, and records pursuant to R. 5:8-4, R. 5:8B, N.J.S.A. 9:2-1, or N.J.S.A. 9:2-3;

(14) Paternity records and reports, except for the final judgments or birth certificates pursuant to N.J.S.A. 9:17-42;

(15) Records and reports relating to child placement matters pursuant to R. 5:13-8(a);

(16) Adoption records and reports pursuant to N.J.S.A. 9:3-52;

(17) Records of hearings on the welfare or status of a child, to the extent provided under R. 5:3-2.

(e) Records of Surrogate Proceedings.

Guardianship records and reports maintained by the Surrogate, except that such records will be made available to the spouse or family members to the third degree of consanguinity of the ward. Any other individual or entity seeking such records must demonstrate before a Superior Court judge a special interest in the matter.

(f) Records of Other Proceedings.

(1) Records pertaining to mediation sessions and complementary dispute resolution proceedings pursuant to R. 1:40-4(d) and R. 7:8-1,

but not the fact that mediation has occurred;

(2) Records and transcripts of civil commitment proceedings, pursuant to N.J.S.A. 30:4-24.3, N.J.S.A. 30:4-27.27(c), N.J.S.A. 30:4-82.4h, R. 4:74-7, and R.4:74-7A;

(3) Police investigative reports, unless admitted into evidence or submitted to the court in support of a motion, brief, or other pleading;

(4) Records that are impounded, sealed pursuant to R. 1:38-11, or subject to a protective order pursuant to R. 4:10-3;

(5) Criminal, Family, and Probation Division records pertaining to any investigations and reports made by court staff or pursuant to court order for a court or pertaining to persons on probation;

(6) Family, Finance and Probation Division records containing information pertaining to persons receiving or ordered to pay child support, including the child(ren); custodial parents; non-custodial parents; legal guardians; putative fathers; family members and any other individuals for whom information may be collected and retained by the court in connection with child support cases subject to Title IV-D

of the Social Security Act, 42 U.S.C. §651 et seq. and applicable state and federal statutes, but not the complaint or orders in such cases.

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009.

1:38-4. Definition of Administrative Records

An “administrative record” is any information maintained in any form by the judiciary that is not associated with any particular case or judicial proceeding.

Note: New Rule 1:38-4 adopted July 16, 2009 to be effective September 1, 2009.

1:38-5. Administrative Records Excluded from Public Access

The following administrative records are excluded from public access:

(a) Records required to be kept confidential by statute, rule, or prior case law consistent with this rule, unless otherwise ordered by a court;

(b) Notes, memoranda, or other working papers maintained in any form by or for the use of a justice, judge or judiciary staff member in the course of his or her official duties, including administrative duties;

(c) Minutes, reports, memoranda, notes, and correspondence in any form pertaining to the development and implementation of judiciary rules and policies, including draft versions of rules, policies and procedures, self-critical analysis reports, and peer review reports;

(d) Reports, memoranda, and other records pertaining to policies and procedures for court security and data security;

(e) Personnel records, except for an employee's name, title, position, salary, compensation, dates of service, and date and type of separation;

(f) Records concerning volunteers, except for a volunteer's name, title, if any, program to which assigned, and dates of service;

(g) Completed jury questionnaires and the preliminary lists of jurors prepared pursuant to N.J.S.A. 2B:20-2 and -4, which shall be confidential unless otherwise ordered by the Assignment Judge;

(h) Reports required to be prepared by trial court judges on a weekly, monthly, or other basis and submitted to the Administrative Director of the Courts pursuant to R. 1:32-1;

(i) Records and information obtained and maintained by the Judicial Performance Committee pursuant to R. 1:35A, except as otherwise provided in that rule;

(j) Records of the Ethics Telephone Research Service to the extent provided under R. 1:19-9;

(k) Records of proceedings concerning advisory opinions of the Committee on Attorney Advertising to the extent provided under R. 1:19A-5;

(l) Records relating to attorney discipline to the extent provided under R. 1:20-9;

(m) Records of District Fee Arbitration Committees to the extent provided under R. 1:20A-5;

(n) Records of the Attorney Disciplinary Oversight Committee to the extent provided under R. 1:20B-4;

(o) Records of the Lawyers Fund for Client Protection to the extent provided under R. 1:28-9;

(p) Records of the Advisory Committee on Judicial Conduct to the extent provided under R. 2:15-20.

Note: New Rule 1:38-5 adopted July 16, 2009 to be effective September 1, 2009.

1:38-6. Intergovernmental Exchanges

The Supreme Court may authorize the exchange of information, otherwise excluded from public access, with other branches of state government, with other state governments, and with the federal government when the public benefit of such disclosure outweighs the need for confidentiality. Child support information may be exchanged only to the extent allowed by federal law and regulations.

Note: New Rule 1:38-6 adopted July 16, 2009 to be effective September 1, 2009.

1:38-7. Confidential Personal Identifiers

(a) Definition of Confidential Personal Identifiers. A confidential personal identifier is a Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

(b) Prohibition on Submission of Confidential Personal Identifiers to the Court. A party shall not set forth confidential personal identifiers as defined in R. 1:38-7(a) in any document or pleading submitted to the court unless otherwise required by statute, rule, administrative directive, or court order; provided, however, that an active financial account number may be identified by the last four digits when the financial account is the subject of the litigation and cannot otherwise be identified.

(c) Compliance.

(1) In every trial Division of the Superior Court where a Case Information Statement is required, parties shall certify in the Case Information Statement that all confidential personal identifiers have been redacted and that subsequent papers submitted to the court will not contain confidential personal identifiers in accordance with the provisions of this rule.

(2) In General Equity and Special Civil Part matters, where no Case Information Statement is required, parties shall include the following language in the first filed pleading as provided in R. 4:5-1(b)(3), "I certify that confidential personal identifiers have been redacted from documents now submitted to the

court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)."

(3) In all criminal matters, the judge shall inform both parties at the time of the defendant's arraignment status conference that confidential personal identifiers must be redacted from any documents submitted to the court as provided in R. 1:38-7(b) and R. 3:9-1(c).

(d) Judgment Debtors. Applications for any writ, order, or judgment issued by the court involving a judgment debtor may include the judgment debtor's name(s), address, date of birth, the last four digits of active financial account numbers, and the last four digits of the individual's Social Security number. No other personal identifiers shall be included.

(e) Redaction of Required Personal Identifiers. When confidential personal identifiers as defined in R. 1:38-7(a) are required by statute, rule, or court order to be included in documents or pleadings, such identifiers shall be redacted before public inspection is permitted.

(f) Redaction of Social Security Numbers from Records in Bulk. Any request for the mass release, in bulk, of electronically stored or microfilmed records containing Social Security numbers must be submitted to the Administrative Director of the Courts. A fee may be charged for the cost of redacting Social Security numbers from such records.

Note: New Rule 1:38-7 adopted July 16, 2009 to be effective September 1, 2009.

1:38-8. Documents Improperly Submitted to Court

A party or other interested person may request that the court remove from its file an improperly submitted document upon application to the court and notice to all parties. A document is deemed improperly submitted to the court if the person who submitted the document had no legitimate basis in rule or law for doing so and if the document is not an evidentiary exhibit or part of a motion, brief, or other pleading. The party or interested person seeking to have a document removed from a court file bears the burden of proving by a preponderance of the evidence that it was improperly submitted.

Note: New Rule 1:38-8 adopted July 16, 2009 to be effective September 1, 2009.

1:38-9. Fees

The Supreme Court shall establish a schedule of fees for copies of records.

Note: New Rule 1:38-9 adopted July 16, 2009 to be effective September 1, 2009.

1:38-10. Determinations; Appeal Process

(a) Requests for court records or administrative records to be inspected or copied under this rule shall be directed to the following officers or their designees:

(1) Supreme Court records (including committees and offices reporting to the Supreme Court): Clerk of the Supreme Court

(2) Superior Court records, Clerk's office, including Foreclosure Unit: Clerk of the Superior Court

(3) Superior Court records, Appellate Division: Clerk of the Appellate Division

(4) Superior Court records, Law and Chancery Divisions (other than Clerk's office and Probate Part): Trial Court Administrator of appropriate vicinage

(5) Superior Court records, Chancery Division, Probate Part, and Surrogate's Court records: Surrogate of appropriate county

(6) Tax Court records: Clerk of the Tax Court

(7) Municipal Court records: Municipal Court Director or Administrator of appropriate municipal court

(8) Administrative Office of the Courts records and all other judiciary records: Deputy Administrative Director of the Courts

(b) Any person denied access to a court record or administrative record by one of the above officers or their designees may seek review by the

Administrative Director of the Courts under procedures established by the Supreme Court, except that an appeal regarding a municipal court record shall first be filed with the Trial Court Administrator of the appropriate vicinage. An appeal from the decision of the Administrative Director shall be filed in the Appellate Division in accordance with R. 2:2-3(a)(2).

Note: New Rule 1:38-10 adopted July 16, 2009 to be effective September 1, 2009.

1:38-11. Sealing of Court Records

(a) Information in a court record may be sealed by court order for good cause as defined in this section. The moving party shall bear the burden of proving by a preponderance of the evidence that good cause exists.

(b) Good cause to seal a record shall exist when:

(1) Disclosure will likely cause a clearly defined and serious injury to any person or entity; and

(2) The person's or entity's interest in privacy substantially outweighs the presumption that all court and administrative records are open for public inspection pursuant to R. 1:38.

Note: New Rule 1:38-11 adopted July 16, 2009 to be effective September 1, 2009.

1:38-12. Unsealing of Court Records

A record that has been sealed by order of the court may be unsealed upon motion by any person or entity. The proponent for continued sealing shall bear the burden of proving by a preponderance of the evidence that good cause continues to exist for sealing the record.

Note: New Rule 1:38-12 adopted July 16, 2009 to be effective September 1, 2009.

1:40-4 Mediation – General Rules

(a) ...no change

(b) Compensation and Payment of Mediators. Parties in Superior Court, except in the Special Civil Part, assigned to mediation pursuant to this rule shall equally share the fees and expenses of the mediator on an ongoing basis, subject to court review and allocation to create equity. Any fee or expense of the mediator shall be waived in cases, as to those parties exempt, pursuant to Rule 1:13-2(a). A party may opt out of the mediation process after the mediator has expended two hours of service, which shall be allocated equally between preparation and the first mediation session, and which shall be at no cost to the parties. Fees shall be as determined by the mediator and the parties. Failure to pay the mediator may result in an order by the court to pay the fees and costs of the mediator including any additional costs and fees incurred due to the non-payment and imposing appropriate sanctions.

(c) ...no change

(d) ...no change

(e) ...no change

(f) Mediator Disclosure of Conflict of Interest.

(1) Before accepting a mediation, a person who is requested to serve as a mediator shall:

(A) make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable person would consider likely to affect the impartiality of the mediator, including a financial or

personal interest in the outcome of the mediation or an existing or past relationship with a mediation party or foreseeable participant in the mediation; and

(B) disclose any such known fact to the mediation parties as soon as is practicable before accepting a mediation.

(2) If a mediator learns any fact described in subparagraph (f)(1)(A) after accepting a mediation, the mediator shall disclose it as soon as is practicable.

(3) After entry of the order of referral in an economic mediation, if the court is advised by the mediator, counsel, or one of the parties that a conflict of interest exists, the court shall reassign the case to a different mediator. The parties shall have the opportunity to select a replacement mediator from the roster or the court may appoint one. An amended order of referral shall then be prepared and provided to the parties. All data shall be entered into the Family Automated Case Tracking System (FACTS).

(g) ...no change

(h) ...no change

Note: Adopted July 14, 1992 to be effective September 1, 1992; paragraph (c)(3) amended and paragraph (c)(4) adopted June 28, 1996 to be effective September 1, 1996; paragraphs (a) and (c)(2) amended and paragraph (c)(3)(v) adopted July 10, 1998 to be effective September 1, 1998; caption amended, paragraph (a) amended and redesignated as paragraphs (a) and (b), paragraphs (b), (c), (d), (e), and (f) amended and redesignated as paragraphs (c), (d), (e), (f), and (g) July 5, 2000 to be effective September 5, 2000; paragraphs (d)(2) and (d)(3) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; new paragraph (c)

adopted, former paragraph (c) redesignated as paragraph (d) and amended, former paragraph (d) redesignated as paragraph (e), new paragraph (f) adopted, former paragraph (e) redesignated as paragraph (g) and amended, former paragraph (f) redesignated as paragraph (h), and former paragraph (g) redesignated as paragraph (i) June 15, 2007 to be effective September 1, 2007; paragraph (b) amended and new subparagraph (f)(3) adopted July 16, 2009 to be effective September 1, 2009.

1:40-5. Mediation in Family Part Matters

(a) ...no change

(b) Mediation of Economic Aspects of Divorce.

(1) Referral to MESP. The CDR program of each vicinage shall include a post-Matrimonial Early Settlement Panel (MESP) program for the mediation of the economic aspects of divorce or for the conduct of a post-MESP alternate Complementary Dispute Resolution (CDR) event consistent with the provisions of this rule and R. 5:5-6 [and Appendix XIX of these Rules]. However, no matter shall be referred to mediation if a temporary or final restraining order is in effect in the matter pursuant to the Prevention of Domestic Violence Act (*N.J.S.A. 2C:25-17 et seq.*).

(2) Designation of Mediator of Economic Aspects of Family Law Matters.

A credentials committee comprised of representatives from the Supreme Court Committee on Complementary Dispute Resolution shall be responsible for reviewing and approving all mediator applications. Applicants must complete an application form posted on the Judiciary's Internet website (www.judiciary.state.nj.us or www.njcourtsonline.com). Mediators who meet the training requirements set forth in this rule, and any other approved criteria developed by the Family Court Programs Subcommittee on the Committee on Complementary Dispute Resolution shall be added to the Roster of Approved Mediators. The roster shall be maintained by the

Administrative Office of the Courts and shall be posted on the Judiciary's Internet web site.

(3) Exchange of Information. In mediation of economic aspects of Family actions, parties are required to provide accurate and complete information to the mediator and to each other, including but not limited to tax returns, Case Information Statements, and appraisal reports. The court may, in the Mediation Referral Order, stay discovery and set specific times for completion of mediation.

(4) Timing of Referral. Parties shall be referred to economic mediation or other alternate CDR event following the unsuccessful attempt to resolve their issues through MESP. At the conclusion of the MESP process, parties shall be directed to confer with appropriate court staff to expedite the referral to economic mediation in accordance with the following procedures:

A. Parties may conference with the judge or the judge's designee.

B. Court staff shall explain the program to the parties and/or their attorneys.

C. Parties shall be provided with the roster of approved mediators for selection.

D. After a mediator has been selected, court staff shall attempt immediate contact to secure the mediator's acceptance and the date of initial appointment. If court staff is unable to contact the mediator for confirmation, the order of referral shall state that the mediator and the date of initial appointment remain tentative until confirmation is secured. Staff

will attempt to confirm within 24 hours and send an amended order to the parties and/or their attorneys.

E. If a mediator notifies the court that he or she cannot take on any additional cases, court staff will so advise the parties at the time of selection so that an alternate mediator can be selected.

F. The court shall enter an Economic Mediation Referral Order stating the name of the mediator, listing the financial documents to be shared between the parties and with the mediator, indicating the allocation of compensation by each party if mediation extends beyond the initial two hours, stating the court's expectation that the parties will mediate in good faith, defining the mediation time frame, and identifying the next court event and the date of that event.

G. The referral order, signed by the judge, shall be provided to the parties before they leave the courthouse. Amended orders with confirmed appointments shall be faxed to the parties and/or their attorneys the next day, replacing the tentative orders.

H. If the parties are unable to agree upon and select a mediator, the judge will appoint one. Staff shall then follow the above procedures as applicable.

I. Referral to economic mediation shall be recorded in the Family Automated Case Tracking System (FACTS).

(5) Adjournments. Adjournment of events in the mediation process shall be determined by the mediator after conferring with the parties and/or attorneys, provided that any such adjournment will not result in the case exceeding the return date to the court. If an adjournment would cause delay of the return date to the court, a written adjournment request must be made to the judge who has responsibility for the case or the judge's designee.

Note: Adopted July 14, 1992 to be effective September 1, 1992; new paragraph (c) adopted January 21, 1999 to be effective April 5, 1999; caption and paragraphs (a) and (b) amended July 5, 2000 to be effective September 5, 2000; caption amended, former paragraphs (a), (b), and (c) redesignated as paragraphs (a)(1), (a)(2), and (a)(3), new paragraph (a) caption adopted, and new paragraph (b) adopted July 27, 2006 to be effective September 1, 2006; paragraph (a)(2) amended July 31, 2007 to be effective September 1, 2007; paragraph (b) redesignated as paragraph (b)(1), caption for paragraph (b)(1) added, and new paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) adopted July 16, 2009 to be effective September 1, 2009.

1:40-6. Mediation of Civil, Probate, and General Equity Matters

The CDR program of each vicinage shall include mediation of civil, probate, and general equity matters, pursuant to rules and guidelines approved by the Supreme Court.

(a) ...no change

(b) ...no change

(c) ...no change

(d) ...no change

(e) Mediation Statement. The mediator shall fix a date following the telephonic conference for the exchange by the parties and service upon the mediator of a brief statement of facts and proposals for settlement not exceeding ten pages. At the discretion of the mediator, each party's statement of facts may be prepared and submitted to the mediator for review without service of the statement of facts on the other party. All documents prepared for mediation shall be confidential and subject to Rule 1:40-4(c) and (d).

(f) ...no change

(g) ...no change

Note: Adopted July 5, 2000 to be effective September 5, 2000 (and former Rule 1:40-6 redesignated as Rule 1:40-7); paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraphs (e) and (g) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) amended September 11, 2006 to be effective immediately; paragraph (e) amended July 31, 2007 to be effective September 1, 2007; paragraph (e) amended July 16, 2009 to be effective September 1, 2009.

1:40-7. Complementary Dispute Resolution in the Special Civil Part

(a) Small Claims. Each vicinage shall provide a small claims settlement program in which (1) law clerks from all the divisions who have been trained in settlement techniques and as mediators pursuant to R. [1:40-12(b)(6)] 1:40-12(b)(5), and other employees and volunteers who have been trained in settlement techniques and as mediators pursuant to R. 1:40-12(b)(1), serve as trained neutrals who help litigants settle their cases, and (2) cases that are not settled are tried on the same day, if possible. The training requirements apply to law clerks but not to other attorneys.

(b) ... no change

(c) ... no change

Note: Adopted July 14, 1992 as Rule 1:40-6 to be effective September 1, 1992; amended and redesignated as Rule 1:40-7 July 5, 2000 to be effective September 5, 2000; caption and text deleted, new caption and new paragraphs (a), (b), and (c) adopted July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 16, 2009 to be effective September 1, 2009.

1:40-12. Mediators and Arbitrators in Court-Annexed Programs

(a) Mediator Qualifications

(1) ...no change

(2) ...no change

(3) ...no change

(4) ...no change

(5) ...no change

(6) Family Part Economic Mediators. Mediators of economic issues in family disputes shall meet the applicable requirements herein set forth for attorneys and non-attorneys and shall complete the required training set forth in paragraph (b) of this Rule:

(i) Attorneys

- a. Juris Doctor (or equivalent law degree)
- b. Admission to the bar for at least seven years
- c. Licensed to practice law in the state of New Jersey
- d. Practice substantially devoted to matrimonial law

(ii) Non-Attorneys

- a. Advanced degree in psychology, psychiatry, social work, business, finance, or accounting, or a CPA or other relevant advanced degree deemed appropriate by the credentials committee.
- b. At least seven years experience in the field of expertise; and
- c. Licensed in New Jersey if required in the field of expertise

(iii) Any retired Superior Court judge with experience in handling dissolution matters.

(b) Mediator Training Requirements.

(1) General Provisions. [Unless waived pursuant to subparagraph (2), a] All persons serving as mediators shall have completed the basic dispute resolution training course as prescribed by these rules and approved by the Administrative Office of the Courts. Volunteer mediators in the Special Civil Part and Municipal Court mediators shall have completed 18 classroom hours of basic mediation skills complying with the requirements of subparagraph [(4)] (3) of this rule. Mediators on the civil, general equity, and probate roster of the Superior Court shall have completed 18 classroom hours of basic mediation skills complying with the requirements of subparagraph [(4)] (3) of this rule and at least five hours being mentored by an experienced mediator on the roster in accordance with guidelines promulgated by the Administrative Office of the Courts in at least two cases in the Superior Court. Individuals may obtain a waiver of the mentoring requirement from the Administrative Office of the Courts on the successful demonstration that they have previously served as a mediator in at least five cases under R. 1:40-4 or comparable mediation program or have satisfactorily completed at least 10 hours in an approved advanced mediation course. Family Part mediators shall have completed a 40-hour training program complying with the requirements of subparagraph [(5)] (4) of this rule; and judicial law clerks shall have successfully

completed 12 classroom hours of basic mediation skills complying with the requirements of subparagraph [(6)] (5) of this rule.

[(2) Consideration of Prior Training. The Administrative Office of the Courts or the Assignment Judge, as appropriate, may waive these basic training requirements for mediators already serving prior to the effective date of this rule upon a determination that the mediator is qualified to continue to serve by reason of background, training, relevant educational and professional experience, and any other relevant factor.]

(2) [(3)] Continuing Training. Commencing in the year following the completion of the basic training course or the waiver thereof, all mediators shall annually attend four hours of continuing education and shall file with the Administrative Office of the Courts or the Assignment Judge, as appropriate, an annual certification of compliance. To meet the requirement, this continuing education should cover at least one of the following: (A) reinforcing and enhancing mediation and negotiation concepts and skills, (B) ethical issues associated with mediation practice, or (C) other professional matters related to mediation. Mediators who have been approved to serve as mentors under subsection (b)(1) of this Rule may apply the time spent mentoring to satisfy this requirement.

(3) [(4)] Mediation Course Content -- Basic Skills. The 18-hour classroom course in basic mediation skills shall, by lectures, demonstrations, exercises and role plays, teach the skills necessary for mediation practice, including but not limited

to conflict management, communication and negotiation skills, the mediation process, and addressing problems encountered in mediation.

(4) [(5)] Mediation Course Content-Family Part Actions. The 40-hour classroom course for family action mediators shall include basic mediation skills as well as at least 22 hours of specialized family mediation training, which should cover family and child development, family law, divorce procedures, family finances, and community resources. In special circumstances and at the request of the Assignment Judge, the Administrative Office of the Courts may temporarily approve for a one-year period an applicant who has not yet completed the specialized family mediation training, provided the applicant has at least three years of experience as a mediator or a combination of mediation experience and service in the Family Part, has co-mediated in a CDR program with an experienced family mediator, and certifies to the intention to complete the specialized training within one year following the temporary approval. Economic mediators in family disputes: (1) shall have completed 40 hours of training in family mediation in accordance with this rule, or (2) shall have completed a minimum of 25 hours of mediation training with a commitment to complete the remaining 15 hours of specialized training within one year following their addition to the roster of mediators consistent with the requirements of this subparagraph.

(5) [(6)] Training Requirements for Judicial Law Clerks. Judicial law clerks serving as mediators shall first have completed either a 12-hour training course prescribed by the Administrative Office of the Courts, an approved course conducted

by another institution or agency, or other comparable training. Proof of completion of any training other than the prescribed 12-hour course shall be submitted to the Administrative Office of the Courts for a determination of suitability. The Administrative Office of the Courts shall work with other institutions and agencies to encourage their provision of judicial law clerk mediation training and shall either approve or evaluate that training.

(6) [(7)] Co-mediation; mentoring; training evaluation. In order to reinforce mediator training, the vicinage CDR coordinator shall, insofar as practical and for a reasonable period following initial training, assign any new mediator who is either an employee or a volunteer to co-mediate with an experienced mediator and shall assign an experienced mediator to mentor a new mediator. Using evaluation forms prescribed by the Administrative Office of the Courts, the vicinage CDR coordinator shall also evaluate the training needs of each new mediator during the first year of the mediator's qualifications and shall periodically assess the training needs of all mediators.

(c) ... no change

(d) ... no change

Note: Adopted July 14, 1992 as Rule 1:40-10 to be effective September 1, 1992; caption amended, former text redesignated as paragraphs (a) and (b), paragraphs (a)3.1 and (b)4.1 amended June 28, 1996 to be effective September 1, 1996; redesignated as Rule 1:40-12, caption amended and first sentence deleted, paragraph (a)1.1 amended and redesignated as paragraph (a)(1), paragraph (a)2.1 amended and redesignated as paragraph (a)(2), paragraph (a)2.2 amended and redesignated as paragraph (b)(5), new paragraphs (a)(3) and (a)(4) adopted, paragraph (a)3.1 redesignated as paragraph (a)(5), paragraph (a)3.2 amended and incorporated in paragraph (b)(1), paragraph (a)4.1 amended and redesignated as

paragraph (b)(6), paragraph (b)1.1 amended and redesignated as paragraph (b)(1), paragraphs (b)2.1 and (b)3.1 amended and redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)4.1 redesignated as paragraph (b)(4) with caption amended, paragraph (b)5.1 amended and redesignated as paragraph (b)(7) with caption amended, new section (c) adopted, and paragraph (b)5.1(d) amended and redesignated as new section (d) with caption amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(3) and (b)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b)(1), (b)(3), and (c) amended July 28, 2004 to be effective September 1, 2004; caption amended and paragraph (a) (4) caption and text amended June 15, 2007 to be effective September 1, 2007; new paragraph (a)(6) caption and text adopted, paragraph (b)(1) amended, paragraph (b)(2) deleted, paragraphs (b)(3) and (b)(4) redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)(5) amended and redesignated as paragraph (b)(4), and paragraphs (b)(6) and (b)(7) redesignated as paragraphs (b)(5) and (b)(6) July 16, 2009 to be effective September 1, 2009.

2:5-3. Preparation and Filing of Transcript; Statement of Proceedings; Prescribed Transcript Request Form

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) Deposit for Transcript; Payment Completion. The appellant, if not the State or a political subdivision thereof, shall, at the time of making the request for the transcript, deposit with the reporter or the clerk of the court or agency from whom a transcript is ordered, either the estimated cost of the transcript as determined by the court reporter, clerk or agency, or the sum of \$ 500.00 for each day or fraction thereof of trial or hearing. If the appellant is the State or a political subdivision thereof, it shall provide a voucher to the reporter or the clerk or the agency for billing for the cost of the transcript. The reporter, clerk or agency, as the case may be, shall upon completion of the transcript, bill or reimburse the appellant, as appropriate, for any sum due for the preparation of the transcript or overpayment made therefore. If the appellant is indigent and is entitled to have a transcript of the proceedings below furnished without charge for use on appeal, either the trial or the appellate court, on application, may order the transcript prepared at public expense. Unless the indigent defendant is represented by the Public Defender or that office is otherwise obligated by law to provide the transcript to an indigent, the court may [shall] order the transcript of the proceedings below furnished at the county's expense if the appeal involves prosecution for violation of a statute and at the municipality's expense if the appeal involves prosecution for violation of an ordinance.

(e) . . . no change

(f) . . . no change.

Note: Source-R.R. 1:2-8(e) (first, second, third, fourth, sixth and seventh sentences), 1:2-8(g), 1:6-3, 1:7-1(f) (fifth sentence), 3:7-5 (second sentence), 4:44-2 (second sentence), 4:61-1(c), 4:88-8 (third and fourth sentences), 4:88-10 (sixth sentence). Paragraphs (a)(b)(c) and (d) amended July 7, 1971 to be effective September 13, 1971; paragraphs (b) and (d) amended July 14, 1972 to be effective September 5, 1972; paragraph (c) amended June 29, 1973 to be effective September 10, 1973; caption amended and paragraph (a) caption and text amended July 24, 1978 to be effective September 11, 1978; paragraphs (c) and (d) amended July 16, 1981 to be effective September 14, 1981; paragraph (e) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended, paragraph (d) caption and text amended, former paragraph (e) redesignated paragraph (f), and paragraph (e) caption and text adopted November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (e) amended July 14, 1992 to be effective September 1, 1992; paragraphs (c), (e) and (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (e) amended July 27, 2006 to be effective September 1, 2006; paragraph (d) amended July 16, 2009 to be effective September 1, 2009.

2:6-11. Time for Serving and Filing Briefs; Appendices; Transcript; Notice of Custodial Status

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) Division of Youth and Family Services Matters; Advising Court of Child's Placement Status. In Division of Youth and Family Services matters, the appellant or respondent shall by letter advise the court of any change in the placement status of the child during the pendency of the appeal.

Note: Source -- R.R. 1:7-12(a)(c), 1:10-14(b), 2:7-3. Paragraph (b) amended by order of September 5, 1969 effective September 8, 1969; paragraph (a) amended July 7, 1971 to be effective September 13, 1971; caption and paragraphs (a) and (b) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended May 8, 1975 to be effective immediately; paragraphs (c), (d) and (e) adopted July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended and titles of paragraphs (c)(d) and (e) added November 2, 1987 to be effective January 1, 1988; paragraphs (a) and (b) amended July 14, 1992 to be effective September 1, 1992; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (f) adopted July 16, 2009 to be effective September 1, 2009.

2:7-2. Assignment of Counsel on Appeal

(a) ...no change

(b) ...no change

(c) ...no change

(d) Responsibility of Counsel Assigned by the Trial Court For Non-Indictable

Offenses. Assigned counsel representing a defendant in a non-indictable prosecution shall file an appeal for a defendant who elects to exercise his or her right to appeal. An attorney filing a notice of appeal shall be deemed the attorney of record for the appeal unless the attorney files with the notice of appeal an application for the assignment of counsel on appeal.

Note: Source--R.R. 1:2-7(b), 1:12-9(b) (d). Paragraph (c) adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended, paragraph (b) caption and text amended, paragraph (c) adopted and former paragraph (c) redesignated paragraph (d) November 5, 1986 to be effective January 1, 1987; paragraphs (b) and (d) amended July 10, 1998 to be effective September 1, 1998; paragraphs (b) and (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended June 15, 2007 to be effective September 1, 2007; paragraph (d) caption and text amended July 16, 2009 to be effective September 1, 2009.

2:9-1. Control by Appellate Court of Proceedings Pending Appeal or Certification

(a) . . . no change

(b) . . . no change

(c) Ineffective Assistance of Counsel Claim in Appeals from Judgment

Terminating Parental Rights. In appeals from judgments terminating parental rights pursuant to N.J.S.A. 30:4C-15 et seq. in which ineffective assistance of counsel has been alleged, the appellate court, if it determines there to be a genuine issue of material fact on the issue of the representation provided by trial defense counsel that requires resolution, may retain jurisdiction and remand the case to the trial judge for an accelerated hearing to be completed within 30 days to be followed promptly by an oral opinion by the trial judge. The parties shall then be permitted simultaneously to exchange supplemental appellate briefs on the limited issue of the remand no later than seven days after the filing of the transcript of the remand proceedings.

Note: Source-R.R. 1:4-1 (first sentence), 1:10-6(a) (first and third sentences); paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; new paragraph (c) adopted July 16, 2009 to be effective September 1, 2009.

2:10-6. Allegation of Ineffective Assistance of Counsel in Termination of Parental Rights Cases

In appeals from judgments terminating parental rights pursuant to N.J.S.A. 30:4C-15 et seq. in which ineffective assistance of counsel has been alleged, the issue shall be raised in the direct appeal of the matter below. The brief submitted by appellate counsel must set forth the factual basis for asserting that trial counsel's performance was deficient and explain why the result would have been different had the lawyer's performance not been deficient. In appropriate cases, counsel shall proffer certifications or other documentary evidence to support the claim. If the appellate court determines that a genuine issue of material disputed fact on the issue of the representation provided by trial defense counsel has been raised, the matter may be remanded to the trial judge and proceed in accordance with R. 2:9-1(c).

Note: Adopted July 16, 2009 to be effective September 1, 2009.

3:9-1. Prearrest Conference; Plea Offer; Arrest/Status Conference; Pretrial Hearings; Pretrial Conference

(a) ... no change

(b) ... no change

(c) Arrest/Status Conference; In Open Court. The arrest/status conference shall be conducted in open court no later than 50 days after indictment. The judge shall advise the defendant of the substance of the charge and confirm that the defendant has reviewed with counsel the indictment and the discovery. The judge shall inform all parties of their obligation to redact confidential personal identifiers from any documents submitted to the court in accordance with Rule 1:38-7(b). The defendant shall enter a plea to the charges. If the plea is not guilty counsel shall report on the results of plea negotiations, and such other matters, discussed pursuant to R. 3:9-1(b), which shall promote a fair and expeditious disposition of the case. At that time, the dates for hearing of motions and a further status conference, if necessary shall be scheduled according to the differentiated needs of each case. Each status conference shall be held in open court with the defendant present.

(d) ... no change

(e) ... no change

Note: Source—R.R. 3:5-1. Paragraph (b) deleted and new paragraph (b) adopted July 7, 1971, to be effective September 13, 1971; paragraph (b) amended July 29, 1977 to be effective September 6, 1977; paragraph (a) amended and paragraph (b) deleted July 21, 1980 to be effective September 8, 1980; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; first three sentences of former paragraph (a) amended and redesignated paragraph (c), last sentence of former

paragraph (a) amended and moved to new paragraph (e), new paragraphs (a), (b), (d) and (e) adopted July 13, 1994 to be effective January 1, 1995; paragraph (e) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 16, 2009 to be effective September 1, 2009.

3:21-4. Sentence

(a) . . . no change.

(b) . . . no change

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) . . . no change

(g) . . . no hange

(h) Notification of Right to Appeal and to File Petitions for Post-Conviction Relief.

After imposing sentence, whether following the defendant's plea of guilty or a finding of guilty after trial, the court shall advise the defendant of the right to appeal and, if the defendant is indigent, of the right to appeal as an indigent. The court shall also inform the defendant of the time limitations in which to file petitions for post-conviction relief.

(i) . . . no change

(j) . . . no change

Note: Source-R.R. 3:7-10(d). Paragraph (f) amended September 13, 1971, paragraph (c) deleted and paragraphs (d), (e) and (f) redesignated as (c), (d) and (e) July 14, 1972 to be effective September 5, 1972; paragraph (e) adopted and former paragraph (e) redesignated as (f) August 27, 1974 to be effective September 9, 1974; paragraph (b) amended July 17, 1975 to be effective September 8, 1975; paragraphs (d) and (e) amended August 28, 1979 to be effective September 1, 1979; paragraph (d) amended December 26, 1979 to be effective January 1, 1980; paragraph (g) adopted July 26, 1984 to be effective September 10, 1984; paragraph (d) caption and text amended November 5, 1986 to be effective January 1, 1987; paragraph (d) amended November 2, 1987 to be effective January 5, 1988; to be effective February 1, 1988; new paragraph (c) adopted and former paragraphs (c), (d), (e), (f), and (g) redesignated (d), (e), (f), (g), and (h) respectively June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 14, 1992 to be effective September 1, 1992; paragraph (l) adopted April 21, 1994 to be effective June 1, 1994; paragraphs (b), (e), (f) and (g) amended July 13, 1994 to be effective January 1, 1995; former paragraphs (f), (g), (h), and (l) redesignated as paragraphs (g), (h), (l), and (j) and new paragraph (f) adopted

July 10, 1998 to be effective September 1, 1998; paragraph (j) amended July 5, 2000 to be effective September 5, 2000; paragraph (h) caption and text amended July 16, 2009 to be effective September 1, 2009.

3:21-10. Reduction or Change of Sentence

(a) . . . no change.

(b) Exceptions. A motion may be filed and an order may be entered at any time (1) changing a custodial sentence to permit entry of the defendant into a custodial or non-custodial treatment or rehabilitation program for drug or alcohol abuse, or (2) amending a custodial sentence to permit the release of a defendant because of illness or infirmity of the defendant, or (3) changing a sentence for good cause shown upon the joint application of the defendant and prosecuting attorney, or (4) changing a sentence as authorized by the Code of Criminal Justice, or (5) correcting a sentence not authorized by law including the Code of Criminal Justice, or (6) [(5)] changing a custodial sentence to permit entry into the Intensive Supervision Program, or (7) [(6)] changing or reducing a sentence when a prior conviction has been reversed on appeal or vacated by collateral attack.

(c) Procedure. A motion filed pursuant to paragraph (b) hereof shall be accompanied by supporting affidavits and such other documents and papers as set forth the basis for the relief sought. A hearing need not be conducted on a motion filed under paragraph (b) hereof unless the court, after review of the material submitted with the motion papers, concludes that a hearing is required in the interest of justice. All changes of sentence shall be made in open court upon notice to the defendant and the prosecutor. An appropriate order setting forth the revised sentence and specifying the change made and the reasons therefor shall be entered on the record. On any motion filed pursuant to this rule, upon a showing of good cause, the court may assign the Office of the Public Defender to represent the defendant.

(d) . . . no change.

(e) . . . no change.

Source-R.R. 3:7-13(a)(b); paragraph (b) amended and redesignated as (c) and new paragraph (b) adopted July 17, 1975 to be effective September 8, 1975; paragraph (b) amended August 28, 1979 to be effective September 1, 1979; new paragraph (d) adopted July 16, 1981 to be effective September 14, 1981; paragraph (a) amended July 15, 1982 to be effective September 13, 1982; paragraph (b) amended and paragraph (e) adopted July 22, 1983 to be effective September 12, 1983; paragraph (c) amended July 13, 1994 to be effective January 1, 1995; paragraph (b) amended June 28, 1996 to be effective September 1, 1996; paragraphs (b) and (c) amended July 16, 2009 to be effective September 1, 2009.

3:22-2. Grounds

A petition for post-conviction relief is cognizable if based upon any of the following grounds:

(a) . . . no change.

(b) . . . no change.

(c) Imposition of sentence in excess of or otherwise not in accordance with the sentence authorized by law if raised together with other grounds cognizable under paragraph (a), (b), or (d) of this rule. Otherwise a claim alleging that the imposition of sentence in excess of or otherwise not in accordance with the sentence authorized by law shall be filed pursuant to R. 3:21-10(b)(5).

(d) . . . no change.

Note: Source--R.R. 3:10A-2; paragraph (c) amended July 16, 2009 to be effective September 1, 2009.

3:22-3. Exclusiveness of Remedy; Not Substitute for Appeal or Motion

Except as otherwise required by the Constitution of New Jersey, a petition pursuant to this rule is the exclusive means of challenging a judgment rendered upon conviction of a crime. It is not, however, a substitute for appeal from conviction or for motion incident to the proceedings in the trial court, and may not be filed while such appellate review or motion is [available] pending.

Note: Source--R.R. 3:10A-3; amended July 16, 2009 to be effective September 1, 2009.

3:22-6. Indigents; Waiver of Fees; Assignment of Counsel, and Grant of Transcript; Assigned Counsel May Not Withdraw

(a) Waiver of Fees; Assignment on First Petition. At the time of filing of a petition under this Rule, a defendant who [is not] wants to be represented by the Office of the Public Defender may annex thereto a sworn statement alleging indigency in the form prescribed by the Administrative Director of the Courts, which form shall be furnished to the defendant by the criminal division manager's office. The criminal division manager's office shall determine whether the defendant is indigent and screen the petition to determine whether the petition is cognizable under R. 3:22-2 and, if so, whether the requirements of R. 3:22-8 have been met. The Criminal Division Manager shall thereafter forthwith submit the same to the [Presiding Judge of the Criminal Division] Criminal Presiding Judge who, if satisfied therefrom that the defendant is indigent, shall order the criminal division manager's office to file the petition without payment of filing fees. At the same time, and without separate petition therefor, if the petition is the first one filed by the defendant attacking the conviction pursuant to this rule, the court shall as of course, unless defendant affirmatively states an intention to proceed pro se, [refer] by order assign the matter to the Office of the Public Defender if the defendant's conviction was for an indictable offense, or assign counsel in accordance with R. 3:4-2 if the defendant's conviction was for a non-indictable offense. All orders of assignment pursuant to this section shall contain the name of the judge to whom the case is assigned and shall set a place and date for a case management conference.

If the petition is not cognizable under R. 3:22-2, or if the petition does not meet the requirements of R. 3:22-8, the court shall set forth the reasons that the petition is not cognizable under R. 3:22-2, or fails to meet the requirements of R. 3:22-8.

(b) Assignment of Counsel on Cause Shown. Upon any second or subsequent petition filed pursuant to this Rule attacking the same conviction, the matter shall be [referred] assigned to the Office of the Public Defender only upon application therefor and showing of good cause. For purposes of this section, good cause exists only when the court finds that a substantial issue of fact or law requires assignment of counsel and when a second or subsequent petition alleges on its face a basis to preclude dismissal under R. 3:22-4.

(c) Transcript. After assignment of counsel, or if the indigent defendant proceeds without counsel, the court may [shall] grant an application for the transcript of testimony of any proceeding shown to be necessary in establishing the grounds of relief asserted.

(d) Substitution; Withdrawal of Assigned Counsel. [Absent a showing of good cause, the] The court [will] shall not substitute new assigned counsel at the request of defendant while assigned counsel is serving[.], except upon a showing of good cause and notice to the Office of the Public Defender. Assigned counsel may not seek to withdraw on the ground of lack of merit of the petition. Counsel should advance [any grounds insisted upon by defendant notwithstanding that counsel deems them without merit] all of the legitimate arguments requested by the defendant that the record will

support. If defendant insists upon the assertion of any grounds for relief that counsel deems to be without merit, counsel shall list such claims in the petition or amended petition or incorporate them by reference. Pro se briefs can also be submitted.

Note: Source--R.R. 3:10A-6(a)(b)(c)(d). Paragraph (b) amended July 14, 1972 to be effective September 5, 1972; paragraphs (a) and (d) amended July 13, 1994 to be effective January 1, 1995; paragraphs (a), (b), (c) and (d) amended July 16, 2009 to be effective September 1, 2009.

3:22-6A. Notifying Court of Assignment; Filing of Appearance

(1) Within ninety days of receipt of an order of assignment on a filed petition for post-conviction relief, the Public Defender shall provide the court with the name of the attorney assigned to represent the defendant. That attorney shall, within ten days, file an appearance with the judge.

(2) If a direct appeal, including a petition for certification, is pending, the Public Defender shall notify the court, and the petition shall be dismissed without prejudice. If the defendant refiles the petition within 90 days of the date of the judgment on direct appeal, including consideration of a petition for certification, or within five years after rendition of the judgment or sentence sought to be attacked, whichever is later, it shall be considered a first petition for post-conviction relief.

(3) Where the order of assignment sets forth reasons that the petition is not cognizable under R. 3:22-2, or does not contain the requirements of R. 3:22-8, or the Office of the Public Defender determines that such deficiencies exist and so notifies the court, the attorney assigned to represent the defendant shall, within 120 days of assignment, file an amended petition or new application that is cognizable under R. 3:22-2 and which meets the requirements contained in R. 3:22-8, or shall seek other relief as may be appropriate. In the absence of an amended petition, the court may dismiss the petition without prejudice.

(4) In all other cases in which an attorney is representing the defendant, the attorney shall file an appearance contemporaneously with the filing of a petition for post-conviction relief.

Note: Adopted July 16, 2009 to be effective September 1, 2009.

3:22-7. Docketing; Service on Prosecutor; Assignment for Disposition

The [clerk] criminal division manager shall make an entry of the filing of the petition in the proceedings in which the conviction took place, and, if it is filed pro se, shall forthwith transmit a copy thereof to the prosecutor of the county. If an attorney files the petition, that attorney shall serve a copy thereof on the prosecutor before filing and shall file proof, certification or acknowledgment of service with the petition. The [clerk] criminal division manager shall promptly notify the Criminal Presiding Judge [Assignment Judge or judge designated by the Assignment Judge] of the filing of the petition, [who] and the Criminal Presiding Judge shall forthwith refer the matter for disposition to a trial judge.

Note: Source--R.R. 3:10A-7; amended July 13, 1994 to be effective September 1, 1994; amended July 16, 2009 to be effective September 1, 2009.

3:22-9. Amendments of Pleadings; Answer [or Motion] by Prosecutor

Amendments of pleadings shall be liberally allowed. For all petitions assigned by the Office of the Public Defender pursuant to R. 3:22-6(a), [A] assigned counsel may as of course serve and file an amended petition within [25] 90 days after assignment. Except as provided in R. 3:22-6A(3), if assigned counsel determines that no amended petition is warranted, counsel must serve and file notice of that determination within 90 days after assignment. For all petitions assigned to the Office of the Public Defender, the prosecutor shall, within 60 days after service of a copy of the amended petition or the notice that no amended petition will be filed, serve and file an answer to the petition or amended petition. For all other petitions for post-conviction relief, w[W]ithin [30] 60 days after service of a copy of the petition or amended petition, the prosecutor shall serve and file an answer thereto. [or move on 10 days' notice for dismissal. If a motion for dismissal is denied the State's answer shall be filed within 15 days thereafter.] The court may make such other orders with respect to pleadings, as it deems appropriate.

Note: Source--R.R. 3:10A-9; caption and text amended July 16, 2009 to be effective September 1, 2009.

3:22-10. Presence of Defendant at Hearing; Preference; Evidentiary Hearing

[The proceedings shall be given preference and be determined promptly.] A defendant in custody may be present in court in the court's discretion and shall be entitled to be present when oral testimony is adduced on a material issue of fact within the defendant's personal knowledge.

(a) A defendant shall be entitled to an evidentiary hearing only upon the establishment of a prima facie case in support of post-conviction relief, a determination by the court that there are material issues of disputed fact that cannot be resolved by reference to the existing record, and a determination that an evidentiary hearing is necessary to resolve the claims for relief. To establish a prima facie case, defendant must demonstrate a reasonable likelihood that his or her claim, viewing the facts alleged in the light most favorable to the defendant, will ultimately succeed on the merits.

(b) Any factual assertion that provides the predicate for a claim of relief must be made by an affidavit or certification pursuant to Rule 1:4-4 and based upon personal knowledge of the declarant before the court may grant an evidentiary hearing.

(c) The scope of an evidentiary hearing shall be limited to the issue of whether the defendant was improperly convicted.

(d) A court shall not grant an evidentiary hearing:

(1) if an evidentiary hearing will not aid the court's analysis of the defendant's entitlement to post-conviction relief;

(2) if the defendant's allegations are too vague, conclusory or speculative; or

(3) for the purpose of permitting a defendant to investigate whether additional claims for relief exist for which defendant has not demonstrated a reasonable likelihood of success as required by R. 3:22-10(a).

Note: Source--R.R. 3:10A-11; amended July 13, 1994 to be effective September 1, 1994; caption amended, first sentence of former rule deleted, remaining text of former rule retained as introductory language, and new paragraphs (a), (b), (c), and (d) adopted July 16, 2009 to be effective September 1, 2009.

3:22-11. Determination; Findings and Conclusions; Judgment; Supplementary Orders

In making final determination upon a petition, [either on motion for dismissal or after hearing,] the court shall state separately its findings of fact and conclusions of law, and shall enter a judgment, which shall include an appropriate order or direction with respect to the judgment or sentence in the conviction proceedings and any appropriate provisions as to arraignment, retrial, custody, bail, discharge, correction of sentence, or as may otherwise be required.

Note: Source--R.R. 3:10A-12; amended July 16, 2009 to be effective September 1, 2009.

3:22-12. Limitations

(a) General Time Limitations. A petition to correct an illegal sentence may be filed at any time. No other petition shall be filed pursuant to this rule more than 5 years after rendition of the judgment or sentence sought to be attacked unless it alleges facts showing that the delay beyond said time was due to defendant's excusable neglect. A petition dismissed without prejudice pursuant to R. 3:22-6A(2) because a direct appeal, including a petition for certification, is pending, shall be treated as a first petition for purposes of these rules if refiled within 90 days of the date of the judgment on direct appeal, including consideration of a petition for certification, or within five years after rendition of the judgment or sentence sought to be attacked, whichever is later. A petition dismissed pursuant to R. 3:22-6A(3) without prejudice as not cognizable under R. 3:22-2, or for failing to meet the requirements of R. 3:22-8, shall be treated as a first petition for purposes of these rules if amended and refiled within 90 days after the date of dismissal, or 5 years after rendition of the judgment or sentence sought to be attacked, whichever is later.

(b) . . . no change

(c) These time limitations shall not be relaxed, except as provided herein.

Note: Source--R.R. 3:10A-13. Caption added and text designated as paragraph (a), and new paragraph (b) added July 12, 2002 to be effective September 3, 2002; paragraph (a) amended and new paragraph (c) adopted July 16, 2009 to be effective September 1, 2009.

3:23-8. Hearing on Appeal

(a) Plenary Hearing; Hearing on Record; Correction or Supplementation of Record; Transcript for Indigents. If a verbatim record or sound recording was made pursuant to R. 7:8-8 in the court from which the appeal is taken, the original transcript thereof duly certified as correct shall be filed by the clerk of the court below with the criminal division manager's office, and a certified copy served on the prosecuting attorney by the clerk of the court below within 20 days after the filing of the notice of appeal or within such extension of time as the court permits. In such cases the trial of the appeal shall be heard de novo on the record unless it shall appear that the rights of either party may be prejudiced by a substantially unintelligible record or that the rights of defendant were prejudiced below in which event the court to which the appeal has been taken may either reverse and remand for a new trial or conduct a plenary trial de novo without a jury. The court shall provide the municipal court with reasons for the remand. The court may also supplement the record and admit additional testimony whenever (1) the municipal court erred in excluding evidence offered by the defendant, (2) the state offers rebuttal evidence to discredit supplementary evidence admitted hereunder, or (3) the record being reviewed is partially unintelligible or defective. If the appellant, upon application to the court appealed to, is found to be indigent, the court may [shall] order the transcript of the proceedings below furnished at the county's expense if the appeal involves violation of a statute and at the municipality's expense if the appeal involves violation of an ordinance. If no such record was made in the court from which the appeal is taken, the appeal shall operate as an application for a plenary trial de novo without a jury in the court to which the appeal is taken.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ...no change

(f) ... no change

Note: Source-R.R. 3:10-13. Paragraph (b) amended by order of September 5, 1969 effective September 8, 1969; paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 29, 1977 to be effective September 6, 1977; paragraphs (a), (b) and (e) amended November 22, 1978 to be effective December 7, 1978; paragraphs (a), (b) and (e) amended July 11, 1979 to be effective September 10, 1979; paragraph (a) amended February, 1983 to be effective immediately; paragraph (a) amended January 5, 1998 to be effective February 1, 1998; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 16, 2009 to be effective September 1, 2009.

RULE 3:30. FEES FOR EXPUNGEMENT OF RECORDS

Any person who files an application for an expungement of records, pursuant to N.J.S.A. 2C:52-1 to - 32, shall pay filing fees as required by N.J.S.A. 2C:52-29 and N.J.S.A. 22A:2-25.

Note: Adopted July 16, 2009 to be effective September 1, 2009.

4:5-1. General Requirements for Pleadings

(a) ... no change

(b) Requirements for First Pleadings.

(1) ... no change

(2) ... no change

(3) Certification of Compliance with Rule 1:38-7(c). The first filed pleading of any party in an action in the Chancery Division, General Equity or in the Law Division, Special Civil Part shall include a certification of compliance as required in R. 1:38-7(c) that states, "I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)."

Note: Source—R.R. 4:7-1; amended July 26, 1984 to be effective September 10, 1984; caption and text amended November 26, 1990 to be effective April 1, 1991; paragraph (c) added July 13, 1994 to be effective September 1, 1994; paragraph (b)(2) amended July 10, 1998 to be effective September 1, 1998; paragraph (b)(1) amended July 5, 2000 to be effective September 5, 2000; paragraph (b)(1) amended July 9, 2008 to be effective September 1, 2008; paragraph (b)(3) adopted July 16, 2009 to be effective September 1, 2009.

5:2-1. Venue, Where Laid

Venue in family actions shall be laid in accordance with the applicable provisions of R. 3:14-1 and R. 4:3-2 except as follows:

(a) (1) In actions primarily involving the [welfare, support, protection and status of children (except actions for adoption or termination of parental rights and except actions in which issues of custody, parenting time or visitation, and support are joined with claims for divorce or nullity)] support or parentage of a child (except actions in which the issue of support of a child is joined with claims for divorce or nullity) venue shall be laid, pursuant to the Uniform Interstate Family Support Act (UIFSA), in the county of New Jersey in which the child is domiciled, if New Jersey is determined to be the child's home state, as defined under N.J.S.A. 2A:4-30.65.

(2) In a proceeding to establish, enforce, or modify a support order or to determine parentage, personal jurisdiction over nonresident individuals shall be governed by N.J.S.A. 2A:4-30.68 and 2A:4-30.69.

(3) The jurisdictional basis for the establishment of a support order shall be governed by N.J.S.A. 2A:4-30.71.

(4) The continuing exclusive jurisdiction of New Jersey or another issuing state, exceptions thereto and modification of a support order issued by a court of this or another state, shall be governed by N.J.S.A. 2A:4-30.72.

(5) Recognition of an order entered by this State, or by a tribunal of another state, and the method to determine which order is controlling, when

multiple orders exist, including responses to multiple registrations or petitions for enforcement, shall be governed by N.J.S.A. 2A:4-30.74 and 2A:4-30.75.

(b) (1) [In actions involving custody of children where one party or the child does not presently reside in New Jersey, venue shall be laid in the county designated by the courts of the child's home state, which is defined as the state where the child, immediately preceding the time involved, lived with his or her parents, a parent, or a person acting as parent, for at least six consecutive months, unless it is found to be in the best interest of the child for another state to accept jurisdiction.] In actions involving the welfare, custody, protection and status of a child (except actions in which the issues of welfare, custody, protection and status of a child are joined with claims for divorce or nullity), venue shall be laid, pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), in the county of New Jersey in which the child was last domiciled if New Jersey is determined to be the child's home state, as defined under N.J.S.A. 2A:34-54, and pursuant to N.J.S.A. 2A:34-65.

(2) Pursuant to N.J.S.A. 2A:34-68, New Jersey may exercise temporary emergency jurisdiction under the Rule.

(c) [(b)] In divorce and nullity actions, venue shall be laid in accordance with R. 5:7-1.

(d) [(c)] In actions for adoption, venue shall be laid in accordance with R. 5:10-1.

(e) [(d)] In actions for termination of parental rights, venue shall be laid in accordance with R. 5:9-1.

(f) [(e)] In juvenile delinquency actions, venue shall be laid in accordance with R. 5:19-1.

(g) [(f)] In kinship legal guardianship actions, venue shall be laid in accordance with R. 5:9A-3.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; new paragraph (f) added June 15, 2007 to be effective September 1, 2007; paragraph (a) amended and text reallocated as paragraphs (a) and (b), paragraphs (b), (c), (d), (e), and (f) reallocated as paragraphs (c), (d), (e), (f), and (g) July 16, 2009 to be effective September 1, 2009.

5:3-5. Attorney Fees and Retainer Agreements in Civil Family Actions; Withdrawal

(a) . . . no change

(b) . . . no change

(c) Award of Attorney Fees. Subject to the provisions of R. 4:42-9(b), (c), and (d), the court in its discretion may make an allowance, both pendente lite and on final determination, to be paid by any party to the action, including, if deemed to be just, any party successful in the action, on any claim for divorce, nullity, support, alimony, custody, parenting time, equitable distribution, separate maintenance, enforcement of interspousal agreements relating to family type matters and claims relating to family type matters in actions between unmarried persons. A pendente lite allowance may include a fee based on an evaluation of prospective services likely to be performed and the respective financial circumstances of the parties. The court may also, on good cause shown, direct the parties to sell, mortgage, or otherwise encumber or pledge marital assets to the extent the court deems necessary to permit both parties to fund the litigation. In determining the amount of the fee award, the court should consider, in addition to the information required to be submitted pursuant to R. 4:42-9, the following factors: (1) the financial circumstances of the parties; (2) the ability of the parties to pay their own fees or to contribute to the fees of the other party; (3) the reasonableness and good faith of the positions advanced by the parties both during and prior to trial; (4) the extent of the fees incurred by both parties; (5) any fees previously awarded; (6) the amount of fees previously paid to counsel by each party; (7) the results obtained; (8) the degree to which fees were incurred to

enforce existing orders or to compel discovery; and (9) any other factor bearing on the fairness of an award.

(d) . . . no change

Note: Adopted January 21, 1999 to be effective April 5, 1999; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; new paragraph (a)(10) adopted, and paragraphs (d)(1) and (d)(2) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 16, 2009 to be effective September 1, 2009.

5:4-2. Complaint

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) . . . no change

(g) Confidential Litigant Information Sheet. The first pleading of each party to any proceeding involving alimony, maintenance or child support shall be accompanied by a completed Confidential Litigant Information Sheet in the form prescribed in Appendix XXIV. The form shall be provided at the time of the filing of the first pleading but shall not be affixed to the pleadings. The information contained in the Confidential Litigant Information Sheet shall be maintained as confidential and shall be used for the sole purposes of establishing, modifying, and enforcing support orders. The Administrative Office of the Courts shall develop and implement procedures to maintain the Confidential Litigant Information Sheet as a confidential document rather than a public record. The Confidential Litigant Information Sheet shall contain a certification consistent with R. 1:4-4(b). No copy thereof shall be served on any opposing party.

(h) Affidavit or Certification of Notification of Complementary Dispute Resolution Alternatives. The first pleading of each party shall have annexed thereto an affidavit or certification in the form prescribed in Appendix XXVII-A or

XXVII-B of these rules that the litigant has been informed of the availability of complementary dispute resolution ("CDR") alternatives to conventional litigation, including but not limited to mediation or arbitration, and that the litigant has received descriptive material regarding such CDR alternatives.

Note: Source-R. (1969) 4:77-1(a)(b)(c)(d), 4:77-2, 4:77-3, 4:77-4, 4:78-3, 5:4-1(a) (first two sentences). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (b)(2) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a)(2) and (d) amended November 2, 1987 to be effective January 1, 1988; paragraphs (b)(2) and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a)(2) amended July 10, 1998 to be effective September 1, 1998; new paragraph (f) adopted January 21, 1999 to be effective April 5, 1999; paragraph (f) caption and text amendment July 12, 2002 to be effective September 3, 2002; new paragraph (g) adopted July 28, 2004 to be effective September 1, 2004; new paragraph (h) adopted July 27, 2006 to be effective September 1, 2006; paragraph (h) amended October 10, 2006 to be effective immediately; paragraph (g) amended June 15, 2007 to be effective September 1, 2007; paragraphs (g) and (h) amended July 16, 2009 to be effective September 1, 2009.

5:5-2. Family Case Information Statement

(a) ... no change.

(b) ... no change.

(c) ... no change.

(d) ... no change.

(e) ... no change.

(f) Confidentiality. The Family Case Information Statement and all

attachments thereto shall be confidential and unavailable for public inspection,

pursuant to R. 1:38-3(d)(1).

Note: Source -- R. (1969) 4:79-2. Adopted December 20, 1983, to be effective December 31, 1983; amended January 10, 1984, to be effective April 1, 1984; paragraphs (b) and (e) amended November 5, 1986 to be effective January 1, 1987; paragraphs (b) and (e) amended November 2, 1987 to be effective January 1, 1988; paragraphs (a) and (e) amended November 7, 1988 to be effective January 2, 1989; paragraph (e) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended January 21, 1999 to be effective April 5, 1999; paragraph (e) amended July 12, 2002 to be effective September 3, 2002; caption amended and new paragraph (f) adopted July 27, 2006 to be effective September 1, 2006; paragraph (c) amended, former paragraph (e) deleted and redesignated as new Rule 5:5-10, and former paragraph (f) redesignated as paragraph (e) June 15, 2007 to be effective September 1, 2007; new paragraph (f) adopted July 16, 2009 to be effective September 1, 2009.

5:5-4. Motions in Family Actions

(a) Motions. Motions in family actions shall be governed by R. 1:6-2(b) except that, in exercising its discretion as to the mode and scheduling of disposition of motions, the court shall ordinarily grant requests for oral argument on substantive and non-routine discovery motions and ordinarily deny requests for oral argument on calendar and routine discovery motions. When a motion is brought for enforcement or modification of a prior order or judgment, a copy of the order or judgment sought to be enforced or modified shall be appended to the pleading filed in support of the motion. When a motion or cross-motion is brought for the entry or modification of an order or judgment for alimony or child support based on changed circumstances, the pleading filed in support of the motion shall have appended to it a copy of the prior [Case Information Statement or Statements] case information statement or statements filed before entry of the order or judgment sought to be modified and a copy of a current [Case Information Statement] case information statement. The pleading filed in opposition to entry of such an order shall have appended to it a copy of all prior case information statements. If the party seeking the alimony or child support relief has demonstrated a prima facie showing of a substantial change of circumstances, then the court will order the other party to file a copy of a current case information statement.

(b) Page Limits. Unless the court otherwise permits for good cause shown and except for the certification required by R. 4:42-9(b) (affidavit of service), [a certification] all certifications in support of a motion shall not exceed a total of

fifteen pages. [A certification] All certifications in opposition to a motion or in support of a cross-motion or both shall not exceed a total of twenty-five pages. [A reply certification] All reply certifications to opposing pleadings shall not exceed a total of ten pages.

(c) . . . no change

(d) Advance Notice. Every motion shall include the following language:
"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: Call the Family Division Manager's office (.....) 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."

(e) . . . no change

(f) . . . no change

(g) Exhibits. Exhibits attached to certifications shall not be counted in determining compliance with the page limits contained in this Rule. Certified statements not previously filed with the court shall be included in page limit calculation. All exhibits shall be differentiated from the text of a certification or affidavit by the use of labeled dividers before each exhibit or some other means. Where labeled dividers are used, they shall extend beyond the 8-1/2 inch by 11 inch size of the paper.

Note: Source-R. (1969) 4:79-11. Adopted December 20, 1983, to be effective December 31, 1983; amended November 2, 1987 to be effective, January 1, 1988; former rule amended and redesignated paragraph (a) and paragraph (b) adopted June 29, 1990 to be effective September 4, 1990; paragraph (b) amended and paragraph (c) adopted June 28, 1996 effective as of September 1, 1996; captions of paragraphs (a) and (b) amended and paragraph (d) adopted July 10, 1998 to be effective September 1, 1998; new paragraph (b) added and

former paragraphs (b), (c), and (d) redesignated as paragraphs (c), (d), and (e) January 21, 1999 to be effective April 5, 1999; paragraph (d) amended July 5, 2000 to be effective September 5, 2000; new paragraph (f) added July 12, 2002 to be effective September 3, 2002; paragraphs (c) and (d) amended, and new paragraph (g) adopted July 28, 2004 to be effective September 1, 2004; paragraphs (c) and (d) amended June 15, 2007 to be effective September 1, 2007; paragraphs (a), (b), (d) and (g) amended July 16, 2009 to be effective September 1, 2009.

5:5-6. Participation in Mandatory Post-MESP Mediation or in a Mandatory Post-MESP Complementary Dispute Resolution Event

(a) Mandatory Post-MESP Events. Each vicinage shall establish a program for the post-Matrimonial Early Settlement Program ("MESP") mediation of the economic aspects of divorce consistent with the procedures set forth in [Appendix XIX] these Rules. In any matter in which a settlement is not achieved at the time of the MESP, an order for mediation or other post-MESP Complementary Dispute Resolution ("CDR") event shall be entered. The order shall provide that the litigants may select a mediator from the statewide-approved list of mediators or select an individual to conduct a post-MESP CDR event. Litigants shall be permitted to select another individual who will conduct a post-MESP mediation event, provided such selection is made within seven days.

(b) Mandatory Two Hour Minimum Participation. Unless good cause is shown why a particular matter should not be referred to this post-MESP program, litigants shall be required to participate in the program for no more than two hours, consisting of one hour of preparation time by the mediator or other individual conducting the alternate CDR event and one hour of time for the mediation or other CDR event. The litigants will not be charged a fee for the mandatory first two hours of mediation. Participation after the first two hours shall be voluntary.

(c) Allocation of Fees After Two Hour Minimum. If litigants consent to continue the mediation process, the Economic Mediation Referral Order will determine the distribution of costs for each party for the additional hours. If the litigants choose to participate in an alternate post-MESP CDR event, the fee shall

be set by the individual conducting the session. The litigants shall share the cost equally unless otherwise determined by the court. The litigants are required to participate in at least one session of such alternate post-MESP CDR event.

Note: Adopted July 27, 2006 to be effective September 1, 2006; former text amended and allocated into paragraphs (a) and (b), captions to paragraphs (a) and (b) adopted, and new paragraph (c) caption and text adopted July 16, 2009 to be effective September 1, 2009.

5:5-10. Default; Notice for Final Judgment [Equitable Distribution, Alimony, Child Support and Other Relief]

In those cases where equitable distribution, alimony, child support and other relief are sought and a default has been entered, the plaintiff shall file and serve on the defaulting party, in accordance with R. 1:5-2, a Notice of [Application for Equitable Distribution, Alimony, Child Support and Other Relief] Proposed Final Judgment ("Notice"), not less than 20 days prior to the hearing date. The Notice shall include the proposed trial date, a statement of the value of each asset and the amount of each debt sought to be distributed and a proposal for distribution, a statement as to whether plaintiff is seeking alimony and/or child support and, if so, in what amount, and a statement as to all other relief sought, including a proposed parenting time schedule where applicable. Plaintiff shall annex to the Notice a completed and filed Case Information Statement in the form set forth in Appendix V of these Rules. When a written property settlement agreement has been executed, plaintiff shall not be obligated to file such a Notice. When the summons and complaint have been served on the defendant by substituted service pursuant to R. 4:4-4, a copy of the Notice shall be filed and served on the defendant in the same manner as the summons and complaint or in any other manner permitted by the court, at least twenty (20) days prior to the date set for hearing. The Notice shall state that such Notice can be examined by the defendant during normal business hours at the Family Division Manager's office in the county in which the Notice was filed. The Notice shall provide the address of the county courthouse where the Notice has been filed. Defaults shall be entered in accordance with R. 4:43-1, except that a default judgment in a Family

Part matter may be entered without separate notice of motion as set forth in R.

4:43-2.

Note: Former Rule 5:5-2(e), adopted as Rule 5:5-10 June 15, 2007 to be effective September 1, 2007; caption and text amended July 16, 2009 to be effective September 1, 2009.

5:6B. Cost-of-Living Adjustments for Child Support Orders

(a) All orders and judgments that include child support entered, modified, or enforced on or after [the effective date of this rule] September 1, 1998 shall provide that the child support amount will be adjusted every two years to reflect the cost of living.

(b) Orders and judgments that include child support entered, modified, or enforced on or before August 31, 1998 shall be prospectively subject to adjustment every two years to reflect the cost of living.

(c) The cost-of-living adjustment shall be based on the average change in the Consumer Price Index for the metropolitan statistical areas that encompass New Jersey and shall be compounded.

(d) Before a cost-of-living adjustment is applied, the parties shall be provided with notice of the proposed adjustment and an opportunity to contest the adjustment within 30 days of the mailing of the notice. An obligor may contest the adjustment if the obligor's income has not increased at a rate at least equal to the rate of inflation as measured by the Consumer Price Index or if the order or judgment provides for an alternative periodic cost-of-living adjustment. [Either party may contest the cost-of-living adjustment and may request that the Appendix IX child support guidelines be applied to adjust the amount of child

support to be paid. The application of the child support guidelines shall take precedence over cost-of-living adjustments.] A cost-of-living adjustment shall not impair the right of either parent to apply (1) to the court for a modification of support provisions of the order or judgment based on changed circumstances, or (2) to the State IV-D agency or its designee for a three-year review of a Title IV-D child support order, without the need to show changed circumstances.

(e) The forms and procedures to implement cost-of-living adjustments shall be prescribed by the Administrative Director of the Courts.

Note: Adopted July 10, 1998, to be effective September 1, 1998; text amended and allocated to paragraphs (a), (b), (c), (d), and (e) July 16, 2009 to be effective September 1, 2009.

5:9A-3. Venue in Actions Concerning Kinship Legal Guardianship

(a) An action for kinship legal guardianship of a child pursuant to N.J.S.A. 3B:12A-1 to -6 shall be brought or the venue laid in the county where the caregiver resides. However, as set forth in R. [5:2-1(d)] 5:2-1(e), in cases where there is a pending action for child abuse/neglect pursuant to N.J.S.A. 9:6-8.1 et seq. or for termination of parental rights under N.J.S.A. 30:4C-15, venue will be determined in accordance with R. 5:9-1, that is, in the county where the child abuse/neglect or termination of parental rights action is pending.

(b) ... no change

Note: Adopted June 15, 2007 to be effective September 1, 2007; paragraph (a) amended July 16, 2009 to be effective September 1, 2009.

5:12-4. Case Management Conference, Hearings, or Trial

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) . . . no change

(g) Foreign State Placement. In any case in which the court orders or plans to order that a child be placed with a person or agency or institution in another State, the District of Columbia, or the U.S. Virgin Islands, it shall act in compliance with the Interstate Compact on the Placement of Children, as adopted in New Jersey, N.J.S.A. 9:23-5 et seq. (the Compact). The Administrative Director of the Courts, in coordination with the Commissioner of the Department of [Human Services] Children and Families, as the duly designated public authority responsible for compliance with the Compact, may establish such guidelines and procedures as are necessary to ensure that all actions subject to the Compact are in compliance therewith.

(h) . . . no change

(i) . . . no change

Note: Source-R. (1969) 5:7A-4. Adopted December 20, 1983, to be effective December 31, 1983; paragraphs (e) and (f) adopted November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (b) amended June 28, 1996 to be effective September 1, 1996; paragraph (g) adopted July 10, 1998 to be effective September 1, 1998; new paragraphs (h) and (i) adopted July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 28, 2004 to be

effective September 1, 2004; note that Appendix X-A previously referenced in paragraph (a) also deleted July 28, 2004 to be effective September 1, 2004; paragraph (d) amended, and captions added to paragraphs (e), (f), and (g) June 15, 2007 to be effective September 1, 2007; paragraph (g) amended July 16, 2009 to be effective September 1, 2009.

5:12-7. Claims of Ineffective Assistance of Counsel

Claims of ineffective assistance of trial counsel shall be raised exclusively on direct appeal of a final judgment or order. The matter shall proceed expeditiously in accordance with R. 2:9-1(c) and R. 2:10-6.

Note: Adopted July 16, 2009 to be effective September 1, 2009.

5:13-1. Definitions

The definitions contained in the Child Placement Review Act (N.J.S. 30:4C-50 et al.) apply to this rule. The term "act" as used in this rule means the Child Placement Review Act. The term "board" as used in this rule means a child placement review board established under the act. The term "court" as used in this rule means the Superior Court, Chancery Division, Family Part in the child's county of supervision. The term "division" as used in this rule means the Division of Youth and Family Services of the Department of [Human Services] Children and Families.

Note: Source-R. (1969) 5:7B(a). Adopted December 20, 1983, to be effective December 31, 1983; amended November 5, 1986 to be effective January 1, 1987; amended July 16, 2009 to be effective September 1, 2009.

5:13-4. Initial Court Determination

The court, within 15 days following receipt of the notice of the initial placement pursuant to a voluntary agreement, shall make a determination in the manner prescribed by the act including a determination as to whether or not reasonable efforts have been made to prevent the placement, which determination shall be entered as an order in the form [set forth in Appendix XV of these rules or in such other form as the court may direct] prescribed by the Administrative Director of the Courts. The court shall give a copy of the notice of placement to the division, the child, the parents or legal guardian and such other persons or agencies which the court determines have an interest in or information relating to the welfare of the child, which may include the temporary caretaker. If the court schedules a hearing it shall provide written notice thereof in the manner prescribed by the act.

Note: Source-R. (1969) 5:7B(d). Adopted December 20, 1983, to be effective December 31, 1983; amended July 13, 1994 to be effective September 1, 1994; amended July 16, 2009 to be effective September 1, 2009.

5:21-4. Place of Detention or Shelter Care

No juvenile shall be placed in detention or shelter care in any place other than that specified by the State Juvenile Justice Commission or Department of [Human Services] Children and Families as provided by law. No juvenile shall be detained or placed in any prison, jail, lockup, or police station. If however, no other facility is reasonably available and if a brief holding is necessary to allow the release of the juvenile to the juvenile's parent, or guardian, or other suitable person, or approved facility, a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime. Nor shall a juvenile be placed in a detention facility which has reached its maximum population capacity as determined by the Juvenile Justice Commission.

Note: Source-R. (1969) 5:8-6(a). Adopted December 20, 1983, to be effective December 31, 1983; amended July 13, 1994 to be effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; amended July 16, 2009 to be effective September 1, 2009.

5:25-3. Child Support Hearing Officers

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) Review by Presiding Judge or Designee; Appeal; Time; Record.

(1) . . . no change

(2) A party not accepting a recommendation entered by the Child Support Hearing Officer shall be entitled to an immediate appeal of the recommendation to the Presiding Judge of the Family Part or a Judge designated by the Presiding Judge who shall conduct a hearing forthwith. The appeal may be made by either party, and shall be heard de novo on the record below. Failure of a party to request a de novo appeal on the day of the hearing [does not bar a motion for a new trial pursuant to Rule 4:49 or a motion Relief from Judgment pursuant to Rule 4:50] shall require the filing of a motion before further relief can be considered.

(3) . . . no change

(e) . . . no change

(f) . . . no change

(g) . . . no change

Note: Source-new. Adopted September 24, 1985 to be effective October 1, 1985; paragraph (c)(12) adopted June 28, 1996 to be effective September 1, 1996; paragraph (b)(6) amended May 25, 1999 to be effective July 1, 1999; paragraphs (c)(10) and (c)(11) amended June 15, 2007 to be effective September 1, 2007; paragraph (d)(2) amended July 16, 2009 to be effective September 1, 2009.

7:2-1. Contents of Complaint, Arrest Warrant and Summons

(a) Complaint: General. The complaint shall be a written statement of the essential facts constituting the offense charged made on a form approved by the Administrative Director of the Courts. Except as otherwise provided by paragraphs (e) (Traffic Offenses), (f) (Special Form of Complaint and Summons), and (g) (Use of Special Form of Complaint and Summons in Penalty Enforcement Proceedings), the complaining witness shall attest to the facts contained in the complaint by signing a certification or signing an oath before a judge or other person so authorized by N.J.S.A. 2B:12-21. [, all complaints shall be by certification or by oath before a judge or other person so authorized by N.J.S.A. 2B:12-21. The municipal court administrator or deputy court administrator shall accept for filing every complaint made by any person.]

If the complaining witness is a law enforcement officer, the complaint may be signed by an electronic entry secured by a Personal Identification Number (hereinafter referred to as an electronic signature) on the certification, which shall be equivalent to and have the same force and effect as an original signature.

(b) Acceptance of Complaint. The municipal court administrator or deputy court administrator shall accept for filing every complaint made by any person.

(c) [(b)] Summons: General. The summons shall be on a Complaint-Summons form (CDR-1) or other form prescribed by the Administrative Director of the Courts and shall be signed by the officer issuing it. An electronic [entry of the] signature [(hereinafter referred to as an electronic signature)] of any law enforcement officer or

any other person authorized by law to issue a Complaint-Summons shall be equivalent to and have the same force and effect as an original signature. The summons shall be directed to the defendant named in the complaint, shall require defendant's appearance at a stated time and place before the court in which the complaint is made, and shall inform defendant that an arrest warrant may be issued for a failure to appear.

(d) [(c)] Arrest Warrant: General. The arrest warrant shall be made on a Complaint-Warrant form (CDR-2) or other form prescribed by the Administrative Director of the Courts and shall be signed by the judge or, when authorized by the judge, by the municipal court administrator or deputy court administrator after a determination of probable cause. An electronic signature by the judge, authorized municipal court administrator, or deputy court administrator shall be equivalent to and have the same force and effect as an original signature. The warrant shall contain the defendant's name or, if unknown, any name or description that identifies the defendant with reasonable certainty. It shall be directed to any officer authorized to execute it and shall order that the defendant be arrested and brought before the court issuing the warrant. The judicial officer issuing a warrant may specify therein the amount and conditions of bail, consistent with R. 7:4, required for defendant's release.

(e) [(d)] Arrest Warrant: By Telephone. A judge may issue an arrest warrant upon sworn oral testimony of a law enforcement applicant who is not physically present. Such sworn oral testimony may be communicated by the applicant to the judge by telephone, radio or other means of electronic communication.

The judge shall administer the oath to the applicant. Subsequent to taking the oath, the applicant must identify himself or herself and read verbatim the Complaint-Warrant (CDR-2) and any supplemental affidavit that establishes probable cause for the issuance of an arrest warrant. If the facts necessary to establish probable cause are contained entirely on the Complaint-Warrant (CDR-2) and/or supplemental affidavit, the judge need not make a contemporaneous written or electronic recordation of the facts in support of probable cause. If the law enforcement applicant provides additional sworn oral testimony in support of probable cause, the judge shall contemporaneously record such sworn oral testimony by means of a tape-recording device or stenographic machine, if such is available; otherwise, adequate longhand notes summarizing the contents of the law enforcement applicant's testimony shall be made by the judge. This sworn testimony shall be deemed to be an affidavit or a supplemental affidavit [, or a supplemental affidavit,] for the purposes of issuance of an arrest warrant.

An arrest warrant may issue if the judge is satisfied that probable cause exists for issuing the warrant. Upon approval, the judge shall memorialize the date, time, defendant's name, complaint number, the basis for the probable cause determination, and any other specific terms of the authorization. That memorialization shall be either by means of a tape-recording device, stenographic machine or by adequate longhand notes. Thereafter, the judge shall direct the applicant to print his or her name, the date and time of the warrant, followed by the phrase "By Officer ----- , per telephonic authorization by -----" on the Complaint-Warrant (CDR-2) form. Within 48 hours,

the applicant shall deliver to the judge, either in person or via facsimile transmission, the signed Complaint-Warrant (CDR-2) and supporting affidavit. The judge shall verify the accuracy of these documents by affixing his or her signature to the Complaint-Warrant (CDR-2).

(f) [(e)] Traffic Offenses

(1) Form of Complaint and Process. The Administrative Director of the Courts shall prescribe the form of Uniform Traffic Ticket to serve as the complaint, summons or other process to be used for all parking and other traffic offenses. On a complaint and summons for a parking or other non-moving traffic offense, the defendant need not be named. It shall be sufficient to set forth the license plate number of the vehicle, and its owner or operator shall be charged with the violation.

(2) Issuance. The complaint may be made and signed by any person, but the summons shall be signed and issued only by a law enforcement officer or other person authorized by law to issue a Complaint-Summons, the municipal court judge, municipal court administrator or deputy court administrator of the court having territorial jurisdiction. An electronic signature of any law enforcement officer or other person authorized by law to issue a Complaint-Summons shall be equivalent to and have the same force and effect as an original signature.

(3) Records and Reports. Each court shall be responsible for all Uniform Traffic Tickets printed and distributed to law enforcement officers or others in its territorial

jurisdiction, for the proper disposition of Uniform Traffic Tickets and for the preparation of such records and reports as the Administrative Director of the Courts prescribes. The provisions of this subparagraph shall apply to the [Director of the Division of Motor Vehicles] Chief Administrator of the Motor Vehicle Commission, the Superintendent of State Police in the Department of Law and Public Safety, and to the responsible official of any other agency authorized by the Administrative Director of the Courts to print and distribute the Uniform Traffic Ticket to its law enforcement personnel.

(g) [(f)] Special Form of Complaint and Summons. A special form of complaint and summons for any action, as prescribed by the Administrative Director of the Courts, shall be used in the manner prescribed in place of any other form of complaint and process.

(h) [(g)] Use of Special Form of Complaint and Summons in Penalty Enforcement Proceedings. The Special Form of Complaint and Summons, as prescribed by the Administrative Director of the Courts, shall be used for all penalty enforcement proceedings in the municipal court, including those that may involve the confiscation and/or forfeiture of chattels. If the Special Form of Complaint and Summons is made by a governmental body or officer, it may be certified or verified on information and belief by any person duly authorized to act on its or the State's behalf.

Note: Source – Paragraph (a): R. (1969) 7:2, 7:3-1, 3:2-1; paragraph (b): R. (1969) 7:2, 7:3-1, 7:6-1, 3:2-2; paragraph (c): R. (1969) 7:2, 7:3-1, 7:6-1, 3:2-3; paragraph (d): R. (1969) 7:6-1; paragraph (e): R. (1969) 4:70-3(a); paragraph (f): new. Adopted October 6, 1997 to be effective February 1, 1998; paragraph (a) caption added, former paragraph (a) amended and redesignated as paragraph (a)(1), former paragraph (b)

amended and redesignated as paragraph (a)(2), former paragraph (c) redesignated as paragraph (a)(3), former paragraph (d) redesignated as paragraph (b), former paragraph (e) caption and text amended and redesignated as paragraph (c), and former paragraph (f) redesignated as paragraph (d) July 12, 2002 to be effective September 3, 2002; caption for paragraph (a) deleted, former paragraphs (a)(1) and (a)(2) amended and redesignated as paragraphs (a) and (b), former paragraph (a)(3) redesignated as paragraph (c), new paragraph (d) adopted, former paragraph (b) amended and redesignated as paragraph (e), former paragraph (c) deleted, former paragraph (d) amended and redesignated as paragraph (f), and new paragraph (g) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) amended, new paragraph (b) adopted, former paragraphs (b), (c), (d), and (e) amended and redesignated as paragraphs (c), (d), (e), and (f), former paragraphs (f) and (g) redesignated as paragraphs (g) and (h) July 16, 2009 to be effective September 1, 2009.

7:2-2. Issuance of Arrest Warrant or Summons

(a) Authorization for Process

(1) Citizen Complaint. An arrest warrant or a summons on a complaint charging any offense made by a private citizen may be issued only by a judge or, if authorized by the judge, by a municipal court administrator or deputy court administrator of a court with jurisdiction in the municipality where the offense is alleged to have been committed within the statutory time limitation. The arrest warrant or summons may be issued only if it appears to the judicial officer from the complaint, affidavit, certification or testimony that there is probable cause to believe that an offense was committed [and] the defendant [has] committed it, and an arrest warrant or summons can be issued. The judicial officer's finding of probable cause shall be noted on the face of the summons or warrant and shall be confirmed by the judicial officer's signature issuing the arrest warrant or summons. If, however, the municipal court administrator or deputy court administrator finds that no probable cause exists to issue an arrest warrant or summons, or that the applicable statutory time limitation to issue the arrest warrant or summons has expired, that finding shall be reviewed by the judge. A judge finding no probable cause to believe that an offense occurred or that the statutory time limitation to issue an arrest warrant or summons has expired shall dismiss the complaint.

(2) Complaint by Law Enforcement Officer or Other Statutorily Authorized Person. A summons on a complaint made by a law enforcement officer charging any offense may be issued by a law enforcement officer or by any person authorized to do

so by statute without a finding by a judicial officer of probable cause for issuance. A law enforcement officer may personally serve the summons on the defendant without making a custodial arrest.

(3) Complaint by Code Enforcement Officer. A summons on a complaint made by a Code Enforcement Officer charging any offense within the scope of the Code Enforcement Officer's authority and territorial jurisdiction may be issued without a finding by a judicial officer of probable cause for issuance. A Code Enforcement Officer may personally serve the summons on the defendant. Otherwise, service shall be in accordance with these rules. For purposes of this rule, a "Code Enforcement Officer" is a public employee who is responsible for enforcing the provisions of any state, county or municipal law, ordinance or regulation which the public employee is empowered to enforce.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

Note: Source – R. (1969) 7:2, 7:3-1, 3:3-1. Adopted October 6, 1997 to be effective February 1, 1998; paragraphs (b) and (c) amended July 10, 1998 to be effective September 1, 1998; paragraph (a)(1) amended July 5, 2000 to be effective September 5, 2000; paragraph (a)(1) amended, new paragraph (b)(5) added, and former paragraph (b)(5) redesignated as paragraph (b)(6) July 12, 2002 to be effective September 3, 2002; paragraph (a)(1) amended, and paragraph (a)(2) caption and text amended July 28, 2004 to be effective September 1, 2004; paragraph (a)(1) amended and new paragraph (a)(3) adopted July 16, 2009 to be effective September 1, 2009.

7:3-2. Hearing on First Appearance; Right to Counsel

(a) Hearing on First Appearance. At the defendant's first appearance, the judge shall inform the defendant of the charges and shall furnish the defendant with a copy of the complaint or copy of the electronic ATS/ACS record of the complaint, if not previously provided to the defendant. The judge shall also inform the defendant of the range of penal consequences for each offense charged, the right to remain silent and that any statement made may be used against the defendant. The judge shall inform the defendant of the right to retain counsel or, if indigent, to have counsel assigned pursuant to paragraph (b) of this rule. The defendant shall be specifically asked whether legal representation is desired and defendant's response shall be recorded on the complaint. If the defendant is represented at the first appearance or then affirmatively states the intention to proceed without counsel, the court may, in its discretion, immediately arraign the defendant pursuant to R. 7:6-1.

(b) ... no change

Note: Source – R. (1969) 7:2, 7:3-1, 3:4-2(b). Adopted October 6, 1997 to be effective February 1, 1998; paragraph (b) amended July 10, 1998, to be effective September 1, 1998; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 16, 2009 to be effective September 1, 2009.

7:6-2. Pleas, Plea Agreements

(a) ... no change

(b) ... no change

(c) ... no change

(d) Plea Agreements. Plea agreements may be entered into only pursuant to the Guidelines and accompanying Comment issued by the Supreme Court, both of which are annexed as an Appendix to Part VII, provided, however, that:

(1) the complaint is prosecuted by the municipal prosecutor, the county prosecutor, or the Attorney General; and

(2) the defendant is either represented by counsel or knowingly waives the right to counsel on the record; and

(3) the prosecuting attorney represents to the court that the [complaining witness and the] victim, if the victim is present at the hearing, [have] has been consulted about the agreement; and

(4) the plea agreement involves a matter within the jurisdiction of the municipal court and does not result in the downgrade or disposition of indictable offenses without the consent of the county prosecutor, which consent shall be noted on the record; and

(5) the sentence recommendations, if any, do not circumvent minimum sentences required by law for the offense.

Pursuant to paragraph (a)(1) of this rule, when a plea agreement is reached, its terms and the factual basis that supports the charge(s) shall be fully set forth on the record personally by the prosecutor, except as provided in Guideline 3 for Operation of Plea Agreements. If the judge determines that the interests of justice would not be served by accepting the agreement, the judge shall so state, and the defendant shall be informed of the right to withdraw the plea if already entered.

Note: Source-Paragraph (a): R. (1969) 7:4-2(b); paragraph (b): R. (1969) 3:21-1; paragraph (c): R. (1969) 3:9-3(f); paragraph (d): R. (1969) 7:4-8. Adopted October 6, 1997 to be effective February 1, 1998; paragraph (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (a)(1) amended June 15, 2007 to be effective September 1, 2007; paragraph (d)(3) amended July 16, 2009 to be effective September 1, 2009.

R. 7:7-5. Pretrial Procedure

(a) Pretrial Conference. At any time after the filing of the complaint, the court may order one or more conferences with the parties to consider the results of negotiations between them relating to a proposed plea or to other matters that will promote a fair and expeditious disposition or trial. With the consent of the parties or counsel for the parties, the court may permit any pretrial conference to be conducted by means of telephone or video link.

(b) ...no change

Note: Source – Paragraph (a): new; paragraph (b): R. (1969) 7:4-2(d), 3:9-1(d).
Adopted October 6, 1997 to be effective February 1, 1998; paragraph (a) amended July 16, 2009 to be effective September 1, 2009.

7:7-7. Discovery and Inspection

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) Time and Procedure. A defense request for discovery shall be made contemporaneously with the entry of appearance by the defendant's attorney, who shall submit a copy of the appearance and demand for discovery directly to the municipal prosecutor. If the defendant is [pro se] not represented, any requests for discovery shall be made in writing and submitted by the defendant directly to the municipal prosecutor. The municipal prosecutor shall respond to the discovery request in accordance with paragraph (b) of this rule within 10 days after receiving the request. Unless otherwise ordered by the judge, the defendant shall provide the [government] prosecutor with discovery, as provided by paragraph (c) of this rule, within 20 days of the prosecuting attorney's compliance with the defendant's discovery request. Unless otherwise ordered by the judge, the parties may exchange discovery through the use of e-mail, internet or other electronic means.

(g) ... no change

Note: source-Paragraph (a): new; paragraph (b): R. (1969) 7:4-2(h), 3:13-3(c); paragraph (c): R. (1969) 7:4-2(h), 3:13-3(d); paragraph (d): R. (1969) 7:4-2(h), 3:13-3(e); paragraph (e): R. (1969) 7:4-2(h), 3:13-3(f); paragraph (f) new; paragraph (g): R. (1969) 7:4-2(h), 3:13-3(g). Adopted October 6, 1997 effective February 1, 1998; paragraph (c) amended July 5, 2000 to be effective September 5, 2000; paragraph (f) amended July 16, 2009 to be effective September 1, 2009.

7:7-8. Subpoenas [Form of Subpoena]

[In cases involving non-indictable offenses, the law enforcement officer may issue and serve subpoenas to testify in the form prescribed by the Administrative Director of the Courts. Courts having jurisdiction over such offenses, the Division of State Police, the Division of Motor Vehicles and any other agencies so authorized by the Administrative Director of the Courts may supply subpoena forms to their law enforcement officers. After service of a subpoena, the officer shall attach a copy of the subpoena to the complaint and promptly file those documents with the court.]

(a) Issuance. Except as otherwise provided in paragraph (d), upon the issuance of process on a complaint within the trial jurisdiction of the municipal court, a subpoena may be issued by a judicial officer, by an attorney in the name of the court administrator, or, in cases involving a non-indictable offense, by a law enforcement officer or other authorized person. The subpoena shall be in the form approved by the Administrative Director of the Courts. In cases involving non-indictable offenses, the law enforcement officer may issue subpoenas to testify in the form prescribed by the Administrative Director of the Courts. Courts having jurisdiction over such offenses, the Division of State Police, the Motor Vehicle Commission, and any other agency so authorized by the Administrative Director of the Courts may supply subpoena forms to law enforcement officers.

(b) Subpoena to Testify. A subpoena to testify shall state the name of the municipal court and the title of the action. It shall contain the appropriate case docket number and shall command each natural person or authorized agent of an entity to

whom it is directed to attend and give testimony at a specific time and date when the court will be in session. The subpoena may also specify that the specific time and date to attend court will be established at a later time by the court. If the witness is to testify in an action for the State or for an indigent defendant, the subpoena shall so note and shall contain an order to appear without the prepayment of any witness fee as otherwise required under N.J.S.A. 22A:1-4.

(c) Subpoena to Produce Documents or Electronically Stored Information. A subpoena may require the production of books, papers, documents, electronically stored information or other items on the date of the scheduled court appearance. The court may enter a supplemental order directing that the items designated in the subpoena be produced in court at a time prior to the scheduled court appearance or at another location. The order of the court may also specify that the designated items may, upon their production, be inspected by the parties and their attorneys.

(d) Investigative Subpoenas in Operating While Under the Influence Cases. When the State demonstrates to the court through sworn testimony and/or supporting documentation that there is a reasonable basis to believe that a person has operated a motor vehicle in violation of N.J.S.A. 39:4-50 or N.J.S.A. 39:3-10.13, a vessel in violation of N.J.S.A. 12:7-46, or an aircraft in violation of N.J.S.A. 6:1-18, a municipal court judge with jurisdiction over the municipality where the alleged offense occurred may issue an investigative subpoena directing an authorized agent of a medical facility located in New Jersey to produce medical records related to the presence of alcohol, narcotics, hallucinogens, habit-producing drugs or chemical inhalants in the operator's

body. If no case is pending, the subpoena may be captioned “In the Matter” under investigation.

(e) Personal Service. A subpoena may be served at any place within the State of New Jersey by any person 18 or more years of age. Service of a subpoena shall be made by personally delivering a copy to the person named, together with the fee allowed by law, except that if the person is a witness in an action for the State or an indigent defendant, the fee shall be paid before leaving the court at the conclusion of the trial by the municipal court administrator as otherwise required by N.J.S.A. 22A:1-4. After service of a subpoena, the person serving the subpoena shall promptly file a copy of the subpoena and proof of service with the court.

(f) Continuing Duty to Appear. A witness who has been personally served with a subpoena shall remain under a continuing obligation to appear until released by the court.

(g) Failure to Appear. In the absence of an adequate excuse, any person who fails to obey a personally served subpoena, as evidenced by an executed return of service, is subject to punishment for contempt of court. The court may issue a warrant for the arrest of the person subject to contempt as authorized by N.J.S.A. 2A:10-8.

(h) Motion to Quash. The court, on motion made prior to the scheduled court date, may quash or modify a subpoena to testify or a subpoena to produce writings or electronically stored information if compliance would be unreasonable, oppressive or not in compliance with the procedures required under this rule.

Note: Source – R. (1969) 7:3-3. Adopted October 6, 1997 to be effective February 1, 1998; caption amended, former text deleted, captions and text for new paragraphs (a) through (h) adopted July 16, 2009 to be effective September 1, 2009.

7:8-9. Procedures on Failure to Appear

(a) ... no change

(b) Driving Privileges; Report to Motor Vehicle Commission. [Division of Motor Vehicles]

(1) Non-Parking Motor Vehicle Cases. If the court has not issued an arrest warrant upon the failure of the defendant to comply with the court's failure to appear notice, the court shall report the failure to appear or answer to the Chief Administrator of the Motor Vehicle Commission [Division of Motor Vehicles] on a form approved by the Administrative Director of the Courts within 30 days of the defendant's failure to appear or answer. The court shall then mark the case as closed on its records, subject to being reopened pursuant to subparagraph (e) of this rule. If the court elects, however, to issue an arrest warrant, it may simultaneously report the failure to appear or answer to the Motor Vehicle Commission [Division of Motor Vehicles] on a form approved by the Administrative Director of the Courts. If the court does not simultaneously notify the Motor Vehicle Commission [Division of Motor Vehicles] and the warrant has not been executed within 30 days, the court shall report the failure to appear or answer to the Motor Vehicle Commission [Division of Motor Vehicles] on a form approved by the Administrative Director of the Courts. Upon the notification to the Motor Vehicle Commission [Division of Motor Vehicles], the court shall then mark the case as closed on its records subject to being reopened pursuant to subparagraph (e) of this rule.

(2) ... no change

(c) Unexecuted Arrest Warrant. If an arrest warrant is not executed, it shall

remain open and active until the court either recalls, withdraws or discharges it. If bail has been posted after the issuance of the arrest warrant and the defendant fails to appear or answer, the court may declare a forfeiture of the bail, report a motor vehicle bail forfeiture to the Motor Vehicle Commission [Division of Motor Vehicles] and mark the case as closed on its records subject to being reopened pursuant to subparagraph (e) of this rule. The court may set aside any bail forfeiture in the interest of justice.

(d) Parking Cases; Unserved Notice. In parking cases, no arrest warrant may be issued if the initial failure to appear notice is returned to the court by the Postal Service [post office] marked to indicate that the defendant cannot be located. The court then may order a [the] suspension of the registration of the motor vehicle or of the defendant's driving privileges or defendant's nonresident reciprocity privileges or prohibit the person from receiving or obtaining driving privileges until the pending matter is adjudicated or otherwise disposed of. The court shall forward the order to suspend to the Motor Vehicle Commission [Division of Motor Vehicles] on a form approved by the Administrative Director of the Courts. The court shall then mark the case as closed on its records, subject to being reopened pursuant to subparagraph (e) of this rule.

(e) ... no change

(f) Dismissal of Parking Tickets. In any parking case, if the municipal court fails, within three years of the date of the violation, to either issue a warrant for the defendant's arrest or to order a suspension of the registration of the vehicle or the defendant's driving privileges or the defendant's non-resident reciprocity privileges or

prohibit the person from receiving or obtaining driving privileges, the matter shall be dismissed and shall not be reopened.

Note: Source – Paragraphs (a), (b), (c), (d), (e): R. (1969) 7:6-3; paragraph (f): new. Adopted October 6, 1997 to be effective February 1, 1998; paragraph (a) text deleted, and new paragraphs (a)(1) and (a)(2) adopted July 28, 2004 to be effective September 1, 2004; paragraph (b) caption amended, paragraphs (b)(1), (c), (d) and (f) amended July 16, 2009 to be effective September 1, 2009.

7:8-10. Waiver of Right to Counsel at Trial

In all cases other than parking cases, a request by a defendant to proceed to trial without an attorney shall not be granted until the judge is satisfied from an inquiry on the record that the defendant has knowingly and voluntarily waived the right to counsel following an explanation by the judge of the range of penal consequences and an advisement that the defendant may have defenses and that there are dangers and disadvantages inherent in defending oneself.

Note: Adopted July 16, 2009 to be effective September 1, 2009.

7:10-2. Post-Conviction Relief

(a) ...no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

(g) Petition to Obtain Relief from an Enhanced Custodial Term Based on a Prior Conviction

(1) ... no change

(2) Time Limitations. The time limitations for filing petitions for post-conviction relief under this section shall be the same as those set forth in [R. 3:22-12] R. 7:10-2(b)(2).

(3) ... no change

(4) ... no change

Note: Source – Paragraph (a): R. (1969) 3:22-1; paragraph (b)(1),(2): R. (1969) 3:22-12; paragraph (b)(3): R (1969) 3:22-3; paragraph (c): R. (1969) 7:8-1, 3:22-2; paragraph (d)(1): R. (1969) 3:22-4; paragraph (d)(2): R. (1969) 3:22-5; paragraph (e): R. (1969) 3:22-6(a),(c),(d); paragraph (f)(1): R. (1969) 3:22-7; paragraph (f)(2): R. (1969) 3:22-8; paragraph (f)(3): R. (1969) 3:22-9; paragraph (f)(4): R. (1969) 3:22-10; paragraph (f)(5): R. (1969) 3:22-11. Adopted October 6, 1997 to be effective February 1, 1998; new subparagraph (f)(2)(G) and new paragraph (g) adopted June 15, 2007 to be effective September 1, 2007; paragraph (g)(2) amended July 16, 2009 to be effective September 1, 2009.

7:12-3. Pleas of Not Guilty and Pleas of Guilty by Mail in Certain Traffic or Parking Offenses

(a) Use of Pleas by Mail; Limitations. In all traffic or parking offenses, except as limited below, [a defendant may resolve the case by way of a guilty plea by mail or may plead not guilty and submit a written defense for use at trial by mail. The] the judge may permit the defendant to enter a guilty plea by mail, or to plead not guilty by mail and submit a written defense for use at trial, if a personal appearance by the defendant would constitute an undue hardship such as illness, physical incapacity, substantial distance to travel, or incarceration. This procedure shall not be available in the following types of cases:

(1) traffic offenses or parking offenses that require the imposition of a mandatory loss of driving privileges on conviction;

(2) traffic offenses or parking offenses involving an accident that resulted in personal injury to anyone other than the defendant;

(3) traffic offenses or parking offenses that are related to non-traffic matters that are not resolved;

(4) any other traffic offense or parking offense when excusing the defendant's appearance in municipal court would not be in the interest of justice.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ...no change

Source – R. (1969) 7:7-6. Adopted October 6, 1997 to be effective February 1, 1998; caption amended, paragraph (a) caption and text amended, former paragraph (b) amended and redesignated as paragraph (c), and new paragraph (b) adopted July 28, 2004 to be effective September 1, 2004; caption of rule amended, captions and text of former paragraphs (a) and (b) deleted, former paragraph (c) redesignated as paragraph (e) and amended, and new paragraphs (a), (b), (c), and (d) adopted June 15, 2007 to be effective September 1, 2007; paragraph (a) amended July 16, 2009 to be effective September 1, 2009.

APPENDIX TO PART VII

GUIDELINES FOR OPERATION OF PLEA AGREEMENTS IN THE MUNICIPAL COURTS OF NEW JERSEY

GUIDELINE 1. ... no change

GUIDELINE 2. ... no change

GUIDELINE 3. PROSECUTOR'S RESPONSIBILITIES.

Nothing in these Guidelines should be construed to affect in any way the prosecutor's discretion in any case to move unilaterally for an amendment to the original charge or a dismissal of the charges pending against a defendant if the prosecutor determines and personally represents on the record the reasons in support of the motion. The prosecutor shall also appear in person to set forth any proposed plea agreement on the record [, except when the original charge is listed on the Statewide or local Violations Bureau Schedule]. [In that event] However, with the approval of the municipal court judge, in lieu of appearing on the record, the prosecutor may submit to the court a Request to Approve Plea Agreement, on a form approved by the Administrative Director of the Courts, signed by the prosecutor and by the defendant. Nothing in this Guideline shall be construed to limit the court's ability to order the prosecutor to appear at any time during the proceedings.

GUIDELINE 4. ... no change

SUPREME COURT COMMENT ... no change

Note: Guidelines and Comment adopted June 29, 1990, simultaneously with former Rule 7:4-8 ("Plea Agreements") to be effective immediately; as part of 1997 recodification of Part VII rules, re-adopted without change as Appendix to Part VII and referenced by Rule 7:6-2 ("Pleas, Plea Agreements"), October 6, 1997 to be effective February 1, 1998; Guideline 4 amended July 5, 2000 to be effective September 5, 2000; Guidelines 3 and 4 amended July 28, 2004 to be effective September 1, 2004; Guideline 4 amended June 15, 2007 to be effective September 1, 2007; Guideline 3 amended July 16, 2009 to be effective September 1, 2009.

Appendix V

FAMILY PART CASE INFORMATION STATEMENT

This form and attachments are confidential pursuant to Rules 1:38-3(d)(1) and 5:5-2(f)

Attorney(s):
Office Address
Tel. No./Fax No.
Attorney(s) for:

Plaintiff,

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
COUNTY

DOCKET NO. _____
CASE INFORMATION STATEMENT
OF _____

NOTICE: This statement must be fully completed, filed and served, with all required attachments, in accordance with Court Rule 5:5-2 based upon the information available. In those cases where the Case Information Statement is required, it shall be filed within 20 days after the filing of the Answer or Appearance. Failure to file a Case Information Statement may result in the dismissal of a party's pleadings.

PART A - CASE INFORMATION:

Date of Statement _____
Date of Divorce (post-Judgment matters) _____
Date(s) of Prior Statement(s) _____

Your Birthdate _____
Birthdate of Other Party _____
Date of Marriage _____
Date of Separation _____
Date of Complaint _____

ISSUES IN DISPUTE:

Cause of Action _____
Custody _____
Parenting Time _____
Alimony _____
Child Support _____
Equitable Distribution _____
Counsel Fees _____
Other issues [be specific] _____

Does an agreement exist between parties relative to any issue? Yes No. If Yes, ATTACH a copy (if written) or a summary (if oral).

1. Name and Addresses of Parties:

Your Name _____
Street Address _____ City _____ State/Zip _____
Other Party's Name _____
Street Address _____ City _____ State/Zip _____

2. Name, Address, Birthdate and Person with whom children reside:

a. Child(ren) From This Relationship

Child's Full Name	Address	Birthdate	Person's Name

b. Child(ren) From Other Relationships

Child's Full Name	Address	Birthdate	Person's Name

PART B - MISCELLANEOUS INFORMATION:

1. Information about Employment (Provide Name & Address of Business, if Self-employed)

Name of Employer/Business _____ Address _____

Name of Employer/Business _____ Address _____

2. Do you have Insurance obtained through Employment/Business? Yes No. Type of Insurance:

Medical Yes No; Dental Yes No; Prescription Drug Yes No; Life Yes No; Disability Yes No
Other (explain) _____

Is Insurance available through Employment/Business? Yes No Explain: _____

3. ATTACH affidavit of Insurance Coverage as required by Court Rule 5:4-2 (f) (See Part G)

4. Additional Identification:

Confidential Litigant Information Sheet: Filed Yes No

5. ATTACH a list of all prior/pending family actions involving support, custody or Domestic Violence, with the Docket Number, County, State and the disposition reached. Attach copies of all existing Orders in effect.

PART C. - INCOME INFORMATION:

Complete this section for self and (if known) for spouse.

1. LAST YEAR'S INCOME

	Yours	Joint	Spouse or Former Spouse
1. Gross earned income last calendar (year)	\$ _____	_____	_____
2. Unearned income (same year)	\$ _____	\$ _____	\$ _____
3. Total Income Taxes paid on income (Fed., State, F.I.C.A., and S.U.I.). If Joint Return, use middle column.	\$ _____	\$ _____	\$ _____
4. Net income (1 + 2 - 3)	\$ _____	\$ _____	\$ _____

ATTACH to this form a corporate benefits statement as well as a statement of all fringe benefits of employment. (See Part G)

ATTACH a full and complete copy of last year's Federal and State Income Tax Returns. ATTACH W-2 statements, 1099's, Schedule C's, etc., to show total income plus a copy of the most recently filed Tax Returns. (See Part G)

Check if attached: Federal Tax Return State Tax Return W-2 Other

2. PRESENT EARNED INCOME AND EXPENSES

	Yours	Other Party (if known)
1. Average gross weekly income (based on last 3 pay periods – ATTACH pay stubs) Commissions and bonuses, etc., are: <input type="checkbox"/> included <input type="checkbox"/> not included* <input type="checkbox"/> not paid to you.	\$ _____	\$ _____

*ATTACH details of basis thereof, including, but not limited to, percentage overrides, timing of payments, etc.

ATTACH copies of last three statements of such bonuses, commissions, etc.

2. Deductions per week (check all types of withholdings): <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> F.I.C.A <input type="checkbox"/> Other	\$ _____	\$ _____
3. Net average weekly income (1 - 2)	\$ _____	\$ _____

3. YOUR CURRENT YEAR-TO-DATE EARNED INCOME

1. GROSS EARNED INCOME: \$ _____	Provide Dates: From: _____ To: _____
2. TAX DEDUCTIONS: (Number of Dependents: _____)	Number of Weeks _____
a. Federal Income Taxes	a. \$ _____
b. N.J. Income Taxes	b. \$ _____

- c. Other State Income Taxes c. \$ _____
- d. FICA d. \$ _____
- e. Medicare e. \$ _____
- f. S.U.I. / S.D.I. f. \$ _____
- g. Estimated tax payments in excess of withholding g. \$ _____
- h. h. \$ _____
- i. i. \$ _____

TOTAL \$ _____

3. GROSS INCOME NET OF TAXES \$ _____

4. OTHER DEDUCTIONS

If mandatory, check box

- a. Hospitalization/Medical Insurance a. \$ _____
- b. Life Insurance b. \$ _____
- c. Union Dues c. \$ _____
- d. 401(k) Plans d. \$ _____
- e. Pension/Retirement Plans e. \$ _____
- f. Other Plans - specify f. \$ _____
- g. Charity g. \$ _____
- h. Wage Execution h. \$ _____
- i. Medical Reimbursement (flex fund) i. \$ _____
- j. Other j. \$ _____

TOTAL \$ _____

5. NET YEAR-TO-DATE EARNED INCOME: \$ _____

NET AVERAGE EARNED INCOME PER MONTH: \$ _____

NET AVERAGE EARNED INCOME PER WEEK \$ _____

4. YOUR YEAR-TO-DATE GROSS UNEARNED INCOME FROM ALL SOURCES
 [including, but not limited to, income from unemployment, disability and/or social security payments, interest, dividends, rental income and any other miscellaneous unearned income]

Source	How often paid	Year to date amount
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

TOTAL GROSS UNEARNED INCOME YEAR TO DATE \$ _____

5. ADDITIONAL INFORMATION:

1. How often are you paid? _____
2. What is your annual salary? \$ _____
3. Have you received any raises in the current year? Yes No. If yes, provide the date and the gross/net amount.

4. Do you receive bonuses, commissions, or other compensation, including distributions, taxable or non-taxable, in addition to your regular salary? Yes No. If yes, explain.

5. Did you receive bonuses, commissions, or other compensation, including distributions, taxable or non-taxable, in addition to your regular salary during the current or immediate past calendar year? Yes No. If yes, explain and state the date(s) of receipt and set forth the gross and net amounts received.

6. Do you receive cash or distributions not otherwise listed? Yes No. If yes, explain.

7. Have you received income from overtime work during either the current or immediate past calendar year? Yes No. If yes, explain.

8. Have you been awarded or granted stock options, restricted stock or any other non-cash compensation or entitlement during the current or immediate past calendar year? Yes No. If yes, explain.

9. Have you received any other supplemental compensation during either the current or immediate past calendar year? Yes No. If yes, state the date(s) of receipt and set forth the gross and net amounts received. Also describe the nature of any supplemental compensation received.

10. Have you received income from unemployment, disability and/or social security during either the current or immediate past calendar year? Yes No. If yes, state the date(s) of receipt and set forth the gross and net amounts received.

11. List the names of the dependents you claim. _____

12. Are you paying or receiving any alimony? Yes No. If yes, how much and to whom paid or from who received?

13. Are you paying or receiving any child support? Yes No. If yes, list names of the children, the amount paid or received for each child and to whom paid or from whom received.

14. Is there a wage execution in connection with support? Yes No. If yes explain.

15. Has a dependent child of yours received income from social security, SSI or other government program during either the current or immediate past calendar year? Yes No. If yes, explain the basis and state the date(s) of receipt and set forth the gross and net amounts received.

16. Explanation of Income or Other Information:

PART D - - MONTHLY EXPENSES (computed at 4.3 wks/mo.)

Joint Marital Life Style should reflect standard of living established during marriage. Current expenses should reflect the current life style. Do not repeat those income deductions listed in Part C - 3.

	Joint Marital Life Style Family, including _____ children	Current Life Style Yours and _____ children
SCHEDULE A: SHELTER		
If Tenant	\$ _____	\$ _____
Rent.....	\$ _____	\$ _____
Heat (if not furnished).....	\$ _____	\$ _____
Electric & Gas (if not furnished).....	\$ _____	\$ _____
Renter's Insurance	\$ _____	\$ _____
Parking (at Apartment)	\$ _____	\$ _____
Other charges (Itemize).....	\$ _____	\$ _____
If Homeowner	\$ _____	\$ _____
Mortgage	\$ _____	\$ _____
Real Estate Taxes (if not included w/mortgage payment).....	\$ _____	\$ _____
Homeowners Ins (if not included w/mortgage payment)	\$ _____	\$ _____
Other Mortgages or Home Equity Loans	\$ _____	\$ _____
Heat (unless Electric or Gas)	\$ _____	\$ _____
Electric & Gas.....	\$ _____	\$ _____
Water & Sewer	\$ _____	\$ _____
Garbage Removal	\$ _____	\$ _____
Snow Removal.....	\$ _____	\$ _____
Lawn Care.....	\$ _____	\$ _____
Maintenance.....	\$ _____	\$ _____
Repairs	\$ _____	\$ _____
Other Charges (Itemize).....	\$ _____	\$ _____
Tenant or Homeowner:	\$ _____	\$ _____
Telephone	\$ _____	\$ _____
Mobile/Cellular Telephone	\$ _____	\$ _____
Service Contracts on Equipment.....	\$ _____	\$ _____
Cable TV.....	\$ _____	\$ _____
Plumber/Electrician	\$ _____	\$ _____
Equipment & Furnishings	\$ _____	\$ _____
Internet Charges.....	\$ _____	\$ _____
Other (itemize).....	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

SCHEDULE B: TRANSPORTATION

Auto Payment	\$ _____	\$ _____
Auto Insurance (number of vehicles: _____).....	\$ _____	\$ _____
Registration, License	\$ _____	\$ _____
Maintenance.....	\$ _____	\$ _____
Fuel and Oil	\$ _____	\$ _____
Commuting Expenses	\$ _____	\$ _____
Other Charges (Itemize)	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

SCHEDULE C: PERSONAL

Joint Marital Life Style
Family, including
_____ children

Current Life Style
Yours and
_____ children

Food at Home & household supplies	\$ _____	\$ _____
Prescription Drugs	\$ _____	\$ _____
Non-prescription drugs, cosmetics, toiletries & sundries.....	\$ _____	\$ _____
School Lunch	\$ _____	\$ _____
Restaurants.....	\$ _____	\$ _____
Clothing.	\$ _____	\$ _____
Dry Cleaning, Commercial Laundry	\$ _____	\$ _____
Hair Care.....	\$ _____	\$ _____
Domestic Help	\$ _____	\$ _____
Medical (exclusive of psychiatric)*	\$ _____	\$ _____
Eye Care*	\$ _____	\$ _____
Psychiatric/psychological/counseling*	\$ _____	\$ _____
Dental (exclusive of Orthodontic)*	\$ _____	\$ _____
Orthodontic*	\$ _____	\$ _____
Medical Insurance (hospital, etc.)*	\$ _____	\$ _____
Club Dues and Memberships	\$ _____	\$ _____
Sports and Hobbies	\$ _____	\$ _____
Camps.	\$ _____	\$ _____
Vacations	\$ _____	\$ _____
Children's Private School Costs.....	\$ _____	\$ _____
Parent's Educational Costs.....	\$ _____	\$ _____
Children's Lessons (dancing, music, sports, etc.)	\$ _____	\$ _____
Baby-sitting.....	\$ _____	\$ _____
Day-Care Expenses.....	\$ _____	\$ _____
Entertainment.....	\$ _____	\$ _____
Alcohol and Tobacco	\$ _____	\$ _____
Newspapers and Periodicals.....	\$ _____	\$ _____
Gifts	\$ _____	\$ _____
Contributions.	\$ _____	\$ _____
Payments to Non-Child Dependents	\$ _____	\$ _____
Prior Existing Support Obligations this family/other families (specify)	\$ _____	\$ _____
Tax Reserve (not listed elsewhere)	\$ _____	\$ _____
Life Insurance	\$ _____	\$ _____
Savings/Investment.....	\$ _____	\$ _____
Debt Service (from page 7) (not listed elsewhere).....	\$ _____	\$ _____
Parenting Time Expenses.....	\$ _____	\$ _____
Professional Expenses (other than this proceeding).....	\$ _____	\$ _____
Other (specify)	\$ _____	\$ _____

*unreimbursed only

TOTAL \$ _____ \$ _____

Please Note: If you are paying expenses for a spouse and/or children not reflected in this budget, attach a schedule of such payments.

Schedule A: Shelter	\$ _____	\$ _____
Schedule B: Transportation	\$ _____	\$ _____
Schedule C: Personal	\$ _____	\$ _____
Grand Totals	\$ _____	\$ _____

PART E - BALANCE SHEET OF ALL FAMILY ASSETS AND LIABILITIES

STATEMENT OF ASSETS

Description	Title to Property (H, W, J)	Date of purchase/acquisition. If claim that asset is exempt, state reason and value of what is claimed to be exempt	Value \$ Put * after exempt	Date of Evaluation Mo./Day/ Yr.
1. Real Property				
2. Bank Accounts, CD's				
3. Vehicles				
4. Tangible Personal Property				
5. Stocks and Bonds				
6. Pension, Profit Sharing, Retirement Plan(s) 401(k)s, etc. [list each employer]				
7. IRAs				
8. Businesses, Partnerships, Professional Practices				
9. Life Insurance (cash surrender value)				
10. Loans Receivable				
11. Other (specify)				

TOTAL GROSS ASSETS: \$ _____
 TOTAL SUBJECT TO EQUITABLE DISTRIBUTION: \$ _____
 TOTAL NOT SUBJECT TO EQUITABLE DISTRIBUTION: \$ _____

STATEMENT OF LIABILITIES

Description	Name of Responsible Party (H, W, J)	If you contend liability should not be considered in equitable distribution, state reason	Monthly Payment	Total Owed	Date
1. Real Estate Mortgages					
2. Other Long Term Debts					
3. Revolving Charges					
4. Other Short Term Debts					
5. Contingent Liabilities					

TOTAL GROSS LIABILITIES: \$ _____
(excluding contingent liabilities)

NET WORTH: \$ _____
(subject to equitable distribution)

PART F - STATEMENT OF SPECIAL PROBLEMS

Provide a brief narrative statement of any special problems involving this case: As example, state if the matter involves complex valuation problems (such as for a closely held business) or special medical problems of any family member etc.

I certify that, other than in this form and its attachments, confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

I certify that the foregoing information contained herein is true. I am aware that if any of the foregoing information contained herein is willfully false, I am subject to punishment.

DATED: _____

SIGNED: _____

PART G - REQUIRED ATTACHMENTS

CHECK IF YOU HAVE ATTACHED THE FOLLOWING REQUIRED DOCUMENTS

- 1. A full and complete copy of your last federal and state income tax returns with all schedules and attachments. (Part C-1) _____
- 2. Your last calendar year's W-2 statements, 1099's, K-1 statements. _____
- 3. Your three most recent pay stubs. _____
- 4. Bonus information including, but not limited to, percentage overrides, timing of payments, etc.; the last three statements of such bonuses, commissions, etc. (Part C) _____
- 5. Your most recent corporate benefit statement or a summary thereof showing the nature, amount and status of retirement plans, savings plans, income deferral plans, insurance benefits, etc. (Part C) _____
- 6. Affidavit of Insurance Coverage as required by Court Rule 5:4-2(f) (Part B-3) _____
- 7. List of all prior/pending family actions involving support, custody or Domestic Violence, with the Docket Number, County, State and the disposition reached. Attach copies of all existing Orders in effect. (Part B-5) _____
- 8. Attach details of each wage execution (Part C-5) _____
- 9. Schedule of payments made for a spouse and/or children not reflected in Part D. _____
- 10. Any agreements between the parties. _____
- 11. An Appendix IX Child Support Guideline Worksheet, as applicable, based upon available information. _____

[Note: Revised Family CIS adopted July 28, 2004 to be effective September 1, 2004; amended July xx, 2009 to be effective September 1, 2009.]

APPENDIX IX-A
CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES
(Includes Amendments through those effective September 1, 2009)

1. Philosophy of the Child Support Guidelines

. . . no change.

2. Use of the Child Support Guidelines As a Rebuttable Presumption

. . . no change.

3. Deviating from the Child Support Guidelines

. . . no change.

4. The Income Shares Approach to Sharing Child-Rearing Expenses

. . . no change.

5. Economic Basis for the Child Support Guidelines

. . . no change.

6. Economic Principles Included in the Child Support Guidelines

. . . no change.

7. Assumptions Included in the Child Support Guidelines

. . . no change.

8. Expenses Included in the Child Support Schedules

. . . no change.

9. Expenses That May Be Added to the Basic Child Support Obligation

. . . no change.

10. Adjustments to the Support Obligation

The factors listed below may require an adjustment to the basic child support obligation.

- a. *Other Legal Dependents of Either Parent.* . . . no change.
- b. *Multiple Family Obligations.* . . . no change.
- c. *Government Benefits Paid to or for Children* - In some cases, government benefits may be received by or for a child based on a parent's earnings record, disability, or retirement (e.g., Black Lung, Veterans Disability, Social Security). Such payments are meant to replace the lost earnings of the parent and are paid *in addition* to the worker's or member's benefits (i.e., payments to family members do not reduce the member's benefits). A parent may also receive other non-means-tested government benefits that are meant to reduce the cost of the child such as adoption subsidies (*N.J.A.C. 10:121-2*). Supplemental Security Income (SSI) and welfare payments received for or on behalf of a child are *not included* in this category since they supplement parental income based on financial need. If non-means tested benefits are paid to or for a dependent child for whom support is being determined, the benefits must be deducted from the basic support obligation (See *Potter v. Potter*, 169 *N.J. Super.* 140 (App. Div. 1979), [and] *De La Ossa v. De La Ossa*, 291 *N.J. Super.* 557 (App. Div. 1996), *Pasternak v. Pasternak*, 310 *N.J. Super.* 483 (Ch. Div. 1997) and *Herd v. Herd*, 307 *N.J. Super.* 501 (App. Div. 1998)). The deduction is provided because the receipt of such benefits reduces the parents' contributions toward the child's living expenses (i.e., the marginal cost of the child). If the benefits received by the child are greater than the total support obligation (i.e., the amount of the obligation after deducting the benefits is zero), no support award should be ordered while the child is receiving the benefits. The benefits will continue to be paid by the government agency to the custodial parent in lieu of child support. If the total obligation is greater than the benefits received by the child, the non-custodial parent's income share of the residual amount (after deducting the benefits) is the support award to be paid to the custodial parent. Government benefits paid to or for a child that reduce benefits paid to a non-custodial parent (an apportionment) should not be deducted from the basic child support award, but should be used to offset the parent's child support order (i.e., the apportionment represents a payment toward the support order similar to a garnishment). NOTE: There may be circumstances when the CP/PPR is the party who is disabled and the child's share of derivative government benefits such as Social Security Disability greatly reduces child support at a time when the CP/PPR's personal income is also reduced. This creates a situation where the government benefits have the overall affect of being treated as a contribution made entirely by the NCP/PAR which may result in an injustice to the child. Under these circumstances, deviation from the guidelines may be required to prevent a financial hardship in the child's primary household due to the substantial reduction, or possible elimination, of child support caused by the application of the deduction allowed for government benefits against the basic child support amount.

11. Defining Income

. . . no change.

12. Imputing Income to Parents

The fairness of a child support award resulting from the application of these guidelines is dependent on the accurate determination of a parent's net income. If the court finds that either parent is, without just cause, voluntarily underemployed or unemployed, it shall impute income to that parent according to the following priorities:

- a. . . . no change.
- b. . . . no change.
- c. if a NJDOL wage or benefit record is not available, impute income based on the full-time employment (40 hours) at the New Jersey minimum wage ([~~\$ 7.15~~] \$7.25 per hour).

In determining whether income should be imputed to a parent and the amount of such income, the court should consider: (1) what the employment status and earning capacity of that parent would have been if the family had remained intact or would have formed, (2) the reason and intent for the voluntary underemployment or unemployment, (3) the availability of other assets that may be used to pay support, and (4) the ages of any children in the parent's household and child-care alternatives. The determination of imputed income shall not be based on the gender or custodial position of the parent. Income of other household members, current spouses, and children shall not be used to impute income to either parent except when determining the other-dependent credit. When imputing income to a parent who is caring for young children, the parent's income share of child-care costs necessary to allow that person to work outside the home shall be deducted from the imputed income. For further information on imputing income, see *Gertcher v. Gertcher*, 262 N.J. Super. 176 (Ch. Div. 1992), *Bencivenga v. Bencivenga*, 254 N.J. Super. 328 (App. Div. 1992), *Thomas v. Thomas*, 248 N.J. Super. 33 (Ch. Div. 1991), *Arribi v. Arribi*, 186 N.J. Super. 116 (Ch. Div. 1982), *Lynn v. Lynn*, 165 N.J. Super. 328 (App. Div. 1979), *Mowery v. Mowery*, 38 N.J. Super. 92 (App. Div. 1955).

13. Adjustments for PAR Time (formerly Visitation Time)

. . . no change.

14. Shared-Parenting Arrangements

. . . no change.

15. Split-Parenting Arrangements

. . . no change.

16. Child in the Custody of a Third Party

. . . no change.

17. Adjustments for the Age of the Children

. . . no change.

18. College or Other Post-Secondary Education Expenses

. . . no change.

19. Determining Child Support and Alimony or Spousal Support Simultaneously

. . . no change.

20. Extreme Parental Income Situations

. . . no change.

21. Other Factors that May Require an Adjustment to a Guidelines-Based Award

. . . no change.

22. Stipulated Agreements

. . . no change.

23. Modification of Support Awards

. . . no change.

24. Effect of Emancipation of a Child

. . . no change.

25. Support for a Child Who has Reached Majority

. . . no change.

26. Health Insurance for Children

. . . no change.

27. Unpredictable, Non-Recurring Unreimbursed Health-Care In Excess of \$250 Per Child Per Year

. . . no change.

28. Distribution of Worksheets and Financial Affidavits

. . . no change.

29. Background Reports and Publications

. . . no change.

APPENDIX IX-B
USE OF THE CHILD SUPPORT GUIDELINES
(Includes Amendments through those effective September 1, 2009)

GENERAL INFORMATION

Completion and Filing of the Worksheet

. . . no change.

Use of Weekly Amounts

. . . no change.

Rounding to Whole Dollars and Percentages

. . . no change.

Defining Parental Roles

. . . no change.

Selection of a Worksheet

. . . no change.

LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET

Caption

. . . no change.

Lines 1 through 5 - Determining Income

. . . no change.

Line 1 - Gross Taxable Income

. . . no change.

Line 1a - Mandatory Retirement Contributions

. . . no change.

Line 1b - Alimony Paid

. . . no change.

Line 1c - Alimony Received

. . . no change.

Line 2 - Adjusted Gross Taxable Income

. . . no change.

Line 2a - Withholding Taxes

. . . no change.

Line 2b - Prior Child Support Orders

. . . no change.

Line 2c - Mandatory Union Dues

. . . no change.

Line 2d - Other-Dependent Deduction

. . . no change.

Line 3 - Net Taxable Income

. . . no change.

Line 4 - Non-Taxable Income

. . . no change.

Line 5 - Net Income

. . . no change.

Line 6 - Percentage Share of Income

. . . no change.

Line 7 - Basic Child Support Amount

. . . no change.

Line 8 - Adding Net Work-Related Child Care Costs to the Basic Obligation

. . . no change.

Line 9 - Adding Health Insurance Costs for the Child to the Basic Obligation

. . . no change.

Line 10 - Adding Predictable and Recurring Unreimbursed Health Care to the Basic Obligation

. . . no change.

Line 11 - Adding Court-Approved Predictable and Recurring Extraordinary Expenses to the Basic Support Amount

. . . no change.

Line 12 - Deducting Government Benefits Paid to or for the Child

Enter government benefits received by the child on behalf of either parent on Line 12.

If a child is receiving government benefits based on either parent's earning record, disability, or retirement, the amount of those benefits must be deducted from the total support award (regardless of the effect of the child's benefit payments on benefits paid to the parent). Such benefits include, but are not limited to: Social Security Retirement or Disability, Black Lung, and Veteran's Administration benefits. Also included are non-means-tested government benefits meant to offset the cost of the child such as adoption subsidies (*N.J.A.C. 10:121-2*). SSI, public assistance (TANF), and other means-tested benefits are not government benefits based on a parent's earnings record, disability or retirement and should not be included on Line 12. If the government benefit received by the child is greater than the total support award (i.e., the amount of the total support award after deducting the government benefit is zero or less), the amount of the government benefit that is being paid to or for the child represents the support award. In such cases, the support award should be made payable directly to the obligee (i.e., from the government agency to the obligee; not through Probation). If the government benefit is less than

the total support obligation, it shall continue to be paid directly to the obligee and the residual amount shall be paid through Probation. See Appendix IX-A, paragraph 10(b).

Note that these benefits are not included in the gross income of the recipient parent.

NOTE: There may be circumstances when the CP/PPR is the party who is disabled and the child's share of derivative government benefits such as Social Security Disability greatly reduces child support at a time when the CP/PPR's personal income is also reduced. This creates a situation where the government benefits have the overall affect of being treated as a contribution made entirely by the NCP/PAR which may result in an injustice to the child. Under these circumstances, deviation from the guidelines may be required to prevent a financial hardship in the child's primary household due to the substantial reduction, or possible elimination, of child support caused by the application of the deduction allowed for government benefits against the basic child support amount.

Line 13 - Calculating the Total Child Support Amount

. . . no change.

Line 14 - Parental Share of the Total Child Support Obligation

. . . no change.

Line 15 - Credit for Child- Care Payments

. . . no change.

Line 16 - Credit for Payment of Child's Health Insurance Cost

. . . no change.

Line 17 - Credit for Payment of Child's Predictable and Recurring Unreimbursed Health Care

. . . no change.

Line 18 - Credit for Payment of Court-Approved Extraordinary Expenses

. . . no change.

Line 19 - Adjustment for Parenting Time Variable Expenses

. . . no change.

Line 20 - Figuring Each Parent's Net Support Obligation

. . . no change.

Lines 21, 22, and 23 - Adjusting the Child Support Obligation for Other-Dependents

. . . no change.

Line 21 - Line 20 CS Obligation With Other-Dependent Deduction

. . . no change.

Line 22 - Line 20 CS Obligation Without Other-Dependent Deduction

. . . no change.

Line 23 - Obligation Adjusted for Other Dependents

. . . no change.

Lines 24, 25, and 26 - Maintaining a Self-Support Reserve

. . . no change.

Line 24 - Self-Support Reserve Test

. . . no change.

Line 25 - Maximum Child Support Order

. . . no change.

Line 26 - Child Support Order

. . . no change.

LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET

Caption

. . . no change.

Lines 1 through 5 - Determining Income

. . . no change.

Line 1 - Gross Taxable Income

. . . no change.

Line 1a - Mandatory Retirement Contributions

. . . no change.

Line 1b - Alimony Paid

. . . no change.

Line 1c - Alimony Received

. . . no change.

Line 2 - Adjusted Gross Taxable Income

. . . no change.

Line 2a - Withholding Taxes

. . . no change.

Line 2b - Prior Child Support Orders

. . . no change.

Line 2c - Mandatory Union Dues

. . . no change.

Line 2d - Other-Dependent Deduction

. . . no change.

Line 3 - Net Taxable Income

. . . no change.

Line 4 - Non-Taxable Income

. . . no change.

Line 5 - Net Income

. . . no change.

Line 6 - Percentage Share of Income

. . . no change.

Line 7 - Number of Overnights with Each Parent

. . . no change.

Line 8 - Percentage of Overnights with Each Parent

. . . no change.

Line 9 - Basic Child Support Amount

. . . no change.

Line 10 - PAR Shared Parenting Fixed Expenses

. . . no change.

Line 11 - Deducting Government Benefits Paid to or for the Child

Enter the weekly amount of government benefits received by the child on behalf of either parent on Line 11. If a child is receiving government benefits (non-means tested) based on either parent's earning record, disability, or retirement, the amount of those benefits must be deducted from the total support award (regardless of the effect of the child's benefit payments on benefits paid to the parent). Such benefits include, but are not limited to: Social Security Retirement or Disability, Black Lung, and Veteran's Administration benefits. Also included are non-means-tested government benefits meant to offset the cost of the child such as adoption subsidies (*N.J.A.C. 10:121-2*). SSI, public assistance (TANF), and other means-tested benefits are **not** government benefits based on a parent's earnings record, disability or retirement and should not be included on Line 12. If the government benefit received by the child is greater than the total support award (i.e., the amount of the total support award after deducting the government benefit is zero or less), the amount of the government benefit that is being paid to or for the child represents the support award. In such cases, the support award should be made payable directly to the obligee (i.e., from the government agency to the obligee; not through Probation). If the government benefit is less than the total support obligation, it shall continue to be paid directly to the obligee and the residual amount shall be paid through Probation. Note that these benefits are not included in the gross income of the recipient parent. See Appendix IX-A, paragraph 10(b) for more information on the treatment of government benefits.

NOTE: There may be circumstances when the CP/PPR is the party who is disabled and the child's share of derivative government benefits such as Social Security Disability greatly reduces child support at a time when the CP/PPR's personal income is also reduced. This creates a situation where the government benefits have the overall affect of being treated as a contribution made entirely by the NCP/PAR which may result in an injustice to the child. Under these circumstances, deviation from the guidelines may be required to prevent a financial hardship in the child's primary household due to the substantial reduction, or possible elimination, of child support caused by the application of the deduction allowed for government benefits against the basic child support amount.

Line 12 - Shared Parenting Basic Child Support Amount

. . . no change.

Line 13 - PAR Share of Shared Parenting Basic Child Support Amount

. . . no change.

Line 14 - PAR Shared Parenting Variable Expenses

. . . no change.

Line 15 - PAR Adjusted Shared Parenting Basic Child Support Amount

. . . no change.

Lines 16 through 20 - Figuring Supplemental Expenses to be Added to the Shared Parenting Basic Child Support Amount

. . . no change.

Line 16 - Adding Net Work-Related Child Care Costs

. . . no change.

Line 17 - Adding Health Insurance Costs for the Child

. . . no change.

Line 18 - Adding Predictable and Recurring Unreimbursed Health Care

. . . no change.

Line 19 - Adding Court-Approved Predictable and Recurring Extraordinary Expenses

. . . no change.

Line 20 - Total Supplemental Expenses

. . . no change.

Line 21 - PAR's Share of the Total Supplemental Expenses

. . . no change.

Line 22 - Credit for PAR's Child-Care Payments

. . . no change.

Line 23 - Credit for PAR's Payment of Child's Health Insurance Cost

. . . no change.

Line 24 - Credit for PAR's Payment of Unreimbursed Health Care

. . . no change.

Line 25 - Credit for PAR's Payment of Court-Approved Extraordinary Expenses

. . . no change.

Line 26 - PAR's Total Payments for Supplemental Expenses

. . . no change.

Line 27 - PAR's Net Supplemental Expenses

. . . no change.

Line 28 - PAR's Net Child Support Obligation

. . . no change.

Lines 29, 30, and 31 - Adjusting the Child Support Obligation for Other Dependents

. . . no change.

Line 29 - Line 28 PAR CS Obligation WITH Other Dependent Deduction

. . . no change.

Line 30 - Line 28 PAR CS Obligation WITHOUT Other Dependent Deduction

. . . no change.

Line 31 - Adjusted PAR CS Obligation

. . . no change.

Lines 32 and 33 - Maintaining a Self-Support Reserve

. . . no change.

Line Instructions for the Shared-Parenting Worksheet

Line 32 - Self-Support Reserve Test

. . . no change.

Line 33 - PAR's Maximum Child Support Order

. . . no change.

Line 34 - Child Support Order

. . . no change.

Line 35 - PPR Household Income Test

. . . no change.

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - FAMILY PART
COUNTY OF
DOCKET NO. FM -**

_____,
Plaintiff,
v.
_____,
Defendant.

CIVIL ACTION

**CASE MANAGEMENT ORDER
(R. [5:5-6] 5:5-7)**

This matter being opened to the Court on _____, 20____,

(a) during a case management conference before:

(b) during a telephonic conference with:

(c) by consent of both attorneys

Plaintiff being represented by _____, of the firm of
_____, and the Defendant being represented by
_____ of the firm
of _____

and good cause existing for entry of this Order,

IT IS hereby ORDERED that the above titled matter is assigned to the following track. **(If custody is in issue the case shall be placed on the Priority Track.)**

A. EXPEDITED TRACK (Discovery shall not exceed 90 days)
If checked go directly to Page 3.

B. STANDARD TRACK (Discovery shall not exceed 120 days)

C. PRIORITY TRACK (Discovery to be set at first Case Management Conference)

D. COMPLEX TRACK (Discovery to be set at first Case Management Conference)

IT FURTHER APPEARING that on the issue of **Custody and Parenting Time:**

- There are no children. The children are emancipated.
- DV Order in effect.
- Custody is an issue. Custody not in issue.
- All issues relating to Custody and Parenting Time have been resolved pursuant to the Custody/Parenting Time stipulation attached hereto.
- The matter is referred to Custody/Parenting Time mediation.
- The Custody/Parenting Time Plan, required pursuant to R. 5:8-5 is attached hereto/or will be submitted by _____.

IT FURTHER APPEARING that the following issues are in dispute:

- Child Support Counsel Fees
- Alimony Cause of Action
- Equitable Distribution Medical Insurance
- Other Issues: _____
- Life Insurance

IT IS FURTHER ORDERED that the following be furnished no later than the dates indicated:

Case Information Statement filed? Plaintiff (Yes / No) Defendant (Yes / No)

CIS to be filed by Plaintiff / Defendant / Both by _____, 20__

Plaintiff / Defendant / Both - shall propound Interrogatories/Notice to Produce by _____, 20__

Plaintiff / Defendant / Both - shall answer Interrogatories and comply with Notice to Produce by _____, 20__

Plaintiff / Defendant / Both - shall complete Depositions by _____ 20__

Plaintiff / Defendant / Both - shall produce proof of bank account balances, pension, or other records, such as: _____ by _____, 20__

Plaintiff / Defendant / Both shall also:

	Date (00/00/0000)	Joint or Court Appointed Expert	Plaintiff Expert	Defendant Expert	Cost Paid by (H/W)
Real Estate appraisals to be completed by _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Personalty appraisals to be completed by _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Business appraisals to be completed by _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Pension appraisals to be completed by _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Other (Expert Reports or related issues):

IT IS FURTHER ORDERED that this matter shall be scheduled before the County Early Settlement Panel on _____, 20____, at _____.

IT IS FURTHER ORDERED that a second Case Management Conference has been scheduled on _____, 20____, at _____, before _____

IT IS FURTHER ORDERED that all motions, emergent applications, plenary hearings and the ultimate trial of this matter, if necessary, shall be handled by Judge _____. All future correspondence to the Court shall be forwarded to the Judge assigned. **The attorney appearing in Priority or Complex Track Cases should be familiar with and have full authority to participate in the case.**

IT IS FURTHER ORDERED

Trial Date _____

Trial Date To Be Determined

, J.S.C.

We hereby consent to the form and entry of the within Order.

Attorney for Plaintiff

Attorney for Defendant

Attorney Address: _____

Attorney Address: _____

Phone: _____ Fax No. _____

Phone: _____ Fax No. _____

Appendix X

IMPORTANT

DO NOT provide an undisclosed address and telephone number of a party if a Domestic Violence Restraining Order is in effect.

Plaintiff: _____

Address: _____



Phone: _____ Fax No. _____

Defendant: _____

Address: _____

Phone: _____ Fax No. _____

Appendix XII-B1

 <h2 style="margin: 0;">CIVIL CASE INFORMATION STATEMENT</h2> <p style="margin: 0;">(CIS)</p> <p style="margin: 0;">Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.</p>		FOR USE BY CLERK'S OFFICE ONLY	
		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	
		CHG/CK NO.	
		AMOUNT:	
		OVERPAYMENT:	
BATCH NUMBER:			
ATTORNEY/PRO SE NAME		TELEPHONE NUMBER ()	
COUNTY OF VENUE		FIRM NAME (If applicable)	
DOCKET NUMBER (When available)		OFFICE ADDRESS	
DOCUMENT TYPE		JURY DEMAND <input type="checkbox"/> YES <input type="checkbox"/> NO	
NAME OF PARTY (e.g., John Doe, Plaintiff)		CAPTION	
CASE TYPE NUMBER (See reverse side for listing)		IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP <input type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE:	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).			
ATTORNEY SIGNATURE:			



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (Briefly describe nature of action)

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603 AUTO NEGLIGENCE – PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 699 TORT – OTHER

Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES
- 620 FALSE CLAIMS ACT

Track IV — Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

- 280 Zelnorm
- 285 Stryker Trident Hip Implants

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 279 GADOLINIUM |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 271 ACCUTANE | 282 FOSAMAX |
| 272 BEXTRA/CELEBREX | 283 DIGITEK |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 284 NUVARING |
| 275 ORTHO EVRA | 286 LEVAQUIN |
| 277 MAHWAH TOXIC DUMP SITE | 601 ASBESTOS |
| 278 ZOMETA/AREDIA | 619 VIOXX |

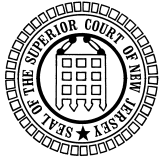
If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

Verbal Threshold

Putative Class Action

Title 59



FORECLOSURE CASE INFORMATION STATEMENT (FCIS)

**Use for initial Chancery Division — General Equity
foreclosure pleadings (not motions) under Rule 4:5-1.
Pleading will be rejected for filing, under Rule 1:5-6(c),
if information is not furnished or if attorney's signature
is not affixed.**

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CG CA MO

RECEIPT NO:

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

BATCH DATE:

SECTION A: TO BE COMPLETED BY ALL PARTIES

CAPTION

COUNTY OF VENUE

DOCKET NUMBER (When available)

NAME(S) OF FILING PARTY(IES)(*e.g.*, John Doe, Plaintiff)

DOCUMENT TYPE

COMPLAINT ANSWER OTHER

ATTORNEY NAME (IF APPLICABLE)

FIRM NAME (If applicable)

MAILING ADDRESS

DAYTIME TELEPHONE NUMBER

()

SECTION B: TO BE COMPLETED BY PLAINTIFF TO INITIAL COMPLAINT

FORECLOSURE CASE TYPE NUMBER

- 088 IN PERSONAM TAX FORECLOSURE
- 089 IN REM TAX FORECLOSURE
- 0RF RESIDENTIAL MORTGAGE FORECLOSURE
- 0CF COMMERCIAL MORTGAGE FORECLOSURE)
- 0CD CONDOMINIUM OR HOMEOWNER'S ASSOCIATION
LIEN FORECLOSURE
- 091 STRICT FORECLOSURE
- 0FP OPTIONAL FORECLOSURE PROCEDURE (NO SALE)

IS THIS A HIGH RISK MORTGAGE PURSUANT TO
P.L.2009,c.84 AND P.L.2008,c.127 YES NO

PURCHASE MONEY MORTGAGE YES NO

RELATED PENDING CASE YES NO
IF YES, LIST DOCKET NUMBERS:

FULL PHYSICAL STREET ADDRESS OF PROPERTY:

MUNICIPALITY CODE(*)

ZIP CODE:

COUNTY:

MUNICIPAL BLOCK:

(LOTS):

ALL FILING PARTIES MUST SIGN AND PRINT NAMES(S) AND DATE THE FORM BELOW

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

ATTORNEY/SELF REPRESENTED SIGNATURE

PRINT ATTORNEY/SELF REPRESENTED NAME

DATE

NEW JERSEY COUNTY/MUNICIPALITY CODES

ATLANTICCOUNTY	0304 BORDENTOWNTWP	0606 GREENWICHTWP	MERCERCOUNTY	1403 BUTLERBORO	1709 PILESGROVETWP
0101 ABSECONCITY	0305 BURLINGTONCITY	0607 HOPEWELLTWP	1101 EASTWINDSORTWP	1404 CHATHAMBORO	1710 PITTSBROVETWP
0102 ATLANTICCITY	0306 BURLINGTONCITY	0608 LAURENCETWP	1102 EWINGTWP	1405 CHATHAMTWP	1711 QUINTONTWP
0103 BRIGANTINECITY	0307 CHESTERFIELDTWP	0609 MAURICERIVERTWP	1103 HAMILTONTWP	1406 CHESTERBORO	1712 SALEMCITY
0104 BUENABORO	0308 CINNAMINSONTWP	0610 MILLVILLECITY	1104 HIGHTSTOWNBORO	1407 CHESTERTWP	1713 CARNEY'SPOINT
0105 BUENAVIDSTATWP	0309 DELANCOTWP	0611 SHILOHBORO	1105 HOPEWELL BORO	1408 DENVILLETWP	1714 UPPERPITTSBROVETWP
0106 CORBINCITY	0310 DELRANTWP	0612 STOWCREEKTWP	1106 HOPEWELL TWP	1409 DOVERTOWN	1715 WOODSTOWNBORO
0107 EGGHARBOR CITY	0311 EASTAMPTONTWP	0613 UPPERDEERFIELD TWP	1107 LAWRENCEWPT	1410 EHOANOVERTWP	
0108 EGGHARBOR TWP	0312 EDGEWATER PARKTWP	0614 VINELANDCITY	1108 PENNINGTONBORO	1411 FLORHAMPARKBORO	SOMERSETCOUNTY
0109 ESTELSMANORCITY	0313 EVESHAMTWP		1109 PRINCETONBORO	1412 HANOVERTWP	1801 BEDMINSTERTWP
0110 FOLSOMBORO	0314 FIELDSBORO TWP	ESSEXCOUNTY	1110 PRINCETONTWP	1413 HARDINGTWP	1802 BERNARDSTWP
0111 GALLOWAYTWP	0315 FLORENCEWPT	0701 BELLEVILLETOWN	1111 TRENTONCITY	1414 JEFFERSONTWP	1803 BERNARDSVILLEBORO
0112 HAMILTONTWP	0316 HAINESPORTTWP	0702 BLOOMFIELDTOWN	1112 ROBBINSVILLETWP	1415 KINNELONBORO	1804 BOUNDBROOKBORO
0113 HAMMONTONTOWN	0317 WILLINGBOROTWP	0703 CALDWELL BORO	1113 WESTWINDSORTWP	1416 LINCOLNPARKBORO	1805 BRANCHBURGTWP
0114 LINWOODCITY	0318 LUMBERTONTWP	0704 FAIRFIELDBORO		1417 MADISONBORO	1806 BRIDGEWATERTWP
0115 LONGPORTBORO	0319 MANSFIELD TWP	0705 CEDARGROVETWP	MIDDLESEXCOUNTY	1418 MENDHAMBORO	1807 FARMHILLSBORO
0116 MARGATECITY	0320 MAPLESHADETWP	0706 EASTORANGECITY	1201 CARTERTBORO	1419 MENDHAMTWP	1808 FRANKLINTWP
0117 MULLICATWP	0321 MEDFORDTWP	0707 ESSEXFALLSBORO	1202 CRANBURYTWP	1420 MINE HILLTWP	1809 GREENBROOKTWP
0118 NORTHFIELDLCITY	0322 MEDFORDLAKESBORO	0708 GLENRIDGEBORO	1203 DUNELLENBORO	1421 MONTVILLETWP	1810 HILLSBOROUGHWTWP
0119 PLEASANTVILLECITY	0323 MOORESTOWNTWP	0709 IRVINGTONTOWN	1204 EBRUNSWICKTWP	1422 MORRISTWP	1811 MANVILLEBORO
0120 PORTREPUBLICCITY	0324 MOUNTHOLLYTWP	0710 LIVINGSTONTWP	1205 EDISONTWP	1423 MORRISPLAINSBORO	1812 MILLSTONBORO
0121 SOMERSPOINTCITY	0325 MOUNTLAURELTWP	0711 MAPLEWOOD TWP	1206 HELMETTABORO	1424 MORRISTONTOWN	1813 MONTGOMERYTWP
0122 VENTNORCITY	0326 NEWHANOVERTWP	0712 MILLBURNTWP	1207 HIGHLANDPARKBORO	1425 MOUNTAINLAKESBORO	1814 NPLAINFIELDBORO
0123 WEYMOUTHWTWP	0327 NORTHHANOVERTWP	0713 MONTCLAIR TOWN	1208 JAMESBURGBORO	1426 MOUNTARLINGTONBORO	1815 PEAPACK-GLADSTONEBORO
	0328 PALMYRABORO	0714 NEWARK CITY	1209 OLDBRIDGETWP	1427 MOUNTOLIVETWP	1816 RARITAN BORO
BERGENCOUNTY	0329 PEMBERTONBORO	0715 NCALDWELLBORO	1210 METUCHENBORO	1428 NONTONGBORO	1817 ROCKYHILLBORO
0201 ALLENDALE BORO	0330 PEMBERTONTWP	0716 NUTLEYTOWN	1211 MIDDLESEXBORO	1429 PARSIP-TROY-HILLSTWP	1818 SOMERVILLE BORO
0202 ALPINE BORO	0331 RIVERSIDETWP	0717 ORANGECITY	1212 MILLTOWNBORO	1430 LONGHILL TWP	1819 SOUNDBROOKBORO
0203 BERGENFIELDBORO	0332 RIVERTONBORO	0718 ROSELANDBORO	1213 MONROETWP	1431 PEQUANNOCKTWP	1820 WARRENTWP
0204 BOGOTABORO	0333 SHAMONGTWP	0719 S ORANGETOWNSHIP	1214 NEW BRUNSWICKCITY	1432 RANDOLPHTWP	1821 WATCHUNG BORO
0205 CARLSTADTBORO	0334 SOUTHAMPTONTWP	0720 VERONABORO	1215 NBRUNSWICKTWP	1433 RIVERDALEBORO	
0206 CLIFFSIDEPARKBORO	0335 SPRINGFIELDTWP	0721 WESTCALDWELLBORO	1216 PERTHAMBOY CITY	1434 ROCKAWAYBORO	SUSSEXCOUNTY
0207 CLOSTERBORO	0336 TABERNAACLETWP	0722 WESTORANGETOWN	1217 PISCATAWAY TWP	1435 ROCKAWAYTWP	1901 ANDOVERBORO
0208 CRESSKILLBORO	0337 WASHINGTONTWP		1218 PLAINSBOROTWP	1436 ROXBURYTWP	1902 ANDOVERTWP
0209 DEMAREST BORO	0338 WESTAMPTONTWP	GLOUCESTER COUNTY	1219 SAYREVILLEBORO	1437 VICTORYGARDENSBORO	1903 BRANCHVILLEBORO
0210 DUMONTBORO	0339 WOODLANDTWP	0801 CLAYTONBORO	1220 SAMBOY CITY	1438 WASHINGTONTWP	1904 BYRAMTWP
0211 ELMWOODPARK BORO	0340 WRIGHTSTOWNBORO	0802 DEPTFORDTWP	1221 SBRUNSWICKTWP	1439 WHARTONBORO	1905 FRANKFORDTWP
0212 EASTRUTHERFORDBORO		0803 E GREENWICHTWP	1222 SPLAINSFIELDBORO		1906 FRANKLINBORO
0213 EDGEWATERBORO	CAMDENCOUNTY	0804 ELKTWP	1223 SRIVERBORO	OCEANCOUNTY	1907 FREDONTWP
0214 EMERSON BORO	0401 AUDUBONBORO	0805 FRANKLINTWP	1224 SPOTSWOODBORO	1500 OCEANCOUNTY	1908 GREENTWP
0215 ENGLEWOODCITY	0402 AUDUBONPARKBORO	0806 GLASSBOROBORO	1225 WOODBRIDGETWP	1501 BARNEGATLIGHTBORO	1909 HAMBURGBORO
0216 ENGLEWOODCLIFFSBORO	0403 BARRINGTONBORO	0807 GREENWICHTWP		1502 BAY HEADBORO	1910 HAMPTONTWP
0217 FAIRLAWNBORO	0404 BELLMANWBORO	0808 HARRISONTWP	MONMOUTHCOUNTY	1503 BEACHHAVENBORO	1911 HADYSTONTWP
0218 FAIRVIEWBORO	0405 BERLINBORO	0809 LOGANVTWP	1300 MONMOUTHCOUNTY	1504 BEACHWOODBORO	1912 HOPATCONGBORO
0219 FORTLEEBOBO	0406 BERLINTWP	0810 MANTUATWP	1301 ALLENHURSTBORO	1505 BERKELEYTWP	1913 LAFAYETTETWP
0220 FRANKLINLAKESBORO	0407 BROOKLAWNBORO	0811 MONROETWP	1302 ALLENTOWNBORO	1506 BRICKTWP	1914 MONTAGUETWP
0221 GARFIELDCITY	0408 CAMDENCITY	0812 NATIONALPARKBORO	1303 ASBURYPARCITY	1507 TOMSRIVER TWP	1915 NEWTONTOWN
0222 GLENROCKBORO	0409 CHESILHURSTBORO	0813 NEWFIELDBORO	1304 COLTS NECKTWP	1508 EAGLESWOODTWP	1916 OGDENSBURGBORO
0223 HACKENSACKCITY	0410 CLEMENTONBORO	0814 PAULSBOROBORO	1305 ATLANTICHIGHLANDSBORO	1509 HARVEYCEDARSBORO	1917 SANDYSTONTWP
0224 HARRINGTONPARKBORO	0411 COLLINGSWOODBORO	0815 PITMANBORO	1306 AVON-BY-THE-SEABORO	1510 ISLANDHEIGHTSBORO	1918 SPARTATWP
0225 HASBROUCKHIGHTSBORO	0412 CHERRY HILLTWP	0816 S HARRISONTWP	1307 BELMARBORO	1511 JACKSON TWP	1919 STANHOPEBORO
0226 HAWORTHBORO	0413 GIBBSBOROBORO	0817 SWEDESBOROBORO	1308 BRADLEYBEACHBORO	1512 LACEYTWP	1920 STILLWATERTWP
0227 HILLSDALEBORO	0414 GLOUCESTERCITY	0818 WASHINGTONTWP	1309 BRIELLEBORO	1513 LAKEHURSTBORO	1921 SUSSEXBORO
0228 HOHOKUS BORO	0415 GLOUCESTERTWP	0819 WENONAHBORO	1310 DEALBORO	1514 LAKEWOODTWP	1922 VERNONTWP
0229 LEONIABORO	0416 HADDONTWP	0820 WESTDEPTFORDTWP	1311 EATONTOWNBORO	1515 LAVALLETTE BORO	1923 WALPACK TWP
0230 LITTLEFERRYBORO	0417 HADDONFIELDBORO	0821 WESTVILLEBORO	1312 ENGLISHTOWNBORO	1516 LITTLEEGGHARBORTWP	1924 WANTAGETWP
0231 LODIBORO	0418 HADDONHEIGHTSBORO	0822 WOODBURYCITY	1313 FAIRHAVENBORO	1517 LONGBEACHTWP	
0232 LYNHURSTTWP	0419 HI-NELLABORO	0823 WOODBURYHIGHTSBORO	1314 FARMINGDALEBORO	1518 MANCHESTERTWP	UNIONCOUNTY
0233 MAHWAH TWP	0420 LAURELSPRINGSBORO	0824 WOOLWICHTWP	1315 FREEHOLDBORO	1519 MANTOLOKINGBORO	2001 BERKELEYHEIGHTSTWP
0234 MAYWOODBORO	0421 LAWNISIDE BORO		1316 FREEHOLDTWO	1520 OCEANTWP	2002 CLARKTWP
0235 MIDLANDPARKBORO	0422 LINDENWOLDBORO	HUDSONCOUNTY	1317 HIGHLANDSBORO	1521 OCEANGATEBORO	2003 CRANFORDTWP
0236 MONTVALEBORO	0423 MAGNOLIABORO	0901 BAYONNE CITY	1318 HOLMDEL TWP	1522 PINEBEACHBORO	2004 ELIZABETHCITY
0237 MOONACHIEBORO	0424 MERCHANTVILLEBORO	0902 EASTNEWARKBORO	1319 HOWELLTWP	1523 PLUMSTEDTWP	2005 FANWOODBORO
0238 NEWMILFORDBORO	0425 MOUNTPEPRAIMBORO	0903 GUTTENBERGTOWN	1320 INTERLAKEN BORO	1524 POINTPLEASANTBORO	2006 GARWOOD BORO
0239 NORTH ARLINGTONBORO	0426 OAKLYNBORO	0904 HARRISONTOWN	1321 KEANSBURG BORO	1525 POINTPLEASANTBEACHBORO	2007 HILLSIDETWP
0240 NORTHVALEBORO	0427 PENNSAUKENTWP	0905 HOBOKENCITY	1322 KEYPORTBORO	1526 SEASIDEHEIGHTSBORO	2008 KENILWORTHBORO
0241 NORWOODBORO	0428 PINEHILL BORO	0906 JERSEY CITY	1323 LITTLESILVERBORO	1527 SEASIDEPARKBORO	2009 LINDEN CITY
0242 OAKLANDBORO	0429 PINEVALLEYBORO	0907 KEARNYTOWN	1324 LOCHARBOURVILLAGE	1528 SHIPBOTOMBORO	2010 MOUNTAINSIDEBORO
0243 OLD TAPPANBORO	0430 ROUNEMEDE BORO	0908 NORTHBERGENTOWN	1325 LONG BRANCHCITY	1529 SOUTHMONSRIEVBORO	2011 NEWPROVIDENCEBORO
0244 ORADELLBORO	0431 SOMERDALEBORO	0909 SECAUCUSTOWN	1326 MANALAPANTWP	1530 STAFFORDTWP	2012 PLAINFIELDCITY
0245 PALISADESPARKBORO	0432 STRATFORDBORO	0910 UNIONCITY	1327 MANASQUANBORO	1531 SURFCITYBORO	2013 RAHWAY CITY
0246 PARAMUSBORO	0433 TAVISTOCKBORO	0911 WEEHAWKENTWP	1328 MARLBORTWP	1532 TUCKERTON BORO	2014 ROSELLEBORO
0247 PARKRIDGEBORO	0434 VORHEESTWP	0912 WEST NEWYORK TOWN	1329 MATAWANBORO	1533 BARNEGATTWP	2015 ROSELLEPARK BORO
0248 RAMSEYBORO	0435 WATERFORD TWP		1330 ARBERDEENTWP		2016 SCOTCHPLAINSTWP
0249 RIDGEFIELDBORO	0436 WINSLOWTWP	HUNTERDONCOUNTY	1331 MIDDLETOWNTWP	PASSAICCOUNTY	2017 SPRINGFIELDTWP
0250 RIDGEFIELDPARK VILLAGE	0437 WOOD-LYNNEBORO	1001 ALEXANDRIATWP	1332 MILLSTONETWP	1601 BLOOMINGDALEBORO	2018 SUMMITCITY
0251 RIDGEWOODVILLAGE		1002 BETHLEHEM TWP	1333 MONMOUTHBEACHBORO	1602 CLIFTONCITY	2019 UNIONTWP
0252 RIVER EDGEBORO	CAPEMAYCOUNTY	1003 BLOOMSBURYBORO	1334 NEPTUNETWP	1603 HALEDONBORO	2020 WESTFIELDTOWN
0253 RIVER VALETWP	0501 AVALONBORO	1004 CALIFONBORO	1335 NEPTUNECITYBORO	1604 HAWTHORNEBORO	2021 WINFIELDTWP
0254 ROCHELLEPARKTWP	0502 CAPE MAYCITY	1005 CLINTON TOWN	1336 TINTONFALLSBORO	1605 LITTLEFALLTWP	2101 ALLAMUCHYTWP
0255 ROCKLEIGHBORO	0503 CAPE MAYPOINTBORO	1006 CLINTON TWP	1337 OCEAN TWP	1606 NORTHHALEDONBORO	2102 ALPHABORO
0256 RUTHERFORDBORO	0504 DENNISTWP	1007 DELAWARE TWP	1338 OCEANPORTBORO	1607 PASSAICITY	2103 BELVIDERETOWN
0257 SADDLEBROOKTWP	0505 LOWERTWP	1008 EASTAMWELL TWP	1339 HAZLETWP	1608 PATERSONCITY	2104 BLAIRSTOWN TWP
0258 SADDLERIVERBORO	0506 MIDDLETWP	1009 FLEMINGTONBORO	1340 REDBANKBORO	1609 POMPTONLAKESBORO	2105 FRANKLINTWP
0259 SHACKENSACKTWP	0507 NORTHWILDWOODCITY	1010 FRANKLINTWP	1341 ROOSEVELTBORO	1610 PROSPECTPARKBORO	2106 FRELINGHUYSENTWP
0260 TEANECKTWP	0508 OCEANCITY	1011 FRENCHTOWNBORO	1342 RUMSONBORO	1611 RINGWOOD BORO	2107 GREENWICHTWP
0261 TENAFLYBORO	0509 SEA ISLECITY	1012 GLENGARDNERBORO	1343 SEABRIGHTBORO	1612 TOTOWABORO	2108 HACKETTSTOWNTOWN
0262 TETERBOROBORO	0510 STONEHARBORBORO	1013 HAMPTONBORO	1344 SEAGRITBORO	1613 WANAQUEBORO	2109 HARDWICKTWP
0263 UPERSADDLERIVERBORO	0511 UPPERNTWP	1014 HIGHBRIDGE BORO	1345 SHREWSBURYBORO	1614 WAYNETWP	2110 HARMONYTWP
0264 WALLWICKBORO	0512 WESTCAPEMAYBORO	1015 HOLLANDTWP	1346 SHREWSBURYTWP	1615 WESTMILFORDTWP	
0265 WALLINGTONBORO	0513 WESTWILDWOODBORO	1016 KINGWOODTWP	1347 LAKECOMO	1616 WOODLANDPARK	WARRENCOUNTY
0266 WASHINGTONTWP	0514 WILDWOOD CITY	1017 LAMBERTVILLECITY	1348 SPRINGLAKEBORO		2111 HOPETWP
0267 WESTWOODBORO	0515 WILDWOOD CRESTBORO	1018 LEBANONBORO	1349 SPRINGLAKEHEIGHTS	SALEM COUNTY	2112 INDEPENDENCETWP
0268 WOODCLIFFLAKEBORO	0516 WOODBINEBORO	1019 LEBANONTWP	1350 UNIONBEACHBORO	1701 ALLOWAYTWP	2113 KNOWLNTONTWP
0269 WOOD-RIDGEBORO		1020 MILFORDBORO	1351 UPPERFREEHOLD	1702 ELMERBORO	2114 LIBERTYTWP
0270 WYCKOFFTWP	CUMBERLANDCOUNTY	1021 RARITAN TWP	1352 WALLTWP	1703 ELSINBOROTWP	2115 LOPATCONGTWP
	0601 BRIDGETON CITY	1022 READINGTONTWP	1353 WESTLONGBRANCH BORO	1704 LOWERALLOWAYS CREEKTWP	2116 MANSFIELDTWP
	0602 COMMERCIALTWP	1023 STOCKTONBORO		1705 PENNSVILLETWP	2117 OXFORDTWP
BURLINGTONCOUNTY	0603 DEERFIELDTWP	1024 TEWLSBURYTWP	MORRISCOUNTY	1706 MANNINGTONTWP	2118 PAHAQUARRYTWP
0301 BASSRIVERTWP	0604 DOWNETWP	1025 UNIONTWP	1401 BOONTON TOWN	1707 OLDMANSTWP	2119 PHILLIPSBURGTOWN
0302 BEVERLYCITY	0605 FAIRFIELDTWP	1026 WEST AMWELLTWP	1402 BOONTON TWP	1708 PENNSGROVEBORO	2120 POHATCONGTWP
0303 BORDENTOWNCITY					2121 WASHINGTON BORO
					2122 WASHINGTON TWP
					2123 WHITETWP

Appendix XV

Initial Court Order -- Rule 5:13-4 [deleted]

[Appendix XV (“Initial Court Order – Rule 5:13-4”) deleted July 16, 2009 to be effective September 1, 2009.]

Appendix XIX

MEDIATION OF ECONOMIC ASPECTS OF FAMILY ACTIONS – “COMPLETION OF MEDIATION” FORM

A copy of the Completion of Mediation form contained in this Appendix, with instructions on how to fill out the Completion of Mediation form, shall accompany the referral form provided to the mediator during initial contact. Upon the conclusion of the mediation (or if the case is otherwise returned to court) the mediators shall promptly fill out and submit to the court this Completion of Mediation form.

Note: Appendix XIX (“Guidelines for Pilot Program – Mediation of Economic Aspects of Family Actions”) deleted February 6, 2007 and replaced by Directive #1-07. New Appendix XIX (“Mediation of Economic Aspects of Family Actions – ‘Completion of Mediation’ Form”) adopted July 16, 2009 to be effective September 1, 2009.

State of New Jersey

COMPLETION OF MEDIATION FORM

For Mediation of Economic Aspects of Family Law Cases

For Office Use Only

Date Received:

Date Entered:

Directions: This form is to be completed by the mediator when mediation is concluded or the case is returned to court.

CASE DOCKET NUMBER	CASE NAME	NAME OF MEDIATOR
---------------------------	------------------	-------------------------

OUTCOME

- mediation held / full agreement on all issues
- mediation held / some issues still pending
- mediation held / no agreement
- no mediation held / parties settled case before mediation session
- no mediation held / party failed to attend

DATE CASE ASSIGNED TO MEDIATOR	DATE OF INITIAL MEDIATION SESSION	DATE OF FINAL MEDIATION SESSION
NUMBER OF MEDIATION SESSIONS	NUMBER OF HOURS FOR PREPARATION	NUMBER OF MEDIATION HOURS
DID THE ATTORNEYS/PARTIES SUBMIT PROPER CASE SUMMARIES? <input type="checkbox"/> yes <input type="checkbox"/> no	WERE THE ATTORNEYS/PARTIES PREPARED FOR THE MEDIATION SESSIONS? <input type="checkbox"/> yes <input type="checkbox"/> no	DID THE PARTIES PARTICIPATE IN THE MEDIATION SESSIONS? <input type="checkbox"/> yes <input type="checkbox"/> no

PLEASE RETURN TO: FAMILY DIVISION

OR FAX TO:

[Note: Form adopted as Appendix XIX July 16, 2009 to be effective September 1, 2009.]

To Assure Accuracy of Court Records
 To be filled out by plaintiff or defendant or attorney
Collection of the following information is pursuant to N.J.S.A. 2A:17-56.60 and R. 5:7-4.
Confidentiality of this information must be maintained.

Docket #		CS			
Your Name (last, first, middle initial):					
Are You: <input type="checkbox"/> Plaintiff or <input type="checkbox"/> Defendant? (check [circle] one)		Social Security Number	Date of Birth	Place of Birth	Driver's License Number (state of issuance)
Active Domestic Violence Order in this case? <input type="checkbox"/> Yes or <input type="checkbox"/> No (check [circle] one)					
Address				Telephone Number	
Employer Name and Address (or other income source)				Telephone Number	
Professional, Occupational, Recreational Licenses (Types and Numbers)			Attorney Name and Address		
Health Coverage for Children (available through parent filling out this form)					
<i>Health Care Provider</i> _____		<i>Policy #</i> _____		<i>Group #</i> _____	
<i>Dental Care Provider</i> _____		<i>Policy #</i> _____		<i>Group #</i> _____	
<i>Prescription Drug Provider</i> _____		<i>Policy #</i> _____		<i>Group #</i> _____	
Children Information					
Name (last, first, middle initial)	Date of Birth	Race	Sex	Social Security Number	Place of Birth
1.					
2.					
3.					
4.					
5.					
6.					
Sex	Race	Height	Weight	Eyes	Hair
Auto License Plate # (State of issuance)	Car (model, make, year)	[Mother's maiden name and address]			
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 wilfully false, I am subject to punishment.					
_____			_____		
Date			Signature		

Note: Form adopted July 28, 2004 to be effective September 1, 2004; amended June 15, 2007 to be effective September 1, 2007; amended July 16,

APPENDIX XXVI

GUIDELINES FOR THE COMPENSATION OF MEDIATORS

SERVING IN THE CIVIL AND FAMILY ECONOMIC MEDIATION PROGRAMS

These guidelines apply to the compensation that may be charged by all mediators serving in the Statewide Mediation Program for Civil, General Equity, and Probate cases, and, where applicable, to mediators serving in the Family Economic Mediation Program.

1. First Two Hours Free: Mediators shall serve free for two hours in a mediation that is court-ordered. The two free hours shall be divided equally between (a) reasonable preparation time, administrative tasks, the organizational telephonic conference, and (b) an initial mediation session. Travel time may not be included as part of the free first two hours.
2. Time Spent Before Initial Mediation Session: At the beginning of the initial mediation session, the mediator shall disclose to the parties the amount of time the mediator has spent in handling the case thus far and must announce [also] when the [two] free mediation time [hours] will be over [expended]. If the amount of time spent by the mediator will exceed two hours and if the mediator intends to charge the parties for that additional time should they agree to continue with mediation on a paying basis, then the mediator must advise the parties of this fact prior to commencing the initial mediation session.
3. Substitute Mediators: In the event that the court-appointed mediator has a conflict of interest or is otherwise unable to serve, the court shall appoint a substitute

mediator who is bound by all of the provisions of the court order, including providing the first two hours of service free.

4. Alternate Mediators: In the Civil/General Equity/Probate Mediation Program, if [If] the parties select an alternate mediator from the approved roster, other than the mediator appointed by the court, that mediator may charge a negotiated rate fee and need not provide the first two hours of service free.
5. Cost of Organizational Conference Call: The out-of-pocket cost of the organizational conference call shall be shared equally by the parties, unless expenses have been waived or reallocated in accordance with Guideline 9 below.
6. Non-Party Participation: If a non-party is invited to participate in the mediation, which participation must be agreed to by the parties and the mediator, the mediator shall obtain the participating non-party's written consent as to confidentiality and any other matters requested by the parties, as facilitated by the mediator.
7. Continuing the Mediation: At the expiration of the free first two hours as previously defined, including at least a one hour in-person mediation session, any party may elect not to continue with the mediation, which decision must be immediately communicated orally or in writing to the mediator and all parties. In such situation, despite the fact that one or more parties have opted out of mediation, mediation can continue as to those parties desiring to continue to the extent that the mediation can be meaningful without participation by the party or parties that opted out. Only those parties who continue with the mediation beyond the free first two hours shall be responsible for payment of the mediator's

- fee and expenses. All parties opting to continue mediation after the first two hours as previously defined, shall thereafter equally share the fees of the mediator at the mediator's market rate.
8. Newly Added Parties: The free first two hours are not extended by reason of the addition of a new party to the case. If a new party enters the case after the expiration of the two free hours, that party may agree to participate in the mediation on the same terms as the rest of the parties on a fee-sharing basis.
 9. Allocation of Mediation Fees and Expenses: The parties who participate in mediation beyond the "free hours" component shall share the costs and fees of the mediator (a) equally, (b) as determined by the mediator, or (c) as otherwise agreed, subject to an application to the court for an equitable reallocation of the fees. The mediator shall waive the share of the fee allocable to an indigent party as defined in R. 1:13-2(a).
 10. Mediator's Expenses: Unless the parties otherwise agree in advance following full disclosure, mediators may not charge for travel costs or time, use or rental of facilities, paralegal expenses, food, photocopying, postage, conference calls or other expenses. Note: The parties are responsible for the organizational conference call as provided in Guideline 5 above.
 11. Failure to Appear or Cancel Timely: Parties who previously agreed to continue in mediation and were duly provided with notice of the mediation session but who failed to appear for the mediation session or who cancel the mediation session less than 24 hours in advance are nonetheless responsible for payment of their share of the mediator fees and expenses as allocated pursuant to Guideline 9 above. In the

event that a mediation session is canceled because of a party's nonappearance or untimely cancellation, the mediator still may charge a fee; such fee may either be agreed on by the parties in advance or, if not, it shall be the mediator's usual charge for one hour's service and shall be charged to the party who failed to appear or who cancelled untimely.

12. Submission of Mediator's Bills: In the absence of other payment arrangements, mediators should bill the parties following each mediation session for which payment is due. Generally, a mediation session should not begin unless the parties are current in their payments for previous sessions. No retainer fee or advance may be requested by the mediator at any time. Counsel have a responsibility to facilitate prompt payment of mediator fees.

13. Location of Mediation Sessions: Mediators shall provide space for mediation sessions without charge, unless either the facilities will not accommodate the number of participants or appropriate multiple breakout rooms, or there are other special needs or circumstances. In such event, the parties will be responsible for appropriate facility arrangements for the mediation sessions. Unless the parties agree otherwise, mediation sessions shall be held in neutral facilities and not in the offices of an attorney representing one of the parties. The site of the mediation session shall be in the county of venue or in a contiguous county in reasonable proximity and not more than 40 miles to the parties or to the courthouse of venue, unless all parties consent otherwise.

14. Pre-mediation Submissions and Preparation: Mediators can limit the length of the parties' pre-mediation submissions. If a party exceeds the limitations, the

mediator has the discretion not to consider any excess materials unless otherwise agreed between the mediator and parties. The amount of time that the mediator spends in pre-mediation preparation should be reasonable in light of the complexity of the issues and the amount at stake. In a complex case, if the parties agree that it is reasonable that preparation, initial administration and the organizational telephone conference should exceed one hour, they may agree to compensate the mediator for such time in excess of one hour before an in-person mediation session is held.

15. Collection of Unpaid Mediator's Bill/Failure to Mediate In Accordance with Order: If the court receives a written report (sent to the CDR Point Person in the county of venue or to the assigned judge in the Family Part) that a mediator has not been timely paid or that the mediator and/or a party has incurred unnecessary costs or expenses due to the failure of a party and/or counsel to participate in the mediation process in accordance with the Order of Referral to Mediation, the court [either will make an effort to resolve the matter and/or] will issue a sua sponte [issue an] Order to Show Cause why the mediator's bill should not be paid or why a consequence, e.g., imposition of costs or fees, should not be imposed by the court.

Note: Appendix XXVI adopted July 27, 2006 to be effective September 1, 2006; Guideline 15 amended June 15, 2007 to be effective September 1, 2007; caption and introductory text amended, and Guidelines 2, 4, 9, 12, and 15 amended July 16, 2009 to be effective September 1, 2009.

Appendix XXVII - A
Certification of Notification of Complementary Dispute Resolution Alternatives
-- Certification by Attorney and Client

 Plaintiff,
 v.

 Defendant

SUPERIOR COURT OF NEW JERSEY
 CHANCERY DIVISION - FAMILY PART
 _____ COUNTY
 DOCKET NO. FM-_____

CIVIL ACTION

**RULE 5:4-2(h) CERTIFICATION BY
 ATTORNEY AND CLIENT**

_____, being of full age, hereby certifies as follows:

1. I am the attorney for the Plaintiff Defendant in the above captioned matter.
2. I make this Certification pursuant to New Jersey Court Rule 5:4-2(h).
3. I have provided my client with a copy of the document entitled "Divorce -- Dispute Resolution Alternatives to Conventional Litigation".
4. I have discussed with my client the complementary dispute resolution alternatives to litigation contained in that document.

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.

Dated: _____

_____, being of full age, hereby certifies as follows:

1. I am the Plaintiff Defendant in the above captioned matter and am represented in this divorce matter by _____.

2. I make this Certification pursuant to New Jersey Court Rule 5:4-2(h).

3. I have read the document entitled “Divorce – Dispute Resolution Alternatives to Conventional Litigation.”

4. I thus have been informed as to the availability of complementary dispute resolution alternatives to litigation.

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.

Dated:

Appendix XXVII-B
Certification of Notification of Complementary Dispute Resolution Alternatives
-- Certification by Self-Represented Litigant

Plaintiff,
v.

Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - FAMILY PART

COUNTY
DOCKET NO. FM-_____

CIVIL ACTION

**RULE 5:4-2(h) CERTIFICATION BY
SELF-REPRESENTED LITIGANT**

_____, of full age, hereby certifies as follows:

1. I am the Plaintiff Defendant in the above captioned matter.
2. I make this Certification pursuant to New Jersey Court Rule 5:4-2(h).
3. I have read the document entitled "Divorce -- Dispute Resolution Alternatives to Conventional Litigation".
4. I thus have been informed as to the availability of complementary dispute resolution alternatives to conventional litigation.

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.

Dated: _____