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

Directive # 08-11

From: Glenn A. Grant, J.A.D.

Subj: Family – Non-Dissolution Matters (FD Docket) – Revised Procedures

Date: September 2, 2011

This Directive promulgates revised filing and post-dispositional procedures for the Non-Dissolution (“FD”) docket type. The Judicial Council approved these revised procedures on the recommendation of the Conferences of Family Presiding Judges and Division Managers. Also relevant here are the amendments to Rule 5:4-4 that the Supreme Court adopted as part of the July 21, 2011 omnibus rule amendment order which became effective September 1, 2011. The forms referenced in the revised procedures as described below are appended to this Directive.

The Non-Dissolution docket provides relief to never married parents seeking custody, parenting time, paternity, child support and medical support. It also serves couples seeking certain reliefs, such as financial support without dissolution of their union. Additionally, the Non-Dissolution docket includes non-parent relatives seeking custody, child support and/or visitation regarding minor children. Self-represented litigants comprise the majority of those filing in the Non-Dissolution docket.

Efficient methods for processing Non-Dissolution cases are crucial to the operation of the court and to court customers seeking relief under this docket type. Having standardized statewide practices enables all court customers to have a clear and consistent understanding and a defined process for the resolution of disputes that fall under this docket type.

The following procedures relating to Non-Dissolution cases are approved, effective September 1, 2011:

- All Non-Dissolution cases will be initially processed as Summary actions, with additional discovery at the discretion of the judge.
- Appearance of the parties for hearings is mandatory (with specific exceptions described below).

- Initial complaints and post dispositional applications must be submitted by attorneys and by self-represented litigants using the attached revised forms. The Non-Dissolution complaint will be posted as a packet with instructions on the judiciary website (www.njcourts.com). At present Non-Dissolution matters may not be filed electronically; thus these completed forms must be submitted by mail or in person at Family intake.
- The revised procedures distinguish between Non-Dissolution motions and the Dissolution motion process governed by R. 5:5-4 and R. 1:6-2. Attorneys and self-represented litigants will utilize the same process for initial Non-Dissolution complaints and for applications for post-dispositional activity.
- Non-Dissolution cases involve various issues where different methods of complementary dispute resolution (“CDR”) can be used. The screening of initial and post-dispositional Non-Dissolution applications for CDR options is important to ensure efficient case management. Use of all available CDR processes contributes to better customer service and the effective use of judicial resources. Each initial complaint and post-dispositional application should be screened based on the approved screening tool. This screening process does not replace a court order directing a case to be handled a certain way or management determining the court path of a particular case.
- A new complaint form for Non-Dissolution actions entitled “Verified Complaint or Counterclaim” and “Application for Modification of Court Order” (post-judgment) has been approved for use. That form is attached to this Directive. FV cases should utilize the “Application for Modification of Court Order” when the request to modify does not involve restraints.
- The revised forms include a certification and instructions for an optional written response, with service to the non-filing party.
- Initial service by mail pursuant to R. 5-4-4 (b) (1), which governs child support actions, has been approved for use in Non-Dissolution custody and parenting time filings.
- “Diligent Inquiry” must be conducted by the filing party when the non-filing party’s whereabouts is unknown, with certification of such inquiry to be submitted to the court. Instructions and forms on how to make such diligent inquiry will be provided to the filing litigant. Cases cannot proceed until certification with documentation of location efforts is submitted to the court, with the judge to determine the adequacy of the inquiry efforts made.
- The form of Summons has been revised so as to inform the responding party that failure to appear at the hearing may result in entry of a default order or awarding the plaintiff the requested relief.
- The “Order to Show Cause” process has been simplified and is included in the list of reliefs available in the revised forms, making a separate Order to Show Cause packet unnecessary.
- The request to relocate children has been created as a separate relief and is listed in the “Application for Modification of Court Order.” Each party will be able to advise the court as to their respective positions on the matter prior to the court hearing.

- Incarcerated litigants are to use the post-dispositional application form to apply for modification of child support orders and for bench warrant review. The forms will be made available to prisons via electronic distribution and posting on the Judiciary website. For both initial and post-dispositional hearings, incarcerated litigants will be permitted to request a waiver of their appearance by checking a box on the forms. The court can decide the case on the papers submitted or may utilize whatever electronic means are available, such as video or telephone testimony, in lieu of physical appearance.

Implementation of the revised Non-Dissolution practices will be in several phases. This Directive will be published as a notice to the bar. Guidance concerning the procedures will be issued to staff by the Family Practice Division along with plans for training for vicinage staff. Notice will be provided by the Family Practice Division concerning the availability of new forms in NJKiDS. The new forms and instructions will be posted on the Internet for easy access by the public (as well as being posted on the InfoNet for staff access).

I am asking that each vicinage review its current Non-Dissolution procedures and prepare a plan for implementing the revised procedures set forth above. The vicinage implementation plan should consider the available CDR options, the intake process, and communication with the Bar, along with any barriers to implementation. The vicinages should submit their implementation plans to me by October 1, 2011. Thank you.

Questions or comments regarding this Directive or the Non-Dissolution docket in general may be directed to Assistant Director Harry T. Cassidy or to Geraldine Washington, Chief, Family Practice Division, 609-984-0066.

G.A.G.

Attachments

cc: Chief Justice Stuart Rabner
Jeanette Page Hawkins, DFD, Director
Alisha Griffin, DFD, Assistant Director
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Richard Narcini, Chief, Child Support Enforcement
Geraldine Washington, Chief, Family Practice
John P. McCarthy III, Chief, ATCSU
David Broselli, Assistant Chief, Family Practice
George Tucker, Assistant Chief, ATCSU
Michele Walsh, Program Manager, Family Practice
Gina G. Bellucci, Family Practice
Gurpreet M. Singh, Special Assistant

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - FAMILY PART
COUNTY: _____**

DOCKET NO.: FD - _____

CS NO: _____

Plaintiff

vs.

Defendant

CIVIL ACTION

**Verified Complaint or
Counterclaim
(Non-Dissolution Docket)**

I, _____ by way of certified complaint/counterclaim certify the following:

1. I am the Plaintiff Defendant in the above-captioned matter.

2. Plaintiff resides at: Address: _____
City/Town _____
County _____ State _____ Zip Code _____

Defendant resides at: Address: _____
City/Town _____
County _____ State _____ Zip Code _____

3. Other interested parties' name(s) and address(es):

4. The child(ren) are:

| Name | Date of Birth | M/F | Residing at | Residing with (relationship) |
|-------|---------------|-----|-------------|------------------------------|
| _____ | _____ | ___ | _____ | _____ |
| _____ | _____ | ___ | _____ | _____ |
| _____ | _____ | ___ | _____ | _____ |
| _____ | _____ | ___ | _____ | _____ |

I have been previously been involved in the following family court actions with regard to any of the parties or children listed above. (If yes, give the title of case and docket number.)

Yes No

Title of Case (_____ vs. _____)

Docket Number

- a. _____
- b. _____
- c. _____

5. A Child Protection Agency (i.e. the Division of Youth and Family Services) (or a similar agency in another State) has been involved with the child(ren) or listed parties.

Yes No

6. This is an active public assistance case governed by 41 U.S.C.A. 602 (A) (26), N.J.S.A. 44: 10-1.1, et seq.

Yes No

7. I seek the following for the child(ren) named on page 1:

- Establish Paternity Establish Maternity
- Custody
 - Joint Legal Custody Sole Legal Custody Physical Custody

Support Order: I am seeking the establishment of a court order against the person who is the spouse/civil union or domestic partner and/or parent of the persons listed on page 1 and has a legal duty to support same pursuant to N.J.S.A. 9:17-38 et seq. Chapter 92. The law requires that child support provisions of court orders shall be enforced by immediate income withholding upon the obligor's current or future income due from an employer or future employer, unemployment compensation or income from any source unless the obligor and obligee agree, in writing to an alternative arrangement or either party demonstrates and the court finds good cause for establishing an alternative arrangement (N.J.S.A. 2A: 17-56.9). For the reason(s) checked below, the defendant is under a legal duty to support and maintain the person(s) mentioned on page 1 of this complaint:

- Plaintiff/Defendant is my lawful wife/husband/domestic partner/civil union partner
- Plaintiff/Defendant is the biological mother/father of the child(ren) named on page 1

Reason for seeking custody and/or support:

- Establish or Modify Visitation Rights:
 - Parenting Time Grandparent Time Sibling Time

Reasons for requesting or changing visitation:

- Medical Coverage Requested:
 - Health Benefits for myself
 - Health Benefits for the child(ren) named in this complaint.

Other Relief Requested. Explain the relief being sought.

Required Attachments:

A Certificate of Parentage is attached (if available)

Certification to Establish Paternity attached (when seeking establishment of paternity)

Attach additional pages stating what you want the court and other party to know (if necessary).

Date

Signature plaintiff/counterclaimant

Date

Signature Co-plaintiff/Co-defendant

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - FAMILY PART
COUNTY: _____**

Plaintiff

vs.

Defendant

DOCKET NO.: FD - _____

CS NO: _____

CIVIL ACTION

**Summons to Appear
(Non-Dissolution Docket)**

The attached complaint for _____ has
been filed. Relief

You are hereby summoned to appear in the SUPERIOR COURT of New Jersey-Family Part, before

_____ COUNTY _____,
County Name Address

JUDGE OR HEARING OFFICER _____,
Name (Note: Printing should be based on officiating ID)

on _____, **at** _____.
Date Time, AM/PM

YOUR APPEARANCE IS MANDATORY.

You must bring with you the following **checked** items:

- A copy of this notice
- Last three (3) pay stubs and/or proof of other income
- Most recent Federal (IRS) tax return
- Proof of health insurance coverage for child(ren) named in complaint
- Financial Summary Support Statement - enclosed
- Most recent completed Case Information Statement (CIS) – enclosed

In accordance with the Uniform Interstate Family Support Act, the child support provisions of a court order are subject to income withholding on its effective date. The income withholding is effective upon all types of income including wages from current and future employment.

IF YOU ARE THE MOVING PARTY, FAILURE TO APPEAR MAY RESULT IN THE APPLICATION BEING DISMISSED.

IF YOU ARE A PARTY NAMED ON THIS NOTICE, FAILURE TO APPEAR AT THE DATE, TIME AND PLACE SHOWN ON THIS SUMMONS MAY RESULT IN THE ENTRY OF A JUDGMENT BY DEFAULT AGAINST YOU FOR THE RELIEF(S) REQUESTED.

You may file a written response to this application in the form of a Certification. Any papers you send to the Court must be sent to the other party. Responsive pleadings (except cross applications) must be filed with the court within 20 days after service, exclusive of the day of service. You may bring an attorney with you, although an attorney is not required. If you are unable to obtain an attorney or cannot afford an

attorney, you may contact the lawyer referral service or legal services office in the county of your residence or the county in which the action is pending or the adjacent county.

Questions about this notice? Contact Name: _____ Phone: _____

The following is attached:

- Verified Complaint
- Application for modification
- Financial Statement for Summary Support Actions (if necessary)
- CIS (if necessary)
- Paternity Affidavit (if necessary)

Date

Presiding Judge, Family Part



Please Notify the Court of any Disability Accommodations or Interpreting Needs



**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - FAMILY PART
COUNTY: _____**

Plaintiff

vs.

Defendant

DOCKET NO.: FD - _____

CS NO: _____

CIVIL ACTION

**Application for Modification
of Court Order
(Non-Dissolution Docket)**

I, _____ of full age, hereby certify the following in support of this Application/Cross Application to modify the court order of _____ date (if known) .

I am the Plaintiff Defendant in the above-captioned matter.

Plaintiff resides at: Address: _____
City/Town _____
County _____ State _____ Zip Code _____

Defendant resides at: Address: _____
City/Town _____
County _____ State _____ Zip Code _____

Other interested parties' name(s) and address(es):

1. Establish or Change to an Existing Child/Spousal Support Order (Note: Continue only if you have an established FD Order.)

The current Support Court Order contains the following provisions:

\$ _____ per _____ for support of:
(Weekly, bi-monthly, etc.)

Obligee _____ DOB _____

The current Support Court Order contains the following provisions:

\$ _____ per _____ for support of:
(Weekly, bi-monthly, etc.)

Child _____ DOB _____

Child _____ DOB _____

Child _____ DOB _____

Child _____ DOB _____

I am seeking an increase or decrease in **child** support payments.
Pursuant to R. 5:5-3, you are required to complete a Financial Statement for Summary Support Actions to serve on the other party, and supply the court with either your most recent Federal income tax return, and your three most recent pay stubs at the hearing.

I am seeking an increase or decrease in **spousal** support payments.
Pursuant to R. 5:5-2, you must complete, supply the court and other party, with a Case Information Statement ten (10) days before the hearing.

I am requesting the Court terminate/not terminate child support for:

Name _____ DOB _____

My child turned 18 years of age on _____.

To the best of my knowledge, my child is not physically or mentally disabled.

My child **is** disabled. Describe disability:

My child is **not** attending high school or any other special education programs.

My child is attending high school or special program. Provide the name of school and most recent date(s) attended:

My child is not married.

If married, date of marriage: _____.

My child is **not** attending college or any other post-secondary education programs.

My child is attending college or a post-secondary education program. Provide the name of the school and most recent date(s) attended:

My child is not in the military.

If in the military, date enrolled _____ and branch _____.

I am requesting that child/spousal support be made payable through the Probation Division.

I am requesting that child/spousal support be paid directly to me without court involvement.

2. Enforcement of the Current Support Order

I am requesting enforcement of the current support court order of _____. Attach a copy of
date (if known)
the order you want enforced, if available.

3. Establish or Change of Existing Custody/Parenting Time Court Order

I am requesting to change the custody/parenting time terms of the current court order. Explain the changes you are requesting.

4. Request To Relocate The Child(ren)/Opposition To Relocation

I am applying to relocate the child(ren) listed above. I believe this move is in the best interest of the child(ren). I want to relocate the child(ren) by _____ date.

New location:

Reason for relocation:

I am opposed to the relocation of the children listed above. I believe this move is not in the best interest of the child(ren). Explain:

5. Request to have a Bench Warrant/Detainer lifted (Incarcerated Defendants Only)

I am currently incarcerated making application to have a child support bench warrant/detainer lifted so that I may participate in a rehabilitation program. I understand that I must report to the court 30 days after my release.

Facility _____ Inmate # _____

6. Emergent Application (Order To Show Cause)

This application is an emergency, which cannot be handled through the normal court procedures because:

Threats have been made to remove the child(ren) from the State of New Jersey which would violate the NJ Anti-removal statute, N.J.S.A. 9:2-2.

Without my consent or approval, the child(ren) were removed/abducted on _____ from the State of New Jersey in violation of my parental rights and New Jersey law.

The child(ren) were not returned after a parenting time period.

The child(ren) will suffer substantial and irreparable harm unless the defendant plaintiff is immediately:

Restrained from taking the child(ren) from my custody and removing them from their current home in New Jersey.

Required to return the child(ren) to me.

Other. Explain.

Other Information required for Emergent Application.

There is no other person who is a party to this matter that has physical custody of the child(ren) or claims to have custody or parenting time rights.

Other person(s) who is/are party/parties in this matter having physical custody of the child(ren) or claiming to have custody or parenting time rights include:

Names and Addresses:

A complaint/application for support parenting time custody has been filed on this date simultaneously with this emergent application since there is no existing court order involving the plaintiff, the defendant and the status of the child(ren) in this State or any other jurisdiction.

7. The relief I am seeking is not listed above. I am seeking the following from the court:

8. What else does the court need to know pertaining to this Application or Cross Application to modify the court order of _____?
date (if known)

Court Appearance Information

PLEASE TAKE NOTICE a hearing will be held, in the Superior Court of New Jersey, Family Part, _____ COUNTY, based upon the attached Application and Certification, to modify an order previously issued by the court.

Your appearance is mandatory. You may bring an attorney, although an attorney is not required. If you require assistance in selecting an attorney, you may contact your County Bar Association. If you cannot afford an attorney, you may contact Legal Services of New Jersey at www.lsnj.org. You may file a written response by certification opposing this application/cross application. Any written response you send to the Court must be sent to the other party. Your written response must be filed with the court ten calendar days after being served this application/cross application. If you fail to appear, an Order granting the relief requested by the filing party may be granted although your written response, if filed, will be considered. A certification in support of an application shall not exceed **fifteen (15)** pages. A certification in opposition to a certification or in support of a cross-application or both shall not exceed **twenty-five (25)** pages. A reply certification to opposing pleadings shall not exceed **ten (10)** pages.

- To my knowledge, DYFS is is not actively involved with the child(ren).
- To my knowledge, the family is is not receiving public assistance.
- I am presently incarcerated and would like to appear; however, I understand that unless I have paid the costs in advance to the county or state for my transportation, my right to appear will be deemed waived, and this matter will be decided on the papers that I filed.

I/We certify that **all** the statements made above are true. I am aware that if **any** of the statements made by me/us are willfully false, I/we am subject to punishment

Date

Signature

Plaintiff

Plaintiff / Cross Applicant

Defendant

Defendant / Cross Applicant

Date

Signature

Co-Plaintiff

Co-Plaintiff / Co-Cross Applicant

Co-Defendant

Co-Defendant / Co-Cross Applicant