

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, 2013.

For the Court,

A handwritten signature in black ink, appearing to read "Stuart Rosen", written in a cursive style.

Chief Justice

Dated: July 9, 2013

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

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1:4-1. Caption: Name and Addresses of Party and Attorney; Format

(a) ... no change

(b) Format: Addresses. At the top of the first page of each paper filed, a blank space of approximately 3 inches shall be reserved for notations of receipt and filing by the clerk. Above the caption at the left-hand margin of the first sheet of every paper to be filed there shall be printed or typed the name and the New Jersey attorney identification number of the attorney filing the paper, office address and telephone number or, if a party is appearing *pro se*, the name of such party, residence address and telephone number. No paper shall bear an attorney's post office box number in lieu of a street address. An attorney or *pro se* party shall advise the court and all other parties of a change of address or telephone number if such occurs during the pendency of an action.

Note: Source - R.R.. 4:5-8, 4:10-1, 5:5-1(e), 7:5-2(a) (first two sentences); paragraph (a) amended December 20, 1983 to be effective December 31, 1983; paragraph (a) redesignated as paragraph (a)(1) and paragraph (a)(2) added November 7, 1988 to be effective January 2, 1989; paragraph (b) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(1) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (a)(2) caption and text deleted, paragraph (a)(1) caption deleted, and paragraph (b) amended July 9, 2008 to be effective September 1, 2008; paragraph (b) amended July 9, 2013 to be effective September 1, 2013.

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) . . . no change

(B) . . . no change

(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 Affidavit of Verification and Non-Collusion as required by R. 5:4-2(c), the Confidential Litigant Information Sheet as required by R. 5:4-2(g) in the form prescribed by the Administrative Director of the Courts, [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 the kinship caregiver assessment required in the kinship legal guardianship petition pursuant to N.J.S.A. 3B:12A-5(b); or

(D) . . . no change

(E) . . . no change

(2) . . . no change

(3) . . . no change

(4) . . . no change

(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; subparagraph (c)(1)(E) amended December 20, 2010 to be effective immediately; subparagraphs (b)(4) and (c)(1)(C) amended July 21, 2011 to be effective September 1, 2011; subparagraph (c)(1)(C) amended July 9, 2013 to be effective September 1, 2013.

1:6-2. Form of Motion; Hearing

(a) Generally. An application to the court for an order shall be by motion, or in special cases, by order to show cause. A motion, other than [for bail pursuant to *R. 3:26-2(d)* or] one made during a trial or hearing, shall be by notice of motion in writing unless the court permits it to be made orally. Every motion shall state the time and place when it is to be presented to the court, the grounds upon which it is made and the nature of the relief sought, and, as to motions filed in the Law Division-Civil Part only, the discovery end date or a statement that no such date has been assigned. The motion shall be accompanied by a proposed form of order in accordance with *R. 3:1-4(a)* or *R. 4:42-1(e)*, as applicable. The form of order shall note whether the motion was opposed or unopposed. If the motion or response thereto relies on facts not of record or not subject of judicial notice, it shall be supported by affidavit made in compliance with *R. 1:6-6*. The motion shall be deemed uncontested and there shall be no right to argue orally in opposition unless responsive papers are timely filed and served stating with particularity the basis of the opposition to the relief sought. If the motion is withdrawn or the matter settled, counsel shall forthwith inform the court.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

Note: Source — *R.R. 3:11-2, 4:8-5(a)* (second sentence). Amended July 14, 1972 to be effective September 5, 1972; amended November 27, 1974 to be effective April 1, 1975; amended July 24, 1978 to be effective September 11, 1978; former rule amended and redesignated as paragraph (a) and paragraphs (b), (c), (d), and (e) adopted July 16, 1981 to be

effective September 14, 1981; paragraph (c) amended July 15, 1982 to be effective September 13, 1982; paragraph (c) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended December 20, 1983 to be effective December 31, 1983; paragraphs (a) and (c) amended and paragraph (f) adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended and paragraph (d) caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (d) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 13, 1994 to be effective January 1, 1995; paragraphs (a) and (f) amended January 21, 1999 to be effective April 5, 1999; paragraphs (c) and (d) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraphs (b), (c), and (f) amended July 27, 2006 to be effective September 1, 2006; paragraph (b) caption amended, former text of paragraph (b) captioned and redesignated as subparagraph (b)(1), and new subparagraph (b)(2) adopted July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended July 9, 2013 to be effective September 1, 2013.

1:8-3. Examination of Jurors; Challenges

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

(g) Jury Selection Must be Conducted in Open Court. Subject to (1) and (2) below, the public must be provided reasonable access to the courtroom during the jury selection portion of the trial.

(1) Exclusion of Public from Courtroom; Compelling Reasons; Alternatives. The trial judge may not exclude the public from the courtroom unless there is a compelling need to do so. In making that determination, the trial judge shall first consider reasonable alternatives, such as holding jury selection in a larger courtroom, if one is available. If there are compelling reasons to exclude the public from the courtroom, the judge shall consider alternative ways to permit observation, including electronic means. The trial judge shall issue a statement of reasons for limiting or denying public access to jury selection.

(2) Voir Dire of Individual Jurors. The requirement of public access to the courtroom during jury selection does not preclude the court from conducting the voir dire of any individual juror on the record at sidebar, or in writing.

Note: Source - R.R. 3:7-2(b)(c), 4:48-1, 4:48-3. Paragraphs (c) and (d) amended July 7, 1971 to be effective September 13, 1971; paragraph (d) amended July 21, 1980 to be effective September 8, 1980; paragraph (a) amended September 28, 1982 to be effective immediately; paragraph (d)

amended July 22, 1983 to be effective September 12, 1983; paragraph (d) amended July 26, 1984 to be effective September 10, 1984; paragraph (d) amended November 5, 1986 to be effective January 1, 1987; paragraph (c) amended November 7, 1988 to be effective January 2, 1989; paragraph (e) added July 14, 1992 to be effective September 1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (f) added July 5, 2000 to be effective September 5, 2000; paragraph (f) amended July 27, 2006 to be effective September 1, 2006; new paragraph (g) adopted July 9, 2013 to be effective September 1, 2013.

1:20-1. Disciplinary Jurisdiction; Annual Fee and Registration

(a) ... no change

(b) ... no change

(c) Annual Registration Statement. To facilitate the collection of the annual fee provided for in paragraph (b), every attorney admitted to practice law in this state, including all persons holding a plenary license, those admitted pro hac vice, those holding a limited license as in-house counsel, those registered as multijurisdictional practitioners, those certified as Foreign Legal Consultants, and those permitted to practice under Rule 1:21-3(c) shall, on or before February 1 of every year, or such other date as the Court may determine, pay the annual fee and file a registration statement with the New Jersey Lawyers' Fund for Client Protection (hereinafter referred to as the Fund). The registration statement shall be in a form prescribed by the Administrative Director of the Courts with the approval of the Supreme Court. As part of the annual registration process, each attorney shall certify compliance with Rule 1:28A. All registration statements shall be filed by the Fund with the Office of Attorney Ethics, which may destroy the registration statements after one year. Each lawyer shall file with the Fund a supplemental statement of any change in the attorney's billing address and shall file with the Office of Attorney Ethics a supplemental statement of any change in the home address and the address of the primary [bona fide] law office [addresses] as required by Rule 1:21-1(a), as well as the main law office telephone number previously submitted and the financial institution or the account numbers for the primary trust and business accounts, either prior to such change or within thirty days thereafter. All persons first becoming subject to this rule shall file the statement required by this rule prior to or within thirty days of the date of admission.

The information provided on the registration statement shall be confidential except as otherwise directed by the Supreme Court.

(d) ... no change

Note: Adopted February 23, 1978, to be effective April 1, 1978. Any matter pending unheard before a County Ethics Committee as of April 1, 1978 shall be transferred, as appropriate, to the District Ethics Committee or the District Fee Arbitration Committee having jurisdiction. Any matter heard or partially heard by a County Ethics Committee by April 1, 1978 shall be concluded by such Ethics Committee and shall be reported on in accordance with these rules; amended July 16, 1981 to be effective September 14, 1981. Caption amended and first two paragraphs amended and redesignated as paragraph (a); new paragraphs (b), (c) and (d) adopted January 31, 1984 to be effective February 15, 1984; paragraph (c) amended November 5, 1986 to be effective January 1, 1987; paragraph (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended September 15, 1992, to be effective January 1, 1993; caption added to all paragraphs and paragraphs (a), (b), (c), and (d) amended February 8, 1993 to be effective immediately; paragraphs (a), (b) and (c) amended January 31, 1995, to be effective March 1, 1995; paragraph (a) amended July 10, 1998, to be effective September 1, 1998; paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a), (b), (c) and (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 9, 2008 to be effective September 1, 2008; paragraphs (b) and (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (c) amended July 9, 2013 to be effective September 1, 2013.

Rule 1:21-1. Who May Practice; Attorney Access and Availability; Appearance in Court

(a) Qualifications. Except as provided below, no person shall practice law in this State unless that person is an attorney holding a plenary license to practice in this State, is in good standing, and complies with the following requirements:

(1) An attorney need not maintain a fixed physical location for the practice of law, but must structure his or her practice in such a manner as to assure, as set forth in RPC 1.4, prompt and reliable communication with and accessibility by clients, other counsel, and judicial and administrative tribunals before which the attorney may practice, provided that an attorney must designate one or more fixed physical locations where client files and the attorney's business and financial records may be inspected on short notice by duly authorized regulatory authorities, where mail or hand-deliveries may be made and promptly received, and where process may be served on the attorney for all actions, including disciplinary actions, that may arise out of the practice of law and activities related thereto.

(2) An attorney who is not domiciled in this State and does not maintain a fixed physical location for the practice of law in this State, but who meets all qualifications for the practice of law set forth herein must designate the Clerk of the Supreme Court as agent upon whom service of process may be made for the purposes set forth in subsection (a)(1) of this rule, in the event that service cannot otherwise be effectuated pursuant to the appropriate Rules of Court. The designation of the Clerk as agent shall be made on a form approved by the Supreme Court.

(3) The system of prompt and reliable communication required by this rule may be achieved through maintenance of telephone service staffed by individuals with whom the attorney is in regular contact during normal business hours, through promptly returned voicemail or electronic mail service, or through any other means demonstrably likely to meet the standard enunciated in subsection (a)(1).

(4) An attorney shall be reasonably available for in-person consultations requested by clients at mutually convenient times and places.

A person not qualifying to practice pursuant to the first paragraph of this rule shall nonetheless be permitted to appear and prosecute or defend an action in any court of this State if the person (1) is a real party in interest to the action or the guardian of the party; or (2) has been admitted to speak pro hac vice pursuant to R. 1:21-2; (3) is a law student or law graduate practicing within the limits of R. 1:21-3; or (4) is an in-house counsel licensed and practicing within the limitations of R. 1:27-2.

Attorneys admitted to the practice of law in another United States jurisdiction may practice law in this state in accordance with RPC 5.5(b) and (c) as long as they [maintain a bona fide office] comply with Rule 1:21-1(a)(1).

No attorney authorized to practice in this State shall permit another person to practice in this State in the attorney's name or as the attorney's partner, employee or associate unless such other person satisfies the requirements of this rule.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

(g) ... no change

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; paragraph (c) caption and text amended July 23, 2010 to be effective September 1, 2010; caption and paragraphs (a) and (d) amended January 15, 2013 to be effective February 1, 2013; paragraphs (a)(1) and (a)(2) amended February 27, 2013 to be effective immediately; paragraph (a) amended July 9, 2013 to be effective September 1, 2013.

1:21-2. Appearances Pro Hac Vice

(a) Conditions for Appearance. An attorney of any other jurisdiction, of good standing there, whether practicing law in such other jurisdiction as an individual or a member or employee of a partnership or an employee of a professional corporation or limited liability entity authorized to practice law in such other jurisdiction, or an attorney admitted in this state, of good standing, may, at the discretion of the court in which any matter is pending, be permitted, pro hac vice, to speak in such matter in the same manner as an attorney of this state who [maintains a bona fide office for the practice of law in this state and who is therefore, pursuant to R. 1:21-1(a), authorized to practice in this state] is in compliance with R. 1:21-1(a)(1). Except for attorneys who are employees of and are representing the United States of America or a sister state, no attorney shall be admitted under this rule without annually complying with R. 1:20-1(b), R. 1:28-2, and R. 1:28B-1(e) during the period of admission. An attorney granted admission pro hac vice in accordance with this rule must include a copy of the order granting such permission when submitting to the New Jersey Lawyers' Fund for Client Protection the annual fee provided for by R. 1:20-1 and the other rules referred to herein. An attorney admitted both in this state and any other jurisdiction shall not, however, be permitted to appear pro hac vice if for any reason disqualified from practice in this state.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

Note: Source -- R.R. 1:12-8. Amended December 16, 1969 effective immediately; caption and text amended November 27, 1974 to be effective April 1, 1975; amended January 10, 1979 to be effective immediately; former rule amended and redesignated as paragraphs (a) and (b) and paragraph (c) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a) amended January 31, 1984 to be effective February 15, 1984; new paragraph (c) adopted and former paragraph (c) redesignated as paragraph (d) November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraphs (b)(2) and (3) amended July 13, 1994 to be effective September 1, 1994; paragraph (a)(1)(iv) added June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a)(1)(i), (a)(1)(ii), (a)(1)(iii), and (a)(1)(iv) amended and redesignated as (a)(1)(A), (a)(1)(B), (a)(1)(C), and (a)(1)(D) July 5, 2000 to be effective September 5, 2000; paragraph (a) amended and subsections of paragraph (a)(3) redesignated from (i) through (vi) to (A) through (F) July 12, 2002 to be effective September 3, 2002; paragraph (a) amended, portion of paragraph (a) redesignated as new paragraph (b), and former paragraphs (b), (c), and (d) redesignated as (c), (d), and (e) July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 9, 2013 to be effective September 1, 2013.

1:21-9. Certification and Practice of Foreign Legal Consultants

(a) ... no change

(b) ... no change

(c) Eligibility. In its discretion the Supreme Court may certify as a foreign legal consultant an applicant who:

(1) for a period of not less than 5 of the 7 years immediately preceding the date of application has been admitted to practice and has been in good standing as an attorney or counselor at law or the equivalent in a foreign country and has engaged either (A) in the practice of law in such country or (B) in a profession or occupation which requires as a prerequisite admission to practice and good standing as an attorney or counselor at law or the equivalent in such country; and

(2) possesses the good moral character customarily required for admission to the practice of law in this State; and

(3) intends to [maintain, within this State, a bona fide office for] practice [as a foreign legal consultant] in compliance with R. 1:21-1(a)(1).

(d) ... no change

(e) ... no change

(f) ... no change

(g) ... no change

(h) ... no change

Note: Adopted November 7, 1988 to be effective January 2, 1989; paragraph (a) amended, new paragraph (b) added, former paragraph (b) amended and redesignated as paragraph (c), former paragraph (c) amended and redesignated as paragraph (d), former paragraph (d) deleted, new paragraphs (e) and (f) added, former paragraph (e) amended and redesignated as paragraph (g), and former paragraph (f) amended and redesignated as paragraph (h) July 12, 2002 to be

effective September 3, 2002; paragraph (c) amended July 9, 2013 to be effective September 1, 2013.

1:32-2A. Electronic Court Systems, Electronic Records, Electronic Signatures

(a) Authorization of Electronic Court Systems. The Administrative Director of the Courts, with the approval of the Chief Justice, may develop and implement electronic court systems, including applications or systems for the purpose of electronic filing, electronic record keeping, or electronic indexing of data and documents.

(b) Force and Effect of Data and Documents Submitted or Maintained Electronically. Data and documents, whether originating in paper or digital form, submitted electronically to the clerks of court or maintained electronically by the clerks of court in a system or application authorized pursuant to this rule shall have the same force and effect as data and documents maintained by the clerks of court in paper form.

(c) Electronic Signatures. Where an electronic system or application has been authorized pursuant to this rule, and where the system or application is secured by an authentication method in accordance with the protocols established and approved by the Administrative Director of the Courts, an electronic signature shall have the same force and effect as an original handwritten signature. Once submitted to the clerk of court, an electronically signed document shall not be deleted or altered in any manner without court order for good cause shown.

Note: New rule adopted July 9, 2013 to be effective September 1, 2013.

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

The following court records are excluded from public access:

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) Records of Family Part Proceedings.

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) . . . no change

(5) . . . no change

(6) . . . no change

(7) . . . no change

(8) . . . no change

(9) . . . no change

(10) . . . no change

(11) . . . no change

(12) Records relating to Division of [Youth and Family Services] Child Protection

and Permanency proceedings held pursuant to R. 5:12;

(13) . . . no change

(14) . . . no change

(15) . . . no change

(16) . . . no change

(17) . . . no change

(e) . . . no change

(f) . . . no change

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009; subparagraph (b)(1) amended December 9, 2009 to be effective immediately; paragraphs (e) and (f) amended January 5, 2010 to be effective immediately; subparagraph (c)(11) amended, subparagraph (c)(12) adopted, and subparagraph (d)(10) amended February 16, 2010 to be effective immediately; subparagraph (d)(1) amended June 23, 2010 to be effective July 1, 2010; paragraph (e) amended October 26, 2010 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013.

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] Child Protection and Permanency Matters;

Advising Court of Child's Placement Status. In Division of [Youth and Family Services] Child

Protection and Permanency 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; paragraph (f) caption and text amended July 9, 2013 to be effective September 1, 2013.

3:2-3. Arrest warrant

(a) . . . no change

(b) A judge may issue an arrest warrant on 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 (CDR2) 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 (CDR2) 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 officer 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 are 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, 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. On 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 any supporting affidavit. The judge shall verify the accuracy of these documents by affixing his or her signature to the Complaint-Warrant (CDR-2). Procedures authorizing issuance of restraining orders pursuant to N.J.S.A. 2C:35-5.7 ("Drug Offender Restraining Order Act of 1999") and N.J.S.A. 2C:14-12 ("Nicole's Law") by electronic communication are governed by R. 3:26-1(g).

Note: Adopted July 13, 1994 to be effective January 1, 1995; original text of rule amended and designated as paragraph (a) and new paragraph (b) added July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 9, 2013 to be effective September 1, 2013.

3:23-8. Hearing on Appeal

(a) [Plenary Hearing;] Hearing on Record; Correction or Supplementation of Record; Remand; 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]

(1) If it appears that the record is partially unintelligible, the court to which the appeal is taken may supplement the record or may remand the matter to the municipal court to reconstruct the portion of the record that is defective. If the record below is substantially unintelligible, the matter shall be remanded to the municipal court to reconstruct the entire record or, if the record cannot be reconstructed, for a new trial or hearing.[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.]

(2) The court to which the appeal has been taken may reverse and remand for a new trial or may conduct a trial de novo on the record below. The court shall provide the municipal court and the parties with reasons for a reversal and [the] remand. [The] If the court to which the appeal is taken decides the matter de novo on the record, the court may [also] permit the record to be supplemented [supplement the record] for the limited purpose of correcting a legal error in the proceedings below. [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.]

(3) If the appellant, upon application to the court appealed to, is found to be indigent, the court may 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. 3:10-10 (a) (b)(c)(d)(e) and R. 3:10-12. Paragraph (a) amended July 14, 1972 to be effective September 5, 1972; 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; paragraph (a) caption and text amended July 9, 2013 to be effective September 1, 2013.

3:26-1. Right to Bail Before Conviction

(a) Persons Entitled; Standards for Fixing. All persons, except those charged with crimes punishable by death when the prosecutor presents proof that there is a likelihood of conviction and reasonable grounds to believe that the death penalty may be imposed, shall be bailable before conviction on such terms as, in the judgment of the court, will ensure their presence in court when required. The factors to be considered in setting bail are: (1) the seriousness of the crime charged against defendant, the apparent likelihood of conviction, and the extent of the punishment prescribed by the Legislature; (2) defendant's criminal record, if any, and previous record on bail, if any; (3) defendant's reputation, and mental condition; (4) the length of defendant's residence in the community; (5) defendant's family ties and relationships; (6) defendant's employment status, record of employment, and financial condition; (7) the identity of responsible members of the community who would vouch for defendant's reliability; (8) any other factors indicating defendant's mode of life, or ties to the community or bearing on the risk of failure to appear, and, particularly, the general policy against unnecessary sureties and detention. In its discretion the court may order the release of a person on that person's own recognizance. The court may also impose terms or conditions appropriate to the defendant's release including conditions necessary to protect persons in the community.

When a defendant is charged with a crime or offense involving domestic violence, the court authorizing the release may, as a condition of release, prohibit the defendant from having any contact with the victim. The court may impose any additional limitations upon contact as otherwise authorized by N.J.S.A. 2C: 25-26.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

(g) Issuance of Restraining Orders By Electronic Communication.

(1) Temporary Domestic Violence Restraining Orders. Procedures authorizing the issuance of temporary domestic violence restraining orders by electronic communication are governed by R.5:7A (b).

(2) N.J.S.A. 2C:35-5.7 and N.J.S.A. 2C:14-12 Restraining Orders. A judge may as a condition of release issue a restraining order pursuant to N.J.S.A. 2C:35-5.7 (“Drug Offender Restraining Order Act of 1999”) and N.J.S.A. 2C:14-12 (“Nicole’s Law”) upon sworn oral testimony of a law enforcement officer or prosecuting attorney who is not physically present. Such sworn oral testimony may be communicated to the judge by telephone, radio or other means of electronic communication. The judge shall contemporaneously record such sworn oral testimony by means of a tape-recording device or stenographic machine if such are available; otherwise, adequate long hand notes summarizing what is said shall be made by the judge. Subsequent to taking the oath, the law enforcement officer or prosecuting attorney must identify himself or herself, specify the purpose of the request and disclose the basis of the application. This sworn testimony shall be deemed to be an affidavit for the purposes of issuance of a restraining order. Upon issuance of the restraining order, the judge shall me-

morialize the specific terms of the order. 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 law enforcement officer or prosecuting attorney to memorialize the specific terms authorized by the judge on a form, or other appropriate paper, designated as the restraining order. This order shall be deemed a restraining order for the purpose of N.J.S.A. 2C:35-5.7 ("Drug Offender Restraining Order Act of 1999") and N.J.S.A. 2C:14-12 ("Nicole's Law"). The judge shall direct the law enforcement officer or prosecuting attorney to print the judge's name on the restraining order. A copy of the restraining order shall be served upon the defendant by any officer authorized by law. Within 48 hours, the law enforcement officer or prosecuting attorney shall deliver to the judge, either in person, by facsimile transmission or by other means of electronic communication, the signed restraining order along with a certification of service upon the defendant. The certification of service shall include the date and time that service upon the defendant was made or attempted to be made in a form approved by the Administrative Director of the Courts. The judge shall verify the accuracy of these documents by affixing his or her signature to the restraining order.

(3) Certification of Offense Location for Drug Offender Restraining Orders. When a restraining order is issued by electronic communication pursuant to N.J.S.A. 2C:35-5.7 ("Drug Offender Restraining Order Act of 1999") where the law enforcement officer or prosecuting attorney is not physically present at the same location as the court, the law enforcement officer or prosecuting attorney must provide an oral statement describing the lo-

cation of the offense. Within 48 hours the law enforcement officer or prosecuting attorney shall deliver to the judge, either in person, by facsimile transmission or by other means of electronic communication, a certification describing the location of the offense.

Source-R.R. 3:9-1(a)(b)(c)(d); paragraph (a) amended September 28, 1982 to be effective immediately; paragraphs (a), (b), (c) and (d) amended July 13, 1994 to be effective January 1, 1995; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; new paragraph (b) adopted, and former paragraphs (b), (c), and (d) redesignated as paragraphs (c), (d), and (e) June 15, 2007 to be effective September 1, 2007; new paragraph (c) adopted and former paragraphs (c), (d), and (e) redesignated as paragraphs (d), (e), and (f) July 9, 2008 to be effective September 1, 2008; paragraph (a) amended and new paragraph (g) adopted July 9, 2013 to be effective September 1, 2013.

3:26-2. Authority to Set Bail

(a) . . . no change.

(b) . . . no change.

(c) . . . no change.

(d) Bail Reductions. A first [motion] application for bail reduction shall be heard by the court no later than seven days after it is [filed] made.

Note: Source-R.R. 3:9-3(a) (b) (c); amended July 24, 1978 to be effective September 11, 1978; amended May 21, 1979 to be effective June 1, 1979; amended August 28, 1979 to be effective September 1, 1979; amended July 26, 1984 to be effective September 10, 1984; caption amended, former text amended and redesignated paragraph (a) and new paragraphs (b), (c) and (d) adopted July 13, 1994 to be effective January 1, 1995; paragraph (b) amended January 5, 1998 to be effective February 1, 1998; paragraph (d) amended July 9, 2013 to be effective September 1, 2013.

3:26-4. Form and Place of Deposit; Location of Real Estate; Record of Recognizances, Discharge and Forfeiture Thereof

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) . . . no change

(g) Ten Percent Cash Bail. Except in first or second degree cases and certain crimes or offenses involving domestic violence as set forth in N.J.S.A. 2A:162-12 and unless the order setting bail specifies to the contrary, whenever bail is set pursuant to Rule 3:26-1, bail may be satisfied by the deposit in court of cash in the amount of ten-percent of the amount of bail fixed and defendant's execution of a recognizance for the remaining ninety percent. No surety shall be required unless the court fixing bail specifically so orders. When cash equal to ten-percent of the bail fixed is deposited pursuant to this Rule, if the cash is owned by someone other than the defendant, the owner shall charge no fee for the deposit other than lawful interest and shall submit an affidavit or certification with the deposit so stating and also listing the names of any other persons for whom the owner has deposited bail. The person making the deposit authorized by this subsection shall file an affidavit or certification concerning the lawful ownership thereof, and on discharge such cash may be returned to the owner named in the affidavit or certification.

Note: Source-R.R. 3:9-5(a)(b)(c)(d)(e)(f)(g). Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (g) adopted November 5, 1986 to be effective January 1, 1987; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraphs (f) and (g) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (b) and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (g) amended February 27, 1995 to be

effective immediately; paragraphs (a), (d), (e), (f) and (g) amended June 15, 2007 to be effective September 1, 2007; paragraph (g) amended July 9, 2013 to be effective September 1, 2013.

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

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) Withdrawal from Representation.

(1) An attorney may withdraw from [the] representation ninety (90) days or more prior to the scheduled trial date [or prior to the Early Settlement Panel hearing, whichever is earlier, upon] on the client's consent in accordance with R. 1:11-2(a)(1). If the client does not consent, the attorney may withdraw only on leave of court as provided in subparagraph (2) of this rule.

(2) [After the Early Settlement Panel hearing or after the date] Within ninety (90) days [prior to the] of a scheduled trial date, [whichever is earlier,] an attorney may withdraw from a matter [the action] only by leave of court, on motion with [on] notice to all parties. The motion shall be supported by the attorney's affidavit or certification setting forth the reasons for the application and shall have annexed the written retainer agreement. In deciding the motion, the court shall consider, among other relevant factors, the terms of the written retainer agreement and whether either the attorney or the client has breached the terms of that agreement; the age of the action; the imminence of [the Early Settlement Panel hearing date or] the scheduled trial [date, as appropriate]; the complexity of the issues; the ability of the client to timely retain substituted counsel; the amount of fees already paid by the client to the attorney; the likelihood that the attorney will receive payment of any balance due under the retainer agreement if the matter is tried; the burden on the attorney if the withdrawal application is not granted; and the prejudice to the client or to any other party.

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; paragraph (c) amended and subparagraphs (d)(1) and (d)(2) amended July 21, 2011 to be effective September 1, 2011; subparagraphs (d)(1) and (d)(2) amended July 9, 2013 to be effective September 1, 2013.

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] All pleadings of each party to any proceeding involving alimony, maintenance, [or] child support, custody, parenting time, visitation or paternity shall be accompanied by a completed Confidential Litigant Information Sheet in the form prescribed by the Administrative Director of the Courts. The form shall be provided at the time of the filing [of the first pleading] of any 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) . . . no change

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 amended 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; paragraphs (c), (d), (e), (f) and (g) amended July 21, 2011 to be effective September 1, 2011; paragraph (g) amended July 9, 2013 to be effective September 1, 2013.

5:5-2. Family Case Information Statement

(a) Applicability. The case information statement required by this rule shall be filed and served in all contested family actions, except summary actions, in which there is any issue as to custody, support, alimony or equitable distribution. With respect to summary actions, R. 5:5-3 shall apply. In all other family actions, a case information statement may be required by order on motion of the court or a party.

(b) Time and Filing. Except as otherwise provided in R. 5: 7-2, an initial [a] case information statement or certification that no such statement is required under subparagraph (a) shall be filed by each party with the clerk in the county of venue within 20 days after the filing of an Answer or Appearance or at any other time designated by the court. The Family Case Information Statement [case information statement] shall be filed in the form set forth in Appendix V of these rules. The court on either its own or a party's motion may, on notice to all parties, dismiss a party's pleadings for failure to have filed a case information statement. If dismissed, said pleadings shall be subject to reinstatement upon such conditions as the court may deem just.

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) . . . no change

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; paragraph (e) caption and text amended July 21, 2011 to be effective September 1, 2011; paragraphs (a) and (b) amended July 9, 2013 to be effective September 1, 2013.

5:5-3. Financial Statement in Summary Support Actions.

In any summary action in which support of a child is in issue, each party shall, prior to the commencement of any hearing, serve upon the other party and furnish the court with an affidavit or certification in a form prescribed by the Administrative Director of the Courts. The court shall use the information provided on the affidavit or certification and any other relevant facts to set an adequate level of child support in accordance with R. 5:6A. Except for applications for temporary and final domestic violence restraining orders, in [In] summary actions [to determine] involving the support of a spouse, civil union partner or domestic partner, or requests for college or post-secondary school contribution, a Family Case Information Statement must be filed pursuant to R. 5:5-2(a). In applications involving college or post-secondary school contribution, applicants must produce all relevant information including but not limited to: documentation of all costs for which contribution is sought, including but not limited to, tuition, board and books; proof of enrollment; and proof of all financial aid, scholarships, grants and student loans obtained. [each party shall, prior to the commencement of any hearing, provide the opposing party and the court with an affidavit or certification of income, assets, needs, expenses, liabilities, and other relevant facts to assist the court in determining the issue of support. Such affidavit or certification shall be preserved for appellate review but shall not be filed.] Pursuant to R. 5:4-2(g), [complaints] all pleadings filed in the Family Part [that contain requests for alimony, maintenance, or child support] must include a completed Confidential Litigation Information Sheet in a form prescribed by the Administrative Director of the Courts.

Note: Source -- R. (1969) 5:5-3(a). Adopted December 20, 1983, to be effective December 31, 1983; amended January 10, 1984, to be effective immediately; amended July 14, 1992 to be effective September 1, 1992; amended July 28, 2004 to be effective September 1, 2004; amended July 21, 2011 to be effective September 1, 2011; amended July 9, 2013 to be effective September 1, 2013.

5:9A-2. Filing and Service

(a) . . . no change

(b) . . . no change

(c) If, pursuant to N.J.S.A. 30:4C-87, the Division of [Youth and Family Services] Child Protection and Permanency ("Division") seeks kinship legal guardianship as an alternative disposition to a complaint initiated by the Division pursuant to N.J.S.A. 9:6-8.21 or N.J.S.A. 30:4C-15, the Division shall not be required to file a new petition, but may amend the pending complaint in accordance with the Rules of Court. When it appears to the court by Affidavit of Diligent Inquiry filed in the action initiated by the Division that any proper party, including a legal or putative parent, cannot be located, the court shall assume jurisdiction and proceed to hear the matter summarily pursuant to R. 5:12-2. It shall be sufficient to serve parties in default by certified and regular mail at their last known address.

Note: Adopted July 12, 2002 as Rule 5:9A to be effective September 3, 2002; former text redesignated as paragraph (a), and new paragraphs (b) and (c) adopted July 28, 2004 to be effective September 1, 2004; redesignated as Rule 5:9A-2 and new caption added June 15, 2007 to be effective September 1, 2007; paragraph (c) amended July 9, 2013 to be effective September 1, 2013.

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

(a) . . . no change

(b) [A motion] An application to vacate or modify a judgment for kinship legal guardianship of a child brought pursuant to N.J.S.A. 3B:12A-6(f) shall be brought or the venue laid in the county where the judgment of kinship legal guardianship was originally granted. A motion to change venue may be brought pursuant to R. 4:3-3 and shall be liberally granted.

Note: Adopted June 15, 2007 to be effective September 1, 2007; paragraph (a) amended July 16, 2009 to be effective September 1, 2009; paragraph (b) amended July 9, 2013 to be effective September 1, 2013.

5:10-3. Contents of Complaint

(a) . . . no change

(b) Domestic Agency Adoptions; Attachments. For every domestic agency adoption, in addition to the complaint requirements set forth in paragraph (a) of this rule, there shall be attached to the complaint the following:

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) . . . no change

(5) The agency shall certify as follows:

(A) . . . no change

(B) . . . no change

(C) . . . no change

(D) . . . no change

(E) . . . no change

(F) . . . no change

(G) In [DYFS] cases involving the Division of Child Protection and Permanency, the adoptee's verified current social security number, and that the card will be supplied to the plaintiff or plaintiffs if available.

(6) . . . no change

(7) . . . no change

(8) . . . no change

(c) . . . no change

(d) . . . no change

Note: Source - R. (1969) 4:94-2(c), (d), (e). Adopted December 20, 1983, to be effective December 31, 1983; text designated as paragraph (a), former paragraphs (a), (b), and (c) redesignated as subparagraphs (a)(1), (a)(2), and (a)(3), new subparagraph (a)(4) adopted, former paragraphs (d) through (n) redesignated as subparagraphs (a)(5) through (a)(15), new subparagraphs (a)(16) and (a)(17) adopted, and new paragraphs (b), (c), and (d) adopted July 21, 2011 to be effective September 1, 2011; subparagraph (b)(5)(G) amended July 9, 2013 to be effective September 1, 2013.

5:10-5. Post-Complaint Submissions

(a) At least ten business days before a preliminary hearing the following shall be filed with the court:

(1) For private stepparent adoptions and direct private placement adoptions, fingerprint and [DYFS] Division of Child Protection and Permanency name checks.

(2) . . . no change

(3) . . . no change

(b) At least ten business days before a final hearing, the following shall be filed with the court, unless previously submitted:

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) Proof of service or affidavit of inquiry on a biological or legal parent or parents in [non-DYFS] cases where the Division of Child Protection and Permanency did not place the child, if parental rights have not been previously terminated, or irrevocably surrendered in the case of an agency placement.

(5) . . . no change

(6) . . . no change

(7) . . . no change

(8) . . . no change

(c) . . . no change

(d) . . . no change

Note: New Rule 5:10-5 adopted (and former Rule 5:10-5 redesignated as Rule 5:10-8) July 21, 2011 to be effective September 1, 2011; subparagraphs (a)(1) and (b)(4) amended July 9, 2013 to be effective September 1, 2013.

5:10-7. Judicial Surrender of Parental Rights

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) Surrenders Pursuant to N.J.S.A. 9:3-41. This rule shall not prohibit approved adoption agencies or the Division of [Youth and Family Services] Child Protection and Permanency from accepting surrenders of parental rights pursuant to N.J.S.A. 9:3-41.

Note: New Rule 5:10-7 adopted (and former Rule 5:10-7 redesignated as 5:10-10) July 21, 2011 to be effective September 1, 2011; paragraph (d) amended July 9, 2013 to be effective September 1, 2013.

5:10-12. Judgment of Adoption: Procedures for Closing and Sealing Adoption Records.

(a) Judgment. A separate judgment of adoption shall be entered for each adoptee and shall include the following:

(1) The identity of the child being adopted, using only the initials of the child's birth name, except in stepparent or second parent adoptions or in foreign adoptions or readoptions where the full birth name of the child may be included.

(2) The gender, date of birth, and city and state or foreign country of birth of the child.

(3) The date of placement of the child with the adopting party.

(4) The name of the adoption agency, if the placement was made by an approved agency, and that the agency has consented to the adoption.

(5) Reference to any prior order of the court wherein parental rights and/or federal Indian Child Welfare Act issues were addressed.

(6) Termination of all parental relationships, rights, and responsibilities, including the right of inheritance through intestacy, of the birth parents or other guardians of the child, except those rights that have vested prior to the entry of the judgment of adoption.

(7) Confirmation that all federal Indian Child Welfare Act requirements have been fulfilled pursuant to Rule 5:10-6.

(8) Granting the adoption, which establishes between the child and the adopting party all parental relationships, rights, and responsibilities, including the right of inheritance through intestacy.

(9) The new name by which the child shall be known.

(10) An order directing the New Jersey Bureau of Vital Statistics, or authorizing a registrar in the child's state of birth if other than in New Jersey, to issue a birth certificate in the child's new name and listing the adoptive parent as the child's parent.

(b) . . . no change

(c) . . . no change

(d) . . . no change

(e) Report of Adoption. Upon receipt of a check payable to the Treasurer of the State of New Jersey, the Surrogate shall submit the report of adoption along with the certified judgment of adoption to the Bureau of Vital Statistics and Registration if the child was born in New Jersey or if the adoption is a foreign readoption. If the child was born in another state, the Surrogate shall submit the report of adoption along with the certified judgment of adoption to the Bureau of Vital Statistics or such other agency of the state in which the child was born, along with a check supplied by the plaintiff or plaintiff's attorney made payable to the appropriate entity of that state.

(f) . . . no change

(g) Closing of Child Placement Case (FC docket). When an adoption case is sealed and there is a related child placement case (FC docket), the child placement case shall be closed to reflect the adoption, but only when the Division of [Youth and Family Services (DYFS)] Child Protection and Permanency (the "Division") provides the court with a Notice of Change. If the adoption occurs out of state, [DYFS] the Division shall provide the court with both the judgment of adoption and the Notice of Change in order to close the child placement case. These documents shall be provided to the court presiding over the child placement case no later than 30 days after the adoption judgment is entered.

Note: Source-R. (1969) 4:94-8(a), (b) and (c). Adopted as Rule 5:10-9 December 20, 1983, to be effective December 31, 1983; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; redesignated as Rule 5:10-12, caption amended, new paragraph (a) adopted, former paragraphs (a), (b), and (c) redesignated as paragraphs (b), (c), and (d), paragraph (d) amended, new paragraphs (e), (f), and (g) adopted July 21, 2011 to be effective September 1, 2011; paragraphs (a), (e) and (g) amended July 9, 2013 to be effective September 1, 2013.

5:10A. Adoption of a Child or an Adult; Use of Automated System; Name Checks

(a) Use of Automated System. All adoptions shall be recorded using the Judiciary case management system, as prescribed by the Administrative Director of the Courts. Every Surrogate shall use the system to establish, manage and dispose of all adoptions. [Within 180 days of the date the Judiciary's case management system is made available to a County Surrogate, all open pending adoptions of that county shall be backloaded into the Judiciary case management system.]

(b) . . . no change .

Note: Adopted July 21, 2011 to be effective September 1, 2011; paragraph (a) amended July 9, 2013 to be effective September 1, 2013.

RULE 5:12. PROCEEDINGS BY DIVISION OF CHILD PROTECTION AND PERMANENCY [YOUTH AND FAMILY SERVICES]

5:12-1. Notices Regarding Placement of a Child; Form and Contents of Complaint

(a) Notices Regarding Placement of a Child. If the Division of Child Protection and Permanency ("Division") has removed a child from the home, the Division shall file with the court a notice of placement and a notice of change pursuant to subparagraphs (a)(1) and (a)(2) of this rule.

(1) Notice of Placement of Child. The Division shall provide the court with a separate notice of placement referenced in R. 5:13-3, which shall be captioned "In the matter of _____, a minor." The notice of placement shall contain the following information:

(A) county of venue,

(B) the child's address,

(C) the child's date of birth,

(D) the child's gender,

(E) the child's race,

(F) the participant number assigned to the child by the Department of Children and Families ("DCF"),

(G) the case number assigned to the family by DCF,

(H) the authority for placement,

(I) the child's date of placement,

(J) whether the placement is a repeat placement,

(K) the type of placement,

(L) the current case goal,

(M) the reasons for placement,

(N) the name and identification number of the Division local office,

(O) the name of the Division caseworker assigned to the case,

(P) the name of the Division supervisor assigned to the case,

(Q) the names, addresses, telephone numbers and relationship to the child of the parents or guardian, siblings, current caregiver, and any other persons or agencies that have an interest in, or information relating to, the welfare of the child, and

(R) the reasonable efforts that the Division has made, services offered and services provided to prevent the child's placement, or information about the specific exception to make reasonable efforts to prevent the child's placement.

(2) Notice of Change. The Division shall provide the court with a notice of change, which shall contain the child's name, the court's FC docket number, the child's DCF participant number and the family's DCF case number, the name and identification number of the Division local office, the name of the Division caseworker assigned to the case, and the name of the Division supervisor assigned to the case. The notice of change also shall identify the information that has been updated, such as:

(A) if the county of venue has changed,

(B) if the child remains in the custody of the current caregiver, the caregiver's change of address and its effective date,

(C) if there is a change in caregiver, the new caregiver's name, address, telephone number, the type of placement and the effective date of that change,

(D) if there has been a change of local office, the name and identification number of the new Division local office, the name of the new Division caseworker assigned to the case,

the name of the new Division supervisor assigned to the case, and the effective date of that change.

(E) if either or both parents have changed their addresses or telephone numbers,

(F) if the current case goal has changed to a new case goal,

(G) if it is the end of a current placement and the reason, and

(H) if the child is being discharged from the Division's placement and the reason.

(3) Confidentiality of Notices. The notice of placement and notice of change shall be treated as confidential in the interest of the child and shall only be provided to the court.

(A) The Division shall provide to the law guardian assigned to represent the child a separate confidential statement of the placement, including the temporary caregiver's name, address, telephone number and relationship to the child, and any notice of change regarding the placement.

(B) On notice to all other parties, any party may request from the court the notice of placement or notice of change of placement information. The release of the notice or the information contained in it shall be made in the court's discretion. The identity and the address of the caregiver shall remain confidential and shall not be disclosed to any defendant, except for defense counsel, who shall not disclose it to any defendant.

(4) The notice of placement and notice of change shall be filed electronically through a method determined jointly by the Commissioner of Children and Families and the Administrative Director of the Courts. Only a Division caseworker may enter information into DCF's case management system, and it is that information that will be transmitted to the court. Therefore, such electronic filing shall satisfy the certification requirement set forth in R. 1:4-4(b) and will not require a DCF employee to provide a signed certification.

(b) [(a)] Form and Contents of Complaint. All matters brought by the State of New Jersey, Division of [Youth and Family Services] Child Protection and Permanency (the "Division"), pursuant to N.J.S.A. 30:4C-1 et seq. or N.J.S.A. 9:6-8.21 et seq., shall be brought pursuant to R. 4:67 by complaint entitled in the name or names of the child or children, if known. No formal answer need be filed. The complaint shall allege (1) the name, age, and birthplace of the child in whose name the action is brought, (2) the names of the natural parents of the child, if known, (3) the names and relationship of those having custody of the child at the time the action is brought, if different from the natural parents, (4) a brief statement of the facts upon which the complainant relies, and (5) the exact nature of the relief which the complainant seeks and the statutes relied upon.

[(b) Statement as to Placement of Child. In addition to the information that is contained in the complaint, the Division of Youth and Family Services shall provide the court with a separate statement as to the addresses of the individuals named and the location of the placement of the child, including the name, address, telephone number, and relationship to the child of the temporary caregiver of each child in the case, and an additional statement regarding that placement information each time a child is placed with a new caregiver. Such statements shall be treated as confidential in the interest of the child and shall only be provided to the court and the law guardian assigned to represent the child.]

(c) Signature. The complaint shall be signed by the Attorney General or a designee, except in emergent matters, where the complaint may be signed by the Director of the Division of Child Protection and Permanency [Youth and Family Services], or a designee.

(d) Emergent Relief. Temporary or preliminary relief may issue pursuant to R. 4:52-1(a). If it appears from specific facts shown by affidavit or verified complaint that the child/children's

life, safety, or health will be in imminent danger before notice can be given or a hearing can be held, temporary relief may issue ex parte. The Division of Child Protection and Permanency [Youth and Family Services] shall make reasonable efforts to provide notice to all parties prior to making any application for temporary relief under this rule. Temporary or preliminary relief may issue on a finding that there is reasonable cause to believe a child has been subjected to or will be at risk of abuse or neglect absent such relief; provided, however, that an order for temporary removal of a child may issue only on a finding that the applicable statutory requirements of N.J.S.A. 9:6-8.28 or 9:6-8.29 have been met.

(e) Supporting Documents. All relevant reports of the Division of Child Protection and Permanency (“the Division”) [Youth and Family Services] and any other reports of experts or other documents upon which the Division intends to rely shall be provided to the court and to counsel for all parties on the first return date of the Order to Show Cause, if then available, or as soon as practicable after they become available. The Division's case file shall also be available for inspection to the attorneys for the parties without court order. All other discovery by any party shall be permitted only by leave of court for good cause shown.

(f) . . . no change

Note: Source -- R. (1969) 5:7A-1(a)(b). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended and paragraph (c) adopted June 28, 1996 to be effective September 1, 1996; paragraphs (b) and (c) redesignated as paragraphs (c) and (d), and new paragraph (b) adopted July 5, 2000 to be effective September 5, 2000; paragraphs (a) and (b) amended, paragraph (c) caption and text amended, new paragraph (d) adopted, former paragraph (d) redesignated as paragraph (e), and new paragraph (f) adopted July 28, 2004 to be effective September 1, 2004; R. 5:12 caption amended, caption amended, new paragraph (a) caption and text adopted, former paragraph (a) redesignated as paragraph (b) and caption and text amended, former paragraph (b) deleted, and paragraphs (c), (d), (e) amended July 9, 2013 to be effective September 1, 2013.

5:12-3. Discovery

All relevant reports of the Division of [Youth and Family Services] Child Protection and Permanency and other reports of experts or other documents upon which the Division intends to rely shall be provided to the court and to counsel for all parties on the first return date of the Order to Show Cause, if then available, or as soon as practicable after they become available. The Division's case file shall also be available for inspection to the attorneys for the parties without court order. All other discovery by any party shall be permitted only by leave of court for good cause shown.

Note: Source-R. (1969) 5:7A-3. Adopted December 20, 1983, to be effective December 31, 1983; amended June 28, 1996 to be effective September 1, 1996; amended July 9, 2013 to be effective September 1, 2013.

5:12-4. Case Management Conference, Hearings, Trial, and Termination of Parental Rights Proceedings

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) Reports. The Division of [Youth and Family Services] Child Protection and Permanency (the "Division") shall be permitted to submit into evidence, pursuant to N.J.R.E. 803(c)(6) and 801(d), reports by staff personnel or professional consultants. Conclusions drawn from the facts stated therein shall be treated as prima facie evidence, subject to rebuttal.

(e) Written Plan. Upon a finding of abuse or neglect the court may require that the Division of [Youth and Family Services] Child Protection and Permanency (the "Division") file a written plan embodying the disposition terms proposed by the Division [of Youth and Family Services]. When required to be filed, such plan shall be served upon all counsel or parties appearing pro se not less than 10 days prior to the dispositional hearing.

(f) Progress Reports. The court may, upon entry of an order of disposition, require that the Division of [Youth and Family Services] Child Protection and Permanency file with the court and serve upon all counsel or parties appearing pro se periodic progress reports at such intervals as the court shall require and covering such topics as the court shall designate.

(g) . . . no change

(h) . . . no change

(i) . . . no change

(j) Termination of Parental Rights Proceedings; Exhibits. The following procedures shall apply to every termination of parental rights matter filed by the Division of Child Protection and Permanency [Youth and Family Services]:

(1) The Division shall submit to the court no later than 5 days before the start of the trial two hard copies of all trial exhibits.

(2) The Division shall append to its trial exhibits a completed evidence list in a form prescribed by the Administrative Director of the Courts.

(3) If authorized by the court, the Division may submit to the court no later than 5 days before the start of the trial its exhibits in an electronic format prescribed by the Administrative Director of the Courts.

(4) In the event that no appeal is filed, the court shall retain exhibits for a minimum of 90 days after the entry of the final judgment. Upon the filing of an appeal, the court shall retain the exhibits until the final disposition of the appeal.

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; caption amended, new paragraph (j) adopted June 26, 2012 to be effective September 4, 2012; effective date of June 26, 2012 amendments changed to November 5, 2012 by order of August 20, 2012; paragraphs (d), (e), (f) and (j) amended July 9, 2013 to be effective September 1, 2013.

5:12-6. Matters Involving Law Enforcement

(a) Visitation During Pendency of Related Criminal Action. When a criminal complaint has been filed against a parent or guardian arising out of the same incident as a Division of [Youth and Family Services] Child Protection and Permanency ("Division") action pursuant to R. 5:12, the Family Part shall determine the nature and scope of parental or guardian visitation, if any, as follows:

(1) On scheduling any hearing at which visitation conditions are to be imposed or modified, the court shall provide notice to the county prosecutor and counsel representing the parent or guardian in the criminal prosecution, as well as to all counsel and parties in the Division [of Youth and Family Services] matter.

(2) Prior to any hearing, the court shall issue an appropriate protective order governing disclosure of confidential Division [of Youth and Family Services] records consistent with N.J.S.A. 9:6-8.10a.

(3) . . . no change

(4) . . . no change

(b) Information Regarding Criminal Investigation. If there is a criminal investigation of an incident that is the basis of a Division of [Youth and Family Services] Child Protection and Permanency ("Division") action pursuant to R. 5:12, the Division may request that the prosecutor provide any relevant information for use in the action. If the Division and the prosecutor are unable to reach an agreement on what information is to be provided, either may request the Assignment Judge to assign a judge to assist in the resolution of the matter. The judge assigned shall conduct a conference without delay. Notice of the conference shall be given to the prosecutor and to all parties to the Division [of Youth and Family Services] action. The court

shall not order the release of pre-indictment information without the agreement of the prosecutor.

No rights or privileges that may otherwise exist are affected by this dispute resolution procedure.

Note: Adopted June 15, 2007 to be effective September 1, 2007; paragraphs (a) and (b) amended July 9, 2013 to be effective September 1, 2013.

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] Division" as used in this rule means the Division of [Youth and Family Services] Child Protection and Permanency of the Department of 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; amended July 9, 2013 to be effective September 1, 2013.

5:13-3. Commencement of Proceedings

(a) Notice of Placement. The Division [division] shall file with the court a notice of placement pursuant to: (1) a voluntary agreement in the manner prescribed by the act; or (2) an involuntary placement. The notice shall be [in the form of a complaint encaptioned] captioned "In the matter of _____, a minor" and shall include, but not be limited to, the information set forth in R. 5:12-1(a) [the date and type of placement and the reasons for such placement]. The notice shall be signed by the Attorney General or a designee [employed by the Department of Law and Public Safety] or by the Director of the Division [division] or a designee [employed by the division].

(b) . . . no change

Note: Source-R. (1969) 5:7B(c). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (a) amended July 9, 2013 to be effective September 1, 2013.

5:13-4. Voluntary Placement: 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 a [the] form prescribed by the Administrative Director of the Courts. The court shall give a copy of the [notice of placement] order to the [division] Division, the child, the parents or legal guardian and such other persons or agencies that [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; caption and text amended July 9, 2013 to be effective September 1, 2013.

5:13-5. Reviews of Children in Placement; Court Orders; Submission of Placement Plan

(a) Enhanced 45-Day Reviews. In all cases involving a child placed by the Division of Child Protection and Permanency ("Division"), the child placement review board shall act on the court's behalf by conducting an enhanced 45-day review, which includes the collection of information to be entered on a form prescribed by the Administrative Director of the Courts. Upon completion of the enhanced 45-day review, the board shall make its recommendations to the court on a form prescribed by the Administrative Director of the Courts.

(b) Court Orders; Placement Plans. [Whenever a judge enters a final order] All orders entered by the court prior to the enhanced 45-day review by the child placement review board placing a child in the custody of the Division pursuant to N.J.S. 9:6-8.54, N.J.S. 30:4C-12, N.J.S. 2A:4A-43 or N.J.S. 2A:4A-46 [placing a child in the care or custody of the division, the order shall contain a direction that the division] shall be provided by the court to the board. The Division shall submit a placement plan to the [board] court within [45] 30 days of the [order] date of placement. In any case in which the placement is the result of a court order, [the plan and] the notice of the enhanced 45-day child placement review [Child Placement Review hearing] shall be made available to all counsel or parties appearing pro se who have related matters pending before the Family Part of Superior Court. In addition, counsel or parties appearing pro se shall receive timely notice of all subsequent proceedings and orders under the Child Placement Review Act relating to that litigation.

Note: Source-R. (1969) 5:7B(e). Adopted December 20, 1983, to be effective December 31, 1983; amended November 5, 1986 to be effective January 1, 1987; caption amended, text amended and designated as paragraph (b), paragraph (b) caption adopted, and new paragraph (a) caption and text adopted July 9, 2013 to be effective September 1, 2013.

5:13-6. Board [Determination] Recommendations

The board shall provide written notice of its review and make [a Determination] recommendations in the manner prescribed by the act.

Note: Source-R. (1969) 5:7B(f). Adopted December 20, 1983, to be effective December 31, 1983; caption and text amended July 9, 2013 to be effective September 1, 2013.

5:18-2. Temporary Out-of-Home Placement; Hearing

(a) Time; Appearances. The court shall hold a hearing on an out-of-home placement petition within 24 hours after it has been filed. All necessary parties shall be notified of the hearing pursuant to R. 5:15-3 and their presence secured, if necessary, by warrant pursuant to R. 5:17-1. The juvenile shall be represented by counsel and if indigent, counsel shall be appointed by the court. The court may request attendance at the hearing of a representative of the Division of [Youth and Family Services] Child Protection and Permanency.

(b) Hearing; Disposition. Based on the evidence adduced at the hearing, the court shall either approve or disapprove the temporary out-of-home placement. Approval of temporary out-of-home placement shall be made only if either serious conflict or other problem between the parent or guardian and the juvenile exists which cannot be resolved by the delivery of services to the family while the juvenile is residing at home; or the physical safety and well-being of the juvenile would be threatened if the juvenile resided at the parental home. The order approving the temporary placement shall direct the Division of [Youth and Family Services] Child Protection and Permanency or other service or agency to submit a family service plan and to make custodial recommendations pursuant to N.J.S. 2A:4A-89(c) and (d). The order shall set a specific date when the plan is due and shall also instruct the agency to transmit the family service plan to all counsel or parties appearing pro se no later than 3 court days prior to the due date of the hearing. If the court disapproves a petition for temporary out-of-home placement, it shall file a written statement of its reasons therefor and order the juvenile to remain at or return to the parental home.

(c) . . . no change

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; paragraphs (b) and (c) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (b)

amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a) and (b) amended July 9, 2013 to be effective September 1, 2013.

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

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) Arrest Warrant [: By Telephone] by Electronic Communication. 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 are 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 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).

Procedures authorizing issuance of restraining orders pursuant to N.J.S.A. 2C:35-5.7 ("Drug Offender Restraining Order Act of 1999") and N.J.S.A. 2C:14-12 ("Nicole's Law") by electronic communications are governed by R. 7:4-1(c).

(f) ... no change

(g) ... no change

(h) ... no change

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; paragraph (e) caption and text amended July 9, 2013 to be effective September 1, 2013.

7:4-1. Right to Bail Before Conviction

(a) Persons Entitled; Criteria. Every defendant shall have a right to bail before conviction on such terms as, in the judgment of the court, will insure the defendant's presence when required, having regard for the defendant's background, residence, employment and family status and, particularly, the general policy against unnecessary sureties and detention. In its discretion, the court may order defendant's release on defendant's own recognizance and may impose terms or conditions appropriate to such release.

(b) Domestic Violence; Conditions of Release. When a defendant is charged with a crime or offense involving domestic violence, the court authorizing the release may, as a condition of release, prohibit the defendant from having any contact with the victim. The court may impose any additional limitations upon contact as otherwise authorized by N.J.S.A. 2C:25-26.

(c) Issuance of Restraining Orders By Electronic Communication.

(1) Temporary Domestic Violence Restraining Orders. Procedures authorizing the issuance of temporary domestic violence restraining orders by electronic communication are governed by R.5:7A (b).

(2) N.J.S.A. 2C:35-5.7 and N.J.S.A. 2C:14-12 Restraining Orders. A judge may as a condition of release issue a restraining order pursuant to N.J.S.A. 2C:35-5.7 ("Drug Offender Restraining Order Act of 1999") or N.J.S.A. 2C:14-12 ("Nicole's Law") upon sworn oral testimony of a law enforcement officer or prosecuting attorney who is not physically present. Such sworn oral testimony may be communicated to the judge by telephone, radio, or other means of electronic communication. The judge shall contemporaneously record such sworn oral

testimony by means of a tape-recording device or stenographic machine if such are available; otherwise the judge shall make adequate longhand notes summarizing what is said. Subsequent to taking the oath, the law enforcement officer or prosecuting attorney must identify himself or herself, specify the purpose of the request, and disclose the basis of the application. This sworn testimony shall be deemed to be an affidavit for the purposes of issuance of a restraining order. Upon issuance of the restraining order, the judge shall memorialize the specific terms of the order. 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 law enforcement officer or prosecuting attorney to memorialize the specific terms authorized by the judge on a form, or other appropriate paper, designated as the restraining order. This order shall be deemed a restraining order for the purpose of N.J.S.A. 2C:35-5.7 ("Drug Offender Restraining Order Act of 1999") and N.J.S.A. 2C:14-12 ("Nicole's Law"). The judge shall direct the law enforcement officer or prosecuting attorney to print the judge's name on the restraining order. A copy of the restraining order shall be served on the defendant by any officer authorized by law. Within 48 hours, the law enforcement officer or prosecuting attorney shall deliver to the judge, either in person, by facsimile transmission, or by other means of electronic communication, the signed restraining order along with a certification of service on the defendant. The certification of service shall be in a form approved by the Administrative Director of the Courts and shall include the date and time that service on the defendant was made or attempted to be made. The judge shall verify the accuracy of these documents by affixing his or her signature to the restraining order.

(3) Certification of Offense Location for Drug Offender Restraining Orders. When a restraining order is issued by electronic communication pursuant to N.J.S.A. 2C:35-5.7 ("Drug

Offender Restraining Order Act of 1999”) where the law enforcement officer or prosecuting attorney is not physically present at the same location as the court, the law enforcement officer or prosecuting attorney must provide an oral statement describing the location of the offense.

Within 48 hours thereafter the law enforcement officer or prosecuting attorney shall deliver to the judge, either in person, by facsimile transmission, or by other means of electronic communication, a certification describing the location of the offense.

Note: Source-R. (1969) 7:5-1, 3:26-1(a). Adopted October 6, 1997 to be effective February 1, 1998; text designated as paragraph (a), paragraph (a) caption adopted, new paragraphs (b) and (c) adopted July 9, 2013 to be effective September 1, 2013.

7:7-7. Discovery and Inspection

(a) ... no change

(b) Discovery by Defendant. Unless the defendant agrees to more limited discovery, in all cases the defendant, on written notice to the municipal prosecutor or private prosecutor in a cross complaint case, shall be provided with copies of all relevant material, including but not limited to the following:

(1) ...no change

(2) ... no change

(3) ...no change

(4) ...no change

(5) ...no change

(6) ...no change

(7) names, [and] addresses, and birthdates of any persons whom the prosecuting attorney knows to have relevant evidence or information, including a designation by the prosecuting attorney as to which of those persons the prosecuting attorney may call as witnesses;

(8) ...no change

(9) ...no change

(10) ...no change

(11) ... no change

(c) Discovery by the State. In all cases the municipal prosecutor or the private prosecutor in a cross complaint case, on written notice to the defendant, shall be provided with copies of all relevant material, including; but not limited to, the following:

(1) no change;

(2) no change;

(3) the names, [and] addresses, and birthdates of those persons known to defendant who may be called as witnesses at trial and their written statements, if any, including memoranda reporting or summarizing their oral statements;

(4) ...no change

(5) ...no change

(d) ... no change

(e) ...no change

(f) Protective Orders.

(1) Grounds. Upon motion and for good cause shown, the court may at any time order that the discovery sought pursuant to this rule be denied, restricted, or deferred or make such other order as is appropriate. In determining the motion, the court may consider the following: protection of witnesses and others from physical harm, threats of harm, bribes, economic reprisals and other intimidation; maintenance of such secrecy regarding informants as is required for effective investigation of criminal activity; confidential information recognized by law, including protection of confidential relationships and privileges recognized by law; and any other relevant considerations.

(2) Procedures. ... no change

(g) ...no change

(h) ...no change

(i) ... no change

(j) ... 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; paragraphs (a), (b), and (c) amended, new paragraph (e) caption and text adopted, former paragraphs (e), (f), and (g) redesignated as paragraphs (f), (g), and (h) July 21, 2011 to be effective September 1, 2011; paragraphs (b), (c), (f) and (g) amended, new paragraphs (h) and (i) adopted, paragraph (h) redesignated as paragraph (j) December 4, 2012 to be effective January 1, 2013; subparagraphs (b)(7), (c)(3), and (f)(1) amended July 9, 2013 to be effective September 1, 2013.

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, 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. The Administrative Director of the Courts may designate certain traffic or parking offenses as exempt from the hardship requirement. 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

Note: Source - R. (1969) 7:6-6. 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; paragraph (a) amended July 9, 2013 to be effective September 1, 2013.

RPC 5.5. Lawyers Not Admitted to the Bar of This State and the Lawful Practice of Law

(a) ... no change

(b) ... no change

(c) A lawyer admitted to practice in another jurisdiction who acts in this jurisdiction pursuant to paragraph (b) above shall:

(1) be licensed and in good standing in all jurisdictions of admission and not be the subject of any pending disciplinary proceedings, nor a current or pending license suspension or disbarment;

(2) be subject to the Rules of Professional Conduct and the disciplinary authority of the Supreme Court of this jurisdiction;

(3) consent in writing on a form approved by the Supreme Court to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against the lawyer or the lawyer's firm that may arise out of the lawyer's participation in legal matters in this jurisdiction, except that a lawyer who acts in this jurisdiction pursuant to subparagraph (b)(3)(ii) or (b)(3)(iii) above shall be deemed to have consented to such appointment without completing the form;

(4) not hold himself or herself out as being admitted to practice in this jurisdiction;

(5) comply with R. 1:21-1(a)(1) [maintain a bona fide office in conformance with R. 1:21-1(a), except that, when admitted pro hac vice, the lawyer may maintain the bona fide office within the bona fide law office of the associated New Jersey attorney pursuant to R. 1:21-2(a)(1)(B)]; and

(6) except for a lawyer who acts in this jurisdiction pursuant to subparagraph (b)(3)(ii) or (b)(3)(iii) above, annually register with the New Jersey Lawyers' Fund for Client Protection and comply with R. 1:20-1(b) and (c), R. 1:28-2, and R. 1:28B-1(e) during the period of practice.

Note: Adopted July 12, 1984 to be effective September 10, 1984; caption amended, former text designated as paragraph (a), and new paragraphs (b) and (c) adopted November 17, 2003 to be effective January 1, 2004; paragraph (c) amended July 28, 2004 to be effective September 1, 2004; subparagraphs (b)(3)(ii) and (b)(3)(iii) amended, former subparagraph (b)(3)(iv) redesignated as subparagraph (b)(3)(v) and amended, new subparagraph (b)(3)(iv) adopted, and paragraph (c) and subparagraphs (c)(3) and (c)(6) amended July 23, 2010 to be effective September 1, 2010; subparagraph (b)(3)(iv) amended July 19, 2012 to be effective September 4, 2012; subparagraph (c)(5) amended July 9, 2013 to be effective September 1, 2013.

**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,
vs.	
	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.

INSTRUCTIONS:

The Case Information Statement is a document which is filed with the court setting forth the financial details of your case. The required information includes your income, your spouse's/partner's income, a budget of your joint life style expenses, a budget of your current life style expenses including the expenses of your children, if applicable, an itemization of the amounts which you may be paying in support for your spouse/partner or children if you are contributing to their support, a summary of the value of all assets referenced on page 8 – It is extremely important that the Case Information Statement be as accurate as possible because you are required to certify that the contents of the form are true. It helps establish your lifestyle which is an important component of alimony/spousal support and child support.

The monthly expenses must be reviewed and should be based on actual expenditures such as those shown from checkbook registers, bank statements or credit card statements from the past 24 months. The asset values should be taken, if possible, from actual appraisals or account statements. If the values are estimates, it should be clearly noted that they are estimates.

According to the Court Rules, you must update the Case Information Statement as your circumstances change. For example, if you move out of your residence and acquire your own apartment, you should file an Amended Case Information Statement showing your new rental and other living expenses.

It is also very important that you attach copies of relevant documents as required by the Case Information Statement, including your most recent tax returns with W-2 forms, 1099s and your three (3) most recent paystubs.

If a request has been made for college or post-secondary school contribution, you must also attach all relevant information pertaining to that request, including but not limited to documentation of all costs and reimbursements or assistance for which contribution is sought, such as invoices or receipts for tuition, board and books; proof of enrollment; and proof of all financial aid, scholarships, grants and student loans obtained.

Part A - Case Information:

Date of Statement _____
 Date of Divorce, Dissolution of Civil Union or Termination of Domestic Partnership (post-Judgment matters) _____
 Date(s) of Prior Statement(s) _____
 Your Birthdate _____
 Birthdate of Other Party _____
 Date of Marriage, or entry into Civil Union or Domestic Partnership _____
 Date of Separation _____
 Date of Complaint _____
 Does an agreement exist between parties relative to any issue? _____
 If Yes, ATTACH a copy (if written) or a summary (if oral).

Issues in Dispute:

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

Yes No.

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 other party.

1. Last Year's Income

	Yours	Joint	Other Party
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"/> S.U.I. <input type="checkbox"/> Other	\$ _____	\$ _____
3. Net average weekly income (1 - 2)	\$ _____	\$ _____

3. Your Current Year-to-Date Earned Income

Provide Dates: From _____ To _____

1. GROSS EARNED INCOME: \$ _____	Number of Weeks _____
2. TAX DEDUCTIONS: (Number of Dependents: _____)	
a. Federal Income Taxes	a. \$ _____
b. N.J. Income Taxes	b. \$ _____
c. Other State Income Taxes	c. \$ _____
d. F.I.C.A.	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. \$ _____	<input type="checkbox"/>
b. Life Insurance	b. \$ _____	<input type="checkbox"/>
c. Union Dues	c. \$ _____	<input type="checkbox"/>
d. 401(k) Plans	d. \$ _____	<input type="checkbox"/>
e. Pension/Retirement Plans	e. \$ _____	<input type="checkbox"/>
f. Other Plans - specify _____	f. \$ _____	<input type="checkbox"/>
g. Charity	g. \$ _____	<input type="checkbox"/>
h. Wage Execution	h. \$ _____	<input type="checkbox"/>
i. Medical Reimbursement (flex fund)	i. \$ _____	<input type="checkbox"/>
j. Other: _____	j. \$ _____	<input type="checkbox"/>
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 nontaxable, 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:]
Does your employer pay for or provide you with an automobile (lease or purchase), automobile expenses, gas, repairs, lodging and other.
 If yes, explain.: _____

6. 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 2 calendar years? 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
 7. If yes, explain. _____
- [7.] Have you received income from overtime work during either the current or immediate past calendar year? Yes No
 8. 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
 9. If yes, explain. _____
- [9.] Have you received any other supplemental compensation during either the current or immediate past calendar year? Yes No
 10. 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
 11. 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. _____
- [12.] Are you paying or receiving any alimony? Yes No
 13. If yes, how much and from or to whom? _____

- [13.] Are you paying or receiving any child support? Yes No
 14. 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
 15. If yes explain. _____

16. Does a Safe Deposit Box exist and if so, at which bank? Yes No
- [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
 17. 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:
 18. _____

Part D - Monthly Expenses (computed at 4.3 wks/mo.)

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

	Joint 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	\$ _____	\$ _____
<u>Maintenance/Repairs</u>	\$ _____	\$ _____
<u>Condo, Co-op or Association Fees</u>	\$ _____	\$ _____
Other Charges (Itemize)	\$ _____	\$ _____
Tenant or Homeowner:		
Telephone	\$ _____	\$ _____
Mobile/Cellular Telephone	\$ _____	\$ _____
Service Contracts on Equipment	\$ _____	\$ _____
Cable TV	\$ _____	\$ _____
Plumber/Electrician	\$ _____	\$ _____
Equipment & Furnishings	\$ _____	\$ _____
Internet Charges	\$ _____	\$ _____
<u>Home Security System</u>	\$ _____	\$ _____
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 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.)	\$ _____	\$ _____
Babysitting	\$ _____	\$ _____
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)	\$ _____	\$ _____
<u>Pet Care and Expenses</u>	\$ _____	\$ _____
Other (specify)	\$ _____	\$ _____

*unreimbursed only

TOTAL \$ _____ \$ _____

Please Note: If you are paying expenses for a spouse or civil union partner 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

Description	Title to Property (P, D, J) ¹	Statement of Assets		Date of Evaluation Mo./Day/ Yr.
		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	
1. Real Property				
2. Bank Accounts, CD's (identify institution and type of account(s))				
3. Vehicles				
4. Tangible Personal Property				
5. Stocks, Bonds and Securities (identify institution and type of account(s))				
6. Pension, Profit Sharing, Retirement Plan(s), 401(k)s, etc. [list] (identify each institution or 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:	\$ _____

¹ P = Plaintiff; D = Defendant; J = Joint

Statement of Liabilities

Description	Name of Responsible Party (P, D, J)	If you contend liability should not be shared, 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)

TOTAL SUBJECT TO EQUITABLE DISTRIBUTION: \$ _____

TOTAL NOT 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 therein 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 or civil union partner 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.
- 12. If a request has been made for college or post-secondary school contribution, all relevant information pertaining to that request, including but not limited to documentation of all costs and reimbursements or assistance for which contribution is sought, such as invoices or receipts for tuition, board and books; proof of enrollment; and proof of all financial aid, scholarships, grants and student loans obtained.

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 therein is willfully false, I am subject to punishment.

DATED: _____

SIGNED: _____

New Jersey Rules of Court

Appendix IX-A

CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES

(Includes amendments through those effective [June 4, 2013] September 1, 2013)

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 - At the foundation of the child**

support guidelines are estimates of what parents in intact families spend on their children.

Determining the *cost* of raising a child is difficult because most goods and services purchased by families are shared by adults and children. Economists estimate that approximately 65% of household spending is for *pooled* items (e.g., a car, a washing machine, or a box of laundry detergent used in common by all household members). Even for goods that are privately consumed (e.g., clothing, food), expenditure surveys are not detailed enough to link individual household members (adults or children) to a particular expenditure. Together, pooled and privately consumed goods account for about 90% of total household expenditures. Since most expenditures on children cannot be observed directly, economists use an indirect method of determining child-rearing costs known as *marginal-cost estimation*. Marginal-cost estimation attempts to find the added cost of a child to a family by comparing the expenditures of families considered equally well-off economically and have different numbers of children. For example, if two families (one with and one without a child) are equally well-off, the additional expenses of the family with a child are assumed to be the *marginal cost* of the child.

Selecting a Standard of Well-Being - . . . no change

Consumer Expenditure Data - . . . no change

The Betson Analysis - In September 1990, Dr. David Betson of the University of Notre Dame published child-rearing estimates based on his analysis of pooled CEX data from 1980 through the first quarter of 1987, a variety of estimation techniques, and alternative definitions of the standard of well-being. As did previous studies, Dr. Betson's analysis resulted in a wide range of estimates of expenditures on children. Dr. Betson, like other economists, believes that the true range of marginal expenditures on children lies at some interval between the *Engel* and *Rothbarth* estimates. The *Engel* estimates, which are close to per capita (i.e., equal shares), clearly overstate the marginal cost of children and, thus, represent the upper bound of spending on children. Economists know that the *Engel* estimates are incorrect, but do not have the same information about the *Rothbarth* estimates. Thus, the *Rothbarth* estimates may represent the true level of marginal spending on children or the theoretical lower bound of that spending. Dr. Betson concluded that the *Rothbarth* method produced the best set of estimates on the marginal cost of children because it has the least empirical flaws and those that do exist have a minimal effect on the resulting estimates. [The child support schedules in Appendix IX-F of these guidelines are based on Dr. Betson's *Rothbarth* estimates.]

Estimating Spending on Children - The CEX does not have a direct measure of spending on children, so the expenditures on children are measured indirectly. The cost of raising children is estimated by comparing total spending in households without children to total spending in households with one, two, and three children in all income categories covered by the tables. Although this may be an indicator of the marginal increase in household spending when children are added, it does not give a complete picture since

income constraints may also force adults to spend less on themselves to share what income is available with their child(ren). To measure the impact children make on adult household spending, economists Michael and Lazear have ascertained that measuring the change in expenditures on adult clothing gives the best estimate of expenditures on children in the household. This particular "estimator," which is a derivative of the Rothbarth methodology adopted to current use by Dr. William Rodgers, III, Chief Economist of the John J. Heldrich Center for Workforce Development, Edward Bloustein School of Planning and Public Policy, at Rutgers University, is along with the marginal increases in overall household spending, analyzed to arrive at the overall cost of child rearing as reflected in the awards table. The CEX data is also adjusted to account for the variety of educational levels, ethnic backgrounds, and other factors specific to the population of New Jersey.

Development of Child Support Award Schedules - Dr. Rodgers' 2012 study estimates parental expenditures on one, two, and three children as a percentage of total household outlays. To do this, Rodgers uses the estimation method developed in the Lazear and Michael treatise (1988) and transforms the Rothbarth parameters into a schedule of child support obligations by using the following steps:

- a. converting child-related spending as a proportion of consumption to a proportion of net income;
- b. updating estimates to 2011;
- c. adjusting the schedule to reflect New Jersey's higher cost of living as measured by the "Consumer Price Index – All Urban Consumers" (CPI-U);
- d. deducting the cost of child care and unreimbursed health care expenses that exceed \$250 per child per year (these expenses are added to the basic obligation);

- e. extrapolating the estimates to families with four, five, and six children;
- f. computing marginal proportions between income intervals so that the support schedule can be constructed in ten dollars increments;
- g. using the Rothbarth and marginal proportions to create the relationship between support obligations and combined net weekly income; and
- h. using median regression to smooth (remove remaining kinks/discrete jumps) the relationship.

[Dr. Betson's analysis provides estimates of parental expenditures on one, two, and three children as a percentage of total household consumption. His *Rothbarth* findings were translated into a child support guidelines format by:

- a. converting spending as a proportion of consumption to a proportion of net income;
- b. updating Dr. Betson's 1990 estimates to September 1994;
- c. deducting the cost of child care and unreimbursed health care expenses up to \$250 per child per year (these expenses are added to the basic obligation);
- d. extrapolating the estimates to families with four, five, and six children; and
- e. computing marginal proportions between income ranges so that the support schedule could be organized into ten dollars increments]

6. Economic Principles Included in the Child Support Guidelines

- a. There is no absolute cost of raising children. The *cost* of raising children is inferred from the amount that parents' spend on their children. A child's *marginal cost* is the amount of spending above what the parents would spend if they did not have a child.

- b. Larger households have lower per-person costs due to economies of scale and the sharing of [household] family goods (i.e., unit prices decrease as quantities and sharing increase).
- c. Total spending on children increases with family size but at a decreasing rate. [(i.e., support awards should increase with the number of children in the family)] Support awards increase with the number of children in the family.
- d. When a family's total outlays [total expenditures of the household] rise, child-related spending [on children] increases roughly in the same proportion. In the Rodgers study's analysis, as one moves from the lowest to highest of the 22 income intervals, the average increase in total outlays is 7%, 6%, and 7% for one child, two children, and three children. The comparable average increases in the expenditures on children are 7%, 7%, and 9%.
- e. As a family's income [rises] increases, child-related expenditures [spending on children] increase[s] because [since] parents use a portion [some] of their disposable [discretionary] income to improve their children's quality of life. [the children's standard of living.] From the Lazear and Michael model, the change (derivative) in child-related expenditures with respect to family income has two components. The second portion of the derivative is the positive impact that income has on total expenditures.
- f. Child-related expenditures [Spending on children] as a percentage of *family consumption* are [is] relatively constant across most of the income scale. [through most of the income range.]

- g. As income increases, total family consumption spending [(e.g., for goods and services)] declines as a proportion of net income since income items [for non-consumption items (e.g., savings, personal insurance, gifts) increases] such as savings, personal insurance, and gifts increase with [the level of household] family income. [In low-income families,] Families at lower level of the income ladder have consumption spending that may exceed 100% of net income. In contrast, high-income families may spend [only] 60% to 75% of net income on consumption items.
- h. As a family's [household] income increases, child-related expenditures [on children] as a proportion of family income decline, even though [although such] these expenditures as a percentage of a family's consumption spending remain fairly [almost] constant [as a proportion of family consumption spending]. The difference between spending as a proportion of family income and a proportion of consumption is due to the effect of income taxes, savings, and charitable contributions. Income allocated [dedicated] to these items is not available for consumption spending [(i.e., on goods and services)].
- i. [As the number of children rises, the marginal cost of each child does not increase proportionately (i.e., due] Due to economies of scale, the sharing of family [household] goods and the redistribution of adult spending, as the number of children increases, the additional cost of each child has a less than proportionate increase.[]. Expenditures on two children] Dr. Rodgers estimates that child-related expenditures for two children are less than twice as much as child-related expenditures [spending on] for one child. [(i.e., depending on the estimation method, two children cost from 1.40 to 1.73 more than one child).] For two children, the average cost across the 22

income intervals is 1.7 more than one child. Also, the child-related expenditures for three children [cost] are less than three times as much as one child [(the range is about 1.56 to 2.24 more than one child)]. This study average is 2.2 more than one child. These estimates lie in the range of those reported in the 2004 Policy Studies report for New Jersey.

7. Assumptions Included in the Child Support Guidelines

- a. *Intact Family Spending Patterns as the Standard for Support Orders* - . . . no change
- b. *Standard of Living* - . . . no change
- c. *Marginal-Cost Estimation* - . . . no change
- d. *The Rothbarth Marginal Cost Estimator* - The Rothbarth marginal cost estimation [technique] techniques (e.g., Betson and Lazear and Michael) provide [provides] the most accurate estimates of parental expenditures on children in dual-parent [intact] families. [Dr. David Betson's 1990 Rothbarth analysis of the 1980-1986 Consumer Expenditure Survey] Dr. Rodgers' 2012 analysis of the 2000 to 2011 micro data of the Consumer Expenditure Survey provides the most current and reliable estimates of [parental] child-related expenditures [on children] in dual-parent [intact] families.
- e. *National versus New Jersey Spending on Children* - Because the Rothbarth estimates are for the U.S. and it is well known that New Jersey's income distribution is very different from the U.S income distribution, Dr. Rodgers uses U.S. Census data to equate the income of New Jersey and U.S families and constructs proportions to smooth the schedule or remove discrete jumps in obligation as net income rises. This follows the same principle as in the 2004 Policy Studies Report for New Jersey. The

2010 U.S. and New Jersey income distribution in the American Community Survey was used to adjust the Rothbarth estimates.

[Intact-family spending on children as a *proportion* of consumption or income based on national Consumer Expenditure Surveys is consistent with the way in which New Jersey parents spend income on their children. Expenditure patterns derived from the 1980-1986 Consumer Expenditure Surveys have not changed since the data were collected. The specification of child-rearing expenditures as a *proportion* of consumption or income, rather than absolute dollar estimates, avoids the problems associated with the difference in the cost-of living between states.]

- f. *NCP/PAR Time* - . . . no change
- g. *Effect of a Child's Age* - [Dr. Betson's analysis did] Dr. Rodgers' 2012 study does not provide estimates on child-rearing expenditures by children's age groups. The Appendix IX-F awards represent the average cost of raising a child from age zero through 17 years (i.e., the total marginal cost averaged over 18 years). Studies have shown that expenditures are higher than the average for teen-aged children and lower than the average for preteen children.
- h. *Self-Support Reserve* - The self-support reserve is a factor in calculating a child support award only when one or both of the parents have income at or near the poverty level. The self-support reserve is 105% of the U.S. poverty guideline for one person. It attempts to ensure that the obligor has sufficient income to maintain a basic subsistence level and the incentive to work so that child support can be paid. A child support award is adjusted to reflect the self-support reserve only if [its] payment of the child support award would reduce the obligor's net income below the reserve *and*

the custodial parent's (or the Parent of the Primary Residence's) net income minus the custodial parent's share of the child support award is greater than 105% of the poverty guideline. The latter condition is necessary to ensure that custodial parents can meet their basic needs so that they can care for the children. As of January 24, 2013, the self-support reserve is \$232.00 (this amount is 105% of the poverty guideline for one person).

- i. *Income Tax Withholding* - . . . no change
- j. *Spending of Child Support Order* - . . . no change
- k. *Sharing of Child-Rearing Expenses* - . . . no change

8. Expenses Included in the Child Support Schedules - The awards in the Appendix IX-F child support schedules represent the average amount that intact families spend on their children (i.e., the marginal amount spent on the children). The Appendix IX-F support awards include the child's share of expenses for housing, food, clothing, transportation, entertainment, unreimbursed health care up to and including \$250 per child per year, and miscellaneous items. Specific items included in each category are listed below. *Note:* The fact that a family does not incur a specific expense in a consumption category is not a basis for a deviation from the child support guidelines. The Appendix IX-F awards are based on the percentage of income spent on children by a large number of families in a variety of socioeconomic situations. The use of averages reflects the diversity of spending by parents. To qualify for a deviation based on average costs, a parent must show that the family's marginal spending on children for all items related to a consumption category differs from the *average* family (e.g., there are no housing costs).

Housing - Mortgage principal and interest payments or home equity loans, property taxes, insurance, refinancing charges, repairs, maintenance, rent, parking

fees, property management or security fees, expenses for vacation homes, lodging while out of town, utilities, fuels, public services, domestic services, lawn care, gardening, pest control, laundry and dry cleaning (non-clothing), moving and storage, repairs on home, furniture, major appliances, purchase or rental of household equipment of tools, postage, laundry or cleaning supplies, cleaning and toilet tissues, household and lawn products, stationary, all indoor and outdoor furniture, floor coverings, all small appliances and housewares (except personal care appliances), all household textiles (e.g., linens, drapes, slipcovers, sewing materials, etc.), and miscellaneous household equipment (e.g., clocks, luggage, light fixtures, computers and software, decorating items, etc.). The net purchase price of a home [and mortgage principal payments are considered savings and are] is not included as expenditures in this category.

Food - . . . no change

Clothing - All children's clothing (including school uniforms), footwear (except special footwear for sports), diapers, repairs or alterations to clothing and footwear, storage, dry cleaning, laundry, watches, and jewelry.

Transportation - All costs involved with owning or leasing an automobile including monthly installments toward principal cost, finance charges (interest), lease payments, gas and motor oil, insurance, maintenance and repairs. Also, included are other costs related to transportation such as public transit, parking fees, license and registration fees, towing, tolls, and automobile service clubs. The net outlay (purchase price minus the trade-in value) for a vehicle purchase is *not* included. Transportation also does not include expenses associated with a motor

vehicle purchased or leased for the intended primary use of a child subject to the support order.

Unreimbursed Health Care Up to and Including \$250 Per Child Per Year - . . . no change

Entertainment - Fees, memberships and admissions to sports, recreational, or social events, lessons or instructions, movie rentals, televisions, [radios] mobile devices, sound equipment, pets, hobbies, toys, playground equipment, photographic equipment, film processing, video games, and recreational, exercise or sports equipment.

Miscellaneous Items - Personal care products and services (e.g., hair, shaving, cosmetics), books and magazines, [education (e.g., tuition, books, supplies)] school supplies, cash contributions, personal insurance, and finance charges (except those for mortgage and vehicle purchases).

Note: Tuition for children (i.e., for private, parochial, or trade schools, or other secondary schools, or post-secondary education) are not included in the child support schedules and may be treated as a supplemental expense.

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 - Government benefits for children fall into three categories. The treatment of each type of benefit is related to its purpose and eligibility standards.

1. Means-tested benefits have eligibility standards based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are meant to provide for minimal subsistence and are excluded as income (not counted for either parent).
2. Derivative benefits have eligibility standards that are based on the contribution (e.g., work history, military service, disability or retirement) of one of the parties, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. Such payments are either deducted from a parent's government benefit or paid in addition to the parent's benefit. These child benefits are earned benefits that are meant to replace the lost earnings of the parent in the event of disability or retirement. The derivative child benefits shall be counted in the weekly net income of the parent whose contribution is the source of the benefits and applied as a credit to that parent's child support obligation. If the amount of the support obligation after deducting the benefits is zero, then the child support obligation is satisfied and no support award should be

ordered while the child is receiving the benefits.

3. Other benefits are obtained without regard to means tests or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a stepparent, grandparent or deceased parent. This type of government benefit is not meant to replace lost earnings of a party, but to supplement the child's household income. Such benefits are counted as income for the parent who actually receives the benefits (usually the custodial parent).

[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), *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. impute income based on potential employment and earning capacity using the parent's work history, occupational qualifications, educational background, and prevailing job opportunities in the region. The court may impute income based on the parent's former income at that person's usual or former occupation or the average earnings for that occupation as reported by the New Jersey Department of Labor (NJDOL);
- b. if potential earnings cannot be determined, impute income based on the parent's most recent wage or benefit record (a minimum of two calendar quarters) on file with the NJDOL (note: NJDOL records include wage and benefit income only and, thus, may differ from the parent's actual income); or
- 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 (\$7.25 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 Strahan v. Strahan, 402 N.J. Super. 298 (App. Div. 2008), Caplan v. Caplan, 182 N.J. 250 (2005), 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** - Although these guidelines apply to all actions to establish and modify child support awards, extremely low or high parental income situations make the Appendix IX-F awards inappropriate due to the limitations of the economic data. The guidelines listed below apply to extreme parental income situations.
 - a. *Obligors With Net Income Less Than the U.S. Poverty Guideline.* If an obligor's net income, after deducting that person's share of the total support award, is less than 105% of the U.S. poverty guideline for one person (net income of \$232 per week as

of January 24, 2013 or as published annually in the Federal Register), the court shall carefully review the obligor's income and living expenses to determine the maximum amount of child support that can reasonably be ordered without denying the obligor the means of self-support at a minimum subsistence level. If an obligee's income minus the obligee's share of the child support award is less than 105% of the poverty guideline, no self-support reserve adjustment shall be made regardless of the obligor's income. [When assessing whether an obligee has sufficient net income to permit the application of the self-support reserve for an obligor, the court may consider the effect of the obligee's share of the child support obligation (note that this amount is not calculated on either worksheet). Thus, at the Court's discretion, the obligor self-support reserve may not be applied if the obligee's net income minus the obligee's child support obligation is less than 105% of the poverty guideline for one person.] In all cases, a fixed dollar amount shall be ordered to establish the principle of the parent's support obligation and to provide a basis for an upward modification should the obligor's income increase in the future. In these circumstances, the support award should be between \$5.00 per week and the support amount at [\$170] \$180 combined net weekly income for the appropriate number of children.

b. *Parents with a Combined Net Annual Income In Excess of \$187,200 . . . no change*

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

the court's discretion, the following factors may require an adjustment to a guidelines-based child support award:

- a. equitable distribution of property;
- b. income taxes;

- c. fixed direct payments (e.g., mortgage payments);
- d. unreimbursed medical/dental expenses for either parent;
- e. [educational expenses] tuition for children (i.e., for private, parochial, or trade schools, or other secondary schools, or post-secondary education);
- f. educational expenses for either parent to improve earning capacity;
- g. single family units (i.e., one household) having more than six children;
- h. cases involving the voluntary placement of children in foster care;
- i. special needs of gifted or disabled children;
- j. ages of the children;
- k. hidden costs of caring for children such as reduced income, decreased career opportunities, loss of time to shop economically, or loss of savings;
- l. extraordinarily high income of a child (e.g., actors, trusts);
- m. substantiated financial obligations for elder care that existed before the filing of the support action;
- n. the tax advantages of paying for a child's health insurance; [and]
- o. one obligor owing support to more than one family (e.g. multiple prior support orders);
- p. a motor vehicle purchased or leased for the intended primary use of a child subject to the support order;
- q. parties sharing equal parenting time; and
- r. overnight adjustment for multiple children with varying parenting time schedules.

The court may consider other factors that could, in a particular case, cause the child support guidelines to be inapplicable or require an adjustment to the child support award. In all

cases, the decision to deviate from the guidelines shall be based on the best interests of the child. All deviations from the guidelines-based award and the amount of the guidelines-based award must be stated *in writing* in the support order or on the guidelines worksheet.

22. Stipulated Agreements . . . no change

23. Modification of Support Awards. Before using these guidelines to modify a child support award, the court must find that the circumstances of the parties have changed since the date that the order was entered (see *Lepis v. Lepis*, 83 N.J. 139 (1980) and *Walton v. Visgil*, 248 N.J. Super. 642 (App. Div. 1991)). In applying the guidelines in modification actions, the court shall consider the interrelationship of alimony or other financial factors that may have influenced the original child support amount as well as the principles set forth in existing case law. *The adoption of revised child support guidelines is not an automatic basis for the modification of a child support order.* To qualify for a modification, a party must file a motion with the court and show a change in circumstances, other than the adoption of revised guidelines, as specified in *Lepis [v. Lepis]*, *supra*, and other relevant case law.

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 - The reports listed below were either used during the development of the New Jersey child support guidelines or document the Supreme Court Family Practice Committee's findings and recommendations regarding the guidelines.

Judiciary reports are available at the New Jersey State library and select city, county, and county courthouse libraries. Reports prepared for the U.S. Department of Health and Human Services are available from the U.S. Office of Child Support Enforcement Reference Center.

- a. New Jersey Child Support Institute, Institute for Families, in cooperation with the Office of Child Support Services, Division of Family Development, Department of Human Services, *Child Support Guidelines Quadrennial Review: Final Report*, 2013.
- b. William M. Rodgers, III, *New Jersey Economic Basis for Updated Child Support Schedule*, Rutgers, The State University of New Jersey, Fifth Update: January 16, 2013.
- c. Margaret Campbell Haynes, *Treatment of Social Security Disability Derivative Benefits*, 2011.
- d. New Jersey Child Support Institute, Institute for Families, in cooperation with the Office of Child Support Services, Division of Family Development, Department of Human Services, *Child Support Guidelines Working Forum Compendium*, Fall 2009.
- e. New Jersey Supreme Court Family Practice Committee, *2007 – 2009 Final Report*, January 20, 2009.
- f. New Jersey Supreme Court Family Practice Committee, *2004 – 2007 Final Report*, January 12, 2007.
- g. Policy Studies, Inc., *New Jersey Economic Basis for Updated Child Support Schedule*, Report prepared for the New Jersey Administrative Office of the Courts, March 30, 2004.

- [a]h. New Jersey Administrative Office of the Courts, *Supplemental Report of the Supreme Court Family Division Practice Committee on Proposed Amendments to Appendix IX (Child Support Guidelines) of the New Jersey Court Rules*, Report to the Supreme Court, October 1996.
- [b]i. New Jersey Administrative Office of the Courts, *Final Report of the Supreme Court Family Division Practice Committee on Proposed Revisions to the New Jersey Child Support Guidelines*, R. 5:6A and Appendix IX of the New Jersey Court Rules, Report to the Supreme Court, March 1996.
- [c]j. Policy Studies, Inc., *Economic Basis for Updated Child Support Schedules, State of New Jersey*, Report prepared for the New Jersey Administrative Office of the Courts, April 1995.
- [d]k. Mark Lino, *Expenditures on Children by Families, 1994 Annual Report*, U.S. Department of Agriculture, Center for Nutrition Policy and Promotion, Miscellaneous Publication 1528, April 1995.
- [e]l. David M. Betson, *Alternative Estimates of the Cost of Children from the 1980-86 Consumer Expenditure Survey*, Report to the U.S. Department of Health and Human Services (Office of Assistant Secretary for Planning and Evaluation), University of Wisconsin Institute for Research on Poverty, September 1990.
- [f]m. Lewin/ICF, *Estimates of Expenditures on Children and Child Support Guidelines*, Report to the U.S. Department of Health and Human Services (Office of Assistant Secretary for Planning and Evaluation), Lewin/ICF, October 1990.

[g]n. Robert G. Williams, *Development of Guidelines for Child Support Orders, Final Report*, Report to the U.S. Office of Child Support Enforcement, Policy Studies Inc., September 1987.

Appendix IX-B

USE OF THE CHILD SUPPORT GUIDELINES

(Includes Amendments through those effective [June 4, 2013] September 1, 2013)

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

Gross Income . . . no change

Sources of Income - . . . no change

Income from self-employment or operation of a business. . . . no change

Sporadic Income . . . no change

Military Pay . . . no change

In-Kind Income ... no change

Alimony, Spousal Support, and/or Separate Maintenance Received . . . no change

Types of Income Excluded from Gross Income - The following types of income are excluded from *gross income*:

a. . . . no change

b. . . . no change

c. . . . no change

d. . . . no change

e. . . . no change

f. . . . no change

[g. a government benefit based on a parent's earnings record, disability, or condition that is paid to or for the child (or the child's caretaker) for whom support is being determined (e.g., Black Lung, Veteran's Disability, Social Security) or other non-means-tested government benefits meant to reduce the cost of the child (e.g., adoption subsidies as provided by N.J.A.C.

10:121-2);]

[h]g. for modifications involving retirement income, the pro-rated amount of contributions to a voluntary plan that were previously included in gross income when the current support order was established;

[i]h. financial assistance for education including loans, grants, scholarships, veteran's education benefits, and awards provided under the National and Community Service Act of 1990 (except post-service benefits); and

[j]i. federal earned income tax credits.

Collecting and Verifying Income Information . . . no change

Taxable and Non-Taxable Income . . . no change

Analyzing Income Tax Returns . . . no change

Government Benefits for the Child - Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

a. Means-tested benefits - Benefits based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent).

b. Derivative benefits - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration

Line Instructions for the Sole Parenting Worksheet

benefits. The derivative benefit is counted as income (on Line 5) for the parent whose contribution is the source of the benefit. If the benefit is based upon contribution of the Non-Custodial Parent, he or she will also receive a credit for the benefit (on Line 15).

c. *Other benefits* - Benefits that are obtained without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a step-parent, grandparent, or deceased parent. This benefit is counted as income (on Line 5) for the parent who actually receives the financial benefit (usually the custodial parent).

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 - Government (Non-Means Tested) Benefit for the Child - Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

Line Instructions for the Sole Parenting Worksheet

a. Means-tested benefits - Benefits based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent). Leave blank Line 5.

b. Derivative benefits - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. Enter the weekly amount of the derivative benefit on Line 5 of the parent whose contribution is the source of the benefit (i.e., if the Non-Custodial Parent's work history and disability qualify the child for Social Security benefits, the benefit for the child will be included on Line 5 Non-Custodial Parent). Note, if the benefit is based upon contribution of the Non-Custodial Parent, he or she will also receive a credit for the benefit on Line 15.

c. Other benefits - Benefits that are given without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a step-parent, grandparent, or deceased parent. Enter the weekly amount of this benefit on Line 5 of the parent who actually receives the financial benefit (usually the custodial parent).

Line [5] 6 - Net Income

Add the Net Taxable Income and the Non-Taxable Income to obtain the weekly Net

Line Instructions for the Sole Parenting Worksheet

Income. (Math: Line 3 + Line 4 + Line 5). **Enter** each parent's Net Income in the appropriate Line [5] 6 column.

Add the net incomes of the parents to obtain the Combined Net Income (Math: Line [5] 6 Custodial Parent + Line [5] 6 Non-Custodial Parent = Line [5] 6 Combined). **Enter** the result on Line [5] 6, Combined.

Line [6] 7 – [Percentage] Each Parent's Share of Income

Divide each parent's net income by the combined net income to obtain each parent's percentage share of income. (Math: Line [5] 6 Custodial Parent \div Line [5] 6 Combined = Custodial Parent Line [6] 7 [Percentage] Share of Income; Line [5] 6 Non-Custodial Parent \div Line [5] 6 Combined = Non-Custodial Parent Line [6] 7 [Percentage] Share of Income). The sum of the two percentages (ratios) must equal one (the decimal equivalent of 100%). **Enter** each parent's income share in the appropriate Line [6] 7 column.

Line [7] 8 - Basic Child Support Amount

Look-up the Basic Child Support Amount from Appendix IX-F award schedule. Select the appropriate amount for the number of children for whom support is being determined and the Line [5] 6 combined net income of the parents. **Enter** the Basic Child Support Amount on Line [7] 8.

The parents' combined net income and the number of children for whom support is being determined are used to obtain the basic child support amount from the Appendix IX-F schedules. Appendix IX-F combined net incomes are provided in \$10 increments. For incomes that fall between income increments, go to the next higher income increment if the amount is \$5.00 or more (e.g., if the combined income is \$446, use the award for \$450 combined income; if it is \$444, use the award for \$440).

Line Instructions for the Sole Parenting Worksheet

As explained in Appendix IX-A, the basic child support amount represents average spending on children by intact families (see Appendix IX-A for consumption items included and excluded in the Appendix IX-F basic child support amount).

Line [8] 9 - Adding Net Work-Related Child Care Costs to the Basic Obligation

Calculate net work-related child-care costs using the Appendix IX-E Net Child Care Expense Worksheet. **Enter** the weekly net child-care cost (from Line 7 of Appendix IX-E Worksheet) on Line [8] 9.

Since child care expenses are excluded from the Appendix IX-F child support schedules, such costs, if incurred by either parent, must be added to the basic support amount.

1. *Qualified Child Care Expenses . . . no change*
2. *Determining the Net Child Care Cost . . . no change*

Line [9] 10 - Adding Health Insurance Costs for the Child to the Basic Obligation

Enter the parent's weekly cost of health insurance for the child for whom support is being determined on Line [9] 10. If the parent's weekly marginal cost is unknown at the time of the hearing, use the *per capita* cost of a family policy at the parent's place of work. Do *not* include health insurance costs for adults or other dependents.

Since the cost of health insurance for children is excluded from the Appendix IX-F child support schedules, a parent's contributions to a health insurance policy which includes the child for whom support is being determined must be added to the basic support amount. Only the parent's cost of adding the child to the health insurance (medical and dental) policy is added to the basic support amount (i.e., the marginal premium cost to the parent to add the child to the policy). If the parent who is providing the health insurance has no proof of the cost of adding the child to the health insurance policy, the parent's total premium cost should be divided by the

Line Instructions for the Sole Parenting Worksheet

number of persons covered by the policy (per capita). The result is then multiplied by the number of children for whom support is being determined to obtain the child's estimated share of the health insurance cost. For example, if the parent's total health insurance cost is \$60 per week and there are four persons covered by the policy (the parent, the two children who are the subjects of the support order, and a new spouse), the per capita health insurance cost for the two children is \$30 ($\$60 \div 4 \text{ persons} = \15) $\times 2 \text{ children} = \30). If both parents provide health insurance for the child, each parent's marginal cost of adding the child to the policy should be added together to determine the total health insurance cost for the child. If the cost of the health insurance policy is unknown at the time of the support establishment hearing, the parent may apply for a modification of the support order when such information becomes available.

Line [10] 11 - Adding Predictable and Recurring Unreimbursed Health Care to the Basic Obligation

Enter the weekly unreimbursed cost of any health care, if predictable and recurring, for the child that exceeds \$250 per child per year on Line [10] 11.

Costs under \$250 per child per year - Unreimbursed health care expenses (medical and dental expenses not covered by insurance) up to and including \$250 per child per year are included in the Appendix IX-F child support schedules and are assumed to be paid by the custodial parent. Because they are part of the basic child support amount, these *ordinary* health care expenses are shared in proportion to the relative incomes of the parents.

Predictable, Recurring Costs above \$250 per child per year - Unreimbursed health care expenses in excess of \$250 per child per year are excluded from the child support schedules. If such expenses are *predictable and recurring*, they should be added to the basic support amount using Line [10] 11. The court should consider the duration and recurring nature of unreimbursed

Line Instructions for the Sole Parenting Worksheet

health care expenses prior to adding them to the basic support amount. If both parents provide predictable, recurring unreimbursed health care for the child, the cost to each parent should be added together to determine the total unreimbursed health care costs. Each parent's direct health care expenses for the child above the \$250 per child annual threshold are credited against his or her share of the total support award on Line [17] 18.

Unpredictable, Non-Recurring Costs above \$250 per child per year - Health-care expenses for a child that exceed \$250 per child per year that are not predictable and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.

Line [11] 12 - Adding Court-Approved Predictable and Recurring Extraordinary Expenses to the Basic Support Amount

Enter court-approved predictable and recurring costs for the child on Line [11] 12. If approved by the court, predictable and recurring extraordinary expenses for the child that are not included in the Appendix IX-F child support awards may be added to the basic support amount. Examples of extraordinary expenditures are PAR Time transportation expenses, special diets, and private education costs for gifted or handicapped children. See Appendix IX-A, paragraph 8, for a list of items that are included in the Appendix IX-F awards and an explanation of private education expenses that may be added to the basic support amount.

Extraordinary expenses for a child that are not predictable and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.

Line Instructions for the Sole Parenting Worksheet

Each parent's direct spending on court-approved extraordinary expenses for the child are credited against his or her share of the total support award on Line [18] 19.

[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.

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

Line Instructions for the Sole Parenting Worksheet

a situation where the government benefits have the overall effect 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

Add the basic child support amount, net child-care cost, health insurance cost for the child, predictable and recurring unreimbursed health-care costs above \$250 per child per year, and court-approved predictable and recurring extraordinary expenses. Then, **Subtract** any government benefits received by the child. The result is the Total Child Support Amount. (Math: Line [7] 8 + Line [8] 9 + Line [9] 10 + Line [10] 11 + Line [11] 12 [- Line 12]). **Enter** the total support amount on Line 13.

[IF THE TOTAL CHILD SUPPORT AMOUNT IS ZERO (THE GOVERNMENT BENEFIT EXCEEDS THE TOTAL CHILD SUPPORT AMOUNT), STOP! GOVERNMENT BENEFITS PAID DIRECTLY TO CHILD'S CUSTODIAN WILL SUBSTITUTE FOR THE CHILD SUPPORT ORDER. OTHERWISE, CONTINUE TO LINE 14.]

Line 14 - Parental Share of the Total Child Support Obligation

Multiply each parent's percentage share of income by the total child support amount to find each parent's share of the total child support amount. (Math: Line [6] 7 Custodial Parent × Line 13 Total Support; Line [6] 7 Non-Custodial Parent × Line 13 Total Support). **Enter** each parent's share of the total support amount in the appropriate Line 14 column.

Line 15 – Credit for Derivative Government Benefits for the Child Based on Contribution of the Non-Custodial Parent

Enter the weekly amount of the government benefits paid to the custodial parent for the child (if any) that are based on the contribution (work history, military service, disability, or retirement) of the non-custodial parent in the Line 15 NCP column.

NOTE: benefits amount should match the government benefits for the child on Line 5 NCP column.

Line [15] 16 - Credit for Child-Care Payments

Enter payments (if any) for work-related child-care that are being paid by the non-custodial parent directly to the child care provider in the Line [15] 16 NCP column.

NOTE: payments cannot exceed the net work-related child care cost on Line [8] 9.

Line [16] 17 - Credit for Payment of Child's Health Insurance Cost

Enter the non-custodial parent's direct payments (or payroll deductions) toward the marginal cost of adding the child to a health insurance policy in the Line [16] 17 NCP column.

NOTE: payments cannot exceed the parent's cost of health insurance for the child added on Line [9] 10.

Line [17] 18 - Credit for Payment of Child's Predictable and Recurring Unreimbursed Health Care

Enter the non-custodial parent's direct payments (if any) for predictable and recurring unreimbursed health care above \$250 per child per year in the Line [17] 18 NCP column.

NOTE: payments cannot exceed predictable and recurring unreimbursed health care expenses added on Line [10] 11.

Line [18] 19 - Credit for Payment of Court-Approved Extraordinary Expenses

Line Instructions for the Sole Parenting Worksheet

Enter the non-custodial parent's direct payments (if any) for predictable and recurring extraordinary court-approved expenses in the Line [18] 19 NCP column.

NOTE: payments cannot exceed predictable and recurring extraordinary court-approved expenses added on Line [11] 12.

Line [19] 20 - Adjustment for Parenting Time Variable Expenses

[**Enter** the amount of the adjustment for variable expenses for the child during parenting time periods in the Line 19 NCP column.] The court may grant the non-custodial parent an adjustment for parenting time equal to that parent's income share of the child's variable expenses for the percentage of time the child is with that parent. When determining if the adjustment is appropriate, the court should consider whether the non-custodial parent has incurred variable expenses for the child during the parenting time period and if parenting time reduced the other parent's variable expenses for the child. It is assumed that variable costs (food and transportation) for the child account for 37% of the total marginal child-rearing expenditures in intact families. The parenting time adjustment should not exceed the parent's time share of the variable costs for the child.

Complete Lines 20a and 20b before returning to Line 20. Then multiply the basic child support amount (Line 8) by the non-custodial parent's share of overnights with the child (NCP Line 20b). Multiply that product by 0.37 (the presumed variable costs). The result is the maximum NCP parenting time adjustment (the variable cost for the time spent with the child). Enter the amount on Line 20. (Math: Line 8 x NCP Line 20b x 0.37).

[To figure the maximum PAR Time variable-expense adjustment:

- 1) Calculate the assumed variable costs for the child by multiplying the basic child support amount (Line 7) by 37%;

Line Instructions for the Sole Parenting Worksheet

2) Calculate the non-custodial parent's percentage of overnights with the child by dividing the number of overnights with the non-custodial parent by the total overnights with either parent (enter each parent's percentage of time with the child or children on Line 5 of the Comments section of the worksheet);

3) Multiply the variable costs for the child by the non-custodial parent's percentage of overnights. The result is the maximum PAR Time adjustment (the variable cost for the time spent with the child). The result is the maximum PAR Time adjustment (the variable cost for the time spent with the child).

(Math: $\text{Line 7} \times 0.37 \times \text{percentage of time with child}$)

NOTE: If the custodial parent's total household net income (from all sources) plus the [PAR Time-adjusted] NCP parenting time-adjusted support award is less than 200% of the poverty guideline for the number of persons in the household, the [PAR Time] NCP parenting time adjustment is not presumptive and shall be subject to the court's discretion.

Line 20a – Number of Overnights with Each Parent

Enter the number of overnights the child has with the custodial parent in the Line 20a CP column. Enter the number of overnights the child has with the non-custodial parent in the Line 20a NCP column. Add the total number of overnights to Enter in the Line 20a Combined column.

Line 20b – Each Parent's Share of Overnights with the Child

Divide the CP Line 20a by the Combined Line 20a. Enter that number in the Line 20b CP column. Divide the NCP Line 20a by the Combined Line 20a. Enter that number in the Line 20b NCP column. The two Line 20a decimals should add up to 1.00.

Line [20] 21 – [Figuring Each Parent's] Net Child Support Obligation

Line Instructions for the Sole Parenting Worksheet

Subtract [each] the non-custodial parent's direct payments for child care, the child's share of the health insurance premium, predictable and recurring unreimbursed health care for the child above \$250 per year per child, and predictable and recurring extraordinary court-approved expenses from the paying parent's share of the total support amount. Then, **subtract** the Line [19] 20 credit, if any, from the non-custodial parent's support amount and the Line 15 credit, if any, for government benefits for the child based on contribution of the NCP. The result is [each parent's] the net child support obligation. (Math: (Line 14 - (Line 15 + Line 16 + Line 17 + Line 18 + Line 19 + Line 20)) [for each parent]). **Enter** [each parent's] the net obligation [in the appropriate Line 20 column] on Line 21.

Direct payments and credits are subtracted from the total child support amount [of the parent who made the expenditure] to find the [at parent's] net child support obligation. Direct payments may be deducted only if the cost was included in the total child support amount. The net child support obligation for the non-custodial parent is the support order that will be paid for the benefit of the children. [The net obligation of the custodial parent is considered to be spent directly on the children during the course of providing for their daily needs. If the children reside with a third party, each parent's net obligation is his or her respective child support order to be paid to the third-party custodian of the child (i.e., two orders are paid to the child's custodian).]

**IF NEITHER PARENT REQUESTED AN ADJUSTMENT FOR OTHER DEPENDENTS,
GO TO LINE [24] 25**

Lines [21, 22 and 23] 22, 23, and 24 - Adjusting the Child Support Obligation for Other-Dependents

1. . . . no change
2. . . . no change

**Line [21] 22 - Line [20] 21 CS Obligation With [Other-Dependent] Other Dependent
Deduction**

Enter the amount of the [non-custodial parent's] net child support obligation (Line [20] 21) from the worksheet that deducted the theoretical support obligation for the parent's other dependents from the parent's net income (i.e., with the Line 2d other-dependent amount deducted from the parent's gross income). Note: the Line 2d theoretical support obligation for children in the alternate family is calculated on a separate [Sole-Parenting] sole parenting worksheet.

**Line [22] 23 - Line [20] 21 CS Obligation Without [Other-Dependent] Other Dependent
Deduction**

Enter the amount of the [non-custodial parent's] net child support obligation (Line [20] 21) from the worksheet that did not deduct the theoretical support obligation for other dependents (Line 2d) from the parent's net income was calculated. Note: [the] The theoretical support obligation for children in the secondary family is calculated on a separate worksheet.

Line [23] 24 - Obligation Adjusted for Other Dependents

Add the Line [21] 22 support obligation that includes the other-dependent deduction and the Line [22] 23 support obligation that does not include the other dependent deduction, then divide the sum by two to obtain the Adjusted Child Support Obligation for the non-custodial parent. (Math: $(\text{Line [21] } \underline{22}) + (\text{Line [22] } \underline{23}) \div 2$). Enter the result on Line [23] 24.

Lines [24] 25, [25] 26, and [26] 27 - Maintaining a Self-Support Reserve

To ensure that the obligor parent retains sufficient net income to live at a minimum subsistence level and has the incentive to work, that parent's net child support award is tested against 105% of the U.S. poverty guideline for one person. If the NCP's net income after deducting the child support award is less than the self-support reserve, the order should be

adjusted. **No such adjustment shall occur, however, if the custodial parent's net income minus the custodial parent's child support obligation is less than the self-support reserve.**

This priority is necessary to ensure that custodial parents can meet their basic needs while caring for the child(ren). The poverty guideline will be disseminated by the AOC each February or when it is published in the Federal Register. The self-support reserve test is applied as follows:

1. Subtract the obligor's child support obligation from that person's net income.
2. If the difference is greater than 105% of the poverty guideline for one person (\$232 per week as of January 24, 2013), the self-support reserve is preserved and the obligor's support obligation is the child support order.
3. If the difference is less than 105% of the poverty guideline for one person **and** the custodial parent's net income is greater than 105% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and the 105% of the poverty guideline for one person.

In determining whether the application of the self-support reserve is appropriate, the court may need to impute income to a parent as provided in Appendix IX-A. The court should also consider a parent's actual living expenses and the custodial parent's share of the support obligation (see Appendix IX-A, paragraph 20).

Line [24] 25 - Self-Support Reserve Test

Calculate whether the obligor's income will exceed 105% of the poverty level by subtracting the [non-custodial parent's] net child support obligation from the non-custodial parent's [that person's] net income. (Math: Line [5] 6 NCP - Line [20] 21 or Line [23] 24 [Non-Custodial Child Support Obligation].) **Enter** the result for the NCP on Line [24] 25. **Enter** the custodial parent's net income minus the custodial parent's child support obligation (Line [5] 6

minus Line 14) on Line [24] 25. Then,

If the NCP Line [24] 25 amount is less than 105% of the poverty guideline and the CP Line [24] 25 minus the CP Line 14 is greater than 105% of the poverty guideline, Go To Line [25]

26. If the NCP result is greater than 105% of the poverty guideline, Skip Line [25] 26 and

Enter the Line [20] 21 or Line [23] 24 non-custodial parent child support obligation on Line [26]

27.

NOTE: If the CP Line [24] 25 minus the CP Line 14 amount is less than 105% of the poverty guideline, there is no NCP self-support reserve adjustment. In this case, the NCP Line [20] 21 or Line [23] 24 amount is the final child support order (Line [26] 27).

Line [25] 26 - Maximum Child Support Order

Subtract the poverty level from the non-custodial parent's net income to find the maximum child support order. (Math: Line [5] 6 Non-Custodial Net Income - 105% of the poverty guideline). Enter the result on Lines [25] 26 and [26] 27.

Line [26] 27 - Child Support Order

Line [26] 27 is the amount to be paid by the non-custodial parent (the obligor) to the custodial parent (from either Line [24] 25 or Line [25] 26) for the benefit of the children.

LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET

Caption . . . no change

Lines 1 through 5 - Determining Income

Gross Income . . . no change

Sources of Income . . . no change

Income from self-employment or operation of a business . . . no change

Sporadic Income . . . no change

Military Pay . . . no change

In-Kind Income . . . no change

Alimony, Spousal Support, and/or Separate Maintenance Received . . . no change

Types of Income Excluded from Gross Income - The following types of income are excluded from *gross income*:

- a. . . . no change
- b. . . . no change
- c. . . . no change
- d. . . . no change
- e. . . . no change
- f. . . . no change

[g. a government benefit based on a parent's earnings record, disability, or condition that is paid to or for the child (or the child's caretaker) for whom support is being determined (e.g., Black Lung, Veteran's Disability, Social Security) or other non-means-tested government benefits meant to reduce the cost of the child (e.g., adoption subsidies as provided by N.J.A.C. 10:121-2);]

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[h]g. for modifications involving retirement income, the pro-rated amount of contributions to a voluntary plan that were previously included in gross income when the current support order was established;

[i]h. financial assistance for education including loans, grants, scholarships, veteran's education benefits, and awards provided under the National and Community Service Act of 1990 (except post-service benefits); and

[j]i. federal earned income tax credits.

Collecting and Verifying Income Information . . . no change

Taxable and Non-Taxable Income . . . no change

Analyzing Income Tax Returns . . . no change

Government Benefits for the Child - Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

a. Means-tested benefits - Benefits based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent).

b. Derivative benefits - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. The derivative benefit is counted as income (on Line 5) for the parent whose

Line Instructions for the Shared Parenting Worksheet

contribution is the source of the benefit. If the benefit is based upon contribution of the Parent of Alternate Residence (PAR), he or she will also receive a credit for the benefit (on Line 22).

c. *Other benefits* - Benefits that are obtained without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a step-parent, grandparent, or deceased parent. This benefit is counted as income (on Line 5) for the parent who actually receives the financial benefit (usually the custodial parent).

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 - Government (Non-Means Tested) Benefit for the Child

Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

a. *Means-tested benefits* - Benefits based on the fact that the child or parent has minimal

Line Instructions for the Shared Parenting Worksheet

income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent). Leave blank Line 5.

b. Derivative benefits – Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. Enter the weekly amount of the derivative benefit on Line 5 of the parent whose contribution is the source of the benefit (i.e., if the Non-Custodial Parent's work history and disability qualify the child for Social Security benefits, the benefit for the child will be included on Line 5 Non-Custodial Parent). Note, if the benefit is based upon contribution of the Parent of Alternate Residence (PAR), he or she will also receive a credit for the benefit on Line 22.

c. Other benefits – Benefits that are given without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a step-parent, grandparent, or deceased parent. Enter the weekly amount of this benefit on Line 5 of the parent who actually receives the financial benefit (usually the custodial parent).

Line [5] 6 - Net Income

Add the Net Taxable Income and the Non-Taxable Income to obtain the weekly Net Income. (Math: Line 3 + Line 4 + Line 5). Enter each parent's Net Income in the appropriate

Line Instructions for the Shared Parenting Worksheet

Line [5] 6 column.

Add the net incomes of the parents to obtain the Combined Net Income (Math: Line [5] 6 [Custodial Parent] PPR + Line [5] 6 [Non-Custodial Parent] PAR = Line [5] 6 Combined). **Enter** the result on Line [5] 6, Combined.

Line [6] 7 – [Percentage] Each Parent's Share of Income

Divide each parent's net income by the combined net income to obtain each parent's percentage share of income. (Math: Line [5] 6 [Custodial Parent] PPR ÷ Line [5] 6 Combined = [Custodial Parent] PPR Line [6] 7 [Percentage] Share of Income; Line [5] 6 [Non-Custodial Parent] PAR ÷ Line [5] 6 Combined = [Non-Custodial Parent] PAR Line [6] 7 [Percentage] Share of Income). The sum of the two percentages (ratios) must equal one (the decimal equivalent of 100%). **Enter** each parent's income share in the appropriate Line [6] 7 column.

[Line 7 - Number of Overnights with Each Parent

Enter the number of regular overnights that the child spends or is expected to spend with each parent during a one-year period in the appropriate Line 7 columns. Vacations and holidays with the PAR do not count towards the determination of overnight time.

Add the number of overnights with each parent to obtain the total number of overnights. **Enter** the total overnights in the Line 7 Combined column.

Generally, the sum of the number of overnights with each parent will be 365. If, however, the child spends overnights with a third party (e.g., grandparents) **on a predictable and recurring basis**, each parent's and the total number of overnights should be adjusted accordingly so that neither parent receives credit for this time. For example, if a child stays with grandparents for 10 overnights each year, which would have normally been spent with the PPR, the PPR's number of overnights is reduced by 10 and the total number of overnights is reduced to 355

Line Instructions for the Shared Parenting Worksheet

(365-10). If the child would have spent half of the grandparent visitation time (5 of the 10 overnights) with the PAR, both parent's number of overnights is reduced by five. If a child attends summer camp or other overnight care, the parent paying for such care shall be entitled to the credit for the number of overnights.]

[Line 8 - Percentage of Overnights with Each Parent

Divide the number of overnights that the child spends with each parent by the total number of overnights. (Math: Line 7 PPR overnights \div Line 7 total overnights; Line 7 PAR overnights \div Line 7 total overnights). **Enter** each parent's percentage of overnights in the appropriate Line 8 column. The sum of the percentages (ratios) must equal one (the decimal equivalent of 100%).

NOTE: if the PAR's percentage of overnights with the child is less than the substantial equivalent of two or more overnights per week (28%), STOP! The sole parenting worksheet must be used.]

Line [9] 8 - Basic Child Support Amount

Look-up the Basic Child Support Amount from Appendix IX-F award schedule. Select the appropriate amount for the number of children for whom support is being determined and the Line 6 [5] combined net income of the parents. **Enter** the Basic Child Support Amount on Line 8 [9].

The parents' combined net income and the number of children for whom support is being determined are used to obtain the basic child support amount from the Appendix IX-F schedules. Appendix IX-F combined net incomes are provided in \$10 increments. For incomes that fall between income increments, go to the next higher income increment if the amount is \$5.00 or more (e.g., if the combined income is \$446, use the award for \$450 combined income; if it is

Line Instructions for the Shared Parenting Worksheet

\$444, use the award for \$440).

As explained in Appendix IX-A, the basic child support amount represents average spending on children by intact families (see Appendix IX-A for consumption items included and excluded in the Appendix IX-F basic child support amount).

Line 9 – Number of Overnights with Each Parent

Enter the number of regular overnights that the child spends or is expected to spend with each parent during a one-year period in the appropriate Line 9 columns. Vacations and holidays with the PAR do not count towards the determination of overnight time.

Add the number of overnights with each parent to obtain the total number of overnights.

Enter the total overnights in the Line 9 Combined column.

Generally, the sum of the number of overnights with each parent will be 365. If, however, the child spends overnights with a third party (e.g., grandparents) **on a predictable and recurring basis**, each parent's and the total number of overnights should be adjusted accordingly so that neither parent receives credit for this time. For example, if a child stays with grandparents for 10 overnights each year, which would have normally been spent with the PPR, the PPR's number of overnights is reduced by 10 and the total number of overnights is reduced to 355 (365 minus 10). If the child would have spent half of the grandparent visitation time (5 of the 10 overnights) with the PAR, both parent's number of overnights is reduced by five. If a child attends summer camp or other overnight care, the parent paying for such care shall be entitled to the credit for the number of overnights.

Line 10 - Each Parent's Share of Overnights with Child

Divide the number of overnights that the child spends with each parent by the total number of overnights. (Math: Line 9 PPR overnights ÷ Line 9 total overnights; Line 9 PAR

Line Instructions for the Shared Parenting Worksheet

overnights ÷ Line 9 total overnights). Enter each parent's share of overnights in the appropriate Line 10 column. The sum of the shares (ratios) must equal one (the decimal equivalent of 100%).

NOTE: If the PAR's share of overnights with the child is less than the substantial equivalent of two or more overnights per week (28%), STOP! The sole parenting worksheet must be used.

Line [10] 11 - PAR Shared Parenting Fixed Expenses

In shared-parenting situations, each parent incurs fixed costs (housing expenses) for the child even though the child may not be residing with a particular parent at a given time. Fixed costs include expenses for the dwelling, utilities, household furnishings, and household care items (see Appendix IX-A for a full list of items included in this category). It is assumed that fixed costs represent 38% of the basic support amount.

The PPR's fixed costs remain static (i.e., the full 38% of the basic support amount; they are not reduced when the child is not in the household) since that parent must maintain the primary residence for the child at all times. The PPR's fixed costs are included in the basic support amount. The PAR's fixed expenses are pro-rated based on the amount of time the child spends in the alternate household. The PAR's fixed expenses are assumed to be equal to $2 \times$ PAR's time with the child \times PPR's fixed expenses. For example, if the PAR spends 30% of overnights with the child, that parent is assumed to incur 60% of the PPR's fixed costs. The parents have equal fixed expenses only when time sharing is equal (50% each). The PAR's time-adjusted fixed expenses must be added to the basic support amount (i.e., the basic amount assumes that there is only one household for the child) to determine the total dual-household costs for the child.

To calculate the PAR's time-adjusted fixed expenses:

Line Instructions for the Shared Parenting Worksheet

(1) **Multiply** the basic support amount by 38% (Math: Line [9] $\underline{8} \times 0.38$). The result is the portion of the basic support amount that represents the PPR's fixed expenses.

(2) **Multiply** the PPR's fixed expense by two times the PAR's percentage of overnights (Math: PPR fixed expense \times PAR Line [8] $\underline{10} \times 2$). The result is the PAR's time-adjusted fixed expense for the child.

Enter this amount on Line [10] 11.

[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

Line Instructions for the Shared Parenting Worksheet

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

Add the basic child support amount and the PAR's shared parenting fixed expenses, then, **Subtract** any government benefits paid to or for the child. The result is the shared parenting basic child support amount. Math: $[(\text{Line 9} + \text{Line 10}) - \text{Line 11}]$ (Line 8 + Line 11). **Enter** the shared parenting basic child support amount on Line 12.

The shared parenting basic child support amount includes the costs of the two households in which the child resides, total variable costs (food and transportation) for the child, and other child-rearing costs controlled by the PPR such as clothing, personal care, and entertainment (see Appendix IX-A, paragraph 14(d)). [Government benefits (non-means tested) paid to or for the child are deducted in recognition of the reduced household expenses for the child due to the receipt of government benefits specifically for that child.

If the shared parenting basic child support amount is zero or less due the deduction of a

Line Instructions for the Shared Parenting Worksheet

government apportionment, continue with the worksheet calculations (carrying forward negative numbers) to determine if the PAR has any obligation for supplemental expenses.]

Line 13 – [PAR] Each Parent's Share of Shared Parenting Basic Child Support Amount

Calculate the PAR's share of the shared [custody] parenting basic child support amount by multiplying the shared [custody] parenting basic child support amount by the PAR's income share. Math: (PAR Line [6] 7 × Line 12). **Enter** the PAR's share of the award on Line 13.

Calculate the PPR's share of the shared parenting basic child support amount by multiplying the shared custody basic child support amount by the PPR's income share. Math: (PPR Line 7 × Line 12). Enter the PPR's share of the award on Line 13.

Line 14 - PAR Shared Parenting Variable Expenses

Variable expenses are incurred only when the child is residing with a parent (i.e., costs that follow the child). This category includes transportation and food). It is assumed that variable costs account for 37% of total spending on a child in an intact family.

Since the PPR has no variable expenses for the child while the child is with the PAR, the shared custody basic child support amount (which assumes that all variable expenses are incurred by the PAR household), must be reduced by the PAR's variable expenses for the child while the child is residing in the PAR's household.

To Calculate the PAR's share of variable expenses for the child:

(1) **Multiply** the basic support amount by 37%. Math: (Line [9] 8 × 0.37). This is the portion of the basic support amount that represents variable expenses for the child.

(2) **Multiply** the variable expenses by the PAR's percentage of regular overnights with the child. Math: (variable expense × PAR Line [8] 10). The result is the PAR's variable expense for the child. **Enter** this amount on Line 14.

Line Instructions for the Shared Parenting Worksheet

Note: Be careful to calculate variable expenses using the basic child support obligation (Line [9] 8), **not** the shared parenting basic child support amount (Line [13] 12).

Line 15 - PAR Adjusted Shared Parenting Basic Child Support Amount

The PAR Adjusted Shared Parenting Basic Child Support Amount represents the PAR's income share of the net support obligation for the child while the child is residing in the primary household. To calculate this amount, **subtract** the PAR's fixed expenses and the PAR's variable expenses from the PAR's share of the Shared Parenting Basic Child Support Amount. Math: (Line 13 - Line [10] 11 - Line 14). Note: Line 15 may be a negative number. If so, carry it forward to the supplemental expense calculation.

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 Derivative Government Benefits for the Child Based on Contribution of the Parent of Alternate Residence

Enter the weekly amount of the government benefits paid to the parent of primary residence for the child (if any) that are based on the contribution (work history, military service, disability, or retirement) of the parent of alternate residence (PAR) in the Line 22 PAR column.

Line Instructions for the Shared Parenting Worksheet

NOTE: Benefits amount should match the government benefits for the child on Line 5

PAR column.

Line [22] 23 - Credit for PAR's [Child-Care] Child Care Payments

Enter the PAR's direct payments for work-related [child-care] child care for the child for whom support is being determined on Line [22] 23. [Note: payments] NOTE: Payments cannot exceed the parent's net work-related child care cost added on Line 16.

Line [23] 24 - Credit for PAR's Payment of Child's Health Insurance Cost

Enter the PAR's direct payments towards that parent's cost of adding the child to a health insurance policy on Line [23] 24. NOTE: Payments [payments] cannot exceed the parent's cost of health insurance for the child added on Line 17.

Line [24] 25 - Credit for PAR's Payment of Unreimbursed Health Care

Enter the PAR's direct payments for predictable and recurring unreimbursed health care greater than \$250 per child per year on Line [24] 25. NOTE: Payments [payments] cannot exceed predictable and recurring unreimbursed health care expenses added on Line 18.

Line [25] 26 - Credit for PAR's Payment of Court-Approved Extraordinary

Expenses

Enter the PAR's direct payments for predictable and recurring extraordinary court-approved expenses on Line [25] 26. NOTE: Payments [payments] cannot exceed predictable and recurring extraordinary court-approved expenses added on Line 19.

Line [26] 27 - PAR's Total Payments for Supplemental Expenses

Add the PAR's direct payments toward work-related [child-care] child care, the cost of adding the child to a health insurance policy, the predictable and recurring unreimbursed health care above \$250 per child per year, and the predictable and recurring extraordinary court-

Line Instructions for the Shared Parenting Worksheet

approved expenses. Math: $([\text{Line } 22 +] \text{ Line } 23 + \text{ Line } 24 + \text{ Line } 25 + \text{ Line } 26)$. **Enter** the sum of all payments added on Line [26] 27.

Line [27] 28 - PAR's Net Supplemental Expenses

Subtract the PAR's direct payments for child care, the child's share of the health insurance premium, predictable and recurring unreimbursed health care for the child above \$250 per year per child, and predictable and recurring extraordinary court-approved expenses from the PAR's share of the total supplemental expenses. The result is the PAR's net supplemental expenses for the child. Math: $(\text{Line } 21 - \text{Line } [26] \text{ 27})$. **Enter** the PAR's share of net supplemental expenses on Line [27] 28.

Direct payments for supplemental expenses are subtracted from the PAR's share of total supplemental expenses before those expenses are added to the PAR's share of the adjusted shared parenting child support amount. **Direct payments may be deducted only if the cost was previously included as a supplemental expense.**

Line [28] 29 - PAR's Net Child Support Obligation

Add the PAR's share of the adjusted shared parenting basic child support amount and the PAR's share of the net supplemental expenses to determine the PAR's net child support obligation. Math: $(\text{Line } 15 + \text{Line } [27] \text{ 28})$. **Enter** the PAR's net support obligation on Line [28] 29.

The PAR's net obligation is the child support order that will be paid for the benefit of the children while they are residing with the PPR. Theoretically, the PPR also has a support obligation (although not calculated on the shared parenting worksheet) that is considered to be spent directly on the children during the course of providing for their daily needs.

NOTE: [if] If the PAR's net obligation is a negative number, this amount must be paid

Line Instructions for the Shared Parenting Worksheet

by the PPR to the PAR to preserve each parent's income share of the total shared- parenting expenses. In this case, the PPR would be the obligor of the support order.

Lines [29, 30, and 31] 30, 31 and 32 - Adjusting the Child Support Obligation for Other Dependents

1. If either parent requests an adjustment for other legal dependents, a [Sole-Parenting] sole parenting worksheet must be prepared to determine the parent's theoretical support obligation for his or her other dependents. Additionally, two separate [Shared-Parenting] shared parenting worksheets must be completed (if calculating the adjustment manually). The three worksheets will result in the following obligation amounts:

- a. Sole Parenting - a theoretical support obligation for the child in the alternate family (i.e., the parent requesting the adjustment is the theoretical obligor of the child in the alternate family);
- b. Primary Shared Parenting - a support obligation for the child for whom support is being determined calculated after the theoretical obligation for any other dependents (Line 2d) is deducted from the responsible parent's gross income; and
- c. Alternate Shared Parenting - a support obligation for the child for whom support is being determined calculated without deducting the theoretical obligation for other dependents (Line 2d) from the responsible parent's gross income.

2. To ensure that a fair share of the parent's income is available to all his or her legal dependents, add the parent's support obligation from the worksheet that includes the Line 2d other-dependent deduction and the parent's support obligation from the worksheet that does not include the Line 2d other dependent deduction. Divide the sum of the two support obligations by two to obtain the adjusted child support obligation.

Line [29] 30 - Line [28] 29 PAR CS Obligation WITH Other Dependent Deduction

Enter the PAR's net child support obligation (Line [28] 29) from the worksheet that deducted a theoretical support obligation for other dependents of either parent (i.e., with the Line 2d other-dependent amount deducted from gross income).

Line [30] 31 - Line [28] 29 PAR CS Obligation WITHOUT Other Dependent Deduction

Enter the PAR's net child support obligation (Line [28] 29) from the worksheet that does not deduct a theoretical support obligation for other dependents from the gross income of either parent.

Line [31] 32 - Adjusted PAR CS Obligation

Add the obligation that includes the [other-dependent] other dependent deduction (Line [29] 30) and the obligation that does not include the [other-dependent] other dependent deduction (Line [30] 31), then **divide** the sum by two to obtain the Adjusted PAR Child Support Obligation. Math: $(\text{Line [29] } \underline{30} + \text{Line [30] } \underline{31}) \div 2$. Enter the result on Line [31] 32.

Lines [32 and 33] 33 and 34 - Maintaining a Self-Support Reserve

To ensure that the obligor parent retains sufficient net income to live at a minimum subsistence level and has the incentive to work, that parent's net child support award is tested against 105% of the U.S. poverty guideline for one person. If the PAR's net income after deducting the child support award is less than the self-support reserve, the order should be adjusted. No such adjustment shall occur, however, if the PPR's net income minus the PPR's child support obligation is less than the self-support reserve. This priority is necessary to ensure that a PPR can meet his or her basic needs while caring for the child(ren). The poverty guideline will be disseminated by the AOC each February or when it is published in the Federal Register.

The self-support reserve test is applied as follows:

Line Instructions for the Shared Parenting Worksheet

1. Subtract the obligor's child support obligation from that person's net income.
2. If the difference is greater than 105% of the poverty guideline for one person (\$232 per week as of January 24, 2013), the self-support reserve is preserved and the obligor's support obligation is the child support order.
3. If the difference is less than 105% of the poverty guideline for one person **and** the custodial parent's net income is greater than 105% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and the 105% of the poverty guideline for one person.

In determining whether the application of the self-support reserve is appropriate, the court may need to impute income to a parent as provided in Appendix IX-A. The court should also consider a parent's actual living expenses and the custodial parent's share of the support obligation (see Appendix IX-A, paragraph 20).

NOTE: In some family situations[,] (e.g., the PPR's income exceeds the PAR's income and shared parenting times are near equal), the PPR may owe child support to the PAR (in such cases, the PAR's obligation is a negative number). If this occurs, the self-support reserve should be tested using the PPR's net income and the absolute value of the PAR's negative obligation. In all cases, the PPR should be given the priority with regard to the self-support reserve.

Line [32] 33 - Self-Support Reserve Test

Subtract the PAR's net child support obligation from the PAR's net income. Math: PAR's Line [5] 6 net income - PAR Line [28] 29 or [31] 32 child support obligation. Note: [if] If Line [28] 29 or [31] 32 is a negative number, the PPR is the obligor of that amount. **Enter** the PAR's result on Line [32] 33. **Enter** the PPR's net income (from Line [5] 6) on Line [32] 33. Then,

If the PAR's Line [32] 33 is less than 105% of the poverty guideline and the PPR's Line

Line Instructions for the Shared Parenting Worksheet

[32] 33 is greater than 105% of the poverty guideline, Go To Line [33] 34.

If the PAR's Line [32] 33 is greater than 105% of the poverty guideline, Skip Line [33] 34 and Enter the PAR's Line [28] 29 or [31] 32 child support obligation on Line [34] 35.

NOTE: If the PPR Line [29] 33 amount is less than 105% of the poverty guideline, there is no PAR self-support reserve adjustment. In this case, the PAR Line [28] 29 or [31] 32 amount is the final child support order (Line [31] 35).

Line [33] 34 - PAR's Maximum Child Support Order

Subtract 105% of the poverty guideline from the PAR's net income to find the maximum child support order. Math: Line [5] 6 PAR net income – 105% of the poverty guideline. **Enter** the result on Lines [33 and] 34 and 35.

Line [34] 35 - Child Support Order

Enter the Line [28] 29, [31] 32 or [33] 34 support amount to be paid by the obligor to the other parent for the benefit of the child. Generally, the obligor will be the PAR. However, in some family situations, the PPR may be the obligor (if the PAR's obligation is a negative number). In those cases, enter the absolute (positive) value of the PAR's negative obligation (or the self-support reserve maximum amount) in the PPR's Line [34] 35 column. Otherwise, enter the Line [28] 29 PAR's net support obligation, the Line [31] 32 [other-dependent] other dependent adjusted obligation (if any), or the Line [33] 34 maximum child support obligation (if any) on the PAR's Line [34] 35. [If the PAR is the obligor, go to Line 32. Otherwise, Line 31 is the final child support order.]

Line [35] 36 - PPR Household Income Test

Add the PPR's net income from all sources (including means-tested income such as AFDC), the net income of other adults in the primary household, and the PAR shared parenting

Line Instructions for the Shared Parenting Worksheet

support order. Math: PPR Line [5] 6 net income + net income of other adults + PAR Line [34] 35 child support order. Enter the sum in the PPR's Line [35] 36 column.

Test: If Line [35] 36 is less than the PPR household income threshold for the PPR and the total number of persons in the primary household (see table in Appendix IX-A, paragraph 14), the award must be recalculated, **without adjusting for shared-parenting time**, using the [Sole-Parenting Worksheet] sole parenting worksheet. If Line [35] 36 exceeds the PPR household income threshold, the Line [34] 35 child support order is appropriate.

NOTE: A PAR may still receive an adjustment for variable expenses when the sole parenting worksheet is used to recalculate the support award. If, however, the PPR's household income plus a PAR time-adjusted support award is still below 200% of the poverty guideline, the application of the variable-expense adjustment is not presumptive (i.e., it is subject to the discretion of the court).

Appendix IX-C

CHILD SUPPORT GUIDELINES - SOLE PARENTING WORKSHEET			
Case Name: <i>Plaintiff</i> v. <i>Defendant</i>		County:	
Custodial Parent is the: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Docket #:	
		Number of Children:	
<i>All amounts must be weekly</i>	CUSTODIAL	NON-CUSTODIAL	COMBINED
1. Gross Taxable Income	\$	\$	
1a. Mandatory Retirement Contributions (non-taxable)	-\$	-\$	
1b. Alimony Paid (Current and/or Past Relationships)	-\$	-\$	
1c. Alimony Received (Current and/or Past Relationships)	+\$	+\$	
2. Adjusted Gross Taxable Income ((L1-L1a-L1b)+L1c)	\$	\$	
2a. Federal, State and Local Income Tax Withholding	-\$	-\$	
2b. Prior Child Support Orders (Past Relationships)	-\$	-\$	
2c. Mandatory Union Dues	-\$	-\$	
2d. Other Dependent Deduction (from L14 of a separate worksheet)	-\$	-\$	
3. Net Taxable Income (L2-L2a-L2b-L2c-L2d)	\$	\$	
4. Non-Taxable Income (source:)	+\$	+\$	
5. Government (Non-Means Tested) Benefits for the Child	+\$	+\$	
[5] 6. Net Income (L3+L4+L5)	\$	\$	\$
[6] 7. [Percentage Share of Income (L5 Each Parent + L5 Combined) Each Parent's Share of Income (L6 Each Parent + L6 Combined)]	0.____	0.____	1.00
[7] 8. Basic Child Support Amount (from Appendix IX-F Schedules)			\$
[8] 9. Net Work Related Child Care (from Appendix IX-E Worksheet)			+\$
[9] 10. Child's Share of Health Insurance Premium			+\$
[10] 11. Unreimbursed Health Care Expenses over \$250 per child per year			+\$
[11] 12. Court-Approved Extraordinary Expenses			+\$
[12. Government Benefits for the Child]			-\$
13. Total Child Support Amount (([L7] L8+L9+L10+L11+L12) [-L12])			\$
[If line 13 total support amount is zero STOP – benefit apportionment is substituted for support order.]			
14. Each Parent's Share of Support Obligation (([L6] L7 x L13)	\$	\$	
15. Government Benefits for the Child Based on Contribution of NCP		-\$	
[15] 16. Net Work-Related Child Care Paid		-\$	
[16] 17. Health Insurance Premium for the Child Paid		-\$	
[17] 18. Unreimbursed Health Care Expenses Paid (>\$250/child/year)		-\$	
[18] 19. Court-Approved Extraordinary Expenses Paid		-\$	
[19] 20. Adjustment for Parenting Time Expenses ((L7 x %time x 0.37) (L8 x L20b for Non-Custodial Parent x 0.37) <i>Note: Not presumptive in some low income situations (see App IX-A., ¶13)</i>		-\$	
20a. Number of Annual Overnights with Each Parent			
20b. Each Parent's Share of Overnights with the Child (L20a for Parent + L20a Combined)	0.____	0.____	1.00
[20] 21. Net Child Support Obligation (L14-L15-L16-L17-L18-L19-L20)		\$	

Continued on Page 2

CHILD SUPPORT GUIDELINES – SOLE PARENTING WORKSHEET – PAGE 2			
<i>If neither parent is requesting the other dependent deduction, go to line [24] 25</i>			
[21] <u>22</u> . Child Support Order WITH [other-Dependent] <u>Other</u> Dependent Deduction		\$	
[22] <u>23</u> . Child Support Order WITHOUT [other-Dependent] <u>Other</u> Dependent Deduction		\$	
[23] <u>24</u> . Adjusted Child Support Order $((L21 + L22) L22 + L23) \div 2$		\$	
[24] <u>25</u> . Self-Support Reserve Test: $((L5 - L20 \text{ or } L23 \text{ for NCP; } L5 - L14 \text{ for CP}) L6 - L21 \text{ or } L24 \text{ for NCP; } L6 - L14 \text{ for CP})$ If [NCP result] <u>L25</u> for NCP is greater than 105% of the federal poverty guideline for one person (<i>pg</i>) or [CP net income (L5) minus CP share of the child support obligation (L14)] <u>L25</u> for CP is less than <i>pg</i> , enter [L20 or L23] <u>L21</u> or <u>L24</u> amount on [L26] <u>L27</u> . If NCP [L24] <u>L25</u> is less than the <i>pg</i> and CP [income] <u>L25</u> is greater than the <i>pg</i> , go to [L25] <u>L26</u> .	\$	\$	
[25] <u>26</u> . Obligor Parent's Maximum Child Support Obligation. $((L5) L6 \text{ NCP income} - 105\% \text{ of federal poverty guideline for one person})$. Enter result here and on Line [26] <u>27</u> .		\$	
[26] <u>27</u> . Child Support Order		\$	
COMMENTS, REBUTTALS, AND JUSTIFICATION FOR DEVIATIONS			
1. This child support order for this case <input type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (Line [26] <u>27</u>), enter amount ordered:			
3. The child support guidelines were not used or the guidelines award was adjusted because:			
4. The following court-approved extraordinary expenses were added to the basic support obligation:			
5. Custodial Taxes:	<input type="checkbox"/> App IX-H	<input type="checkbox"/> Circ E	<input type="checkbox"/> Other
Non-Custodial Taxes:	<input type="checkbox"/> App IX-H	<input type="checkbox"/> Circ E	<input type="checkbox"/> Other
	#Allowances:	#Allowances:	Marital:
	#Allowances:	#Allowances:	Marital:
Prepared By:	Title:		Date:

Appendix IX-D

CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET			
Case Name: <i>Plaintiff</i> v. <i>Defendant</i>		County:	
PPR is the: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Docket #:	
		Number of Children:	
<i>All amounts must be weekly</i>	PARENT OF PRIMARY RESIDENCE (PPR)	PARENT OF ALTERNATE RESIDENCE (PAR)	COMBINED
1. Gross Taxable Income	\$	\$	
1a. Mandatory Retirement Contributions (non-taxable)	-\$	-\$	
1b. Alimony Paid (Current and/or Past Relationships)	-\$	-\$	
1c. Alimony Received (Current and/or Past Relationships)	+\$	+\$	
2. Adjusted Gross Taxable Income ((L1-L1a-L1b)+L1c)	\$	\$	
2a. Federal, State and Local Income Tax Withholding	-\$	-\$	
2b. Prior Child Support Orders (Past Relationships)	-\$	-\$	
2c. Mandatory Union Dues	-\$	-\$	
2d. Other Dependent Deduction (from L14 of a separate worksheet)	-\$	-\$	
3. Net Taxable Income (L2-L2a-L2b-L2c-L2d)	\$	\$	
4. Non-Taxable Income (source:)	+\$	+\$	
5. Government (Non-Means Tested) Benefits for the Child	+\$	+\$	
[5] 6. Net Income (L3+L4+L5)	\$	\$	\$
[6] 7. [Percentage Share of Income (L5 Each Parent ÷ L5 Combined)] Each Parent's Share of Income (L6 Each Parent ÷ L6 Combined)	0. ____	0. ____	1.00
[9] 8. Basic Child Support Amount (from Appendix IX-F Schedules)			\$
[7] 9. Number of Overnights with Each Parent			
[8] 10. [Percent of Overnights With Parent (L7 Parent ÷ L7 Combined)] Each Parent's Share of Overnights with the Child (L9 for Parent ÷ L9 Combined)	0. ____	0. ____	1.00
<i>If PAR time sharing is less than the equivalent of two overnights per week (28%), use Sole Parenting Worksheet</i>			
[10] 11. PAR Shared Parenting Fixed Expenses (([PAR] L8 x [L9] PAR L10 x 0.38 x 2)			+\$
[11. Government Benefits for the Child]			
12. Shared Parenting Basic Child Support Amount [((L9 + L10) - L11)] (L8 + L11)			\$
13. [PAR] Each Parent's Share of SP Basic Child Support Amount (([PAR] L6 x L12)] (L7xL12)	\$	\$	
14. PAR Shared Parenting Variable Expenses (PAR [L8 x L9] L10 x L8 x 0.37)		-\$	
15. PAR Adjusted SP Basic Child Support Amount (PAR L13 - [L10] L11 - L14)		\$	
16. Net Work Related Child Care (from Appendix IX-E Worksheet)			+\$
17. Child's Share of Health Insurance Premium			+\$
18. Unreimbursed Health Care Expenses over \$250 per child per year			+\$
19. Court-Approved Extraordinary Expenses			+\$
20. Total Supplemental Expenses (L16+L17+L18+L19)			\$
21. PAR's Share of Total Supplemental Expenses (PAR [L6] L7 x L20)		\$	
22. Government Benefits for the Child Based on Contribution of PAR		\$	
[22] 23. PAR Net Work-Related Child Care PAID		\$	

Continued on Page 2

Appendix IX-D

CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET - PAGE 2			
<i>All amounts must be weekly</i>	PPR	PAR	COMBINED
[23] <u>24</u> . PAR Health Insurance Premium for the Child PAID		\$	
[24] <u>25</u> . PAR Unreimbursed Health Care Expenses >\$250/child/year PAID		\$	
[25] <u>26</u> . PAR Court-Approved Extraordinary Expenses PAID		\$	
[26] <u>27</u> . PAR Total Supplemental Expenses PAID (([L22+] L23 + L24 + L25 + L26)		\$	
[27] <u>28</u> . PAR Net Supplemental Expenses (L21 - [L26] L27)		\$	
[28] <u>29</u> . PAR Net Child Support Obligation (L15 + [L27] L28)		\$	
<i>If neither parent is requesting the [other-dependent] other dependent deduction, go to line [32] 33.</i>			
[29] <u>30</u> . Line [28] <u>29</u> PAR CS Obligation WITH [other-Dependent] Other Dependent Deduction		\$	
[30] <u>31</u> . Line [28] <u>29</u> PAR CS Obligation WITHOUT [other-Dependent] Other Dependent Deduction		\$	
[31] <u>32</u> . Adjusted PAR Child Support Obligation (([L29 + 30] L30 + L31) + 2)		\$	
[32] <u>33</u> . Self-Support Reserve Test: ((PAR L5 - PAR L28 or L31 if any) (L6 - L29 or L32 for PAR; L6 - L13 for PPR) If [PAR amount] L33 for PAR is greater than 105% of the federal poverty guideline for one person (pg) or [the PPR L32 income] L33 for the PPR is less than the pg, enter the [L28] L29 or [L31] L32 amount on the PAR [L34] L35. If PAR [L32] L33 is less than the pg and PPR's [L32] L33 is greater than the pg, go to [L33] L34. If [L28] L29 or [L31] L32 is negative, see App. IX-B for instructions.	\$	\$	
[33] <u>34</u> . Maximum CS Obligation (Obligor Parent's [L5] L6 net income - 105% of the poverty guideline for one person). Enter result here and on Line [34] <u>35</u> .	\$	\$	
[34] <u>35</u> . Child Support Order (negative [L28] L29 or [L31] L32 denotes PPR Obligation)	\$	\$	
<i>If the PAR is the Obligor, Continue on Line [35] 36</i>			
[35] <u>36</u> . PPR Household Income Test (([L5] L6 PPR net income from all sources + net income of other household members + [L34] L35 order). If less than the PPR household income threshold (see App. IX-A, ¶14(c)), the SOLE [CUSTODY] PARENTING WORKSHEET [must] should be used.	\$		
COMMENTS, REBUTTALS, AND JUSTIFICATION FOR DEVIATIONS			
1. This child support order for this case <input type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (Line [34] <u>35</u>), enter amount ordered:			
3. The child support guidelines were not used or the guidelines award was adjusted because:			
4. The following extraordinary expenses were added to the basic support obligation on Line 19:			
5. [Custodial] PPR Taxes: <input type="checkbox"/> App IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other #Allowances: Marital:			
[Non-Custodial] PAR Taxes: <input type="checkbox"/> App IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other #Allowances: Marital:			
Prepared By:	Title:	Date:	

Appendix IX-F

Schedule of Child Support Awards

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
0	For combined net incomes that are less than [\$170] <u>\$180</u> per week; the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support amount at [\$170] <u>\$180</u> combined net weekly income as shown on this schedule.					
50						
100						
150						
160						
170						
180	50	59	68	75	83	91
190	53	62	72	80	88	97
200	56	66	76	84	93	102
210	59	69	80	88	98	108
220	62	72	84	93	103	113
230	65	75	88	97	107	119
240	68	78	92	102	112	124
250	71	82	96	106	117	130
260	74	85	100	110	122	135
270	77	88	103	114	127	140
280	80	91	107	119	131	145
290	82	94	111	123	136	151
300	85	97	115	127	140	156
310	88	100	118	131	145	161
320	91	103	122	135	150	166
330	94	106	126	139	154	171
340	96	109	129	143	159	176
350	99	112	133	147	163	181
360	102	114	136	151	167	186
370	104	117	140	155	172	191
380	107	120	143	159	176	196
390	110	123	147	163	181	200
400	112	126	150	167	185	205
410	115	128	154	170	189	210
420	117	131	157	174	193	215
430	120	134	160	178	197	219
440	122	137	164	182	202	224
450	125	139	167	185	206	229

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
460	127	142	170	189	210	233
470	130	145	174	193	214	238
480	132	147	177	196	218	242
490	135	150	180	200	222	247
500	137	152	183	203	226	251
510	139	155	186	207	230	255
520	142	157	190	210	234	260
530	144	160	193	214	238	264
540	146	162	196	217	242	268
550	149	165	199	221	245	273
560	151	167	202	224	249	277
570	153	170	205	228	253	281
580	155	172	208	231	257	285
590	158	174	211	234	260	289
600	160	177	214	238	264	293
610	162	179	217	241	268	298
620	164	181	220	244	271	302
630	166	184	223	247	275	306
640	168	186	225	250	278	310
650	170	188	228	254	282	314
660	172	191	231	257	285	317
670	174	193	234	260	289	321
680	177	195	237	263	292	325
690	179	197	239	266	296	329
700	181	199	242	269	299	333
710	182	201	245	272	303	337
720	184	204	247	275	306	340
730	186	206	250	278	309	344
740	188	208	253	281	313	348
750	190	210	255	284	316	351
760	192	212	258	287	319	355
770	194	214	261	290	322	358
780	196	216	263	293	325	362
790	198	218	266	295	329	366
800	199	220	268	298	332	369
810	201	222	271	301	335	373
820	203	224	273	304	338	376
830	205	226	276	307	341	379

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
840	207	228	278	309	344	383
850	208	230	281	312	347	386
860	210	232	283	315	350	389
870	212	234	285	317	353	393
880	213	235	288	320	356	396
890	215	237	290	323	359	399
900	217	239	292	325	362	403
910	218	241	295	328	365	406
920	220	243	297	330	367	409
930	222	244	299	333	370	412
940	223	246	301	335	373	415
950	225	248	304	338	376	418
960	226	250	306	340	379	421
970	228	251	308	343	381	424
980	230	253	310	345	384	427
990	231	255	312	348	387	430
1000	233	257	315	350	389	433
1010	234	258	317	352	392	436
1020	236	260	319	355	395	439
1030	237	261	321	357	397	442
1040	239	263	323	359	400	445
1050	240	265	325	362	402	448
1060	241	266	327	364	405	451
1070	243	268	329	366	408	454
1080	244	269	331	368	410	456
1090	246	271	333	371	412	459
1100	247	273	335	373	415	462
1110	248	274	337	375	417	465
1120	250	276	339	377	420	467
1130	251	277	341	379	422	470
1140	252	279	343	382	425	473
1150	254	280	345	384	427	475
1160	255	282	347	386	429	478
1170	256	283	349	388	432	480
1180	258	284	350	390	434	483
1190	259	286	352	392	436	486
1200	260	287	354	394	439	488
1210	262	289	356	396	441	491

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1220	263	290	358	398	443	493
1230	264	291	360	400	445	496
1240	265	293	361	402	447	498
1250	266	294	363	404	450	501
1260	268	296	365	406	452	503
1270	269	297	367	408	454	505
1280	270	298	368	410	456	508
1290	271	300	370	412	458	510
1300	272	301	372	414	460	512
1310	274	302	373	415	462	515
1320	275	303	375	417	464	517
1330	276	305	377	419	467	519
1340	277	306	378	421	469	522
1350	278	307	380	423	471	524
1360	279	308	382	425	473	526
1370	280	310	383	426	475	528
1380	281	311	385	428	477	531
1390	282	312	386	430	479	533
1400	284	313	388	432	481	535
1410	285	315	390	433	482	537
1420	286	316	391	435	484	539
1430	287	317	393	437	486	541
1440	288	318	394	439	488	543
1450	289	319	396	440	490	545
1460	290	320	397	442	492	548
1470	291	322	399	444	494	550
1480	292	323	400	445	496	552
1490	293	324	402	447	497	554
1500	294	325	403	449	499	556
1510	295	326	405	450	501	558
1520	296	327	406	452	503	560
1530	297	328	408	453	505	562
1540	298	329	409	455	506	564
1550	299	330	410	457	508	566
1560	300	331	412	458	510	568
1570	301	333	413	460	512	569
1580	302	334	415	461	513	571
1590	303	335	416	463	515	573

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1600	304	336	417	464	517	575
1610	304	337	419	466	518	577
1620	305	338	420	467	520	579
1630	306	339	422	469	522	581
1640	307	340	423	470	523	583
1650	308	341	424	472	525	584
1660	309	342	426	473	527	586
1670	310	343	427	475	528	588
1680	311	344	428	476	530	590
1690	312	345	430	478	532	592
1700	313	346	431	479	533	593
1710	314	347	432	481	535	595
1720	314	348	434	482	536	597
1730	315	349	435	484	538	599
1740	316	350	436	485	540	600
1750	317	351	437	486	541	602
1760	318	352	439	488	543	604
1770	319	353	440	489	544	606
1780	320	354	441	491	546	607
1790	321	355	442	492	547	609
1800	321	356	444	493	549	611
1810	322	356	445	495	550	612
1820	323	357	446	496	552	614
1830	324	358	447	498	553	616
1840	325	359	449	499	555	617
1850	326	360	450	500	556	619
1860	327	361	451	502	558	621
1870	327	362	452	503	559	622
1880	328	363	454	504	561	624
1890	329	364	455	506	562	625
1900	330	365	456	507	564	627
1910	331	366	457	508	565	629
1920	332	367	458	510	567	630
1930	332	367	460	511	568	632
1940	333	368	461	512	569	633
1950	334	369	462	513	571	635
1960	335	370	463	515	572	637
1970	336	371	464	516	574	638

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1980	337	372	466	517	575	640
1990	338	373	467	519	577	641
2000	338	374	468	520	578	643
2010	339	375	469	521	579	644
2020	340	376	470	523	581	646
2030	341	376	471	524	582	647
2040	342	377	473	525	584	649
2050	343	378	474	526	585	650
2060	343	379	475	528	586	652
2070	344	380	476	529	588	654
2080	345	381	477	530	589	655
2090	346	382	478	531	591	657
2100	347	383	480	533	592	658
2110	348	384	481	534	593	660
2120	348	384	482	535	595	661
2130	349	385	483	537	596	663
2140	350	386	484	538	598	664
2150	351	387	485	539	599	666
2160	352	388	487	540	600	667
2170	353	389	488	542	602	669
2180	354	390	489	543	603	670
2190	354	391	490	544	604	672
2200	355	391	491	545	606	673
2210	356	392	492	547	607	675
2220	357	393	494	548	609	676
2230	358	394	495	549	610	678
2240	359	395	496	551	611	679
2250	360	396	497	552	613	681
2260	361	397	498	553	614	682
2270	362	398	499	554	616	684
2280	362	399	501	556	617	685
2290	363	400	502	557	618	687
2300	364	400	503	558	620	688
2310	365	401	504	559	621	690
2320	366	402	505	561	623	691
2330	367	403	507	562	624	693
2340	368	404	508	563	625	694
2350	369	405	509	565	627	696

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
2360	370	406	510	566	628	697
2370	371	407	511	567	630	699
2380	372	408	513	569	631	701
2390	373	409	514	570	632	702
2400	374	410	515	571	634	704
2410	375	411	516	572	635	705
2420	375	412	517	574	637	707
2430	376	413	519	575	638	708
2440	377	414	520	576	640	710
2450	378	414	521	578	641	711
2460	379	415	522	579	642	713
2470	380	416	524	580	644	715
2480	381	417	525	582	645	716
2490	382	418	526	583	647	718
2500	383	419	527	584	648	719
2510	385	420	529	586	650	721
2520	386	421	530	587	651	723
2530	387	422	531	589	653	724
2540	388	423	532	590	654	726
2550	389	424	534	591	656	727
2560	390	425	535	593	657	729
2570	391	426	536	594	659	731
2580	392	427	538	596	660	732
2590	393	428	539	597	662	734
2600	394	430	540	598	663	736
2610	395	431	542	600	665	737
2620	396	432	543	601	666	739
2630	397	433	544	603	668	741
2640	399	434	546	604	669	742
2650	400	435	547	606	671	744
2660	401	436	548	607	673	746
2670	402	437	550	608	674	747
2680	403	438	551	610	676	749
2690	404	439	552	611	677	751
2700	406	440	554	613	679	753
2710	407	441	555	614	681	754
2720	408	443	557	616	682	756
2730	409	444	558	617	684	758

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
2740	411	445	559	619	685	760
2750	412	446	561	621	687	761
2760	413	447	562	622	689	763
2770	414	448	564	624	691	765
2780	416	450	565	625	692	767
2790	417	451	567	627	694	769
2800	418	452	568	628	696	771
2810	419	453	570	630	697	772
2820	421	454	571	632	699	774
2830	422	456	573	633	701	776
2840	423	457	574	635	703	778
2850	425	458	576	637	704	780
2860	426	459	577	638	706	782
2870	428	461	579	640	708	784
2880	429	462	580	642	710	786
2890	430	463	582	643	712	788
2900	432	464	584	645	713	790
2910	433	466	585	647	715	792
2920	435	467	587	648	717	794
2930	436	468	588	650	719	796
2940	438	470	590	652	721	798
2950	439	471	592	654	723	800
2960	441	472	593	655	725	802
2970	442	474	595	657	727	804
2980	444	475	597	659	728	806
2990	445	477	598	661	730	808
3000	447	478	600	663	732	810
3010	448	479	602	664	734	812
3020	450	481	604	666	736	814
3030	452	482	605	668	738	817
3040	453	484	607	670	740	819
3050	455	485	609	672	742	821
3060	456	487	611	674	744	823
3070	458	488	612	676	747	825
3080	460	490	614	678	749	828
3090	461	491	616	680	751	830
3100	463	493	618	682	753	832
3110	465	494	620	684	755	835

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
3120	467	496	622	686	757	837
3130	468	497	623	688	759	839
3140	470	499	625	690	762	842
3150	472	501	627	692	764	844
3160	474	502	629	694	766	846
3170	476	504	631	696	768	849
3180	477	505	633	698	770	851
3190	479	507	635	700	773	854
3200	481	509	637	702	775	856
3210	483	510	639	704	777	859
3220	485	512	641	707	780	861
3230	487	514	643	709	782	864
3240	489	516	645	711	784	866
3250	491	517	647	713	787	869
3260	493	519	649	715	789	871
3270	495	521	651	718	792	874
3280	497	523	654	720	794	877
3290	499	524	656	722	796	879
3300	501	526	658	725	799	882
3310	503	528	660	727	801	885
3320	505	530	662	729	804	887
3330	507	532	664	732	807	890
3340	509	534	667	734	809	893
3350	511	536	669	736	812	896
3360	513	537	671	739	814	898
3370	516	539	674	741	817	901
3380	518	541	676	744	820	904
3390	520	543	678	746	822	907
3400	522	545	680	749	825	910
3410	524	547	683	751	828	913
3420	527	549	685	754	830	916
3430	529	551	688	756	833	919
3440	531	553	690	759	836	922
3450	534	555	692	762	839	925
3460	536	557	695	764	842	928
3470	538	560	697	767	844	931
3480	541	562	700	770	847	934
3490	543	564	702	772	850	937

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
3500	546	566	705	775	853	940
3510	548	568	707	778	856	943
3520	551	570	710	780	859	947
3530	553	573	713	783	862	950
3540	556	575	715	786	865	953
3550	558	577	718	789	868	956
3560	561	579	720	792	871	960
3570	563	582	723	795	874	963
3580	566	584	726	797	877	966
3590	569	586	729	800	880	970
3600	571	589	731	803	884	973

For cases in which the combined net income of the parents is more than \$3,600 per week, the child support award at represents the minimum basic support award. The court must add a discretionary amount of child support to the minimum basic award based on the factors specified in *N.J.S.A. 2A:34-23*. See Appendix IX-A, Extreme Income Situations, for additional information.

DO NOT EXTRAPOLATE THESE SCHEDULES BEYOND \$3,600 COMBINED WEEKLY NET INCOME

(Note: Revised Appendix IX-F adopted July 9, 2013 to be effective September 1, 2013.)