

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, 2019.

For the Court,

A handwritten signature in black ink, appearing to read "S. G. ...", is written over a horizontal line.

Chief Justice

Dated: July 29, 2019

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

1:24-4
1:38-3
1:40-7
1:40-8
1:40-12
3:8-3
3:21-4
3:26-1
3:30
4:52-1
4:67-2
4:83-1
5:1-4
5:1-5
5:3-5
5:4-4
5:5-4
5:7A
5:7B
5:10-4
5:10-5
5:10-6
5:10-7
5:14-4
5:20-1
5:20-5 (new)
5:21A
7:3-1
7:4-1
7:7-11
7:12-1
Appendix IX-A
Appendix XII-F (deleted)
Appendix XII-G (deleted)
Appendix XII-H (deleted)
Appendix XII-I (deleted)

1:24-4. Application for Admission by Motion

Applicants may apply for admission to the bar of this State by motion to the Supreme Court. To qualify for application by motion, applicants must:

(a) have lawfully practiced law for five of the last seven years [in another] within the jurisdiction of the United States[jurisdiction];

(b) have previously sat for and passed the bar examination in another United States jurisdiction;

(c) be admitted in a United States jurisdiction that would extend a reciprocal license by motion to New Jersey lawyers;

(d) have completed a course on New Jersey ethics and professionalism; and

(e) meet all other application requirements in Rule 1:24-1 above.

Note: Adopted August 1, 2016 to be effective September 1, 2016; paragraph (a) amended July 29, 2019 to be effective September 1, 2019.

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

The following court records are excluded from public access:

(a) General. . . . no change.

(b) Internal Records. . . . no change.

(c) Records of Criminal and Municipal Court Proceedings. . . . 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) . . . no change.

(13) . . . no change.

(14) . . . no change.

(15) . . . no change.

(16) . . . no change.

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

(18) Records related to applications for Special Immigrant Juvenile Status (SIJS) predicate orders.

(e) Records of Guardianship Proceedings. . . . no change.

(f) Records of Other Proceedings. . . . 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; paragraph (e) amended February 28, 2013 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013; subparagraphs (f)(2) and (f)(5) amended, and new subparagraph (f)(9) added December 9, 2014 to be effective immediately; subparagraph (d)(2) amended July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended May 30, 2017 to be effective immediately; paragraph (a) and subparagraphs (d)(1) and (d)(13) amended July 28, 2017 to be effective September 1, 2017; subparagraphs (c)(1), (d)(1), (d)(2), (d)(5), (d)(6), (d)(9), and (f)(6) amended May 15, 2018 to be effective immediately; new subparagraph (c)(13) adopted July 27, 2018 to be effective September 1, 2018; new subparagraph (c)(14) adopted and subparagraph (f)(5) amended September 12, 2018 to be effective immediately; new subparagraph (d)(18) adopted July 29, 2019 to be effective September 1, 2019.

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

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

(b) . . . no change.

(c) . . . no change.

Note: Adopted July 14, 1992 as Rule 1:40-6 to be effective September 1, 1992; amended and redesignated as Rule 1:40-7 July 5, 2000 to be effective September 5, 2000; caption and text deleted, new caption and new paragraphs (a), (b), and (c) adopted July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 16, 2009 to be effective September 1, 2009; paragraph (a) amended July 27, 2015 to be effective September 1, 2015; paragraph (a) text amended July 29, 2019 to be effective September 1, 2019.

1:40-8. Mediation of Minor Disputes in Municipal Court Actions

(a) Referral. A mediation notice may issue pursuant to R. 7:8-1 requiring the parties to appear at a mediation session to determine whether mediation pursuant to these rules is an appropriate method for resolving the minor dispute. No referral to mediation shall be made if the complaint involves (1) serious injury, (2) repeated acts of violence between the parties, [(3) clearly demonstrated psychological or emotional disability of a party,] [(4)] (3) incidents involving the same persons who are already parties to a Superior Court action between them, [(5)] (4) matters arising under the Prevention of Domestic Violence Act (N.J.S.A. 2C:25-17 et seq.), [(6)] (5) a violation of the New Jersey Motor Vehicle Code (Title 39), or [(7)] (6) matters involving penalty enforcement actions.

(b) . . . no change.

Note: Adopted July 14, 1992 as Rule 1:40-7 to be effective September 1, 1992; paragraph (a) amended January 5, 1998 to be effective February 1, 1998; redesignated as Rule 1:40-8, paragraph (a) amended, and caption and text of paragraph (b) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a) and (b) amended July 27, 2015 to be effective September 1, 2015; subparagraph (a)(3) deleted and subparagraphs (a)(4) through (a)(7) redesignated as subparagraphs (a)(3) through (a)(6) July 29, 2019 to be effective September 1, 2019.

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

(a) Mediator Qualifications.

(1) . . . no change.

(2) . . . no change.

(3) Civil, General Equity, and Probate Action Roster Mediators. Mediator applicants to be on the roster for civil, general equity, and probate actions shall have: (A) at least a bachelor's degree; (B) at least five years of professional experience in the field of their expertise in which they will mediate; (C) completed the required mediation training as defined in subparagraph (b)(5) within the last five years; and (D) except for retired or former New Jersey Supreme Court justices, retired Superior Court judges, [and] retired Administrative Law judges, retired or former federal court judges, and retired judges from other states who presided over a court of general jurisdiction or appellate court, evidence of completed mediation or co-mediation of a minimum of two civil, general equity or probate cases within the last year. Applicants who had the required training over five years prior to their application to the roster must complete the six-hour family or civil supplemental mediation course as defined in subparagraph (b)(8) of this rule.

(4) Special Civil Part [Mediators/]Settlers. In addition to mediators on the civil roster, those judicial law clerks who have been trained in complementary dispute resolution (CDR) settlement techniques pursuant to R. 1:40-12(b)(6), court staff[,], and volunteers who have completed [a] the 18-hour course of mediation training approved by the Administrative Office of the Courts may [mediate/] settle Small Claims actions. In the discretion of the Assignment Judge, such persons may also [mediate/] settle landlord-tenant disputes and other Special Civil Part actions, provided that they complete additional substantive and procedural training in landlord-tenant law of at least [three and one-half] five hours [for law clerks, and at least seven

hours for all others], with such training to be approved by the Administrative Office of the Courts.

(5) . . . no change.

(6) . . . no change.

(i) . . . no change.

a. . . . no change.

b. . . . no change.

c. . . . no change.

d. . . . no change.

(ii) . . . no change.

a. . . . no change.

b. . . . no change.

c. . . . no change.

(iii) . . . no change.

(b) Mediator Training Requirements.

(1) General Provisions. All persons serving as mediators shall have completed the basic dispute resolution training course as prescribed by these rules and approved by the Administrative Office of the Courts. Volunteer mediators in the Special Civil Part and Municipal Court mediators shall have completed 18 classroom hours of basic mediation skills complying with the requirements of subparagraph (b)(3) of this rule. Mediators on the civil, general equity, and probate roster of the Superior Court shall have completed 40 classroom hours of basic mediation skills complying with the requirements of subparagraph (b)(5) of this rule and shall be mentored in at least two cases in the Law Division – Civil Part or Chancery Division – General

Equity or Probate Part of the Superior Court for a minimum of five hours by a civil roster mentor mediator who has been approved in accordance with the “Guidelines for the Civil Mediation Mentoring Program” promulgated by the Administrative Office of the Courts. Family Part mediators shall have completed a 40-hour training program complying with the requirements of subparagraph (b)(4) of this rule and, unless otherwise exempted in this rule, at least five hours being mentored by a family roster mentor mediator in at least two cases in the Family Part. In all cases it is the obligation of the mentor mediator to inform the litigants prior to mediation that a second mediator will be in attendance and why. If either party objects to the presence of the second mediator, the second mediator may not attend the mediation. In all cases, the mentor mediator conducts the mediation, while the second mediator observes. Mentored mediators are provided with the same protections as the primary mediator under the Uniform Mediation Act. Retired or former New Jersey Supreme Court justices and Superior Court judges, retired or former Administrative Law judges, retired or former federal court judges, and retired judges from other states who presided over a court of general jurisdiction or appellate court, child welfare mediators, and staff/law clerk mediators are exempted from the mentoring requirements except as required to do so for remedial reasons. Mediators already serving on the Civil mediator roster prior to September 1, 2015 are exempted from the updated training requirements. Family Roster mediators who wish to serve on the Civil Roster, must complete the six-hour supplemental Civil Mediation training and must comply with the Civil roster mentoring requirement of five hours and two cases in the Civil Part. [Judicial law clerks shall have successfully completed 12 classroom hours of basic mediation skills complying with the requirements of subparagraph (b)(6) of this rule.]

(2) . . . no change.

(3) Mediation Course Content – Basic Skills. The 18-hour classroom course in basic mediation skills and complementary dispute resolution (CDR) settlement techniques, shall, by lectures, demonstrations, exercises and role plays, teach the skills necessary for mediation practice, including but not limited to conflict management, communication and negotiation skills, the mediation process, and addressing problems encountered in mediation and other CDR resolution processes.

(4) . . . no change.

(5) . . . no change.

(6) Training Requirements for Judicial Law Clerks. Judicial law clerks serving as [mediators] third-party neutral settlers shall first have completed [either] a [12] six-hour complementary dispute resolution (CDR) settlement techniques training course prescribed by the Administrative Office of the Courts[, an approved course conducted by another institution or agency, or other comparable training]. [Proof of completion of any training other than the prescribed 12-hour course shall be submitted to the Administrative Office of the Courts for a determination of suitability. The Administrative Office of the Courts shall work with other institutions and agencies to encourage their provision of judicial law clerk mediation training and shall either approve or evaluate that training.]

(7) . . . no change.

(8) . . . no change.

(c) . . . no change.

(1) . . . no change.

(2) . . . no change.

(d) . . . no change.

Note: Adopted July 14, 1992 as Rule 1:40-10 to be effective September 1, 1992; caption amended, former text redesignated as paragraphs (a) and (b), paragraphs (a)3.1 and (b)4.1 amended June 28, 1996 to be effective September 1, 1996; redesignated as Rule 1:40-12, caption amended and first sentence deleted, paragraph (a)1.1 amended and redesignated as paragraph (a)(1), paragraph (a)2.1 amended and redesignated as paragraph (a)(2), paragraph (a)2.2 amended and redesignated as paragraph (b)(5), new paragraphs (a)(3) and (a)(4) adopted, paragraph (a)3.1 redesignated as paragraph (a)(5), paragraph (a)3.2 amended and incorporated in paragraph (b)(1), paragraph (a)4.1 amended and redesignated as paragraph (b)(6), paragraph (b)1.1 amended and redesignated as paragraph (b)(1), paragraphs (b)2.1 and (b)3.1 amended and redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)4.1 redesignated as paragraph (b)(4) with caption amended, paragraph (b)5.1 amended and redesignated as paragraph (b)(7) with caption amended, new section (c) adopted, and paragraph (b)5.1(d) amended and redesignated as new section (d) with caption amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(3) and (b)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b)(1), (b)(3), and (c) amended July 28, 2004 to be effective September 1, 2004; caption amended and paragraph (a)(4) caption and text amended June 15, 2007 to be effective September 1, 2007; new paragraph (a)(6) caption and text adopted, paragraph (b)(1) amended, paragraph (b)(2) deleted, paragraphs (b)(3) and (b)(4) redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)(5) amended and redesignated as paragraph (b)(4), and paragraphs (b)(6) and (b)(7) redesignated as paragraphs (b)(5) and (b)(6) July 16, 2009 to be effective September 1, 2009; subparagraphs (b)(2) and (b)(4) amended July 21, 2011 to be effective September 1, 2011; subparagraph (a)(3) caption and text amended, subparagraphs (a)(4), (a)(6), (b)(1), (b)(2) and (b)(4) amended, former subparagraph (b)(5) redesignated as subparagraph (b)(6), former subparagraph (b)(6) redesignated as subparagraph (b)(7), new subparagraphs (b)(5) and (b)(8) adopted July 27, 2015 to be effective September 1, 2015; subparagraphs (a)(3) text, (a)(5) caption and text, and (b)(1) text and paragraph (c) amended July 28, 2017 to be effective September 1, 2017; paragraph (a)(3) amended, paragraph (a)(4) caption and text amended, and paragraphs (b)(1), (b)(3), and (b)(6) amended July 29, 2019 to be effective September 1, 2019.

3:8-3. Representation by Public Defender

(a) Application; Determination; Referral. The criminal division manager's office shall receive applications for services of the Public Defender and shall determine indigence. A defendant who qualifies for service shall be referred to the Office of the Public Defender no later than the arraignment. The defense counsel appointed by the Office of the Public Defender shall promptly file an appearance. [Representation of a defendant by the Office of the Public Defender shall continue through direct appeal from conviction, post-conviction proceedings for which the Rules of Court provide assigned counsel, and appeals from those proceedings.]

(b) Scope of Services. The Office of the Public Defender shall represent indigent defendants who qualify for its services through:

- (1) Direct appeal from conviction;
- (2) Post-conviction proceedings for which the Rules of Court provide assigned counsel;
- (3) Direct appeal from those post-conviction proceedings; and
- (4) Review of cases after the Appellate Division issues a judgment in an appeal as of right and compliance with the provisions of paragraph (c) of this Rule following that review.

(c) Services Following Appellate Division Judgment. In cases that present a potentially meritorious petition for certification in accordance with the standards in R. 2:12-4, the Office of the Public Defender shall file a petition for certification accompanied by a letter brief or a letter relying on defendant's Appellate Division arguments. In cases in which defense counsel appointed by the Office of the Public Defender cannot certify that a petition "presents a substantial question and is filed in good faith," as required by R. 2:12-7(a), the Office of the

Public Defender shall not file a petition but shall notify defendant of this position in writing and offer copies of relevant briefs, transcripts, and any other documents.

Note: Adopted July 5, 2000 to be effective September 5, 2000; amended April 12, 2016 to be effective May 20, 2016; text amended and captioned as paragraph (a), new paragraphs (b) and (c) adopted July 29, 2019 to be effective September 1, 2019.

3:21-4. Sentence

(a) Imposition of Sentence; Conditions of Release. Sentence shall be imposed without unreasonable delay. Pending sentence the court may commit the defendant or continue, impose or alter the conditions of release, regardless of whether the defendant is an eligible defendant pursuant to N.J.S.A. 2A:162-15 et seq.

(b) ... no change.

(c) ... no change.

(d) ... no change.

(e) ... no change.

(f) ... no change.

(g) ... no change.

(h) ... no change.

(i) ... no change.

(j) ... no change.

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

paragraphs (g), (h), (i), and (j) and new paragraph (f) adopted July 10, 1998 to be effective September 1, 1998; paragraph (j) amended July 5, 2000 to be effective September 5, 2000; paragraph (e) caption and text amended, and paragraph (f) amended June 15, 2007 to be effective September 1, 2007; paragraph (h) caption and text amended July 16, 2009 to be effective September 1, 2009; paragraph (g) amended July 21, 2011 to be effective September 1, 2011; paragraph (a) caption and text amended August 30, 2016 to be effective January 1, 2017; paragraph (a) amended July 29, 2019 to be effective September 1, 2019.

3:26-1. Right to Pretrial Release Before Conviction

(a) Persons Entitled; Standards for Fixing. ... no change

(b) Restrictions on Contact. ... no change

(c) Crimes with Bail Restrictions Defined in N.J.S.A. 2A:162-12. ... no change

(d) Extradition Proceedings. ... no change

(e) 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)] 5:7A(d).

(2) N.J.S.A. 2C:35-5.7 and N.J.S.A. 2C:14-12 Restraining Orders. ... no change

(3) Certification of Offense Location for Drug Offender Restraining Orders. ... no change

Note: 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; caption amended, text of paragraph (a) amended and redesignated as paragraph (a)(1) with caption added, new paragraph (a)(2) adopted, paragraphs (b) and (c) amended, former paragraphs (d) and (e) deleted; former paragraph (f) amended and redesignated as paragraph (d), former paragraph (g) amended and redesignated as paragraph (e) August 30, 2016 to be effective January 1, 2017; paragraph (a)(1) amended November 14, 2016 to be effective January 1, 2017; paragraphs (a)(1), (a)(2), and (d) amended December 6, 2016 to be effective January 1, 2017; captions and text of paragraphs (a)(1) and (a)(2) amended July 28, 2017 to be effective September 1, 2017; subparagraph (e)(1) amended July 29, 2019 to be effective September 1, 2019.

3:30. Fees for Expungement of Records

Any person who files an application for an expungement of records, pursuant to N.J.S.A. 2C:52-1 to - 32, shall pay filing fees as [required by N.J.S.A. 2C:52-29 and N.J.S.A. 22A:2-25] established in R. 1:43, except as otherwise provided by statute.

Note: Adopted July 16, 2009 to be effective September 1, 2009; amended July 29, 2019 to be effective September 1, 2019.

4:52-1. Temporary Restraint and Interlocutory Injunction-Application on Filing of Complaint

(a) Order to Show Cause with Temporary Restraints. On the filing of a complaint seeking injunctive relief, the plaintiff may apply for an order requiring the defendant to show cause why an interlocutory injunction should not be granted pending the disposition of the action. The proceedings shall be recorded verbatim provided that the application is made at a time and place where a reporter or sound recording device is available. The order to show cause shall not, however, include any temporary restraints or other interim relief unless the defendant has either been given notice of the application or consents thereto or it appears from specific facts shown by affidavit or verified complaint that immediate and irreparable damage will probably result to the plaintiff before notice can be served or informally given and a hearing had thereon. If the order to show cause includes temporary restraints or other interim relief and was issued without notice to the defendant, provision shall be made therein that the defendant shall have leave to move for the dissolution or modification of the restraint on 2 days' notice or on such other notice as the court fixes in the order. The order may further provide for the continuation of the restraint until the further order of the court and shall be returnable within such time after its entry as the court fixes but not exceeding 35 days after the date of its issuance, unless within such time the court on good cause shown extends the time for a like period or unless the defendant consents to an extension for a longer period. [The order to show cause may be in the form in Appendices XII-G and -H to the extent applicable.]

(b) ...no change.

(c) ...no change.

Note: Source – R.R. 4:67-2. Paragraph (a) amended July 7, 1971 to be effective September 13, 1971; paragraph (a) amended effective July 26, 1984 to be effective September 10, 1984;

paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 9, 2008 to be effective September 1, 2008; paragraph (a) amended July 29, 2019 to be effective September 1, 2019.

4:67-2. Complaint; Order to Show Cause; Motion

(a) Order to Show Cause. If the action is brought in a summary manner pursuant to *R. 4:67-1(a)*, the complaint, verified by affidavit made pursuant to *R. 1:6-6*, may be presented to the court ex parte and service shall be made pursuant to *R. 4:52-1(b)*, except that if the action is pending in the Law Division of the Superior Court, it shall be presented to the Assignment Judge or to such other judge as the Assignment Judge designates. The proceeding shall be recorded verbatim provided that the application is made at a time and place where a reporter or sound recording device is available. The court, if satisfied with the sufficiency of the application, shall order the defendant to show cause why final judgment should not be rendered for the relief sought. No temporary restraints or other interim relief shall be granted in the order unless the defendant has either been given notice of the action or consents thereto or it appears from the specific facts shown by affidavit or verified complaint that immediate and irreparable damage will result to the plaintiff before notice can be served or informally given. The order shall be so framed as to notify the defendant fully of the terms of the judgment sought, and subject to the provisions of *R. 4:52*, it may embody such interim restraint and other appropriate intermediate relief as may be necessary to prevent immediate and irreparable damage. [The order to show cause may be in the form set forth in Appendix XII-F through XII-H to the extent applicable.]

(b) ...no change.

Note: Source – *R.R. 4:85-2*. Paragraph (a) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 9, 2008 to be effective September 1, 2008; paragraph (a) amended July 29, 2019 to be effective September 1, 2019.

4:83-1. Method of Proceeding

Unless otherwise specified, all actions in the Superior Court, Chancery Division, Probate Part, shall be brought in a summary manner by the filing of a complaint and issuance of an order to show cause pursuant to *R. 4:67*. The Surrogate, as Deputy Clerk, may fix the return date of the order to show cause and execute the same unless the procedure in a particular case raises doubt or difficulty. Service shall be made and the action shall proceed thereafter in accordance with that rule. [The order to show cause may be in the form in Appendix XII-I to the extent applicable.]

Note: Source – *R.R. 4:105-3, 4:117-1*. Former *R. 4:99-1* deleted and new *R. 4:83-1* adopted June 29, 1990 to be effective September 4, 1990; amended June 28, 1996 to be effective September 1, 1996; amended July 9, 2008 to be effective September 1, 2008; amended July 29, 2019 to be effective September 1, 2019.

5:1-4. Differentiated Case Management in Civil Family Actions

(a) Case Management Tracks; Standards for Assignment. Except for summary actions, every civil family action shall be assigned, subject to reassignment as provided by paragraph (c) of this rule, to one of the following tracks as follows:

(1) Priority Track. . . . no change.

(2) Complex Track. . . . no change.

(3) Expedited Track. . . . no change.

(4) Standard Track. . . . no change.

(5) Arbitration Track. At any point in a proceeding, the parties may agree to execute a Consent Order or Agreement to arbitrate or resolve the issues pending before the court pursuant to the Uniform Arbitration Act, N.J.S.A. 2A:23B-1, et seq., the New Jersey Alternative Procedure for Dispute Resolution Act, N.J.S.A. 2A:23A-1, et. seq., or any other agreed upon framework for arbitration of disputes between and among parties to any proceeding arising from a family or family-type relationship except as provided in R. 5:1-5(a)(1). If the parties elect to arbitrate, the litigation shall be assigned to the Arbitration Track, provided the parties have executed and filed with the court the Arbitration Questionnaire, which is set forth in Appendix XXIX-A, and the Arbitrator/Umpire Disclosure Form, which is set forth in Appendix XXIX-D. [and] Thereafter, the arbitration shall proceed pursuant to R. 5:1-5. Issues not resolved in the arbitration shall be addressed in a separate mediation process or by the court after the disposition of the arbitration.

(b) Procedure for Track Assignment. . . . no change.

(c) Track Reassignment. . . . no change.

Note: Adopted January 21, 1999 to be effective April 5, 1999; paragraph (b) amended August 1, 2006 to be effective September 1, 2006; subparagraph (a)(3) amended July 21, 2011 to be effective September 1, 2011; subparagraph (a)(4) amended, new subparagraph (a)(5) adopted, and paragraphs (b) and (c) amended July 27, 2015 to be effective September 1, 2015; subparagraph (a)(5) amended July 29, 2019 to be effective September 1, 2019.

5:1-5. Arbitration

(a) Scope of Rule. . . . no change.

(b) Prerequisites.

(1) Arbitration Questionnaire. [Prior to the execution of any Agreement or entry of a Consent Order,] Each [each] party shall review and execute the Arbitration Questionnaire, which is set forth in Appendix XXIX-A, and each party's questionnaire shall be attached to the Agreement or Consent Order and shall be filed with the court.

(2) Arbitrator Disclosure Form. The Arbitrator/Umpire Disclosure form, which is set forth in Appendix XXIX-D, shall be signed by the arbitrator/umpire, attached to the Agreement or Consent Order, and filed with the court.

(3) [(2)] Agreement or Consent Order.

(A) [Insofar as an] The Agreement or Consent Order shall be signed by the parties and [relates to a pending family proceeding, the Agreement or Consent Order] shall state:

(i) the parties understand their entitlement to a judicial adjudication of their dispute and are willing to waive that right;

(ii) the parties are aware of the limited circumstances under which a challenge to the award may be advanced and agree to those limitations;

(iii) the parties have had sufficient time to consider the implications of their decision to arbitrate; and

(iv) the parties have entered into the Agreement or Consent Order freely and voluntarily, after due consideration of the consequences of doing so.

(B) In addition, in all family proceedings involving child-custody and parenting-time issues, the Agreement or Consent Order shall provide that:

- (i) a record of all documentary evidence shall be kept;
- (ii) all testimony shall be recorded verbatim; and
- (iii) the award shall state, in writing, findings of fact and conclusions of

law with a focus on the best-interests of the child standard.

(C) Further, in all family proceedings involving child support issues, the Agreement or Consent Order shall provide that the award shall state, in writing, findings of fact and conclusions of law with a focus on the best-interests standard, and consistent with R. 5:6A and Rules Appendix IX.

(D) Appendix XXIX-B is a template form of agreement to arbitrate pursuant to N.J.S.A. 2A:23B-1 et seq.

(E) Appendix XXIX-C is a template form of agreement to resolve disputes pursuant to N.J.S.A. 2A: 23A-1 et seq.

(F) Appendix XXIX-D is a form arbitrator/umpire disclosure.

(4) [(3)] Certification. If the parties have entered into an Agreement or Consent Order to arbitrate or an arbitration award has issued, the certification filed pursuant to R. 4:5-1(b)(2) shall so state.

(c) Arbitration Track. . . . no change.

Note: Adopted July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended, new subparagraph (b)(2) adopted, subparagraphs (b)(2) and (b)(3) redesignated as subparagraphs (b)(3) and (b)(4) July 29, 2019 to be effective September 1, 2019.

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

(a) Retainer Agreements. Except where no fee is to be charged, every agreement for legal services to be rendered in a civil family action shall be in writing signed by the attorney and the client, and an executed copy of the agreement shall be delivered to the client. The agreement shall have annexed thereto the Statement of Client Rights and Responsibilities in Civil Family Actions in the form appearing in Appendix XVIII of these rules and shall include the following:

- (1) a description of legal services anticipated to be rendered;
- (2) a description of the legal services not encompassed by the agreement, such as real estate transactions, municipal court appearances, tort claims, appeals, and domestic violence proceedings;
- (3) the method by which the fee will be computed;
- (4) the amount of the initial retainer and how it will be applied;
- (5) when bills are to be rendered, which shall be no less frequently than once every ninety days, provided that services have been rendered during that period; when payment is to be made; whether interest is to be charged, provided, however, that the running of interest shall not commence prior to thirty days following the rendering of the bill; and whether and in what manner the initial retainer is required to be replenished;
- (6) the name of the attorney having primary responsibility for the client's representation and that attorney's hourly rate; the hourly rates of all other attorneys who may provide legal services; whether rate increases are agreed to, and, if so, the frequency and notice thereof required to be given to the client;
- (7) a statement of the expenses and disbursements for which the client is responsible and how they will be billed;

(8) the effect of counsel fees awarded on application to the court pursuant to paragraph (c) of this rule;

(9) the right of the attorney to withdraw from the representation, pursuant to paragraph [(d)] (e) of this rule, if the client does not comply with the agreement; and

(10) the availability of Complementary Dispute Resolution (CDR) programs including but not limited to mediation and arbitration.

(b) Limitations on Retainer Agreements. . . .no change.

(c) Award of Attorney Fees. . . .no change.

(d) Affidavit of Services Provided. . . . no change.

(e) Withdrawal from Representation. . . . no change.

Note: Adopted January 21, 1999 to be effective April 5, 1999; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; new paragraph (a)(10) adopted, and paragraphs (d)(1) and (d)(2) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 16, 2009 to be effective September 1, 2009; 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; paragraph (c) amended, new paragraph (d) adopted, former paragraph (d) redesignated as paragraph (e), and new subparagraph (e)(3) adopted July 28, 2017 to be effective September 1, 2017; subparagraph (a)(9) amended July 29, 2019 to be effective September 1, 2019.

5:4-4. Service of Process in Family Part Summary Actions; Initial Complaints and Applications for Post-Dispositional Relief

(a) Manner of Service. . . . no change.

(b) Service by Mail Program. . . . no change.

(c) Diligent Inquiry in Family Part Summary Actions.

(1) For purposes of initial complaints or upon the filing of any application for post-dispositional relief in a Family Part summary action, where the adverse party cannot be located, the filing party must provide the last known home address and demonstrate, through diligent inquiry, that no current address is known for the adverse party. Where it appears to the court by affidavit or certification of diligent inquiry filed by the filing party that the adverse party cannot be located, the court may proceed to hear the matter. For initial complaints, nothing in this rule shall prohibit the court from ordering substituted service by publication in accordance with R. 4:4-5[(c)] (a)(3).

(2) . . . no change.

(3) . . . no change.

(d) Enforcement of a Support Order. . . . no change.

(e) General Appearance; Acknowledgment of Service. . . . no change.

Note: Adopted July 10, 1998 to be effective September 1, 1998; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; new paragraph (b)(4) adopted, former paragraph (b)(4) redesignated as paragraph (b)(5), and paragraph (c) amended June 15, 2007 to be effective September 1, 2007; caption amended, paragraph (a) amended, paragraph (b) caption and introductory text amended, subparagraph (b)(1) caption and text amended, subparagraph (b)(2), (b)(3), (b)(4) and (b)(5) text amended, new paragraph (c) caption and text adopted, former paragraph (c) redesignated as paragraph (d), former paragraph (d) redesignated as paragraph (e) and amended July 21, 2011 to be effective September 1, 2011; subparagraph (c)(1) amended July 29, 2019 to be effective September 1, 2019.

5:5-4. Motions in Family Actions

(a) Motions.

(1) General. Motions in family actions shall be governed by R. 1:6-2(b) except that, in exercising its discretion as to the mode and scheduling of disposition of motions, the court shall ordinarily grant requests for oral argument on substantive and non-routine discovery motions and ordinarily deny requests for oral argument on calendar and routine discovery motions. [When a motion is filed for enforcement or modification of a prior order or judgment, a copy of the order or judgment sought to be enforced or modified shall be appended to the pleading filed in support of the motion. When a motion or cross-motion is filed to establish alimony or child support the pleadings filed in support of, or in opposition to the motion, shall include a copy of a current case information statement. In the event a motion or cross-motion is filed to modify an obligation for alimony or child support based on changed circumstances, the movant shall append copies of the movant's current case information statement and the movant's case information statement previously executed or filed in connection with the order, judgment or agreement sought to be modified. If the court concludes either that the party seeking relief has demonstrated a prima facie showing of a substantial change of circumstances or that there is other good cause, then the court will order the opposing party to file a copy of a current case information statement.]

(2) Motion attachments for establishing alimony or child support. When a motion or cross-motion is filed to establish alimony or child support, the pleadings filed in support of, or in opposition to the motion, shall include a copy of a current case information statement.

(3) Motion attachments for enforcement or modification. When a motion is filed for enforcement or modification of a prior order or judgment, a copy of the order or judgment sought

to be enforced, modified or terminated shall be appended to the pleading filed in support of the motion.

(4) Motion attachments for modification or termination of alimony or child support not based on retirement. When a motion or cross motion is filed for modification or termination of alimony or child support, other than an application based on retirement filed pursuant to N.J.S.A. 2A:34-23(j)(2) and (j)(3), the movant shall append copies of the movant's current case information statement and the movant's case information statement previously executed or filed in connection with the order, judgment or agreement sought to be modified. If the court concludes that the party seeking relief has demonstrated a prima facie showing of a substantial change of circumstances or that there is other good cause, then the court shall order the opposing party to file a copy of a current case information statement.

(5) Motion attachments for modification or termination of alimony based on retirement. Upon application by the obligor to modify or terminate alimony based upon retirement pursuant to N.J.S.A. 2A:34-23(j)(2) and (j)(3), both the obligor's application to the court for modification or termination of alimony and the obligee's response to the application shall be accompanied by current case information statements as well as the case information statements previously executed or filed, or other relevant financial documents if there was no case information statement executed or filed, in connection with the order, judgment or agreement sought to be modified. In the event the previous case information statement cannot be obtained after diligent efforts or was never prepared, a certification shall be submitted detailing said diligent efforts or the non-existence of said documents.

(b) Page Limits. Unless the court otherwise permits for good cause shown and except for the certification required by R. 4:42-9(b) (affidavit of service), all certifications in support of a

motion shall not exceed a total of twenty-five [fifteen] pages. This twenty-five page limit shall be allocated between the initial certification(s) and reply certifications(s) as the movant deems appropriate. All certifications in opposition to a motion or in support of a cross-motion or both shall not exceed a total of twenty-five pages. [All reply certifications to opposing pleadings shall not exceed a total of ten pages.]

(c) Time for Service and Filing. . . . no change.

(d) Advance Notice. . . . no change.

(e) Tentative Decisions. . . . no change.

(f) Orders on Family Part Motions. . . . no change.

(g) Exhibits. . . . no change.

Note: Source-R. (1969) 4:79-11. Adopted December 20, 1983, to be effective December 31, 1983; amended November 2, 1987 to be effective, January 1, 1988; former rule amended and redesignated paragraph (a) and paragraph (b) adopted June 29, 1990 to be effective September 4, 1990; paragraph (b) amended and paragraph (c) adopted June 28, 1996 effective as of September 1, 1996; captions of paragraphs (a) and (b) amended and paragraph (d) adopted July 10, 1998 to be effective September 1, 1998; new paragraph (b) added and former paragraphs (b), (c), and (d) redesignated as paragraphs (c), (d), and (e) January 21, 1999 to be effective April 5, 1999; paragraph (d) amended July 5, 2000 to be effective September 5, 2000; new paragraph (f) added July 12, 2002 to be effective September 3, 2002; paragraphs (c) and (d) amended, and new paragraph (g) adopted July 28, 2004 to be effective September 1, 2004; paragraphs (c) and (d) amended June 15, 2007 to be effective September 1, 2007; paragraphs (a), (b), (d) and (g) amended July 16, 2009 to be effective September 1, 2009; paragraph (a) amended July 27, 2015 to be effective September 1, 2015; paragraph (a) amended and redesignated as subparagraph (a)(1) with caption added, new subparagraphs (a)(2) through (a)(5) adopted, paragraph (b) amended July 29, 2019 to be effective September 1, 2019.

5:7A. Domestic Violence: Restraining Orders

[(a) Application for Temporary Restraining Order. Except as provided in paragraph (d) of this rule, an applicant for a temporary restraining order shall appear before a judge or a domestic violence hearing officer to personally testify on the record or by sworn complaint submitted pursuant to N.J.S.A. 2C:25-28. If it appears that the applicant is in danger of domestic violence, the judge shall, upon consideration of the applicant's domestic violence affidavit, complaint or testimony, order emergency relief, including ex parte relief, in the nature of a temporary restraining order as authorized by N.J.S.A. 2C:25-17 et seq.]

(a) Temporary Restraining Order. In court proceedings instituted under the Prevention of Domestic Violence Act of 1990, the judge shall issue a temporary restraining order when the applicant appears to be in danger of domestic violence. The order may be issued ex parte when necessary to protect the life, health, or well-being of a victim on whose behalf the relief is sought.

[(b) Issuance of Temporary Restraining Order by Electronic Communication. A judge may issue a temporary restraining order upon sworn oral testimony of an applicant 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 or law enforcement officer assisting the applicant 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 applicant 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 temporary restraining order. A temporary restraining order may issue

if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown. Upon issuance of the temporary restraining order, the judge shall memorialize the specific terms of the order and shall direct the law enforcement officer assisting the applicant to enter the judge's authorization verbatim on a form, or other appropriate paper, designated the duplicate original temporary restraining order. This order shall be deemed a temporary restraining order for the purpose of N.J.S.A. 2C:25-28. The judge shall direct the law enforcement officer assisting the applicant to print the judge's name on the temporary restraining order. The judge shall also contemporaneously record factual determinations. Contemporaneously the judge shall issue a written confirmatory order and shall enter thereon the exact time of issuance of the duplicate order. In vicinages where an approved form of electronic temporary restraining order is utilized and prepared electronically by the municipal court judge on a notebook computer or other device, the temporary restraining order may be transmitted electronically without need for a duplicate written order. In all other respects, the method of issuance and contents of the order shall be that required by paragraph (a) of this rule.]

(b) Venue in Domestic Violence Proceedings. Venue in domestic violence actions shall be laid in the county where either of the parties resides, in the county where the domestic violence offense took place, or in the county where the victim of domestic violence is sheltered. The final hearing is to be held in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere.

[(c) Temporary Restraining Order. In court proceedings instituted under the Prevention of Domestic Violence Act of 1990, the judge shall issue a temporary restraining order when the applicant appears to be in danger of domestic violence. The order may be issued ex parte when

necessary to protect the life, health, or well-being of a victim on whose behalf the relief is sought.]

(c) Application for Temporary Restraining Order. Except as provided in paragraph (d) of this rule, an applicant for a temporary restraining order shall appear before a judge or a domestic violence hearing officer to personally testify on the record or by sworn complaint submitted pursuant to N.J.S.A. 2C:25-28. If it appears that the applicant is in danger of domestic violence, the judge shall, upon consideration of the applicant's domestic violence affidavit, complaint or testimony, order emergency relief, including ex parte relief, in the nature of a temporary restraining order as authorized by N.J.S.A. 2C:25-17 et seq. In order to be eligible for a temporary restraining order, the applicant must qualify as a "victim of domestic violence" as defined by N.J.S.A. 2C:25-19d.

[(d) Final Restraining Order. A final order restraining a defendant shall be issued only on a specific finding of domestic violence or on a stipulation by a defendant to the commission of an act or acts of domestic violence as defined by the statute.]

(d) Issuance of Temporary Restraining Order by Electronic Communication. A judge may issue a temporary restraining order upon sworn oral testimony of an applicant 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 or law enforcement officer assisting the applicant 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 applicant 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 temporary restraining order. A temporary restraining order may issue if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown. Upon issuance of the temporary restraining order, the judge shall memorialize the specific terms of the order and shall direct the law enforcement officer assisting the applicant to enter the judge's authorization verbatim on a form, or other appropriate paper, designated the duplicate original temporary restraining order. This order shall be deemed a temporary restraining order for the purpose of N.J.S.A. 2C:25-28. The judge shall direct the law enforcement officer assisting the applicant to print the judge's name on the temporary restraining order. The judge shall also contemporaneously record factual determinations. Contemporaneously the judge shall issue a written confirmatory order and shall enter thereon the exact time of issuance of the duplicate order. In vicinages where an approved form of electronic temporary restraining order is utilized and prepared electronically by the municipal court judge on a notebook computer or other device, the temporary restraining order may be transmitted electronically without need for a duplicate written order. In all other respects, the method of issuance and contents of the order shall be that required by paragraph (a) of this rule.

[(e) Procedure Upon Arrest Without a Warrant. Whenever a law enforcement officer has effected an arrest without a warrant on a criminal complaint brought for a violation otherwise defined as an offense under the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., bail may be set and a complaint-warrant may be issued pursuant to the procedures prescribed in R. 3:4-1(b).]

(e) Final Restraining Order. A hearing for a final restraining order shall be held in the Superior Court within 10 days of the filing of an application. A final order restraining a

defendant shall be issued only on a specific finding of domestic violence or on a stipulation by a defendant to the commission of an act or acts of domestic violence as defined by the statute.

[(f) Venue in Domestic Violence Proceedings. Venue in domestic violence actions shall be laid in the county where either of the parties resides, in the county where the domestic violence offense took place, or in the county where the victim of domestic violence is sheltered. The final hearing is to be held in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere.]

(f) Procedure After Arrest. Whenever a law enforcement officer has effected an arrest for a criminal complaint brought for a violation otherwise defined as an offense under the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq., a complaint shall be issued pursuant to the procedures described in R. 3:4-1.

Note: Adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended, paragraph (b) caption and text amended and new paragraphs (c) and (d) adopted November 2, 1987 to be effective January 1, 1988; caption amended, former paragraph (c) redesignated paragraph (e), former paragraph (d) redesignated paragraph (f) and new paragraphs (c) and (d) adopted November 18, 1993 to be effective immediately; paragraphs (a), (b), and (e) amended July 12, 2002 to be effective September 3, 2002; paragraph (f) amended July 7, 2005 to be effective immediately; paragraph (b) amended July 21, 2011 to be effective September 1, 2011; paragraph (a) amended July 28, 2017 to be effective September 1, 2017; paragraph (a) amended and redesignated as paragraph (c), paragraph (b) redesignated as paragraph (d), paragraph (c) redesignated as paragraph (a), paragraph (d) amended and redesignated as paragraph (e), paragraph (e) caption and text amended and redesignated as paragraph (f), paragraph (f) redesignated as paragraph (b) July 29, 2019 to be effective September 1, 2019.

5:7B. Sexual Assault Survivor Protection Act: Protective Orders

[(a) Application for Temporary Protective Order. Except as provided in paragraph (b) of this rule, an applicant for a temporary protective order shall appear before a judge or a domestic violence hearing officer to personally testify on the record or by sworn complaint submitted pursuant to N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15. If it appears that the order is necessary to protect the safety and wellbeing of the victim, the judge shall, upon consideration of the applicant's affidavit, complaint or testimony, order emergency relief, including ex parte relief, in the nature of a temporary protective order as authorized by N.J.S.A. 2C:14-13 et seq.]

(a) Temporary Protective Order. In court proceedings instituted under the Sexual Assault Survivor Protection Act of 2015, the judge shall issue a temporary protective order when the victim has been subject to nonconsensual sexual contact, sexual penetration, or lewdness, or an attempt at such conduct. The order may be issued ex parte when necessary to protect the safety and wellbeing of the victim on whose behalf the relief is sought.

[(b) Issuance of Temporary Protective Order by Electronic Communication. A judge may issue a temporary protective order upon sworn oral testimony of an applicant 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 assisting the applicant shall contemporaneously record such sworn oral testimony by means of a sound-recording device or stenographic machine if such are available; otherwise, adequate longhand notes summarizing what is said shall be made by the judge. Subsequent to taking the oath, the applicant 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 temporary protective order. A temporary protective order may issue if the judge is

satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown. Upon issuance of the temporary protective order, the judge shall memorialize the specific terms of the order. This order shall be deemed a temporary protective order for the purpose of N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15.]

(b) Venue in Sexual Assault Survivor Protection Act Proceedings. Venue in these actions shall be laid in the county where either of the parties resides, where the offense took place, or where the victim is sheltered. The final hearing is to be held in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere.

[(c) Temporary Protective Order. In court proceedings instituted under the Sexual Assault Survivor Protection Act of 2015, the judge shall issue a temporary protective order when the victim has been subject to nonconsensual sexual contact, sexual penetration, or lewdness, or an attempt at such conduct. The order may be issued ex parte when necessary to protect the safety and wellbeing of the victim on whose behalf the relief is sought.]

(c) Application for Temporary Protective Order. Except as provided in paragraph (b) of this rule, an applicant for a temporary protective order shall appear before a judge or a domestic violence hearing officer to personally testify on the record or by sworn complaint submitted pursuant to N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15. If it appears that the order is necessary to protect the safety and wellbeing of the victim, the judge shall, upon consideration of the applicant's affidavit, complaint or testimony, order emergency relief, including ex parte relief, in the nature of a temporary protective order as authorized by N.J.S.A. 2C:14-13 et seq. Any person alleging to be a victim of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, and who is not eligible for a restraining order as a "victim of

domestic violence” as defined by N.J.S.A. 2C:25-19d may apply for a temporary protective order.

[(d) Final Protective Order. A final order restraining a defendant shall be issued only on a specific finding of nonconsensual sexual contact, sexual penetration, or lewdness, or an attempt at such conduct, or on a stipulation by a defendant to the commission of an act or acts of sexual contact as defined by the statute.]

(d) Issuance of Temporary Protective Order by Electronic Communication. A judge may issue a temporary protective order upon sworn oral testimony of an applicant 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 assisting the applicant shall contemporaneously record such sworn oral testimony by means of a sound-recording device or stenographic machine if such are available; otherwise, adequate longhand notes summarizing what is said shall be made by the judge. Subsequent to taking the oath, the applicant 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 temporary protective order. A temporary protective order may issue if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown. Upon issuance of the temporary protective order, the judge shall memorialize the specific terms of the order. This order shall be deemed a temporary protective order for the purpose of N.J.S.A. 2C:14-14 and N.J.S.A. 2C:14-15.

[(e) Venue in Sexual Assault Survivor Protection Act Proceedings. Venue in these actions shall be laid in the county where either of the parties resides, where the offense took

place, or where the victim is sheltered. The final hearing is to be held in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere.]

(e) Final Protective Order. A hearing for a final protective order shall be held in the Superior Court within 10 days of the filing of an application. A final order restraining a defendant shall be issued only on a specific finding of nonconsensual sexual contact, sexual penetration, or lewdness, or an attempt at such conduct, or on a stipulation by a defendant to the commission of an act or acts of sexual contact as defined by the statute.

Note: Adopted July 28, 2017 to be effective September 1, 2017; paragraph (a) amended and redesignated as paragraph (c), paragraph (b) redesignated as paragraph (d), paragraph (c) redesignated as paragraph (a), paragraph (d) amended and redesignated as paragraph (e), paragraph (e) redesignated as paragraph (b) July 29, 2019 to be effective September 1, 2019.

5:10-4. Surrogate Action

(a) Review of Complaint Prior to Docketing. . . . no change.

(b) Jurisdiction

(1) . . . no change.

(2) . . . no change.

(3) Upon the court fixing a day for preliminary or final hearing in private placement adoptions, the Surrogate shall append to the court's order a form promulgated by the Administrative Director of the Courts informing the child's parents whose parental rights are subject to a termination proceeding of the procedure to object to the adoption, the right to legal counsel, and how to apply for a court-appointed attorney. The signed order and form shall be returned to the plaintiff for service of the form and notice of the hearing on the child's parents whose parental rights are subject to a termination proceeding pursuant to N.J.S.A. 9:3-45.

Service of the form on the child's parent whose rights are not being terminated shall not be required.

(4) . . . no change.

Note: Source - R. (1969) 4:94-3. Adopted December 20, 1983, to be effective December 31, 1983; caption amended, former text redesignated as paragraph (b), paragraph (b) caption adopted, paragraph (b) amended, and new paragraph (a) adopted July 21, 2011 to be effective September 1, 2011; former subparagraph (b)(3) redesignated as subparagraph (b)(4) and new subparagraph (b)(3) adopted May 30, 2017 to be effective immediately; subparagraph (b)(3) amended July 29, 2019 to be effective September 1, 2019.

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) . . . no change.

(2) . . . no change.

(3) . . . no change.

(4) For private stepparent adoptions and direct private placement adoptions, the Notice of Rights in an Adoption Proceeding (Private/Non-Agency Placement) form as promulgated by the Administrative Director of the Courts, which is to be served on a parent whose parental rights are subject to a termination proceeding. If the Private/Non-Agency Placement form is served on, but not filed by, the parent, proof of service on the parent must be filed.

(5) . . . no change.

(b) . . . 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; subparagraphs (a)(2) and (a)(3)(H) amended, and new subparagraphs (a)(4) and (a)(5) adopted May 30, 2017 to be effective immediately; subparagraph (a)(4) amended July 29, 2019 to be effective September 1, 2019.

5:10-6. Indian Child Welfare Act

To determine if the Indian Child Welfare Act (ICWA) applies, at [At] the first hearing following the filing of the adoption complaint, if a prior court determination has not been made, the court shall determine [whether] if there is reason to believe [that] the child [or either biological parent may be a member, or eligible to be a member, of a federally recognized Indian tribe, pursuant to the Indian Child Welfare Act (ICWA)] is an Indian Child, which is defined as: (1) a child who is a member of a federally recognized Indian Tribe or (2) a child who is eligible for membership in a federally recognized Indian Tribe and is the biological child of a member of a federally recognized Indian Tribe. If [so,] the court cannot determine whether ICWA applies, it shall order an investigation, [including notification] which may include an inquiry to the appropriate tribe, to determine if [ICWA applies] the child or one of the biological parents is a member. The ICWA findings shall be made on the record and documented in a court order.

Note: New Rule 5:10-6 adopted (and former Rule 5:10-6 redesignated as Rule 5:10-9) July 21, 2011 to be effective September 1, 2011; amended July 29, 2019 to be effective September 1, 2019.

5:10-7. Judicial Surrender of Parental Rights

(a) Procedure. . . . no change.

(b) Contents. . . . no change.

(c) Hearing. . . . no change.

(d) Surrenders Pursuant to N.J.S.A. 9:3-41. . . . no change.

(e) Surrenders Pursuant to the Indian Child Welfare Act (ICWA). If it is determined that the child is an Indian Child as defined by ICWA, the requirements of ICWA for voluntary terminations shall apply.

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; new paragraph (e) adopted July 29, 2019 to be effective September 1, 2019.

5:14-4. Gestational Carrier Matters; Orders of Parentage

(a) Complaint and Order to Show Cause. Prior to the birth of a child or thereafter, and prior to the issuance of a birth certificate pursuant to N.J.S.A. 26:8-28, a complaint and a proposed order to show cause may be filed requesting an order of parentage naming the petitioners[, except when prohibited by law,] as the child's legal parents. A complaint filed pursuant to the New Jersey Gestational Carrier Agreement Act, N.J.S.A. 9:17-60 et seq., shall have attached to it those documents as set forth in N.J.S.A. 9:17-67(b). A gestational carrier is defined as a woman who is not the genetic mother of the child.

(b) Process. The complaint, proposed order to show cause, and proposed order of parentage shall be filed with the Surrogate in the county where either the petitioners or gestational carrier resides, or where the child is to be born. The executed order to show cause shall be entered by the court no later than three days after filing of the complaint and set forth a return date no later than seven days after the filing date of the complaint. The gestational carrier and her spouse or [civil union] partner in a civil union or domestic partnership, if applicable, and any other party to the gestational carrier agreement, shall be served with a copy of the complaint, executed order to show cause, and proposed order of parentage. [A copy of the complaint, executed order to show cause and proposed order of parentage shall be served on the State registrar of vital statistics pursuant to R. 4:44(a)(7), and any other party in interest.] Proof of service shall be filed with the court on or before the return date.

(c) Return on Order to Show Cause.

(1) If the gestational carrier, [and] or her spouse or partner in a civil union or domestic partnership, [civil union partner] if applicable, [the State registrar of vital statistics] and any other party [in interest] to the gestational carrier agreement, have not filed an objection with the

Surrogate, or appeared in court, an order of parentage shall be signed on the return date. The order of parentage shall state that [:(A) the order of parentage shall be issued and become effective upon the filing of a relinquishment of parental rights executed and acknowledged by the gestational carrier, and spouse or civil union partner, if applicable, after seventy-two (72) hours from the birth of the child, and (B)] the petitioners shall be the sole parents of the child born to the gestational carrier. Personal appearances of the parties on the return date shall not be required unless there is an objection to the relief requested.

(2) The order of parentage shall be effective on the date it is executed by the court, and [the relinquishment of parental rights is filed with the Surrogate. Upon the filing of the relinquishment of parental rights,] the Surrogate shall provide the fully executed order of parentage immediately to the petitioners or their attorney who shall serve a copy of the order of parentage on the gestational carrier and her spouse or partner in a civil union or domestic partnership, [civil union partner] if applicable, and any other party to the gestational carrier agreement.

(d) Listing of Names of Petitioners on the Birth Record. Pursuant to N.J.S.A. 26:8-28 and N.J.S.A. 9:17-67(g), [Upon] upon presentation by the petitioners or their attorney of the fully executed order of parentage [and relinquishment of parental rights] to the hospital or health care facility in which the child was born, the names of the petitioners shall be listed as the parents of the child on the birth record pursuant to N.J.A.C. 8:2-1.5(d).

Note: Adopted July 27, 2015 to be effective September 1, 2015; paragraphs (a), (b), (c), (d) amended July 29, 2019 to be effective September 1, 2019.

5:20-1. Complaint

(a) How Made, Contents. . . . no change.

(b) Filing and Service. . . . no change.

(c) Court Intake Services Referral. Every complaint alleging juvenile delinquency shall be reviewed by court intake services in the manner provided by law for recommendation as to whether the complaint should be dismissed, diverted or referred for further court action. Where the complaint alleges conduct which, if committed by an adult, would constitute a crime as defined by N.J.S. 2C:1-4a or a repetitive disorderly persons offense as defined by N.J.S. 2A:4A-22(h), or any disorderly persons offense as defined in chapter 35 or chapter 36 of Title 2C, the matter shall not be diverted by the court unless the prosecutor consents thereto. Nothing in this rule precludes the court from diverting any complaint pursuant to N.J.S. 2A:4A-73(a) after a hearing wherein all parties have an opportunity to be heard.

(d) Amendment. . . . no change.

(e) Consolidation. . . . no change.

Note: Source-R. (1969) 5:8-1(a), (b), (c), and (d); R. (1969) 5:9-3(a) and (b). Adopted December 20, 1983, to be effective December 31, 1983; paragraphs (a)(3) and (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 29, 2019 to be effective September 1, 2019.

5:20-5. Juvenile Delinquency Matters: Discovery and Inspection [new]

(a) Timing of Discovery. All discovery that is available and within the possession, custody and control of the prosecutor shall be provided to the defense, which may include the juvenile, the juvenile's attorney, and the juvenile's parent or guardian:

(1) If the juvenile is detained, the prosecutor or law enforcement agency shall provide discovery no later than three business days after the filing of the complaint.

(2) If the juvenile is not detained and is not diverted or sent to a referee, the prosecutor or law enforcement agency shall provide discovery within 30 days after the filing of the complaint, or upon written request of the defense, but no later than five business days before the initial court appearance.

(3) If the juvenile is diverted to a juvenile conference committee or intake service conference or referred to a juvenile referee, the prosecutor or law enforcement agency shall provide discovery upon written request by the defense.

The prosecutor shall provide defense counsel with all available relevant material that would be discoverable pursuant to paragraph (b)(1) of this rule.

(b) Discovery to be Provided

(1) Discovery by the Juvenile. Except for good cause shown, the prosecutor's discovery for each juvenile named in the complaint shall be provided to the attorney of record for the juvenile, or shall be available through the prosecutor's office, pursuant to paragraph (a) of this rule. Good cause shall include, but is not limited to, circumstances in which the nature, format, manner of collation or volume of discoverable materials would involve an extraordinary expenditure of time and effort to copy. In such circumstances, the prosecutor may make discovery available by permitting defense counsel to inspect and copy or photograph

discoverable materials at the prosecutor's office, rather than by copying and delivering such materials. The prosecutor shall also provide defense counsel with a listing of the materials that have been supplied in discovery. If any discoverable materials known to the prosecutor have not been supplied, the prosecutor shall also provide defense counsel with a listing of the materials that are missing and explain why they have not been supplied.

Discovery shall include exculpatory information or material. It shall also include, but is not limited to, the following relevant material:

(A) books, tangible objects, papers or documents obtained from or belonging to the juvenile, including, but not limited to, writings, drawings, graphs, charts, photographs, video and sound recordings, images, electronically stored information, and any other data or data compilations stored in any medium from which information can be obtained and translated, if necessary, into reasonably usable form;

(B) records of statements or confessions, signed or unsigned, by the juvenile or copies thereof, and a summary of any admissions or declarations against penal interest made by the juvenile that are known to the prosecution but not recorded. The prosecutor also shall provide the juvenile with transcripts of all electronically recorded statements or confessions by a date to be determined by the trial judge, except in no event later than 14 days before the trial date or waiver hearing.

(C) results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the matter or copies thereof, which are within the possession, custody or control of the prosecutor;

(D) reports or records of prior adjudications of the juvenile;

(E) books, papers, documents, or copies thereof, or tangible objects, buildings or places which are within the possession, custody or control of the prosecutor, including, but not limited to, writings, drawings, graphs, charts, photographs, video and sound recordings, images, electronically stored information, and any other data or data compilations stored in any medium from which information can be obtained and translated, if necessary, into reasonably usable form;

(F) names, addresses, and birthdates of any persons whom the prosecutor knows to have relevant evidence or information, including a designation by the prosecutor as to which of those persons may be called as witnesses;

(G) record of statements, signed or unsigned, by such persons or by co-defendants which are within the possession, custody or control of the prosecutor and any relevant record of prior adjudication of such persons. The prosecutor also shall provide the juvenile with transcripts of all electronically recorded co-defendant and witness statements by a date to be determined by the trial judge, except in no event later than 14 days before the trial date or waiver hearing, but only if the prosecutor intends to call that co-defendant or witness as a witness at trial.

(H) police reports that are within the possession, custody, or control of the prosecutor;

(I) names and addresses of each person whom the prosecutor expects to call at trial as an expert witness, the expert's qualifications, the subject matter on which the expert is expected to testify, a copy of the report, if any, of such expert witness, or if no report is prepared, a statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(J) all records, including notes, reports and electronic recordings relating to an identification procedure, as well as identifications made or attempted to be made.

(2) Discovery by the State. Defense counsel shall provide a copy of the discovery materials to the prosecuting attorney by a date to be determined by the trial judge, except in no event later than 20 days before the trial or waiver hearing. Defense counsel shall also provide the prosecuting attorney with a listing of the materials that have been supplied in discovery. If any discoverable materials known to defense counsel have not been supplied, defense counsel also shall provide the prosecuting attorney with a listing of the materials that are missing and explain why they have not been supplied. A juvenile shall provide the State with all relevant material, including, but not limited to, the following:

(A) results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the matter or copies thereof, which are within the possession, custody or control of defense counsel;

(B) any relevant books, papers, documents or tangible objects, buildings or places or copies thereof, which are within the possession, custody or control of defense counsel, including, but not limited to, writings, drawings, graphs, charts, photographs, video and sound recordings, images, electronically stored information, and any other data or data compilations stored in any medium from which information can be obtained and translated, if necessary, into reasonably usable form;

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

(D) written statements, if any, including any memoranda reporting or summarizing the oral statements, made by any witnesses whom the State may call as a witness at trial. The juvenile also shall provide the State with transcripts of all electronically recorded witness

statements by a date to be determined by the trial judge, except in no event later than 14 days before the trial date or waiver hearing.

(E) names and address of each person whom the defense expects to call at trial as an expert witness, the expert's qualifications, the subject matter on which the expert is expected to testify, and a copy of the report, if any, of such expert witness, or if no report is prepared, a statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(3) Discovery Provided through Electronic Means. Unless otherwise ordered by the court, the parties may provide discovery pursuant to paragraphs (a) and (b) of this rule through the use of CD, DVD, e-mail, internet or other electronic means. Documents provided through electronic means shall be in PDF format. All other discovery shall be provided in an open, publicly available (non-proprietary) format that is compatible with any standard operating computer. If discovery is not provided in a PDF or open, publicly available format, the transmitting party shall include a self-extracting computer program that will enable the recipient to access and view the files that have been provided. Upon motion by the recipient, and for good cause shown, the court shall order that discovery be provided in the format in which the transmitting party originally received it. In all cases in which an Alcotest device is used, any Alcotest data shall, upon request, be provided for any Alcotest 7110 relevant to a particular juvenile's case in a readable digital database format generally available to consumers in the open market. In all cases in which discovery is provided through electronic means, the transmitting party shall also include a list of the materials that were provided and, in the case of multiple disks, the specific disk on which they can be located.

(c) Motions for Discovery. No motion for discovery shall be filed unless the moving party certifies that the prosecutor and defense counsel have conferred and been unable to resolve the issue(s).

(d) Documents Not Subject to Discovery. This rule does not require discovery of a party's work product consisting of internal reports, memoranda or documents made by that party or the party's attorney or agents, in connection with the investigation, prosecution or defense of the matter, nor does it require discovery by the State of records or statements, signed or unsigned, of the juvenile made to the juvenile's attorney or agents.

(e) Protective Orders

(1) Grounds. On 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 may 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; or any other relevant considerations.

(2) Procedure. The court may permit the showing of good cause to be made, in whole or in part, in the form of a written statement to be inspected by the court alone, and if the court thereafter enters a protective order, the entire text of the statement shall be sealed and preserved in the records of the court, to be made available only to the appellate court in the event of an appeal.

(f) Continuing Duty to Disclose; Failure to Comply. There shall be a continuing duty to provide discovery pursuant to this rule. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may order such party to permit the discovery of materials not previously disclosed, grant a continuance or delay during trial, or prohibit the party from introducing in evidence the material not disclosed, or the court may enter such other order as it deems appropriate.

(g) Privacy and Non-Disclosure. The privacy and non-disclosure provisions of Part V of the Rules of Court continue to apply in all circumstances.

Note: Adopted July 29, 2019 to be effective September 1, 2019.

5:21A. Juvenile Plea Form

A juvenile's plea of guilty is subject to the requirements of Rule 3:9-2. Before accepting a plea of guilty, the court [may] shall require a juvenile to complete, insofar as applicable, and sign the appropriate plea form prescribed by the Administrative Director of the Courts. The form shall then be filed with the Family Division Manager. [The use of this form does not eliminate the obligation of the court to determine by inquiry of the juvenile defendant and others, in the court's discretion, that a factual basis exists for the plea and that the plea is being made voluntarily, not as the result of any threats or of any promises or inducements not disclosed on the record, and with an understanding of the nature of the charge and the consequences of the plea.]

Note: Adopted July 10, 1998 to be effective September 1, 1998; amended July 29, 2019 to be effective September 1, 2019.

7:3-1. Procedure After Arrest

(a) ...no change

(b) First Appearance; Time; Defendants Committed to Jail. All defendants who are in custody shall have the first appearance conducted within 48 hours of their commitment to jail, except as provided in R. 3:4-2(a)(1). For defendants incarcerated on an initial charge on a Complaint-Warrant (CDR-2) for an indictable or disorderly persons offense, the first appearance shall be conducted at a centralized location and by a judge designated by the Chief Justice, as provided in Rule 3:26. For all other incarcerated defendants within the jurisdiction of the municipal court who require a first appearance, the first appearance shall be conducted by a judge authorized to set bail or other conditions of release; this includes those charged on an initial Complaint-Warrant (CDR-2) for a petty disorderly persons offense.

(c) ... no change.

(d) ...no change

(e) ...no change

Note: Source -- R. (1969) 7:2, 7:3-1, 3:4-1. Adopted October 6, 1997 to be effective February 1, 1998; paragraphs (b)(1) and (b)(2) amended July 12, 2002 to be effective September 3, 2002; paragraph (b) caption amended, paragraphs (b)(1) and (b)(2) amended, and new paragraph (c) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) caption and text amended, new paragraph (b) adopted, former paragraph (b) amended and redesignated as paragraph (c) , and text amended, former paragraph (c) redesignated as paragraph (d), and new paragraph (e) adopted August 30, 2016 to be effective January 1, 2017; paragraphs (b), (c)(2) and (c)(3) amended November 14, 2016 to be effective January 1, 2017; paragraph (b) amended July 29, 2019 to be effective September 1, 2019.

7:4-1. Right to Pretrial Release

(a) Defendants Charged on Complaint-Warrant (CDR-2) with Disorderly Persons

Offenses. ... no change

(b) All Other Defendants. ... no change

(c) Domestic Violence; Conditions of Release. ... no change

(d) 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)] 5:7A(d).

(2) N.J.S.A. 2C:35-5.7 and N.J.S.A. 2C:14-12 Restraining Orders. ... no change

(3) Certification of Offense Location for Drug Offender Restraining Orders. ... no change

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; caption amended, new paragraph (a) adopted, former paragraph (a) redesignated as paragraph (b) and caption and text amended, and former paragraphs (b) and (c) redesignated as paragraphs (c) and (d) August 30, 2016 to be effective January 1, 2017; paragraphs (a) and (b) caption and text amended November 14, 2016 to be effective January 1, 2017; subparagraph (d)(1) amended July 29, 2019 to be effective September 1, 2019.

7:7-11. Use of Acting Judges Pursuant to Standing Assignment Judge Order

(a) As to any pretrial application made when court is not in session for the issuance of a [telephonic arrest warrant] Complaint-Warrant (CDR-2), R. 7:2-1[(e)]; for the issuance of a Temporary Restraining Order (TRO), R. 5:7A; for the issuance of a search warrant, R. 3:5-3(a) or R. 7:5-1(a); or for the setting of bail, [R. 3:26-2(a) and] R. 7:4-2[(a)](b), if no judge of that court is able to hear the application, an acting judge may be contacted pursuant to a standing order entered by the Assignment Judge that prescribes the sequence in which resort is made to any such acting judges.

(b) ...no change

Note: Adopted July 21, 2011 to be effective September 1, 2011; paragraph (a) amended July 29, 2019 to be effective September 1, 2019.

7:12-1. Trial Date; Adjournment

The date fixed for the trial of any traffic offense shall be not less than five days from the date of its commission unless the defendant, having been informed of the right to such trial date, waives it and the court in its discretion fixes an earlier date. [If a hearing is adjourned, the court may detain the defendant in safe custody, unless the defendant makes a cash deposit or gives a recognizance in accordance with R. 7:4 in an amount not exceeding \$500, or qualifies and justifies in real estate security situated in this State in twice the amount fixed for the bail.] If a hearing is adjourned, the court shall inform the defendant of the adjourned date and of the consequences of failure to appear on that adjourned date.

Note: Source-R. (1969) 7:6-4. Adopted October 6, 1997 to be effective February 1, 1998; amended July 29, 2019 to be effective September 1, 2019.

**New Jersey Rules of Court
Appendix IX-A**

CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES

(Includes amendments through those effective September 1, 2019)

1. Philosophy of the Child Support Guidelines . . . no change.
2. Use of the Child Support Guidelines as a Rebuttable Presumption . . . no change.
3. Deviating from the Child Support Guidelines . . . no change.
4. The Income Shares Approach to Sharing Child-Rearing Expenses . . . no change.
5. Economic Basis for the Child Support Guidelines . . . no change.
6. Economic Principles Included in the Child Support Guidelines . . . no change.
7. Assumptions Included in the Child Support Guidelines . . . no change.
8. Expenses Included in the Child Support Schedules) . . . no change.
9. Expenses That May Be Added to the Basic Child Support Obligation . . . no change.
10. Adjustments to the Support Obligation . . . no change.
11. Defining Income . . . no change.
12. Imputing Income to Parents . . . no change.
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

If the child is in the custody of a third party (e.g., an aunt, uncle, or grandparent[, foster parent]), the court shall order both parents to pay their income shares of the sole-parenting award to the third party for the benefit of the child. When a child has been placed in out-of-home care by a child protective services (CPS) agency, including the New Jersey Division of Child Protection and Permanency, on application or motion made at the request of the CPS agency as to one or both parents, the court may order the parent(s) to pay their income shares of the sole-parenting award to that agency.

17. Adjustments for the Age of the Children . . . no change.
18. College or Other Post-Secondary Education Expenses . . . no change.
19. Determining Child Support and Alimony or Spousal Support Simultaneously . . . no change.
20. Extreme Parental Income Situations . . . no change.

New Jersey Rules of Court
Appendix IX-A

21. Other Factors that May Require an Adjustment to a Guidelines-Based Award . . . no change.
22. Stipulated Agreements . . . no change.
23. Modification of Support Awards . . . no change.
24. Effect of Emancipation of a Child . . . no change.
25. Support for a Child Who has Reached Majority . . . no change.
26. Health Insurance for Children . . . no change.
27. Unpredictable, Non-Recurring Unreimbursed Health-Care in Excess of \$250 per Child per Year . . . no change.
28. Distribution of Worksheets and Financial Affidavits . . . no change.
29. Background Reports and Publications . . . no change.

[Appendix XII-F – Order to Show Cause – Summary Action, Family Part (R. 5:4-3(b))
(deleted)]

Note: Appendix XII-F (“Order to Show Cause – Summary Action, Family Part (R. 5:4-3(b))”)
deleted July 29, 2019 to be effective September 1, 2019.

[Appendix XII-G – Order to Show Cause – Preliminary Injunction (R. 4:52) (deleted)]

Note: Appendix XII-G (“Order to Show Cause – Preliminary Injunction (R. 4:52)”) deleted July 29, 2019 to be effective September 1, 2019.

[Appendix XII-H – Order to Show Cause With Temporary Restraints (R. 4:52)]
(deleted)]

Note: Appendix XII-H (“Order to Show Cause With Temporary Restraints (R. 4:52)”) deleted July 29, 2019 to be effective September 1, 2019.

[Appendix XII-I – Order to Show Cause – Summary Action, Probate Part (R. 4:83-1)]
(deleted)]

Note: Appendix XII-I (“Order to Show Cause – Summary Action, Probate Part (R. 4:83-1)”) deleted July 29, 2019 to be effective September 1, 2019.