


SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to **Rule 2:9-1** (“Control by Appellate Court of Proceedings Pending Appeal or Certification”) of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,

Chief Justice

Dated: October 15, 2024

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

(a) Control Prior to Appellate Disposition. The supervision and control of the proceedings on appeal or certification shall be in the appellate court from the time the appeal is taken or the notice of petition for certification filed, except:

- (1) as otherwise provided by R. 2:9-3 (stay pending review in criminal actions);
- (2) as otherwise provided by R. 2:9-4 (bail);
- (3) as otherwise provided by R. 2:9-5 (stay pending appeal);
- (4) as otherwise provided by R. 2:9-7 (temporary relief in administrative proceedings);
- (5) as otherwise provided by R. 2:9-13(f) (pretrial detention appeals);
- (6) as otherwise provided by R. 3:21-10(d) (reduction or change in sentence);
- (7) that the trial court shall have continuing jurisdiction to enforce judgments and orders pursuant to R. 1:10 and as otherwise provided;
- (8) when an appeal is taken from an order compelling or denying arbitration, the trial court shall retain jurisdiction to address issues relating to claims and parties that remain in that court unless otherwise ordered by the appellate court possessing supervision and control; and

(9) when an appeal is taken from an order involving a child who has been placed in care by the Division of Child Protection and Permanency, the trial court shall retain jurisdiction to conduct summary hearings in due course to address issues not the subject of the appeal relating to the child or the child's family. Unless the appeal concerns the permanency plan of the child, the trial court also shall retain jurisdiction to conduct hearings to address the permanency plan of the child. [The appellate court may at any time entertain a motion for directions to the court or courts or agencies below or to modify or vacate any order made by such courts or agencies or by any judge below.]

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(b) Proceedings on Remand to Tribunal of First Instance. ... no change

(c) Ineffective Assistance of Counsel Claim in Appeals from Judgment Terminating Parental Rights. ... no change

Note: Source – R.R. 1:4-1 (first sentence), 1:10-6(a) (first and third sentences). Paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; new paragraph (c) adopted July 16, 2009 to be effective September 1, 2009; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; paragraph (a)

amended July 27, 2015 to be effective September 1, 2015; paragraph (a) amended October 19, 2016 to be effective January 1, 2017; paragraph (a) amended and divided into numbered subparagraphs August 5, 2022 to be effective September 1, 2022; last sentence of subparagraph (a)(9) relocated from that subparagraph to the end of paragraph (a) October 15, 2024 to be effective immediately.