

NOTICE TO THE BAR

FAMILY – COMMENTS SOUGHT ON PROPOSED RULE AMENDMENTS AS RECOMMENDED BY THE JUDICIARY SPECIAL COMMITTEE ON THE NON-DISSOLUTION (FD) DOCKET

The Supreme Court invites written comments on the attached proposed amendments to Court Rules 5:4-3(b) (“Summary Actions”), 5:4-4 (“Service of Process in Family Part Summary Actions; Initial Complaints and Applications for Post-Dispositional Relief”), 5:5-3 (“Financial Statement in Summary Support Actions”), 5:6A (“Child Support Guidelines”); Appendix IX-A (“Considerations in the Use of Child Support Guidelines,” and on proposed new Rule 5:8-7 (“Non-Dissolution Education Program”). These proposed rule amendments are intended to improve and enhance non-dissolution practices and would: (1) allow the non-filing party to file a responsive pleading; (2) require the court to serve filed documents on the non-filing party; (3) ensure the exchange of accurate, updated financial information for the calculation of child support; (4) enable the parties to understand the dollar amounts used to calculate child support and the effect of parenting time on the support order; and (5) codify in the Court Rules the requirement that litigants participate in the Non-Dissolution Education Program (FDEP) and a subsequent consent conference unless otherwise exempt.

These proposed rule amendments follow through on the Court’s earlier approval in concept of the recommendations of the Special Committee on the Non-Dissolution (FD) docket, as set out in the [August 9, 2023 notice](#).

Proposed Rule Amendments

The proposed amendments to the Court Rules are summarized as follows:

- Rule 5:4-3(b) would allow the non-filing party to file a responsive pleading and create a timeframe to file a responsive pleading.
- Rule 5:4-4 would require the court: (a) to serve all non-dissolution documents filed by the initiating party on the non-filing party, and (b) to serve any responding documents on the initiating party.

- Rule 5:5-3 would require the disclosure of assets, liabilities, childcare costs, and health care expenses, and would further require that supplemental information to support these expenses and other income information be attached.
- Rule 5:6A and Appendix IX-A, paragraph 28, would require distribution of the child support guidelines worksheet with all child support orders/Uniform Summary Support Orders.
- Proposed new Rule 5:8-7 would require non-dissolution litigants to participate in the Non-Dissolution Education Program and a subsequent consent conference prior to their first hearing before a judge.

Please send any comments on the proposed court rule amendments in writing by March 17, 2025 to:

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments – Family Non-Dissolution Rule Amendments
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Comments may also be submitted via email to: Comments.mailbox@njcourts.gov.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address (and those submitting comments by e-mail should include their name and e-mail address). Comments are subject to public disclosure upon receipt.

/s/ Glenn A. Grant

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: February 14, 2025

Rule 5:4-3. Answer, Acknowledgment, Appearance

(a) **Generally.** ...no change.

(b) **Summary Actions.** In summary family actions in which the process fixes a [return day] hearing date, the defendant [need not file an answer, appearance, or acknowledgment in order to be heard if the defendant appears on the return day] may file a responsive pleading no later than 15 days prior to the hearing date. The defendant shall not be required to file a responsive pleading in order to appear at the hearing to be heard on issues of custody, parenting time, visitation, child support, or other related issues.

Note: Source-R. (1969) 4:78-2, 4:79-1; 5:3-2 (second sentence). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; amended _____ to be effective _____.

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

(a) **Manner of Service.** Service of process within this State for Family Part summary actions, including initial complaints and counterclaims, and applications and cross-applications for post-dispositional relief, shall be made in accordance with R. 4:4-4, R. 5:9A-2, or paragraph (b) of this rule. For initial complaints, substituted or constructive service of process outside this State may be made pursuant to the applicable provisions in R. 4:4-4 or R. 4:4-5. Family Part summary actions shall include all non-dissolution initial complaints and counterclaims; [as well as] applications and cross-applications for post-dispositional relief[,]; applications for post-dispositional relief under the Prevention of Domestic Violence Act, and all kinship legal guardianship actions. Applications for post-dispositional relief shall replace motion practice in Family Part summary actions. The court in its discretion, or upon application of either party, may expand discovery, enter an appropriate case management order, or conduct a plenary hearing on any matter.

(b) **Service by Mail Program.** Service of process for Family Part summary actions may be effected as follows:

- (1) Service by Mail. The Family Part shall mail [process] all documents filed by the parties including the initial complaint, counterclaim, applications, cross-application and all supporting documents simultaneously by both certified and

ordinary mail to the mailing address of the adverse party provided by the filing party [filing the complaint or application for post-dispositional relief].

(2) Effective Service . . . no change

(3) Ineffective Service . . . no change

(4) Affidavit or Certification of Non-Military Service . . . no change.

(5) Vacating Defaults . . . no change.

(c) Diligent Inquiry in Family Part Summary Actions . . . 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; paragraph (a) and (b)(1) amended _____ to be effective _____.

Rule 5:5-3. Financial Statements and Case Information Statements in Summary Support Actions

In any summary action in which support of a child is in issue, each party shall, on the filing of the initial pleading, [prior to the commencement of any hearing,] serve upon the other party and furnish the court with a financial statement [an affidavit or certification] in a form prescribed by the Administrative Director of the Courts. The court shall use the information provided on the financial statement [affidavit or certification] and any other relevant facts to set an adequate level of child support in accordance with R. 5:6A. A current financial statement and any prior financial statements shall be filed when an application is filed for modification of child support.

Any prior financial statements and a Family Case Information Statement shall be filed pursuant to R. 5:5- 2(a) [Except for applications for temporary and final domestic restraining orders,] in summary actions when (1) [involving the support of a spouse] spousal, civil union partner or domestic partner support is requested, or [requests for] (2) contribution to college or post-secondary school [contribution] expenses is requested, or (3) the matter is designated for the complex track.[, a Family Case Information Statement must be filed pursuant to R. 5:5- 2(a).] In applications involving college or post-secondary school contribution, applicants must produce all relevant information including [but not limited to:]

documentation of all costs for which contribution is sought, including but not limited to, tuition, board and books; proof of enrollment; and proof of all financial aid, scholarships, grants, and student loans obtained. If the court concludes that the party seeking relief has demonstrated a *prima facie* showing of a substantial change in circumstances or that other good cause is shown, the court shall order the non-filing party to file a current financial statement or Family Case Information Statement. A Family Case Information Statement shall not be required for applications for temporary and final domestic violence restraining orders.

Pursuant to R. 5:4-2(g), all pleadings filed in the Family Part must include a completed Confidential Litigant Information Sheet in a form prescribed by the Administrative Director of the Courts.

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

Rule: 5:6A. Child Support Guidelines

The guidelines set forth in Appendix IX of these Rules shall be applied when an application to establish or modify child support is considered by the court. The guidelines may be modified or disregarded by the court only where good cause is shown. Good cause shall consist of a) the considerations set forth in Appendix IX-A, or the presence of other relevant factors which may make the guidelines inapplicable or subject to modification, and b) the fact that an injustice would result from the application of the guidelines. In all cases, the determination of good cause shall be within the sound discretion of the court.

A completed child support guidelines worksheet in the form prescribed in Appendix IX of these Rules shall be attached to [filed with] any order or judgment that includes child support [that is submitted for the approval of the court]. If a proposed child support award differs from the award calculated under the child support guidelines, the worksheet shall state the reason for the deviation and the amount of the award calculated under the child support guidelines. The court shall provide the order of judgment and the child support guidelines worksheet to the parties.

Note: Adopted May 9, 1986 to be effective immediately; amended November 7, 1988 to be effective January 2, 1989; amended May 13, 1997, to be effective December 1, 1997; amended _____ to be effective _____.

New Jersey Rules of Court Appendix IX-A
CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES
(Includes Amendments through those effective June 1, 2024)

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. . . no change.
17. Adjustments for the Age of the Children. . . no change.

18. College or Other Post-Secondary Education Expenses. . . no change.
19. Determining Child Support and Alimony or Spousal Support
Simultaneously. . . no change.
20. Extreme Parental Income Situations. . . no change.
21. Other Factors that May Require an Adjustment to a Guidelines-Based Award. . . no change.
22. Stipulated Agreements. . . no change.
23. Modification of Support Awards. . . no change.
24. Effect of Emancipation of a Child. . . no change.
25. Support for a Child Who has Reached Majority. . . no change.
26. Health Insurance for Children. . . no change.
27. Unpredictable, Non-Recurring Unreimbursed Health Care In Excess of \$250 Per Child Per Year. . . no change.
28. Distribution of Worksheets and Financial Affidavits. Immediately following the establishment or modification of a child support award, each party shall be provided with a copy of the support order and[, if requested,] a copy of the child support guidelines worksheet [and any financial affidavits used to determine the obligation]. The original order, guidelines worksheet, and all financial affidavits shall be maintained in the Family Division case file.
29. Background Reports and Publications. . . no change.

Note: Adopted May 13, 1997 to be effective September 1, 1997; amended July 10, 1998 to be effective September 1, 1998; amended May 25, 1999 to be effective July 1, 1999; amended April 4, 2000 to be effective immediately; paragraph 10(b) redesignated as paragraph 10(c), new paragraph 10(b) adopted, paragraphs 19 and 21 amended July 5, 2000 to be effective September 5, 2000; paragraphs 7(h), 14(e), 20(a) amended April 2, 2001 to be effective immediately; paragraphs 7(h), 14(e), 20(a) amended March 12, 2002 to be effective immediately; paragraphs 4, 7(f), 9(d), 13(b)- (d), 14(c), 14(f), 14(j), 15 amended July 12, 2002 to be effective September 3, 2002; paragraphs 7(h), 14(e), 20(a) amended March 17, 2003 to be effective immediately; amended March 15, 2004 to be effective immediately; March 14, 2005 to be effective immediately; February 14, 2006 to be effective immediately; July 27, 2006 to be effective September 1, 2006; September 11, 2006 to be effective immediately; February 13, 2007 to be effective immediately; June 15, 2007 to be effective September 1, 2007; March 11, 2008 to be effective immediately; March 24, 2009 to be effective immediately; July 16, 2009 to be effective September 1, 2009; June 14, 2011 to be effective immediately; April 24, 2012 to be effective immediately; June 4, 2013 to be effective immediately; July 9, 2013 to be effective September 1, 2013; amended April 8, 2014 to be effective immediately; amended April 21, 2015 to be effective May 1, 2015; Amended July 27, 2015 to be effective September 1, 2015; amended April 12, 2016 to be effective May 1, 2016; amended July 28, 2017 to be effective September 1, 2017; amended May 29, 2018 to be effective June 1, 2018; amended May 9, 2019 to be effective June 1, 2019; amended July 29, 2019 to be effective September 1, 2019; amended to be effective June 1, 2020; amended to be effective June 1, 2021; paragraphs 7(h), 20(a), and 26(a) amended July 30, 2021 to be effective September 1, 2021; paragraphs 7(h), 14(e), and 20(a) amended March 15, 2022 to be effective June 1, 2022 paragraph 12 and 26 amended August 5, 2022 to be effective September 1, 2022; paragraph 14(e) and 20(a) amended May 22, 2023; paragraph 14(e) and 20(a) amended June 1, 2024; paragraph 28 amended _____ to be effective

_____.

[New] Rule 5:8-7 Non-Dissolution Education Program

In all initial non-dissolution cases where the parents or caregivers of a child are seeking custody or parenting time, the parties shall be required to attend the non-dissolution education program and a subsequent consent conference. The content of the non-dissolution education program shall be in a form prescribed by and in accordance with guidelines established by the Administrative Director of the Courts.

If the parties can resolve their case at the consent conference, a consent Uniform Summary Support Order shall be prepared and forwarded to the court for consideration. If the parties cannot resolve their case, or if either party fails to appear for the consent conference, or if either party refuses to cooperate in the consent conference, the case shall be immediately scheduled before the court.

Note: Adopted _____, to be effective _____.