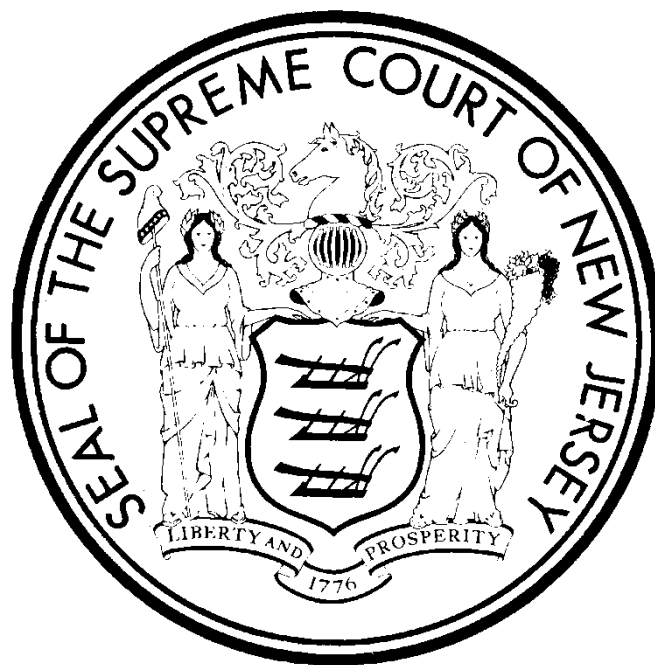


# **FAMILY PRACTICE COMMITTEE REPORT**



## **2023-2025 RULES CYCLE**

January 15, 2025

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## **I. Introduction**

The Supreme Court Family Practice Committee ("Committee") recommends that the Supreme Court adopt the proposed rule amendments and new rules contained in this report. The Committee also reports on other issues reviewed where it concluded no rule change or a non-rule recommendation was appropriate.

Where rule changes are proposed, deleted text is bracketed [**as such**], and added text is underlined **as such**. No change to a paragraph of the rule is indicated by ". . . **no change**."

## **II. Proposed Rule Amendments**

### **A. Proposed Rule Amendments to R. 1:38-3. Court Records Excluded from Public Access**

The Committee recommends that all family court records be excluded from public access. In a February 17, 2023 letter to the Administrative Director of the Courts, the New Jersey State Bar Association (NJSBA) recommended amending R. 1:38 so as to shield all Family Part records from public access. This recommendation was referred to the Committee to consider amendments to R. 1:38-3(d), which enumerates the family court records that are currently shielded from the public. The Committee acknowledges that public access to family court records has a detrimental impact on the litigants, particularly the children. Many family court records contain private and personal information relating to children and their parents. As such, the Committee recommends that all family court records should be confidential. The Committee notes that, over the years since the adoption of R. 1:38-3(d), the Rule has been amended frequently to add records to that exclusionary list (currently at 20 enumerated items). Therefore, amending the court rule to allow for the presumption of confidentiality of all family court records would streamline the rule.

The Committee recommends deleting subparagraphs (d)(1) to (d)(20) and adding language that all family court records are confidential. In proposing to

delete subparagraphs (d)(1) to (d)(20), the Committee is not suggesting that those records currently listed in the court rule would be accessible to public. The intent of the proposed rule amendment is that the records that are currently listed in subparagraphs (d)(1) to (d)(20) are to retain their current access level, which is to be excluded from public access. The purpose of the proposed amendment is to provide that all family court records are confidential, and thus not accessible to the public.

The Committee acknowledges that there may be a legitimate basis for public access to family court records. The Committee identified four categories of people who should have access to family court records as follows: (1) parties to the case; (2) their attorneys; (3) those to whom the parties consent to have access (e.g., a parenting coordinator or a financial expert); and (4) any individuals who are not a party to the case.

The Committee recognizes that certain third parties (e.g., school or medical professionals) would require access to family court records. For those individuals and any member of the public, the Committee proposes a motion process with notice to the parties to the case. The request would specify the information that is sought, the reason for seeking the information, and why the information cannot be obtained by other means. The court, in its discretion, may limit or redact the information prior to releasing it.

The Committee recommends that the applicable standard for the release of family records should be judicial discretion. This standard is preferred over the good cause standard because the trial judge can address the individual circumstances of each case, and articulate their decision supported by adequate, substantial, and credible evidence. Under this standard, the trial court's findings will only be reversed if they reflect a mistake that offends the interests of justice because it is so manifestly unsupported by or inconsistent with the competent, relevant and reasonably credible evidence. The trial court's decision will be upheld unless the findings were mistaken, the determination could not reasonably have been reached on sufficient credible evidence present in the record, or the judge failed to consider all the controlling legal principles. Clark v. Clark, 429 N.J. Super. 61, 70-72 (App. Div. 2012).

The Committee discussed the appropriate standard of review and ultimately recommends the judicial discretion standard for the release of records to non-parties. The Committee believes this standard is appropriate because it accords trial judges broader discretion than the good cause standard under R. 1:38-11(b) given the sensitive nature of family court matters, which include, but are not limited to, domestic violence incidents, allegations of abuse and neglect of children, and alleged juvenile delinquency.



The Committee recommends that the Family Part presiding judge or their designee hear a motion to release the record. Although the judge who is hearing the case would be more familiar with the case, by requiring the presiding judge or their designee to hear the motion ensures that the record requests are processed consistently.

The Committee recommends the development of templates of motions to facilitate the request for a record as described above. Additionally, the parties must be notified of the possible release of the records, and the Committee recommends developing a form certification to confirm service of the motion.

Therefore, the Committee recommends the following rule amendment:

Rule 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 Proceeding. All Family Part court records are excluded from public access. Unless otherwise provided for by court rule or statute, the parties to a case, their counsel of record, court-appointed or the parties' experts, and other individuals consented to by all of the parties in writing, are permitted access to the parties' records. An individual who is not a party to the

matter may seek any family court record upon the filing of a motion to the court with notice given to all parties. The request shall specify the information sought from the court record, the reason for seeking the information, and why the information contained in the court record cannot be obtained by other means. The Family Part presiding judge or their designee may release the information requested or limit the disclosure of the information at their discretion.

(1) Family Case Information Statements required by R. 5:5-2, notices required by R. 5:5-10 including requisite financial, custody and parenting plans, Financial Statements in Summary Support Actions required by R. 5:5-3 including all attachments, and settlement agreements incorporated into judgments or orders in dissolution and non-dissolution actions, except for parties and their counsel of record;

(2) Confidential Litigant Information Sheets pursuant to R. 5:4-2(g) and Affidavits or Certifications of Insurance Coverage pursuant to R. 5:4-2(f), except for the filing party and his or her counsel of record;

(3) Medical, psychiatric, psychological, and alcohol and drug dependency records, reports, and evaluations in matters related to child support, child custody, or parenting time determinations;

(4) Documents, records and transcripts related to proceedings and hearings required by the Supreme Court pursuant to *Doe v. Poritz*, 142 N.J. 1, 39 (1995), or subsequent orders of the Court;

(5) Juvenile delinquency records and reports pursuant to R. 5:19- 2 and N.J.S.A. 2A:4A-60, except for parties and their counsel of record;

(6) Records of Juvenile Conference Committees to the extent provided under R. 5:25-1(e), except for parties and their counsel of record;

(7) Expunged juvenile records pursuant to N.J.S.A. 2A:4A-62 f. and 2C:52-15;

(8) Sealed juvenile records pursuant to N.J.S.A. 2A:4A-62;

(9) Domestic violence records and reports pursuant to N.J.S.A. 2C:25-33, except for parties and their counsel of record in the underlying domestic violence matter;

(10) Names and addresses of victims or alleged victims of domestic violence or sexual offenses;

(11) Records relating to child victims of sexual assault or abuse pursuant to N.J.S.A. 2A:82-46;

(12) Records relating to Division of Child Protection and Permanency proceedings held pursuant to R. 5:12;

(13) Child custody evaluations, parenting time and visitation plans, reports, and records pursuant to R. 5:8-4, R. 5:8-5, R. 5:8B, N.J.S.A. 9:2-1, or N.J.S.A. 9:2-3;

(14) Paternity records and reports, except for the final judgments or birth certificates pursuant to N.J.S.A. 9:17-42;

(15) Records and reports relating to child placement matters pursuant to R. 5:13-8(a);

(16) Adoption records and reports pursuant to N.J.S.A. 9:3-52;

(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.

(19) Records of adjudications of delinquency for offenses involving marijuana or hashish sealed pursuant to N.J.S.A. 2C:52-5.2;

(20) Records relating to actions to change the name of a minor.]

(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 (f)(10) adopted April 23, 2019 to be effective May 1, 2019; new subparagraph (d)(18) adopted July 29, 2019 to be effective September 1, 2019; new subparagraphs (c)(15) and (d)(19) adopted February 5, 2021 to be effective February 15, 2021; subparagraph (c)(4) amended, subparagraph (d)(19) amended, new subparagraph (d)(20) adopted, and subparagraph (f)(10) amended July 30, 2021 to be effective September 1, 2021; new subparagraph (f)(11) adopted February 28, 2022 to be effective May 1, 2022; paragraph (a) amended August 4, 2022 to be effective January 1, 2023; subparagraph (c)(5) amended August 4, 2023 to be effective September 1, 2023; paragraph (d) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**B. Proposed Rule Amendments to: (1) R. 1:40-2. Modes and Definitions of Complementary Dispute Resolution; and (2) R. 1:40-4. Mediation – General Rules.**

The Committee recommends amendments to R. 1:40-2 and R. 1:40-4 to incorporate the collaborative law privilege into those court rules. Pursuant to N.J.S.A. 2A:23D-13, a family collaborative law communication made by a party, or any nonparty participant is privileged, is not subject to discovery, and is inadmissible in evidence.

As such, the Committee recommends the following court rule amendments:

Rule 1:40-2. Modes and Definitions of Complementary Dispute Resolution

Complementary Dispute Resolution (CDR) Programs conducted under judicial supervision in accordance with these rules, as well as guidelines and directives of the Supreme Court, and the persons who provide the services to these programs are as follows:

(a) “Adjudicative Processes” means and includes the following:

(1) Arbitration: . . . no change.

(2) Settlement Proceedings: A process by which the parties appear before a neutral third party, neutral panel, or attorneys and/or non-party participants pursuant to the New Jersey Collaborative Law Act (N.J.S.A. 2A:23D 1-18) who assists them in attempting to resolve their dispute by voluntary agreement.

(3) Summary Jury Trial: . . . no change.

(b) “Evaluative Processes” . . . no change.

(c) “Facilitative Process” which includes mediation, and family collaborative law process (N.J.S.A. 2A:23D-1 to -18), is a process by which a neutral third party facilitates communication between the parties in an effort to promote settlement without imposition of the facilitator’s own judgment regarding the issues in dispute.

(d) “Hybrid Process” . . . no change.

(e) “Other CDR Programs” . . . no change.

(f) “Neutral Third Party:” . . . no change.

(g) “Roster Mediator; Non-Roster Mediator:” . . . no change.

Note: Adopted July 14, 1992 to be effective September 1, 1992; caption and text amended, paragraphs (a) through (d) deleted, new paragraphs (a) through (f) adopted July 5, 2000 to be effective September 5, 2000; corrective amendment to paragraph (a)(3) adopted November 8, 2000 to be effective immediately; subparagraphs (a)(2) and (b)(2) amended, paragraph (c) amended, subparagraph (d)(1) redesignated as subparagraph (d)(1)(A), new subparagraph (d)(1)(B) adopted, subparagraph (d)(2) amended, paragraph (f) amended and new paragraph (g) adopted July 27, 2015 to be effective September 1, 2015; subparagraph (a)(2) and paragraph (c) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

#### Rule 1:40-4. Mediation - General Rules

(a) Referral to Mediation. . . . no change.

(b) Compensation and Payments of Mediators Serving in the Civil and Family Economic Mediation Programs. . . . no change.

(c) Evidentiary Privilege. A mediation or collaborative law communication is not subject to discovery or admissible in evidence in any subsequent proceeding except as provided by the New Jersey Uniform Mediation Act, N.J.S.A. 2A:23C-1 to -13 or the New Jersey Family Collaborative Law Act, N.J.S.A. 2A:23D-1 to -18.

A party may, however, establish the substance of the mediation or collaborative law communication in any such proceeding by independent evidence.

(d) Confidentiality. . . . no change.

(e) Limitations on Service as a Mediator. . . . no change.

(f) Mediator Disclosure of Conflict of Interest. . . . no change.

(g) Conduct of Mediation Proceedings. . . . no change.

(h) Termination of Mediation. . . . no change.

(i) Final Disposition. . . . no change.

Note: Adopted July 14, 1992 to be effective September 1, 1992; paragraph (c)(3) amended and paragraph (c)(4) adopted June 28, 1996 to be effective September 1, 1996; paragraphs (a) and (c)(2) amended and paragraph (c)(3)(v) adopted July 10, 1998 to be effective September 1, 1998; caption amended, paragraph (a) amended and redesignated as paragraphs (a) and (b), paragraphs (b), (c), (d), (e), and (f) amended and redesignated as paragraphs (c), (d), (e), (f), and (g) July 5, 2000 to be effective September 5, 2000; paragraphs (d)(2) and (d)(3) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; new paragraph (c) adopted, former paragraph (c) redesignated as paragraph (d) and amended, former paragraph (d) redesignated as paragraph (e), new paragraph (f) adopted, former paragraph (e) redesignated as paragraph (g) and amended, former paragraph (f) redesignated as paragraph (h), and former paragraph (g) redesignated as paragraph (i) June 15, 2007 to be effective September 1, 2007; paragraph (b) amended and new subparagraph (f)(3) adopted July 16, 2009 to be effective September 1, 2009; paragraph (b) amended, subparagraph (e)(1) deleted, subparagraphs (e)(2), (e)(3) and (e)(4) amended and redesignated as subparagraphs (e)(1), (e)(2) and (e)(3), subparagraphs (f)(1) and (f)(3) amended, paragraph (g) amended, subparagraphs (h)(1) and (h)(2) amended, and paragraph (i) amended July 27, 2015 to be effective September 1, 2015; paragraph (b) amended July 28, 2017 to be effective September 1, 2017; paragraph (c) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**C. (1) Proposed Rule Amendment to R. 4:17-1. Service, Scope of Interrogatories; and (2) Proposed New Form of Interrogatories and Request for Production of Documents.**

(1) Proposed Rule Amendment to R. 4:17-1. Service, Scope of Interrogatories

Following a divorce, alimony awards are subject to review and may be modified or terminated upon a showing of changed circumstances. When a party



receiving alimony (payee) cohabitates with another person, it gives rise to a change of circumstance warranting a modification, suspension or termination of alimony. N.J.S.A. 2A:34-23(n). “Cohabitation involves a mutually supportive, intimate personal relationship in which a couple has undertaken duties and privileges that are commonly associated with marriage or civil union but does not necessarily maintain a single common household.” N.J.S.A. 2A:34-23(n). The statute then continues to set forth the factors a court shall consider when assessing whether cohabitation is occurring (e.g., shared responsibility for living expenses and recognition of the relationship in the couple’s social and family circle).

In Cardali v. Cardali, 255 N.J. 85 (2023), the Supreme Court considered what constitutes a prima facie (preliminary) showing of cohabitation that a party seeking to terminate or suspend alimony must present to obtain discovery from the party receiving alimony.

To seek a modification or termination of alimony, an individual who is paying alimony (payor) may file a motion alleging that the payee is cohabitating with a third party. The payor need not present all the factors set forth in N.J.S.A. 2A:34-23(n); however, if the payor presents some of the factors in their certification supported by competent evidence and they are not rebutted, the court will find that the payor has presented prima facie evidence of cohabitation. The payor is then entitled to limited discovery. Id. at 95.

In Cardali, the Court noted that court rules do not address post-judgment discovery in connection with a motion to terminate or suspend alimony based on cohabitation. Id. at 111. Therefore, the Court in Cardali directed this Committee to propose amendments to the court rules governing such discovery and to develop uniform interrogatories to streamline the discovery process. Id.

The New Jersey State Bar Association (NJSBA) submitted proposed uniform interrogatories and document production requests to the Administrative Director of the Courts, which were referred to this Committee. The Committee considered the NJSBA's proposal in making its recommendation.

The Committee concluded that an amendment to R. 4:17-1 is necessary to fulfill the Supreme Court's charge. The Committee recommends amendments to R. 4:17-1, "Service, Scope of Interrogatories." After consideration, the Committee does not propose amendments to R. 4:18-1, "Production of Documents, Electronically Stored Information, and Things and Entry Upon Land for Inspection and Other Purposes; Pre-Litigation Discovery," because the Court's charge was limited to the preparation of uniform interrogatories, and not did not include requests for production of documents. Moreover, given the proposed amendment to R. 4:17-1, the Committee concluded that amendments to R. 4:23-5 "Failure to Make Discovery" and R. 5:5-1 "Discovery" were not necessary because those court rules already reference R. 4:17. Therefore, the Committee recommends

confining the rule amendments to R. 4:17-1 to give the most effective means of fulfilling the Court's instructions in Cardali.

The Committee further recommends that any limitations set forth in R. 4:17-1(b)(1) do not apply to post-judgment motions involving cohabitation. Rule 4:17-1(b)(1) sets forth the general procedure and timeframe for civil matters enumerated in that subparagraph. Rather, the Committee has included any limitations and timeframes for discovery on post-judgment motions involving cohabitation in proposed R. 4:17-1(b)(2).

The Committee recommends that the amendment to the court rule to address discovery in cohabitation specifically indicates that the Rule is restricted to post-judgment applications. The Committee does not intend the use of the uniform interrogatories to be used in pre-judgment applications where the dependent spouse is seeking alimony and the other party alleges that the dependent spouse is cohabitating and therefore, not entitled to alimony. If these interrogatories are used pre-judgment, they could be inappropriately subject to other Civil Part IV Rules that address timeframes for serving interrogatories. The Committee's recommendation is consistent with Cardali, where alimony had been established pursuant to a final judgment of divorce. For that reason, the Committee specifically recommends including language in the subparagraph caption to clarify that the

uniform interrogatories and request for production of documents are intended to apply only to post-judgment applications.

The Committee recommends that the payee also be entitled to discovery. Therefore, the Committee recommends adding language to the proposed court rule to indicate that when the payee is served with the form interrogatories, they are also entitled to ten supplemental questions and any additional questions that might be permitted by the trial court. The Committee further recommends that if the payee raises other issues (e.g., change of circumstances to increase alimony), the payee would be entitled to seek discovery on that issue and would not be bound by the form interrogatories or the limitations set forth by the proposed amendments to R. 4:17-1(b)(2).

Therefore, the Committee recommends the following rule amendment:

Rule 4:17-1. Service, Scope of Interrogatories

(a) Generally. . . . no change.

(b) Uniform Interrogatories in Certain Actions.

(1) Limitations on Interrogatories. . . . no change.

(2) Limitations on Interrogatories in Family Part Post-Judgment

Cohabitation Cases. In all actions where a court has determined that a prima facie case of cohabitation has been established, the payor of alimony shall be limited to form interrogatories set forth in Rules Appendix \_\_\_ [recommended interrogatories

pending Supreme Court consideration], as appropriate, provided, however, that each party may submit ten supplemental questions without subparts. These supplemental questions can be included without seeking permission of the court. Any additional interrogatories can be included only when permitted by the court in its discretion on motion. The time for serving and answering the interrogatories shall be set by the court at a discovery conference.

(3) [2] Automatic Service of Uniform Interrogatories. . . . no change.

(4) [3] Claims of Privilege, Protection. . . . no change.

(5) [4] Obligation to Answer Every Question. . . . no change.

Note: Source-R.R. 4:23-1, 4:23-9. Last clause of second sentence and third and fourth sentences deleted (see R. 4:10B2(d) and R. 4:17B3) July 14, 1972 to be effective September 5, 1972; new caption for paragraph (a) and new paragraphs (b)(i) and (ii) adopted July 13, 1994 to be effective September 1, 1994; paragraph (b)(i) amended and paragraph (b)(iii) added June 28, 1996 to be effective September 1, 1996; paragraph (b)(i) amended July 10, 1998 to be effective September 1, 1998; paragraphs (b)(i), (b)(ii), and (b)(iii) redesignated as paragraphs (b)(1),(b)(2), and (b)(3), redesignated paragraphs (b)(2) and (b)(3) amended, and new paragraph (b)(4) adopted July 5, 2000 to be effective September 5, 2000; new subparagraph (b)(2) adopted, subparagraphs (b)(2), (b)(3), and (b)(4) redesignated as subparagraphs (b)(3), (b)(4), and (b)(5) \_\_\_\_\_ to be effective \_\_\_\_\_.

## (2) New Form of Interrogatories and Request for Production of Documents

In addition to amending R. 4:17-1, the Committee recommends the adoption of uniform interrogatories and a sample form to request production of documents. The Committee recommends that these documents be included in the Rules Appendix as referenced in proposed new R. 4:17-1(b)(2). The Committee

recommends mandating the use of the uniform interrogatories and providing the sample request for production of documents as a sample that parties may use if they so choose. This is consistent with the Supreme Court's charge in Cardali, which directed the Committee to draft uniform interrogatories only. As such, the Committee recommends that they are to be incorporated into the Rules Appendix as separate forms. Additionally, the Committee proposes introductory language to the proposed Interrogatories and proposed Request for Production of Documents form. The introductory language would state that: (1) the party must answer the interrogatories if a prima facie showing of cohabitation has been established; and (2) the Rules Appendix also includes a sample form to request the production of documents. This sample Request for Production of Documents form is not required to be used by the parties.

The Committee recognizes that, as in all discovery requests, the parties are bound by the Rules of Court, in particular, R. 4:10-3, "Protective Orders," and the person from whom discovery is sought may file a motion to limit or oppose a discovery request. The Committee also recommends a discovery look-back period of two years preceding the filing date of the cohabitation motion, unless the court for good cause, determines otherwise. This focuses the discovery on the relevant time period, accounts for delays in the event a matter is appealed and allows the

court to exercise its discretion if the facts of an individual case warrant a greater discovery period.

In drafting these documents, the Committee, through the Administrative Office of the Courts, conducted a plain language review of the proposed form interrogatories and Request for Production of Documents. The purpose of the plain language review is to ensure that the uniform interrogatories are accessible to self-represented litigants.

Therefore, the Committee recommends the adoption of “Uniform Interrogatories for Cohabiting Party Contesting Alimony Review - For Post-Judgment Application” in the Rules Appendix [recommended form in this report pending Supreme Court consideration] (Attachment 1) and “Sample Form: Request for Production of Documents” in the Rules Appendix [recommended form in this report pending Supreme Court consideration] (Attachment 2).

**D. Proposed Rule Amendments to: (1) R. 5:4-2. Complaint.; and (2) R. 5:7- 4. Orders Establishing Alimony and Child Support Payments.**

The Committee recommends amendments to R. 5:4-2(g) and R. 5:7-4(b) to conform to the Supreme Court’s Order dated May 7, 2024. The May 7, 2024 Order relaxes R. 5:4-2(g) and R. 5:7-4(b) and requires the filing of a Confidential Litigant Information Sheet (CLIS) (CN 10468) in all Dissolution (FM docket) and Non-Dissolution (FD docket) matters. The requirement to complete a CLIS in these

docket types assists staff to enter the information necessary to establish a case in the Judiciary's systems. The Committee further recommends that information sought by the CLIS is limited to what is necessary in the litigant's case to ensure that their private information is not unnecessarily shared. For example, some information relating to the child, such as their social security number, is not required to enforce child support. As such, the reference to the child's information in the CLIS should be omitted from R. 5:7-4(b).

In addition, as described in section II.E. later in this report, the Committee recommends removing the following forms from the Rules Appendix and having them promulgated by the Administrative Director of the Courts:

- "Certification of Notification of Complementary Dispute Resolution Alternatives - Certification by Attorney and Client" (Rules Appendix XXVII-A) (CN 10890) and
- "Certification of Notification of Complementary Dispute Resolution Alternatives - Certification by Self-Represented Litigant" (Rules Appendix XXVII-B) (CN 10889).

In conjunction with that recommendation, it will be necessary to delete from R. 5:4-2(h) the references to those forms.

Therefore, the Committee recommends the following amendments to R. 5:4-2 and R. 5:7-4:

Rule 5:4-2. Complaint

(a) Complaint Generally. . . . no change.

(b) Correspondent. . . . no change.



(c) Affidavit of Verification and Non-Collusion. . . . no change.

(d) Counterclaim. . . . no change.

(e) Amended or Supplemental Complaint or Counterclaim for Dissolution Matters. . . . no change.

(f) Affidavit or Certification of Insurance Coverage. . . . no change.

(g) Confidential Litigant Information Sheet. All initial dissolution and non-dissolution pleadings of each party [to any proceeding involving alimony, maintenance, child support, custody, parenting time, visitation, or paternity] shall be accompanied by a completed Confidential Litigant Information Sheet in the form prescribed by the Administrative Director of the Courts. The form shall be filed as a separate document and [but] shall not be affixed to any other [the] pleadings. [The information contained in the Confidential Litigant Information Sheet shall be maintained as confidential and shall be used for the sole purposes of establishing, modifying, and enforcing orders. The Administrative Office of the Courts shall develop and implement procedures to maintain the Confidential Litigant Information Sheet as a confidential document rather than a public record. The Confidential Litigant Information Sheet shall contain a certification consistent with R. 1:4-4(b).] No copy thereof shall be served on any opposing party.

(h) Affidavit or Certification of Notification of Complementary Dispute Resolution Alternatives. The first pleading of each party shall have annexed

thereto an affidavit or certification in [the] a form prescribed [in Appendix XXVII-A or XXVII-B of these rules] by the Administrative Director of the Courts that the litigant has been informed of the availability of complementary dispute resolution ("CDR") alternatives to conventional litigation, including but not limited to mediation, arbitration, and collaborative law (New Jersey Family Collaborative Law Act, N.J.S.A. 2A:23D-1 through -18), and that the litigant has received descriptive material regarding such CDR alternatives.

(i) Complaint in Non-Dissolution Matter. . . . no change.

(j) Designation of Complex Non-Dissolution Matters. . . . no change.

Note: Source - R. (1969) 4:77-1(a)(b)(c)(d), 4:77-2, 4:77-3, 4:77-4, 4:78-3, 5:4-1(a) (first two sentences). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (b)(2) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a)(2) and (d) amended November 2, 1987 to be effective January 1, 1988; paragraphs (b)(2) and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a)(2) amended July 10, 1998 to be effective September 1, 1998; new paragraph (f) adopted January 21, 1999 to be effective April 5, 1999; paragraph (f) caption and text amendment July 12, 2002 to be effective September 3, 2002; new paragraph (g) adopted July 28, 2004 to be effective September 1, 2004; new paragraph (h) adopted July 27, 2006 to be effective September 1, 2006; paragraph (h) amended October 10, 2006 to be effective immediately; paragraph (g) amended June 15, 2007 to be effective September 1, 2007; paragraphs (g) and (h) amended July 16, 2009 to be effective September 1, 2009; paragraphs (c), (d), (e), (f) and (g) amended July 21, 2011 to be effective September 1, 2011; paragraph (g) amended July 9, 2013 to be effective September 1, 2013; subparagraph (a)(2) amended, paragraph (e) caption amended, paragraph (h) amended, and paragraphs (i) and (j) adopted July 27, 2015 to be effective September 1, 2015; subparagraph (a)(2) and paragraph (f) amended July 28, 2017 to be effective September 1, 2017; paragraphs (g) and (h) amended  
to be effective.

Rule 5:7- 4. Orders Establishing Alimony and Child Support Payments

(a) Allocation of Support. . . . no change.

(b) Cases Enforced by the Probation Division. Enforcement of child support orders shall presumptively be in the county in which the child support order is first established (county of venue), unless the court orders the case transferred for cause. In cases where venue of a support case is transferred, Probation supervision of the case shall concurrently be transferred to the county of venue, unless the court otherwise orders for cause. The responsibility for the administration and enforcement of the judgment or order, including the transfer of responsibility, shall be governed by the policies established by the Administrative Director of the Courts. Alimony, maintenance, or child support payments not presently administered by the Probation Division shall be so made on application of either party to the court unless the other party, on application to the court, shows good cause to the contrary. In non-dissolution support proceedings, the court shall record its decision using the Uniform Order for Summary Support promulgated by the Administrative Director of the Courts. On the signing of any order that includes alimony, maintenance, child support, or medical support provisions to be administered by the Probation Division, the court shall, immediately after the hearing, send to the appropriate judicial staff one copy of the order which shall include a Confidential Litigant Information Sheet in the form prescribed by the

Administrative Director of the Courts prepared by the parties or their attorneys providing the names, dates of birth, Social Security Numbers, and mailing addresses of the parents [and the children]; the occupation and driver's license number of the parent who is ordered to pay support; the policy number and name of the health insurance provider of the parent who is ordered to insure the children; and, if income withholding is ordered, the name and address of the obligor's employer. When a party or attorney must prepare a formal written judgment or order pursuant to a judicial decision that includes alimony, maintenance or child support or medical support provisions to be administered by the Probation Division, the court shall, on the date of the hearing, record the support and health insurance provisions on a Temporary Support Order using the form prescribed by the Administrative Director of the Courts and shall immediately have such order and a Confidential Litigant Information Sheet in the form prescribed by the Administrative Director of the Courts (if it has not yet been provided by the parties or counsel) delivered to the appropriate judicial staff so that a support account can be established on the New Jersey automated child support system. A probation account shall be established on the automated child support system within eight business days of the date the court order was signed. Demographic information provided on the Confidential Litigant Information Sheet shall be required to establish a probation account and send case initiation documents to the parties and

the obligor's employer. The Temporary Support Order shall remain in effect until a copy of the final judgment or order is received by the Probation Division.

Judgments or orders amending the amounts to be paid through the Probation Division shall be treated in the same manner.

(c) Establishment of Support Arrears at the Hearing. . . . no change.

(d) Payments to the New Jersey Family Support Payment Center. . . . no change.

(e) Income Withholding. . . . no change.

(f) Electronic Signatures on Child Support Orders. . . . no change.

Note: Source - R. (1969) 4:79-9(a). Adopted December 20, 1983, to be effective December 31, 1983; amended November 2, 1987 to be effective January 1, 1988; amended January 5, 1988 to be effective February 1, 1988; amended June 29, 1990 to be effective September 4, 1990; caption and text amended October 5, 1993 to be effective October 13, 1993; caption amended, text amended and redesignated as paragraphs (a), (b), and (d), captions of paragraph (a) through (e) and text of paragraphs (c) and (e) adopted July 13, 1994 to be effective September 1, 1994; paragraph (d) amended March 15, 1996 to be effective immediately; paragraph (b) amended June 28, 1996 to be effective immediately; caption of paragraph (d) and text of paragraphs (d) and (e) amended May 25, 1999 to be effective July 1, 1999; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraph (b) caption and text amended, new paragraph (c) adopted, former paragraph (c) redesignated as paragraph (d), former paragraph (d) amended (including incorporation of some text of former paragraph (e)) and redesignated as paragraph (e), and former paragraph (e) deleted July 28, 2004 to be effective September 1, 2004; new paragraph (c) adopted, and former paragraphs (c), (d), and (e) redesignated as paragraphs (d), (e), and (f) July 27, 2006 to be effective September 1, 2006; paragraph (f) amended June 15, 2007 to be effective September 1, 2007; paragraph (b) amended and new paragraph (g) adopted July 21, 2011 to be effective September 1, 2011; caption amended, paragraph (b) caption amended, paragraphs (d) and (e) amended, paragraph (f) deleted and redesignated as R. 5:7-

4A(d), and former paragraph (g) redesignated as paragraph (f) July 27, 2015 to be effective September 1, 2015; paragraph (b) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

**E. Removal of the Family Part Forms from the Appendix of the Court Rules and Proposed Conforming Rule Amendments**

(1) Removal of: (1) Rule 5:4-1(h) Certification of Attorney and Client (CN 10890); (2) Rule 5:4-2(h) Certification by Self-Represented Litigant (CN 10889); (3) Family Part Case Information Statement (Rules Appendix V)(CN 10482); and (4) Final Judgment of Divorce (Rule 5:5-9) (Rules Appendix XXV)

The Committee recommends removing the following forms from the Rules Appendix and having them promulgated by the Administrative Director of the Courts:

- (1) Rule 5:4-1(h) Certification of Attorney and Client (Rules Appendix XXVII-A) (CN 10890);
- (2) Rule 5:4-2(h) Certification by Self-Represented Litigant (Rules Appendix XXVII-B) (CN 10889);
- (3) Family Part Case Information Statement (Rules Appendix V) (CN 10482); and
- (4) Final Judgment of Divorce (Rule 5:5-9) (Rules Appendix XXV)

The request to remove the forms from the Rules Appendix simplifies the process for making changes to these forms. The Committee discussed how practitioners would have input in any future changes to the forms.

The Committee is primarily concerned about any potential changes to the Family Part Case Information Statement (CIS). The CIS is heavily used in the FM docket and sets forth the parties' incomes, expenses, assets, and liabilities. It is

used to set support and equitable distribution awards. Thus, the Committee recommends that it have continued input to any future changes to this form. The Committee is satisfied that concerns regarding future revisions to the form can be directed to the Administrative Director of Courts for consideration. The Committee concluded that it is reasonable to have a more efficient promulgation process and submit feedback through the Administrative Director of the Courts for proposed revisions from the NJSBA. Therefore, the Committee recommends removal of these forms consistent with its previous recommendations from past rules cycles to remove Family forms from the Rules Appendix.

(2) Proposed Rule Amendments to R. 5:5-2. Family Case Information Statement; R. 5:5-9. Procedures Concerning the Entry of Certain Final Judgments of Divorce, Dissolutions of Civil Unions, and Terminations of Domestic Partnership; R. 5:5-10. Default; Notice for Final Judgment; and R. 5:7-2. Application Pendente Lite

In furtherance of the above recommendation, the Committee recommends amendments to R. 5:5-2 entitled, “Family Case Information Statement,” R. 5:5-9 entitled, “Procedures Concerning the Entry of Certain Final Judgments of Divorce, Dissolutions of Civil Unions, and Termination of Domestic Partnerships,” R. 5:5-10 entitled, “Default; Notice for Final Judgment,” and R. 5:7-2, entitled, “Application Pendente Lite.” The Committee also recommends amendments to paragraph (h) of R. 5:4-2 entitled, “Complaint,” as set forth in section II.D. of this report above. These rules contain references to the forms recommended to be removed from the Rules Appendix. As the Committee is recommending removal

of these forms from the Rules Appendix, the Committee also recommends that references to the forms should be deleted from the court rules as follows:

R. 5:5-2. Family Case Information Statement

(a) Applicability. . . . no change.

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

(c) Amendments. . . . no change.

(d) Income Tax Returns. . . . no change.

(e) Marital, Civil Union or Domestic Partnership Standard of Living Declaration. . . . no change.

(f) Confidentiality. . . . no change.



Note: Source - R. (1969) 4:79-2. Adopted December 20, 1983, to be effective December 31, 1983; amended January 10, 1984, to be effective April 1, 1984; paragraphs (b) and (e) amended November 5, 1986 to be effective January 1, 1987; paragraphs (b) and (e) amended November 2, 1987 to be effective January 1, 1988; paragraphs (a) and (e) amended November 7, 1988 to be effective January 2, 1989; paragraph (e) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended January 21, 1999 to be effective April 5, 1999; paragraph (e) amended July 12, 2002 to be effective September 3, 2002; caption amended and new paragraph (f) adopted July 27, 2006 to be effective September 1, 2006; paragraph (c) amended, former paragraph (e) deleted and redesignated as new Rule 5:5-10, and former paragraph (f) redesignated as paragraph (e) June 15, 2007 to be effective September 1, 2007; new paragraph (f) adopted July 16, 2009 to be effective September 1, 2009; paragraph (e) caption and text amended July 21, 2011 to be effective September 1, 2011; paragraphs (a) and (b) amended July 9, 2013 to be effective September 1, 2013; paragraph (b) amended \_\_\_\_\_ to be effective \_\_\_\_\_.

R. 5:5-9. Procedures Concerning the Entry of Certain Final Judgments of Divorce, Dissolutions of Civil Unions, and Terminations of Domestic Partnerships

When a settlement is placed on the record and a judgment is entered orally, a contemporaneous written final judgment shall be entered by the court [either in the form set forth in Appendix XXV of these rules] or in a form as consented to by the parties. [If the final judgment that is entered is in the form set forth in Appendix XXV, the] The parties within ten days of such entry may submit to the court a proposed amended form of final judgment setting forth the terms of the settlement or specifically incorporating the parties' written property settlement agreement. The court in its discretion may relax the ten-day limit.

Note: Adopted July 27, 2006 to be effective September 1, 2006; caption and text amended July 21, 2011 to be effective September 1, 2011; amended \_\_\_\_\_ to be effective \_\_\_\_\_.

R. 5:5-10. Default; Notice for Final Judgment

In those cases where equitable distribution, alimony, child support and other relief are sought and a default has been entered, the plaintiff shall file and serve on the defaulting party, in accordance with R. 1:5-2, a Notice of Proposed Final Judgment ("Notice"), not less than 20 days prior to the hearing date. The Notice shall include the proposed trial date, a statement of the value of each asset and the amount of each debt sought to be distributed and a proposal for distribution, a statement as to whether plaintiff is seeking alimony and/or child support and, if so, in what amount, and a statement as to all other relief sought, including a proposed parenting time schedule where applicable. Plaintiff shall annex to the Notice a completed and filed Case Information Statement in [the] a form [set forth in Appendix V of these Rules] prescribed by the Administrative Director of the Courts. When a written property settlement agreement has been executed, plaintiff shall not be obligated to file such a Notice. When the summons and complaint have been served on the defendant by substituted service pursuant to R. 4:4-4, a copy of the Notice shall be filed and served on the defendant in the same manner as the summons and complaint or in any other manner permitted by the court, at least

twenty (20) days prior to the date set for hearing. The Notice shall state that such Notice can be examined by the defendant during normal business hours at the Family Division Manager's office in the county in which the Notice was filed. The Notice shall provide the address of the county courthouse where the Notice has been filed. Defaults shall be entered in accordance with R. 4:43-1, except that a default judgment in a Family Part matter may be entered without separate notice of motion as set forth in R. 4:43-2.

Note: Former Rule 5:5-2(e), adopted as Rule 5:5-10 June 15, 2007 to be effective September 1, 2007; caption and text amended July 16, 2009 to be effective September 1, 2009; text amended \_\_\_\_\_ to be effective \_\_\_\_\_.

#### R. 5:7-2. Application Pendente Lite

(a) Support Pendente Lite. Applications for support, counsel fees and costs pendente lite, whether made with the complaint or by notice of motion thereafter, shall be accompanied by a completed case information statement in [the] a form [set forth in Appendix V to these rules] prescribed by the Administrative Director of the Courts pursuant to R. 5:5-2. If this form has previously been submitted, amendments thereto must be filed with the court no later than eight days prior to the motion hearing date. A completed case information statement shall accompany the response to the application pendente lite. If previously submitted, amendments thereto must be filed with the court no later than eight days prior to the hearing date.

(b) Restraints; Contempt; Enforcement...no change.

Note: Source-R. (1969) 4:79-3(a), (b). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (a) amended January 10, 1984, to be effective April 1, 1984; paragraph (b) caption and text amended July 21, 2011 to be effective September 1, 2011; paragraph (a) amended, \_\_\_\_\_ to be effective \_\_\_\_\_.

## **F. Proposed Amendments to Appendix V – Family Part Case Information Statement**

The Committee recommends amendments to the Appendix V – Family Part Case Information Statement (CIS) (Attachment 3). The proposed changes are to update the CIS to reflect current practices and laws, and to improve readability.

The Committee recommends the following changes:

1. In Part B, a checkbox was added to indicate whether the affidavit of insurance coverage was filed;
2. In Part C, paragraph 5, “Additional Information,” language was added to capture all forms of income, including Social Security Income from other government programs;
3. In Part C, paragraph 5, “Additional Information,” language was added to indicate whether the alimony paid or received is taxable/deductible or non-taxable/non-deductible. This language is recommended based upon amendments to the federal tax code, in which alimony is not taxable or deductible for divorce matters finalized on or after 2019;

4. When listing monthly expenses, additional space was provided for litigants to specify what is included in some of the general expenses;
5. References for commonly used expenses were added (e.g., internet, streaming services, digital subscriptions);
6. A new Schedule D was created to relocate or delete certain expenses that are no longer commonly used or not frequently recurring (e.g., snow removal, plumber, electrician);
7. Additional items were added to the balance sheet of family assets and liabilities (e.g., cryptocurrency, digital or virtual payment services, children's accounts, prepaid taxes) and catch-all provisions for assets and liabilities; and
8. A certification was added for the litigant to disclose all assets, liabilities, and income to the best of their knowledge.

The proposed amendments to the CIS are included as Attachment 3.

**G. Child Support Quadrennial Review: Proposed Amendments to Rule Appendix IX-A (Considerations in the Use of Child Support Guidelines) and Rules Appendix IX-F (Schedule of Child Support Awards)**

This recommendation constitutes New Jersey's fulfillment of the Quadrennial Review of the Child Support Guidelines (CSG), as required by federal law (42 U.S.C. §667) and federal regulation (45 C.F.R. §302.56 and 45 C.F.R. §303.4). New Jersey's current quadrennial review concludes on December 31,

2024 and a new review will begin on January 1, 2025. The October 25, 2022 Notice to the Bar indicated that the quadrennial review would conclude on December 31, 2025; however, since the Committee's work concluded earlier than anticipated, a determination was made to start the next review on January 1, 2025 and that review will conclude on December 31, 2028.

The quadrennial review is done in collaboration with the New Jersey Division of Family Development (DFD) in the Department of Human Services (DHS). DFD is New Jersey's designated Title IV-D child support agency responsible for ensuring compliance with the quadrennial review. To assist the Committee in meeting New Jersey's obligations as required by Title IV-D of the federal Social Security Act, DFD has retained the services of an economist, David Macpherson, Ph.D., E.M. Stevens Professor of Economics, Trinity University, to review economic data and offer recommendations regarding changes to the CSG (Rules Appendix IX). Dr. Macpherson's report will be posted on the Judiciary's website at the time this report is posted for public comment.

The Committee, based on Dr. Macpherson's recommendations, recommends an update to the Schedule of Basic Child Support Awards, Rules Appendix IX-F. Appendix IX-F lists the child support awards based on the parents' combined net weekly income and the number of children who are subject to the child support award.

## *Overview of Calculation of Child Support Awards*

Fundamentally, the CSG are calculated by using the parents' income and the children's expenses. The CSG use the "Income Shares Model," which calculates child support using the income of both parents. It presumes the child is entitled to the amount of support that parents would have spent had the parents remained living together with the child. The primary source of information gathered to create the award schedule in Appendix IX-F is the federal Consumer Expenditure Survey (CEX).

The CSG also consider the children's expenses. It is a challenge to determine the allocation of shared expenses between the children and the adults. Economists begin by comparing the spending of childless households to the spending of households with one, two, and three children at every income level. This "marginal cost" approach does not, however, completely describe the cost of children because parents may allocate resources to the children rather than themselves. This phenomenon leads economists to develop theories regarding the cost of raising children by analyzing focused spending and developing "estimators" to determine the cost of children. Appendix IX-A sets forth the *Engel* and *Rothbarth* methods for marginal-cost estimation. Throughout the years, the CSG have been updated to reflect current data and improved ways to determine an accurate child support award. Currently, New Jersey uses the *Rothbarth* estimator,

calculation model, as endorsed by Dr. David Betson, and the analysis of the CEX data (See Rules Appendix IX-A, paragraph 5).

#### *Committee Recommendation*

The Committee recommends that the child support award for one child be adjusted for inflation and the awards for 2 or more children be adjusted based on updated CEX data using the income shares methodology. The Committee's recommendation is based on the Dr. Macpherson's analysis and recommendations. The new schedule incorporates new estimates of child-rearing costs, places the schedule in 2022 price levels, and adjusts the schedule for income differences between New Jersey and the U.S. average.

#### *Analysis of Recommendation*

To complete the current Quadrennial Review, Dr. Macpherson reviewed the CEX data for the years of 2013 to 2019. The analysis then adjusts that data to 2022 price levels. Using the *Rothbarth* estimator, Dr. Macpherson created basic child support award schedules for 1 to 6 children. He noted that each of the schedules, if simply adjusted for inflation, closely mirrored the current award schedule in Appendix IX-F, except for the schedule for one child. The award schedule for one child based on the *Rothbarth* estimator calculations was significantly lower than an adjustment for inflation alone. Dr. Macpherson noted that the CEX data for one child is likely an anomaly. Dr. Macpherson's explanation for this anomaly was



that surveyed data falls into a range, and the average of such data, is typically a good indicator. Occasionally, however, data that is collected in this fashion includes a range of circumstances that are atypical. That data is not a good representation and should not be relied on for estimating a child's marginal cost for a one-child family. Dr. Macpherson explained that the sample size for one child was smaller than that for more children, which may explain the anomaly in the data. To address this concern, Dr. Macpherson recommended the schedule for one child be adjusted for inflation alone.

As such, the Committee recommends the adoption of the attached updated Rules Appendix IX-F (Attachment 4) to replace the current Rules Appendix IX-F, which is posted on the Judiciary's website at: [Rules of Court Appendix IX\\_F](#).

The Committee further recommends amendments to paragraph 5 of Rules Appendix IX-A to explain the reasoning for using inflation alone to calculate the award for one child (Attachment 5).

### **III. Non-Rule Recommendations**

#### **A. Translation of Family Forms**

The Committee considered recommending additional languages for the translation of Family Part forms to increase accessibility to the courts. The Committee conducted research and determined that Spanish is the most requested language. Therefore, the Committee recommends that Spanish be the prioritized language and encourages the Judiciary to translate the forms into as many other languages as possible. The Committee also noted that domestic violence forms already have been translated in five languages and that the Judiciary is working towards increased accessibility of those forms.

#### **B. Sample Colloquies for the Trial Court in Name Change Applications for Minors**

The Committee recommends the adoption of sample colloquies for the trial court's use in minor name change proceedings. In Recommendation 2019:13(4) of its 2017-2019 Report, the Supreme Court Committee on Diversity, Inclusion, and Community Engagement (DICE) recommended the development of the colloquies. This year, the DICE Committee developed the attached model colloquies (Attachment 6). The model colloquies are intended to be used as a reference for judges when conducting summary proceedings on the record (uncontested name changes for children) and when a best interest hearing is required (contested name

changes for children). The colloquies are designed for matters involving transgendered, nonbinary, or gender non-conforming children.

The Committee recommends the adoption of the name change colloquies with a referral to the Conference of the Family Presiding Judges for input.

**C. Revise Case Management Order (CN 10484) to Add an Additional Case Track**

The Committee considered whether to add a settlement track for divorce matters. Practitioners have reported delays in obtaining a hearing date for uncontested or settled divorce matters. It has been asserted that adding a “settled” track will help identify those cases and streamline their final resolution.

The Committee generally agrees that settled cases should be finalized as expeditiously as possible. The Committee considered whether a time requirement (e.g., 10 days from receipt of the signed settlement agreement to schedule an uncontested hearing) is appropriate. The Committee indicated that due to a lack of judicial and staff resources, which varies by vicinage, a 10-day time goal requirement is not feasible. Therefore, the Committee recommends referring this matter to the Conference of the Family Presiding Judges for further consideration.

## IV. Issues Considered Without Recommendation

### A. Proposed Amendments to: (1) R. 1:4-1. Caption: Name and Addresses of Party and Attorney; Format and (2) R. 5:4-1 Process.

The Committee considered eliminating references to parties as “plaintiff” and “defendant” in Family Part matters. This was brought to the Committee’s attention through correspondence from the New Jersey State Bar Association (NJSBA) dated February 10, 2023. The Committee considered NJSBA’s suggestion to retitle the case captions (e.g., “In the Matter of [a child]” or “Petitioner v. Respondent”). The reason for the suggested change is to ease the acrimonious tone of traditional references in Family Part matters and reflect an expectation that the parties will work together toward a common goal.

Additionally, matrimonial practitioners who are Committee members, reported that, among the litigants, there is a negative connotation with being referred to as a “defendant.”

The Committee explored various options to recaption the cases and conducted research on how other states title their matters. With each consideration, the Committee identified a logistical barrier. For example, when considering using “In re the Dissolution of \_\_\_\_\_,” the Committee noted that some spouses do not share the same last name. It would also cause confusion if one of the parties appealed the case as it would be impossible to identify who is appealing the matter.

Additionally, if both names were used (e.g., "In the Dissolution of Jones Smith"), the subcommittee could not resolve which spouse's name would be listed first without one of the litigants assuming a negative connotation with their name listed first or last. As to "petitioner v. respondent," this would also cause confusion if the case were appealed as that is how appellate matters are captioned as the respondent at the trial level may not be the respondent at the appellate level. For these reasons, the Committee recommends no action.

**B. Proposed Amendments to: (1) R. 1:38-1. Policy. R. 1:38-1A. References in Court Decisions to Information Contained in Records Otherwise Excluded from Public Access; and (2) R. 1:38-3. Court Records Excluded from Public Access.**

The Committee considered an additional request from the NJSBA to eliminate the use of initials in case names and use full fictitious names. The purpose of using fictitious names in lieu of case initials is to protect the parties and reduce confusion for practitioners.

The Committee considered the NJSBA's recommendation and agreed with the purpose of using fictitious names. The Committee, however, identified practical and logistical issues with the use of fictitious names. For example, processing dissolution of assets by way of a Qualified Domestic Relations Order (QDRO) or enforcing a judgment requires the actual names of the parties. Therefore, the Committee recommends no action.

**C. Proposed Amendments to: (1) R. 4:3-1. Divisions of Court; Commencement and Transfer of Actions; and (2) R. 5:1-2. Actions Cognizable.**

The Committee considered an additional request from the NJSBA to consider amendments to R. 4:3-1 and R. 5:1-2 to have fee disputes between family law attorneys and their clients heard in the Family Part rather than the Civil Part. It is the NJSBA's position that hearing these matters in the Family Part promotes fairness and efficiency as Family judges are in a better position to determine the reasonableness of the fees asserted.

The Committee reviewed Kopec v. Moers, 470 N.J. Super. 133 (App. Div. 2022). In Kopec, a law firm sought to enforce legal fees in a Family Part matter owed by their clients. The appellate panel held that an attorney seeking to enforce the retainer agreement between the attorney/firm and the client is a contractual enforcement claim and does not arise out of a family or family-type relationship. Id. at 153-155. Therefore, it is to be heard in the Civil Part. Id. Based on the holding in Kopec, the Committee recommends no action.

**D. Proposed Amendments to R. 5:5-4. Motions in Family Actions.**

The Committee considered whether to amend R. 5:5-4 to permit electronic service of all pleadings in the Family Part. The Committee supports electronic service of all pleadings. The Special Committee on the Non-Dissolution Docket made a similar recommendation for electronic service in non-dissolution (FD

docket) cases. The Special Committee on the Non-Dissolution Docket was charged with reviewing operations, procedures and protocols to enhance procedural fairness and eliminate the potential for system disparities in outcomes. The Supreme Court approved the Special Committee's recommendation to amend R. 5:4-4 to provide for electronic service of pleadings and directed the development of conforming rule amendments. As this issue is currently under consideration for pleadings in the FD docket, the Committee recommends no action at this time.

## **V. Out of Cycle Activity**

### **A. Removal of Family Case Management Order (R.5:5-7) (Rules Appendix X)(CN 10484)**

The Committee submitted an out of cycle recommendation to remove the Family Case Management Order (CN 10484) from the Rules Appendix and having it promulgated by the Administrative Director of the Courts. The purpose of the out of cycle activity was to expeditiously make technical amendments to the form. As a result, the Supreme Court by Order dated November 12, 2024 deleted the Family Case Management Order from Appendix X effective December 1, 2024.

## **VI. Matters Held for Consideration**

### **A. Proposed Amendments to the Child Support Guidelines by the New Jersey State Bar Association.**

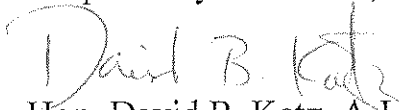
A referral was made to the Committee to consider additional amendments to the Child Support Guidelines recommended by the NJSBA in its February 27, 2024 correspondence re: "Proposal for Amendments to the Child Support Guidelines." The recommendations primarily address situations where deviation from the CSG is warranted, particularly where the parents share a true 50/50 custody arrangement. The NJSBA is recommending that the court rules "require," rather than "permit," deviation from the Guidelines in certain situations. As this issue will require extensive consideration and discussion, the Committee will carry this item, and it is anticipated that it will be included in the next Quadrennial Review.



## Committee Members and Staff

Hon. David B. Katz, A.J.S.C. (Chair)  
Hon. Lisa A. Firko, J.A.D. (Vice-Chair)  
Hon. Lorraine M. Augostini, J.A.D.  
Hon. John J. Burke, III, P.J.F.P.  
Faudia Hameed Clemenza, Esq.  
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Cheryl E. Connors, Esq.  
Joanne M. Dietrich, Esq.  
Jhanice V. Domingo, Esq.  
Kelly Donegan, Esq.  
Shoshana Gross, Esq.  
Christina Groves, Esq.  
Debra E. Guston, Esq.  
Edward H. Hill, Esq.  
Julian Lockett Hill, Esq.  
Edward Hill, Esq.  
Theresa Hilton, Esq.  
Hon. Edward W. Hoffman, P.J.F.P.  
Kelly Johnston, Esq.  
Joelle Kenney  
Jeralyn Lawrence, Esq.  
Michele Lefkowitz, Esq.  
Ronald Lieberman, Esq.

Respectfully submitted,



Hon. David B. Katz, A.J.S.C., Chair

Hon. Hany A. Mawla, J.A.D.  
Mary M. McManus-Smith, Esq.  
Lynn Fontaine Newsome, Esq.  
Hon. Ellen Torregrossa-O'Connor, J.A.D.  
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Susan Saraiva, Esq.  
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Israel Segarra, Esq.  
Melinda L. Singer, Esq.  
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Ana Tent, Esq.  
Sylvia Thomas, Esq.  
Albertina Webb, Esq.  
Hon. Marcella Matos Wilson, J.S.C.

AOC Staff:

Emily Mari, Esq.

Dated: January 15, 2025

## **List of Attachments**

1. “Uniform Interrogatories for Cohabiting Party Contesting Alimony Review - For Post-Judgment Application” in the Rules Appendix [recommended form in this report pending Supreme Court consideration]
2. “Sample Form: Request for Production of Documents” in the Rules Appendix [recommended form in this report pending Supreme Court consideration]
3. Proposed Revised Family Part Case Information Statement
4. Proposed Revised Rules Appendix IX-F
5. Proposed Revised Rules Appendix IX-A
6. Model Colloquy and Related Guidance: Name Change Proceedings for Children/Youth in the Family Part

# Attachment 1

## Rules Appendix \_\_

### **Uniform Interrogatories for Cohabiting Party Contesting Alimony Review - For Post-Judgment Application. *N.J.S.A.* 2A:34-23(n)**

**Note:** Adopted pursuant to new subparagraph (b)(2) of R. 4:17-1 \_\_\_\_\_  
to be effective \_\_\_\_\_.

Pursuant to R. 4:17-1(b)(2), all questions must be answered unless excused by the court or protected by privilege or order. Responses shall not be used improperly and shall follow the Rules of Court, including R. 1:38, and the Rules of Professional Conduct.

Consistent with Cardali v. Cardali, 255 N.J. 85 (2023), a party must answer these interrogatories only if the court makes a finding that a prima facie showing of cohabitation has been established. The Rules Appendix also includes suggested request for production of documents (Rules Appendix \_\_). The court shall conduct a discovery conference to issue an order for limited discovery. This will include filing updated case information statements as required by R. 5:5-4(a)(4), responding to interrogatories and requests for production of documents, and any other limited discovery deemed necessary by the court.

Discovery requested shall be limited to two years preceding the filing date of the cohabitation motion unless the court, for good cause, decides a different timeframe.

Each party can add ten additional questions, without subparts, to these interrogatories. Requests for more questions require court approval and shall be made by filing a motion.

#### **General**

1. Provide your full name, date of birth, current address, and any other addresses where you lived in the past two years, including the date(s), and how long you have lived at your current address.
2. List the names, email addresses, and physical addresses of everyone who knows relevant details about this case. For each person, describe what they know, including relevant dates and locations.
3. Provide the names and addresses of any expert witnesses or private investigators you or your counsel hired for this case. Include detailed

qualifications for each expert and attach their current resumes. Attach copies of all written reports you have received from these experts.

4. Describe your current job and list your income for the past two years, including salary, bonuses, commissions, perks, equity awards, stock options, and any other compensation benefits.

5. Describe your relationship between you and the alleged cohabitant, including when and how you met, and why you oppose the review of your alimony due to the alleged cohabitation.

6. State when you began dating the alleged cohabitant and if the relationship is still ongoing and exclusive today.

#### Intertwined Finances

7. List all payments made between you and the alleged cohabitant, either by you to them or them to you, in the past two years. Include the following details for each payment and attach documents that verify each payment listed in your response.

- a. Date of payment.
- b. Amount of payment.
- c. Purpose/Reason for payment.
- d. Source of funds for payment.

8. List any real estate you and the alleged cohabitant own or have owned together or had joint interest in over the past two years. This includes deeds, leases, operating agreements, or any documents where either of you is a co-signor or guarantor. Attach all documents and explain how each interest was acquired.

9. Describe any loans or borrowings taken or given between you and the alleged cohabitant in the past two years, including the date, amount, purpose or reason, funding source, repayment schedule, interest rate, and current status. Attach documents that verify each loan or borrowing and its repayment.

10. Describe any business interests and/or joint ventures you and the alleged cohabitant have shared in the past two years, including the formation date, ownership shares, capital contributions, and sale status. Attach any relevant formation and/or sale documents.

11. List all credit and debit cards you have been authorized to use in the past two

years, including store credit cards and state whether the alleged cohabitant is authorized or has used the card(s). Include the names of other people who use these accounts and anyone who contributes to paying the bills.

12. Have you and the alleged cohabitant jointly accessed or owned any financial accounts in the past two years, such as bank accounts, investment accounts, retirement accounts, life insurance policies, cryptocurrency, or payment platforms? If so, provide the dates of shared access or ownership, the funding source for each account, and attach account statements from the period when access or ownership was shared.

13. In the past two years, have you been named, or have you named the alleged cohabitant as a beneficiary on any accounts either of you hold?

14. If yes, provide details about each account and attach statements covering the duration of the beneficiary designation.

15. In the past two years, have you and the alleged cohabitant shared access or responsibility, or been guarantors for any debts, such as credit cards, mortgages, lines of credit, student loans, personal loans, financing agreements, or automobile loans? If so, list the dates of shared responsibility, how each debt was funded, and attach statements from the period when you shared this responsibility.

16. In the past two years, has the alleged cohabitant had the ability to sign or withdraw from any of your accounts, or have you had these abilities on any of their accounts? If yes, list the accounts and how long these abilities were in effect.

#### Shared/Joint Responsibility for Living Expenses

17. Describe the activities (including but not limited to trips, concerts, and events) you and the alleged cohabitant have done together in the past two years. Include groups, clubs, and memberships you both belong to together or separately. Explain how often these activities occur and how you manage or split the costs for these activities.

18. Describe how often you have had meals with the alleged cohabitant (daily, weekly, monthly) in the past two years. Include where these meals usually take place (at home or in a restaurant), how you handle the costs, who usually pays or if you share the expenses, and any specific arrangements for splitting the cost. For meals eaten at home, describe who prepares the food and who pays for the food, and if this responsibility changes.

19. List all entertainment and activities that you and the alleged cohabitant participated in together in the past two years that cost more than \$50 and explain how the expenses were paid.

20. In the past two years, has anyone besides yourself contributed to your expenses? If so, provide details on the amount, how often these contributions are made, and who provides them.

21. In the past two years, list any services, contracts, insurance policies, or registrations (voter, tax, automobile) where the alleged cohabitant used your address, or where you have used their address.

22. List all streaming services you are subscribed to or have had access to in the past two years. Identify all people who have access to these services and whether they share your account, or you share their account. Specify who pays for each service.

23. List all transportation accounts (toll or parking payment accounts and rideshare services) you have or have had access to in the past two years. Identify all people authorized to use these accounts and whether they share your account, or you share their account. Specify who pays for each account.

24. Has anyone helped you pay your housing costs? This includes utilities, property taxes, rent, mortgage or expenses for repair, maintenance, or lawn care. If yes, identify the person, the dates, and the amounts.

25. Have you been a beneficiary of any life insurance policy, annuity, or retirement plan by the alleged cohabitant? If yes, provide the policy name and number, type, date you were added as beneficiary, policy start date, death benefit amount, and who pays the premiums.

26. Are you the alleged cohabitant a beneficiary of any life insurance policy, annuity, or retirement plan? If yes, provide the policy name and number, type, date they were added as beneficiary, policy start date, death benefit amount, and who pays the premiums.

27. In the past two years, have you named the alleged cohabitant in any legal documents prepared for you, including drafts, such as a Last Will and Testament,

Power of Attorney or Health Care Directive? If yes, identify the legal documents and their interest or role.

28. In the past two years, have you been named in any legal documents prepared for the alleged cohabitant, including drafts, such as a Last Will and Testament, Power of Attorney or Health Care Directive? If yes, identify the legal documents and your interest or role.

### Recognition of the Relationship Within Social and Family Circles

29. List all instances when you have proposed engagement or marriage or received a marriage proposal, including the other person's name and the approximate date.

30. Provide details about your social media interactions with the alleged cohabitant in the last two years, including:

- a. List all social media platforms where you and the alleged cohabitant have accounts. Include usernames or IDs for each platform.
- b. On each platform listed in subpart a above, indicate whether you and the alleged cohabitant follow each other, friend or connect with each other, or subscribe to each other's posts.
- c. For each platform listed in subpart a above, identify any family members or friends of the alleged cohabitant that you follow or who follow you, are connected to you as friends, or whose posts you subscribe to. Provide their usernames or IDs.

31. If you have children under 18, list all people who have transported them to or from school in the last two years and all people authorized to pick them up or are listed as emergency contacts.

32. Have you introduced the alleged cohabitant to any of your family or friends? If so, list each person and when the introduction happened, along with anyone else present during the introductions.

33. In the past two years, have you and the alleged cohabitant attended any celebrations together (including but not limited to graduations, birthdays, weddings)? If yes, list each event, the location, and the approximate number of attendees.

34. In the past two years, list any public announcements of your relationship with the alleged cohabitant to family, friends, social circles, or your



community. Provide copies of any recordings or documents, including social media posts, emails, invitations, or religious events.

35. Describe any medical appointments that you and the alleged cohabitant attended together in the past two years. Include the date and nature of each appointment, and state if the alleged cohabitant has been listed as your emergency contact for medical purposes.

36. Describe any medical appointments the alleged cohabitant attended with your children or where you attended the alleged cohabitant's children's medical appointments in the past two years. Include the date and nature of each appointment, the name of the health care provider and facility, and the reason for attending.

37. Describe all vacations or instances where you and the alleged cohabitant spent at least one night away from your residence, you and the alleged cohabitant took together or stayed in the same geographical area in the past two years, including payment details (who paid, how was it paid, and how were expenses divided).

38. Set forth any hotel, motel, timeshare, or any vacation rental properties, where you and the alleged cohabitant spent at least one night together in the past two years, including the location, date(s), and length of stay.

39. List all school and extracurricular events involving your children that the alleged cohabitant attended in the past two years, and events involving the alleged cohabitant's children that you attended, including parent-teacher conferences, back to school nights, child study team meetings, proms, graduations, shows, recitals, ceremonies, or sporting events.

40. List all holidays you and the alleged cohabitant spent together in the past two years and include the location, attendees, and holiday meals you had together, even if other people were present.

41. List all days in the past two years when the alleged cohabitant was alone with your children or pets to supervise or care for them.

42. List all gifts exchanged between you and the alleged cohabitant or their relatives in the past two years, including the gift, its value, date of exchange, and relationship of the person involved.

Living Together, Frequency of Contact, Duration of Relationship, Other Indications of Mutually Supportive Relationship

43. List all overnights you and the alleged cohabitant spent together in the past two years and include locations.

44. Describe how often and by what methods you and the alleged cohabitant communicate.

45. In the past two years, have you used any home security/monitoring systems? If so, list all details including who had access.

46. List all people who have access to your residences (key, key code, security information) and include when access was granted.

47. List all times the alleged cohabitant stayed at your residence(s) without you in the past two years and note if children were present, and their relationship to the parties or the alleged cohabitant. Also list the times you stayed at the alleged cohabitant's residence(s) without them and note if children were present, and their relationship to the parties or the alleged cohabitant.

Sharing Household Chores

48. Describe any repairs, maintenance, renovations, or chores the alleged cohabitant did at your residence, or you did at theirs, including how often.

49. Describe any lawn maintenance, gardening, or snow removal the alleged cohabitant did at your residence, or you did at theirs, including how often.

Recipient Has Received a Promise of Support from Another Person

50. List all written or verbal promises of support you made or received from the alleged cohabitant and attach copies of all related communications.

51. If you provide support to anyone, provide their name, address, relationship to you, amount, and frequency of payments, if it is voluntary or court-ordered, and any other details.

52. State the date and time these interrogatories were completed and the names of anyone who helped answer them.

## **CERTIFICATION**

I hereby certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED:

SIGNED:

# Attachment 2

## Rules Appendix \_\_

### **Sample Form: Request for Production of Documents**

**Sample form can be used for requesting production of documents in cohabitation post-judgment applications.**

**Note:** Adopted pursuant to Appendix \_\_, entitled, "Uniform Interrogatories for Cohabiting Party Contesting Alimony Review - For Post-Judgment Application" \_\_\_\_\_ to be effective \_\_\_\_\_.

This form is intended to be a suggested form and not mandated by R. 4:17-1(b)(2).

Provide copies of the requested documents listed below. Documents provided will be used according to discovery requirements of the New Jersey Rules of Court.

Documents shall cover the past two years from the filing date of the motion unless the court decides otherwise.

1. All state and federal personal income tax returns with attachments.
2. All state and federal income tax returns for any business (corporations, LLC's, sole proprietorships, and partnerships) in which you have interest. Include the certification of formation and evidence of the corporate officers and shareholders for each business.
3. Your most recent annualized Social Security statement.
4. Your last five pay stubs.
5. Your final pay stub and your W-2 or K-1 where applicable.
6. Your passport and your children's passports.
7. Your telephone and cell phone bills.
8. Documents related to any membership rewards programs you participate in, such as airline miles, travel rewards, and credit card points programs.
9. Records of any retirement or pension plans, including IRAs. Include details of contributions made by you, your employer, or your business, and include

beneficiary designation forms you filled out.

10. Records for all checking and savings accounts including, passbooks, checkbooks, bank statements, cancelled checks, certificates of deposit and withdrawal slips for any accounts you have or had an interest in or power to withdraw funds.

11. Life insurance policies or annuities where you are insured, owner, or beneficiary, along with statements, cash surrender values, and loan information including beneficiary designations.

12. Records of stocks, securities, bonds, and similar investments in your name or interest, including the stockbroker or transfer agent and beneficiary designations.

13. Title certificates, registrations, and loan documents for any vehicles (cars, boats, airplanes, trucks, etc.) you own or have an interest in.

14. Voter registration documents.

15. Deeds, mortgage/line of credit applications and statements, closing statements, written offers to purchase and any other documents related to real estate you own or have an interest in.

16. Residential lease agreements where you are the landlord, tenant or co-signer, and any applications to lease real estate.

17. Documents for any medical or health insurance plans covering you or your family, including emergency contact forms.

18. If you have minor children, emergency contact and authorized pick-up/drop-off forms for them.

19. Statements for all utility bills for any residence you have an interest in or lived.

20. Insurance policies for your residence and its contents, including any riders or supplements for personal effects.

21. Documents related to any trusts you established, benefit from, or have an interest in.

22. Financial statements that reflect your financial circumstances. This may include, but is not limited to, a completed Case Information Statement pursuant to Rule 5:5-2.
23. Current and prior versions of your Last Will and Testament, Power of Attorney, Health Care Directive, and trust documents.
24. Documents showing expenses paid by others for you or by you for others, including lodging, gas, meals, airfare, clothing, and gifts.
25. Documents about any debts you are responsible for, including home equity lines of credit, mortgages, personal loans, credit cards, and charge cards.
26. Statements for mobile payment/banking applications, or any other electronic wallet platforms.
27. Statements for any cryptocurrency you own or have an interest in.
28. Invitations sent for functions, celebrations, or gatherings you hosted.
29. Any photographs, either in print or digital, or videos that depict you together with the alleged cohabitant and/or with your or the alleged cohabitant's family.

# Attachment 3



[Appendix V]

Family Part Case Information Statement

This form and attachments are confidential pursuant to Rules 1:38-3(d)(1) and 5:5-2(f)

Attorney(s):
Office Address:
Tel. No./Fax No.
Attorney(s) for:

Form box for case details with labels Plaintiff, vs., and Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
COUNTY

DOCKET NO.
CASE INFORMATION STATEMENT
OF

NOTICE: This statement must be fully completed, filed and served, with all required attachments, in accordance with Court Rule 5:5-2 based upon the information available. In those cases where the Case Information Statement is required, it shall be filed within 20 days after the filing of the Answer or Appearance. Failure to file a Case Information Statement may result in the dismissal of a party's pleadings.

INSTRUCTIONS:

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

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

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

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

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

**Part A - Case Information:**

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

**Issues in Dispute:**

Cause of Action \_\_\_\_\_  
Custody \_\_\_\_\_  
Parenting Time \_\_\_\_\_  
Alimony \_\_\_\_\_  
Child Support \_\_\_\_\_  
Equitable Distribution \_\_\_\_\_  
Counsel Fees \_\_\_\_\_  
Anticipated College/Post-Secondary Education Expenses \_\_\_\_\_  
Other issues (be specific) \_\_\_\_\_  
 Yes  No.

1. Name and Addresses of Parties:

Your Name \_\_\_\_\_  
Street Address \_\_\_\_\_ City \_\_\_\_\_ State/Zip \_\_\_\_\_  
Other Party's Name \_\_\_\_\_  
Street Address \_\_\_\_\_ City \_\_\_\_\_ State/Zip \_\_\_\_\_

2. Name, Address, Birthdate and Person with whom children reside:

a. Child(ren) From This Relationship  
Child's Full Name Address Birthdate Person's Name  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Child(ren) From Other Relationships  
Child's Full Name Address Birthdate Person's Name  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part B - Miscellaneous Information:**

1. Information about Employment (Provide Name & Address of Business, if Self-employed)

Name of Employer/Business Address \_\_\_\_\_  
Name of Employer/Business Address \_\_\_\_\_

2. Do you have Insurance obtained through Employment/Business?  Yes  No. Type of Insurance:  
Medical  Yes  No; Dental  Yes  No; Prescription Drug  Yes  No; Life  Yes  No; Disability  Yes  No  
Other (explain) \_\_\_\_\_

Is Insurance available through Employment/Business?  Yes  No  
Explain: \_\_\_\_\_

3. ATTACH Affidavit of Insurance Coverage as required by Court Rule 5:4-2 (f) (See Part G)

**Affidavit of Insurance Filed:  YES  NO**

4. Additional Identification:

Confidential Litigant Information Sheet: Filed  Yes  No

5. **ATTACH** a list of all prior/pending family actions involving support, custody or Domestic Violence, with the Docket Number, County, State and the disposition reached. Attach copies of all existing Orders in effect.

**Part C. - Income Information:**

Complete this section for self and (if known) for other party. If W-2 wage earner, gross earned income refers to Medicare wages.

**1. Last Year's Income**

	Yours	Joint	Other Party
1. Gross earned income last calendar (year)	\$ _____	\$ _____	\$ _____
2. Unearned income (same year)	\$ _____	\$ _____	\$ _____
3. Total Income Taxes paid on income (Fed., State, F.I.C.A., and S.U.I.). If Joint Return, use middle column.	\$ _____	\$ _____	\$ _____
4. Net income (1 + 2 - 3)	\$ _____	\$ _____	\$ _____

**ATTACH** to this form a corporate benefits statement as well as a statement of all fringe benefits of employment. (See Part G)

**ATTACH** a full and complete copy of last year's Federal and State Income Tax Returns. **ATTACH** W-2 statements, 1099's, Schedule C's, etc., to show total income plus a copy of the most recently filed Tax Returns. (See Part G)

Check if attached:  Federal Tax Return  State Tax Return  W-2  Other

**2. Present Earned Income and Expenses**

1. Average gross weekly income (based on last 3 pay periods – <b>ATTACH</b> pay stubs) Commissions and bonuses, etc., are: <input type="checkbox"/> included <input type="checkbox"/> not included* <input type="checkbox"/> not paid to you. * <b>ATTACH</b> details of basis thereof, including, but not limited to, percentage overrides, timing of payments, etc. <b>ATTACH</b> copies of last three statements of such bonuses, commissions, etc.	Yours	Other Party (if known)
	\$ _____	\$ _____
2. Deductions per week (check all types of withholdings): <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> F.I.C.A. <input type="checkbox"/> S.U.I. <input type="checkbox"/> Other	\$ _____	\$ _____
3. Net average weekly income (1 - 2)	\$ _____	\$ _____

**3. Your Current Year-to-Date Earned Income**

		Provide Dates: From _____ To _____
		Number of Weeks _____
1. GROSS EARNED INCOME: \$ _____		
2. TAX DEDUCTIONS: (Number of Dependents: _____)		
a. Federal Income Taxes	a. \$ _____	
b. N.J. Income Taxes	b. \$ _____	
c. Other State Income Taxes	c. \$ _____	
d. F.I.C.A.	d. \$ _____	
e. Medicare	e. \$ _____	
f. S.U.I. / S.D.I.	f. \$ _____	
g. Estimated tax payments in excess of withholding	g. \$ _____	
h. _____	h. \$ _____	
i. _____	i. \$ _____	
TOTAL	\$ _____	

3. GROSS INCOME NET OF TAXES \$ \_\_\_\_\_

4. OTHER DEDUCTIONS

If mandatory, check box

- a. Hospitalization/Medical Insurance a. \$ \_\_\_\_\_
- b. Life Insurance b. \$ \_\_\_\_\_
- c. Union Dues c. \$ \_\_\_\_\_
- d. 401(k) Plans d. \$ \_\_\_\_\_
- e. Pension/Retirement Plans e. \$ \_\_\_\_\_
- f. Other Plans - specify \_\_\_\_\_ f. \$ \_\_\_\_\_
- g. Charity g. \$ \_\_\_\_\_
- h. Wage Execution h. \$ \_\_\_\_\_
- i. Medical Reimbursement (flex fund) i. \$ \_\_\_\_\_
- j. Other: \_\_\_\_\_ j. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

5. NET YEAR-TO-DATE EARNED INCOME: \$ \_\_\_\_\_

NET AVERAGE EARNED INCOME PER MONTH: \$ \_\_\_\_\_

NET AVERAGE EARNED INCOME PER WEEK \$ \_\_\_\_\_

**4. Your Year-to-Date Gross Unearned Income From All Sources**

(including, but not limited to, income from unemployment, disability and/or social security payments, interest, dividends, rental income and any other miscellaneous unearned income)

Source	How often paid	Year to date amount
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
TOTAL GROSS UNEARNED INCOME YEAR TO DATE		\$ _____

**5. Additional Information:**

1. How often are you paid? \_\_\_\_\_
2. What is your annual salary? \$ \_\_\_\_\_
3. Have you received any raises in the current year?  Yes  No  
If yes, provide the date and the gross/net amount. \_\_\_\_\_
4. Do you receive bonuses, commissions, or other compensation, including distributions, taxable or non-taxable, in addition to your regular salary?  Yes  No  
If yes, explain: \_\_\_\_\_
5. Does your employer pay for or provide you with an automobile (lease or purchase), automobile expenses, gas, repairs, lodging and other.  Yes  No  
If yes, explain.: \_\_\_\_\_

6. Did you receive bonuses, commissions, or other compensation, including distributions, taxable or non-taxable, in addition to your regular salary during the current or immediate past 2 calendar years?  
If yes, explain and state the date(s) of receipt and set forth the gross and net amounts received: \_\_\_\_\_
7. Do you receive cash or distributions not otherwise listed?  
If yes, explain. \_\_\_\_\_
8. Have you received income from overtime work during either the current or immediate past calendar year?  
If yes, explain. \_\_\_\_\_
9. Have you been awarded or granted stock options, restricted stock or any other non-cash compensation or entitlement during the current or immediate past calendar year?  
If yes, explain. \_\_\_\_\_
10. Have you received any other supplemental compensation during either the current or immediate past calendar year?  
If yes, state the date(s) of receipt and set forth the gross and net amounts received. Also describe the nature of any supplemental compensation received. \_\_\_\_\_
11. Have you received income from unemployment, disability [and/or], social security, supplemental security income (SSI) or other government programs during either the current or immediate past calendar year?  
If yes, state the date(s) of receipt and set forth the gross and net amounts received. \_\_\_\_\_
12. List the names of the dependents you claim: \_\_\_\_\_
13. Are you paying or receiving any alimony?  
If yes, how much and from or to whom?  
If yes, is it taxable/deductible or non-taxable/non-deductible? \_\_\_\_\_
14. Are you paying or receiving any child support?  
If yes, list names of the children, the amount paid or received for each child and to whom paid or from whom received. \_\_\_\_\_
15. Is there a wage execution in connection with support?  
If yes explain. \_\_\_\_\_
16. Does a Safe Deposit Box exist and if so, at which bank? \_\_\_\_\_
17. Has a dependent child of yours received income from social security, SSI or other government program during either the current or immediate past calendar year?  
If yes, explain the basis and state the date(s) of receipt and set forth the gross and net amounts received \_\_\_\_\_
18. Explanation of Income or Other Information: \_\_\_\_\_

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

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

	Joint Life Style Family, including _____ children	Current Life Style Yours and _____ children
<b>SCHEDULE A: SHELTER</b>		
<b>If Tenant:</b>		
Rent .....	\$ _____	\$ _____
Heat (if not furnished) .....	\$ _____	\$ _____
Electric & Gas (if not furnished) .....	\$ _____	\$ _____
Renter’s Insurance .....	\$ _____	\$ _____
Parking (at Apartment) .....	\$ _____	\$ _____
Other charges (Itemize) .....	\$ _____	\$ _____
<b>If Homeowner:</b>		
Mortgage .....	\$ _____	\$ _____
Real Estate Taxes (if not included w/mortgage payment) .....	\$ _____	\$ _____
Homeowners Ins. (if not included w/mortgage payment) .....	\$ _____	\$ _____
Other Mortgages or Home Equity Loans .....	\$ _____	\$ _____
Heat (unless Electric or Gas) .....	\$ _____	\$ _____
Electric & Gas .....	\$ _____	\$ _____
Water & Sewer .....	\$ _____	\$ _____
Garbage Removal .....	\$ _____	\$ _____
[Snow Removal] .....	\$ _____	\$ _____
[Lawn Care] .....	\$ _____	\$ _____
[Maintenance/Repairs] .....	\$ _____	\$ _____
Condo, Co-op or Association Fees .....	\$ _____	\$ _____
Other Charges (Itemize) .....	\$ _____	\$ _____
<b>Tenant or Homeowner:</b>		
Telephone .....	\$ _____	\$ _____
Mobile/Cellular Telephone .....	\$ _____	\$ _____
Service Contracts on Equipment .....	\$ _____	\$ _____
Cable TV .....	\$ _____	\$ _____
[Internet] .....	\$ _____	\$ _____
[Plumber/Electrician] .....	\$ _____	\$ _____
[Equipment & Furnishings] .....	\$ _____	\$ _____
[Internet Charges] .....	\$ _____	\$ _____
Home Security System .....	\$ _____	\$ _____
Other (itemize) .....	\$ _____	\$ _____
<b>TOTAL</b>	\$ _____	\$ _____
<b>SCHEDULE B: TRANSPORTATION</b>		
Auto Payment .....	\$ _____	\$ _____
Auto Insurance (number of vehicles: _____) .....	\$ _____	\$ _____
[Registration, License] .....	\$ _____	\$ _____
[Maintenance] .....	\$ _____	\$ _____
Fuel and Oil .....	\$ _____	\$ _____
Commuting Expenses .....	\$ _____	\$ _____
Other Charges (Itemize) .....	\$ _____	\$ _____
<b>TOTAL</b>	\$ _____	\$ _____

SCHEDULE C: PERSONAL

	Joint Life Style Family, including children	Current Life Style Yours and children
Food at Home & household supplies .....	\$ _____	\$ _____
Prescription Drugs .....	\$ _____	\$ _____
Non-prescription drugs, cosmetics, toiletries & sundries .....	\$ _____	\$ _____
School Lunch .....	\$ _____	\$ _____
Restaurants .....	\$ _____	\$ _____
Clothing .....	\$ _____	\$ _____
Dry Cleaning, Commercial Laundry .....	\$ _____	\$ _____
Hair Care .....	\$ _____	\$ _____
Domestic Help .....	\$ _____	\$ _____
Medical (exclusive of psychiatric)* .....	\$ _____	\$ _____
Eye Care* .....	\$ _____	\$ _____
Psychiatric/psychological/counseling* .....	\$ _____	\$ _____
Dental (exclusive of Orthodontic* .....	\$ _____	\$ _____
Orthodontic* .....	\$ _____	\$ _____
Medical Insurance (hospital, etc.)* .....	\$ _____	\$ _____
Club Dues and Memberships .....	\$ _____	\$ _____
Sports and Hobbies .....	\$ _____	\$ _____
Camps .....	\$ _____	\$ _____
Vacations .....	\$ _____	\$ _____
Children's Private School Costs .....	\$ _____	\$ _____
Parent's Educational Costs .....	\$ _____	\$ _____
Children's Lessons (dancing, music, sports, etc.) .....	\$ _____	\$ _____
Babysitting .....	\$ _____	\$ _____
Day-Care Expenses .....	\$ _____	\$ _____
Entertainment .....	\$ _____	\$ _____
Alcohol and Tobacco .....	\$ _____	\$ _____
Newspapers and Periodicals .....	\$ _____	\$ _____
Gifts .....	\$ _____	\$ _____
Contributions .....	\$ _____	\$ _____
Payments to Non-Child Dependents .....	\$ _____	\$ _____
Prior Existing Support Obligations this family/other families (specify) .....	\$ _____	\$ _____
Tax Reserve (not listed elsewhere) .....	\$ _____	\$ _____
Life Insurance .....	\$ _____	\$ _____
Savings/Investment .....	\$ _____	\$ _____
Debt Service (from page 7) (not listed elsewhere) .....	\$ _____	\$ _____
Parenting Time Expenses .....	\$ _____	\$ _____
Professional Expenses (other than this proceeding) .....	\$ _____	\$ _____
Pet Care and Expenses .....	\$ _____	\$ _____
Streaming services and subscriptions (itemize technology fees such as cloud storage and any other fees associated with mobile devices, computers or similar items) .....	\$ _____	\$ _____
Other (specify) .....	\$ _____	\$ _____
<b>*unreimbursed only</b>		
TOTAL	\$ _____	\$ _____

**SCHEDULE D: NON-RECURRING**

Based on an average over the last 24 months - Examples include, but are not limited to, snow removal, lawn care, automotive maintenance, renovations, repairs, plumbers, electricians, registration, license, pool service.

Joint Life Style Family, including _____ children	Current Life Style Yours and _____ children
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____

Please Note: If you are paying expenses for a spouse or civil union partner and/or children not reflected in this budget, attach a schedule of such payments.

Schedule A: Shelter .....	\$ _____	\$ _____
Schedule B: Transportation .....	\$ _____	\$ _____
Schedule C: Personal .....	\$ _____	\$ _____
<u>Schedule D: Non-Recurring</u> .....	\$ _____	\$ _____
 Grand Totals .....	 \$ _____	 \$ _____



**Part E - Balance Sheet of All Family Assets and Liabilities**

**Statement of Assets**

Description	Title to Property (P, D, J) <sup>1</sup>	Date of purchase/acquisition. If claim that asset is exempt, state reason and value of what is claimed to be exempt	Value \$ Put * after exempt	Date of Evaluation Mo./Day/ Yr.
1. Real Property				
2. Bank Accounts, CD's, <b>personal electronic mobile payment application account</b> (identify institution and type of account(s))				
3. Vehicles				
4. Tangible Personal Property				
5. Stocks, Bonds and Securities (identify institution and type of account(s))				
6. Pension, Profit Sharing, Retirement Plan(s), 401(k)s, etc. (identify each institution or employer)				
7. IRAs				
8. Businesses, Partnerships, Professional Practices				
9. Life Insurance (cash surrender value)				
10. Loans Receivable				
11. Other (specify)				
<b>12. Cryptocurrency, any other digital/virtual currency</b>				
<b>13. Children's accounts: 529 Plans, trust, trust accounts, accounts in children's name</b>				

<sup>1</sup> P = Plaintiff; D = Defendant; J = Joint

14. Income tax carryover losses, prepaid taxes, refunds, credits				
15. Any other asset not listed above or disclosed				

TOTAL GROSS ASSETS: \$ \_\_\_\_\_  
 TOTAL SUBJECT TO EQUITABLE DISTRIBUTION: \$ \_\_\_\_\_  
 TOTAL NOT SUBJECT TO EQUITABLE DISTRIBUTION: \$ \_\_\_\_\_

**Statement of Liabilities**

Description	Name of Responsible Party (P, D, J)	If you contend liability should not be shared, state reason	Monthly Payment	Total Owed	Date
1. Real Estate Mortgages					
2. Other Long Term Debts					
3. Revolving Charges					
4. Other Short Term Debts					
5. Contingent Liabilities					
6. Tax Liabilities					
7. Any other liabilities not listed or disclosed					

TOTAL GROSS LIABILITIES: \$ \_\_\_\_\_  
 (excluding contingent liabilities)  
 NET WORTH: \$ \_\_\_\_\_  
 (subject to equitable distribution)  
 TOTAL SUBJECT TO EQUITABLE DISTRIBUTION: \$ \_\_\_\_\_  
 TOTAL NOT SUBJECT TO EQUITABLE DISTRIBUTION: \$ \_\_\_\_\_

## Part F - - Statement of Special Problems

Provide a Brief Narrative Statement of Any Special Problems Involving This Case: As example, state if the matter involves complex valuation problems (such as for a closely held business) or special medical problems of any family member, etc.

## Part G - Required Attachments

### Check If You Have Attached the Following Required Documents

1. A full and complete copy of your last federal and state income tax returns with all schedules and attachments. (Part C-1)
2. Your last calendar year's W-2 statements, 1099's, K-1 statements.
3. Your three most recent pay stubs.
4. Bonus information including, but not limited to, percentage overrides, timing of payments, etc.; the last three statements of such bonuses, commissions, etc. (Part C)
5. Your most recent corporate benefit statement or a summary thereof showing the nature, amount and status of retirement plans, savings plans, income deferral plans, insurance benefits, etc. (Part C)
6. Affidavit of Insurance Coverage as required by Court Rule 5:4-2(f) (Part B-3)
7. List of all prior/pending family actions involving support, custody or Domestic Violence, with the Docket Number, County, State and the disposition reached. Attach copies of all existing Orders in effect. (Part B-5)
8. Attach details of each wage execution (Part C-5)
9. Schedule of payments made for a spouse or civil union partner and/or children not reflected in Part D.
10. Any agreements between the parties.
11. An Appendix IX Child Support Guideline Worksheet, as applicable, based upon available information.
12. If a request has been made for college or post-secondary school contribution, all relevant information pertaining to that request, including but not limited to documentation of all costs and reimbursements or assistance for which contribution is sought, such as invoices or receipts for tuition, board and books; proof of enrollment; and proof of all financial aid, scholarships, grants and student loans obtained. A list of the information as promulgated by the Administrative Director of the Courts can be found on the Judiciary website.

I certify that, other than in this form and its attachments, confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

**I certify that I have disclosed all assets, liabilities and income to my knowledge.**

I certify that the foregoing information contained herein is true. I am aware that if any of the foregoing information contained therein is willfully false, I am subject to punishment.

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

# Attachment 4

Appendix IX-F  
 Schedule of Child Support Awards

Combined Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
For combined net incomes that are less than \$180 per week, the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support amount at \$180 combined net weekly income as shown on this schedule.						
\$0						
\$180	\$63	\$125	\$133	\$148	\$163	\$177
\$190	\$67	\$128	\$137	\$152	\$168	\$182
\$200	\$70	\$132	\$141	\$157	\$173	\$188
\$210	\$74	\$135	\$145	\$161	\$177	\$193
\$220	\$78	\$139	\$148	\$165	\$182	\$198
\$230	\$82	\$142	\$152	\$170	\$187	\$203
\$240	\$85	\$145	\$156	\$174	\$191	\$208
\$250	\$89	\$149	\$160	\$178	\$196	\$213
\$260	\$93	\$152	\$164	\$182	\$201	\$218
\$270	\$97	\$155	\$167	\$187	\$205	\$223
\$280	\$100	\$158	\$171	\$191	\$210	\$228
\$290	\$103	\$161	\$175	\$195	\$214	\$233
\$300	\$107	\$165	\$179	\$199	\$219	\$238
\$310	\$111	\$168	\$182	\$203	\$223	\$243
\$320	\$114	\$171	\$186	\$207	\$228	\$248
\$330	\$118	\$174	\$189	\$211	\$232	\$253
\$340	\$121	\$177	\$193	\$215	\$237	\$258
\$350	\$124	\$180	\$197	\$219	\$241	\$262
\$360	\$128	\$183	\$200	\$223	\$246	\$267
\$370	\$131	\$186	\$204	\$227	\$250	\$272
\$380	\$134	\$189	\$207	\$231	\$254	\$277
\$390	\$138	\$192	\$211	\$235	\$259	\$281
\$400	\$141	\$195	\$214	\$239	\$263	\$286
\$410	\$144	\$198	\$218	\$243	\$267	\$291
\$420	\$147	\$201	\$221	\$247	\$271	\$295
\$430	\$151	\$204	\$225	\$250	\$275	\$300
\$440	\$153	\$207	\$228	\$254	\$280	\$304
\$450	\$157	\$210	\$231	\$258	\$284	\$309

\$460	\$160	\$212	\$235	\$262	\$288	\$313
\$470	\$163	\$215	\$238	\$265	\$292	\$318
\$480	\$166	\$218	\$241	\$269	\$296	\$322
\$490	\$170	\$221	\$245	\$273	\$300	\$327
\$500	\$172	\$224	\$248	\$277	\$304	\$331
\$510	\$175	\$226	\$251	\$280	\$308	\$335
\$520	\$178	\$229	\$255	\$284	\$312	\$340
\$530	\$181	\$232	\$258	\$287	\$316	\$344
\$540	\$183	\$234	\$261	\$291	\$320	\$348
\$550	\$187	\$237	\$264	\$295	\$324	\$352
\$560	\$190	\$240	\$267	\$298	\$328	\$357
\$570	\$192	\$242	\$270	\$302	\$332	\$361
\$580	\$195	\$245	\$274	\$305	\$336	\$365
\$590	\$198	\$248	\$277	\$309	\$339	\$369
\$600	\$201	\$250	\$280	\$312	\$343	\$373
\$610	\$203	\$253	\$283	\$315	\$347	\$377
\$620	\$206	\$255	\$286	\$319	\$351	\$382
\$630	\$208	\$258	\$289	\$322	\$354	\$386
\$640	\$211	\$260	\$292	\$326	\$358	\$390
\$650	\$214	\$263	\$295	\$329	\$362	\$394
\$660	\$216	\$265	\$298	\$332	\$366	\$398
\$670	\$219	\$268	\$301	\$336	\$369	\$402
\$680	\$222	\$270	\$304	\$339	\$373	\$406
\$690	\$225	\$272	\$307	\$342	\$376	\$410
\$700	\$227	\$275	\$310	\$345	\$380	\$413
\$710	\$229	\$277	\$313	\$349	\$384	\$417
\$720	\$231	\$280	\$316	\$352	\$387	\$421
\$730	\$234	\$282	\$318	\$355	\$391	\$425
\$740	\$236	\$284	\$321	\$358	\$394	\$429
\$750	\$239	\$286	\$324	\$361	\$398	\$433
\$760	\$241	\$289	\$327	\$365	\$401	\$436
\$770	\$244	\$291	\$330	\$368	\$405	\$440
\$780	\$246	\$293	\$333	\$371	\$408	\$444
\$790	\$249	\$295	\$335	\$374	\$411	\$448
\$800	\$250	\$298	\$338	\$377	\$415	\$451
\$810	\$252	\$300	\$341	\$380	\$418	\$455
\$820	\$255	\$302	\$344	\$383	\$421	\$459
\$830	\$257	\$304	\$346	\$386	\$425	\$462
\$840	\$260	\$306	\$349	\$389	\$428	\$466
\$850	\$261	\$309	\$352	\$392	\$431	\$469

\$860	\$264	\$311	\$354	\$395	\$435	\$473
\$870	\$266	\$313	\$357	\$398	\$438	\$476
\$880	\$268	\$315	\$360	\$401	\$441	\$480
\$890	\$270	\$317	\$362	\$404	\$444	\$483
\$900	\$273	\$319	\$365	\$407	\$448	\$487
\$910	\$274	\$321	\$368	\$410	\$451	\$490
\$920	\$276	\$323	\$370	\$413	\$454	\$494
\$930	\$279	\$325	\$373	\$416	\$457	\$497
\$940	\$280	\$327	\$375	\$418	\$460	\$501
\$950	\$283	\$329	\$378	\$421	\$463	\$504
\$960	\$284	\$331	\$380	\$424	\$466	\$507
\$970	\$286	\$333	\$383	\$427	\$469	\$511
\$980	\$289	\$335	\$385	\$430	\$473	\$514
\$990	\$290	\$337	\$388	\$432	\$476	\$517
\$1,000	\$293	\$339	\$390	\$435	\$479	\$521
\$1,010	\$294	\$341	\$393	\$438	\$482	\$524
\$1,020	\$296	\$343	\$395	\$441	\$485	\$527
\$1,030	\$298	\$345	\$398	\$443	\$488	\$531
\$1,040	\$300	\$346	\$400	\$446	\$491	\$534
\$1,050	\$301	\$348	\$402	\$449	\$494	\$537
\$1,060	\$303	\$350	\$405	\$451	\$496	\$540
\$1,070	\$305	\$352	\$407	\$454	\$499	\$543
\$1,080	\$306	\$354	\$410	\$457	\$502	\$546
\$1,090	\$309	\$356	\$412	\$459	\$505	\$550
\$1,100	\$310	\$357	\$414	\$462	\$508	\$553
\$1,110	\$311	\$359	\$417	\$464	\$511	\$556
\$1,120	\$314	\$361	\$419	\$467	\$514	\$559
\$1,130	\$315	\$363	\$421	\$470	\$517	\$562
\$1,140	\$317	\$364	\$423	\$472	\$519	\$565
\$1,150	\$319	\$366	\$426	\$475	\$522	\$568
\$1,160	\$320	\$368	\$428	\$477	\$525	\$571
\$1,170	\$322	\$370	\$430	\$480	\$528	\$574
\$1,180	\$324	\$371	\$433	\$482	\$530	\$577
\$1,190	\$325	\$373	\$435	\$485	\$533	\$580
\$1,200	\$327	\$375	\$437	\$487	\$536	\$583
\$1,210	\$329	\$376	\$439	\$490	\$539	\$586
\$1,220	\$330	\$378	\$441	\$492	\$541	\$589
\$1,230	\$332	\$379	\$444	\$495	\$544	\$592
\$1,240	\$333	\$381	\$446	\$497	\$547	\$595
\$1,250	\$334	\$383	\$448	\$499	\$549	\$598



\$1,260	\$337	\$384	\$450	\$502	\$552	\$601
\$1,270	\$338	\$386	\$452	\$504	\$555	\$603
\$1,280	\$339	\$387	\$454	\$507	\$557	\$606
\$1,290	\$340	\$389	\$457	\$509	\$560	\$609
\$1,300	\$342	\$391	\$459	\$511	\$563	\$612
\$1,310	\$344	\$392	\$461	\$514	\$565	\$615
\$1,320	\$345	\$394	\$463	\$516	\$568	\$618
\$1,330	\$347	\$395	\$465	\$518	\$570	\$620
\$1,340	\$348	\$397	\$467	\$521	\$573	\$623
\$1,350	\$349	\$398	\$469	\$523	\$575	\$626
\$1,360	\$350	\$400	\$471	\$525	\$578	\$629
\$1,370	\$352	\$401	\$473	\$528	\$580	\$631
\$1,380	\$353	\$403	\$475	\$530	\$583	\$634
\$1,390	\$354	\$404	\$477	\$532	\$585	\$637
\$1,400	\$357	\$406	\$479	\$534	\$588	\$640
\$1,410	\$358	\$407	\$481	\$537	\$590	\$642
\$1,420	\$359	\$409	\$483	\$539	\$593	\$645
\$1,430	\$360	\$410	\$485	\$541	\$595	\$648
\$1,440	\$362	\$411	\$487	\$543	\$598	\$650
\$1,450	\$363	\$413	\$489	\$546	\$600	\$653
\$1,460	\$364	\$414	\$491	\$548	\$603	\$656
\$1,470	\$365	\$416	\$493	\$550	\$605	\$658
\$1,480	\$367	\$417	\$495	\$552	\$607	\$661
\$1,490	\$368	\$418	\$497	\$554	\$610	\$663
\$1,500	\$369	\$420	\$499	\$557	\$612	\$666
\$1,510	\$371	\$421	\$501	\$559	\$615	\$669
\$1,520	\$372	\$423	\$503	\$561	\$617	\$671
\$1,530	\$373	\$424	\$505	\$563	\$619	\$674
\$1,540	\$374	\$425	\$507	\$565	\$622	\$676
\$1,550	\$376	\$427	\$509	\$567	\$624	\$679
\$1,560	\$377	\$428	\$511	\$569	\$626	\$681
\$1,570	\$378	\$429	\$513	\$571	\$629	\$684
\$1,580	\$379	\$431	\$514	\$574	\$631	\$686
\$1,590	\$381	\$432	\$516	\$576	\$633	\$689
\$1,600	\$382	\$433	\$518	\$578	\$636	\$691
\$1,610	\$382	\$434	\$520	\$580	\$638	\$694
\$1,620	\$383	\$436	\$522	\$582	\$640	\$696
\$1,630	\$384	\$437	\$524	\$584	\$642	\$699
\$1,640	\$386	\$438	\$526	\$586	\$645	\$701
\$1,650	\$387	\$440	\$527	\$588	\$647	\$704

\$1,660	\$388	\$441	\$529	\$590	\$649	\$706
\$1,670	\$389	\$442	\$531	\$592	\$651	\$709
\$1,680	\$391	\$443	\$533	\$594	\$654	\$711
\$1,690	\$392	\$445	\$535	\$596	\$656	\$714
\$1,700	\$393	\$446	\$537	\$598	\$658	\$716
\$1,710	\$394	\$447	\$538	\$600	\$660	\$718
\$1,720	\$394	\$448	\$540	\$602	\$663	\$721
\$1,730	\$396	\$450	\$542	\$604	\$665	\$723
\$1,740	\$397	\$451	\$544	\$606	\$667	\$726
\$1,750	\$398	\$452	\$546	\$608	\$669	\$728
\$1,760	\$399	\$453	\$547	\$610	\$671	\$730
\$1,770	\$401	\$454	\$549	\$612	\$673	\$733
\$1,780	\$402	\$456	\$551	\$614	\$676	\$735
\$1,790	\$403	\$457	\$553	\$616	\$678	\$737
\$1,800	\$403	\$458	\$554	\$618	\$680	\$740
\$1,810	\$404	\$459	\$556	\$620	\$682	\$742
\$1,820	\$406	\$460	\$558	\$622	\$684	\$745
\$1,830	\$407	\$462	\$560	\$624	\$686	\$747
\$1,840	\$408	\$463	\$561	\$626	\$689	\$749
\$1,850	\$409	\$464	\$563	\$628	\$691	\$752
\$1,860	\$411	\$465	\$565	\$630	\$693	\$754
\$1,870	\$411	\$466	\$567	\$632	\$695	\$756
\$1,880	\$412	\$467	\$568	\$634	\$697	\$758
\$1,890	\$413	\$469	\$570	\$636	\$699	\$761
\$1,900	\$414	\$470	\$572	\$638	\$701	\$763
\$1,910	\$416	\$471	\$574	\$640	\$704	\$765
\$1,920	\$417	\$472	\$575	\$641	\$706	\$768
\$1,930	\$417	\$473	\$577	\$643	\$708	\$770
\$1,940	\$418	\$474	\$579	\$645	\$710	\$772
\$1,950	\$420	\$476	\$580	\$647	\$712	\$775
\$1,960	\$421	\$477	\$582	\$649	\$714	\$777
\$1,970	\$422	\$478	\$584	\$651	\$716	\$779
\$1,980	\$423	\$479	\$586	\$653	\$718	\$781
\$1,990	\$425	\$480	\$587	\$655	\$720	\$784
\$2,000	\$425	\$481	\$589	\$657	\$722	\$786
\$2,010	\$426	\$482	\$591	\$659	\$725	\$788
\$2,020	\$427	\$483	\$592	\$661	\$727	\$791
\$2,030	\$428	\$485	\$594	\$662	\$729	\$793
\$2,040	\$430	\$486	\$596	\$664	\$731	\$795
\$2,050	\$431	\$487	\$598	\$666	\$733	\$797

\$2,060	\$431	\$488	\$599	\$668	\$735	\$800
\$2,070	\$432	\$489	\$601	\$670	\$737	\$802
\$2,080	\$433	\$490	\$603	\$672	\$739	\$804
\$2,090	\$435	\$491	\$604	\$674	\$741	\$806
\$2,100	\$436	\$492	\$606	\$676	\$743	\$809
\$2,110	\$437	\$494	\$608	\$678	\$745	\$811
\$2,120	\$437	\$495	\$609	\$679	\$747	\$813
\$2,130	\$438	\$496	\$611	\$681	\$749	\$815
\$2,140	\$440	\$497	\$613	\$683	\$752	\$818
\$2,150	\$441	\$498	\$614	\$685	\$754	\$820
\$2,160	\$442	\$499	\$616	\$687	\$756	\$822
\$2,170	\$443	\$500	\$618	\$689	\$758	\$824
\$2,180	\$445	\$501	\$620	\$691	\$760	\$827
\$2,190	\$445	\$503	\$621	\$693	\$762	\$829
\$2,200	\$446	\$504	\$623	\$695	\$764	\$831
\$2,210	\$447	\$505	\$625	\$696	\$766	\$833
\$2,220	\$448	\$506	\$626	\$698	\$768	\$836
\$2,230	\$450	\$507	\$628	\$700	\$770	\$838
\$2,240	\$451	\$508	\$630	\$702	\$772	\$840
\$2,250	\$452	\$509	\$631	\$704	\$774	\$843
\$2,260	\$453	\$510	\$633	\$706	\$776	\$845
\$2,270	\$455	\$511	\$635	\$708	\$779	\$847
\$2,280	\$455	\$513	\$636	\$710	\$781	\$849
\$2,290	\$456	\$514	\$638	\$712	\$783	\$852
\$2,300	\$457	\$515	\$640	\$713	\$785	\$854
\$2,310	\$458	\$516	\$642	\$715	\$787	\$856
\$2,320	\$460	\$517	\$643	\$717	\$789	\$858
\$2,330	\$461	\$518	\$645	\$719	\$791	\$861
\$2,340	\$462	\$519	\$647	\$721	\$793	\$863
\$2,350	\$463	\$521	\$648	\$723	\$795	\$865
\$2,360	\$465	\$522	\$650	\$725	\$797	\$868
\$2,370	\$466	\$523	\$652	\$727	\$799	\$870
\$2,380	\$467	\$524	\$654	\$729	\$802	\$872
\$2,390	\$468	\$525	\$655	\$731	\$804	\$874
\$2,400	\$470	\$526	\$657	\$733	\$806	\$877
\$2,410	\$471	\$527	\$659	\$734	\$808	\$879
\$2,420	\$471	\$529	\$660	\$736	\$810	\$881
\$2,430	\$472	\$530	\$662	\$738	\$812	\$884
\$2,440	\$474	\$531	\$664	\$740	\$814	\$886
\$2,450	\$475	\$532	\$666	\$742	\$816	\$888

\$2,460	\$476	\$533	\$667	\$744	\$819	\$891
\$2,470	\$477	\$534	\$669	\$746	\$821	\$893
\$2,480	\$479	\$536	\$671	\$748	\$823	\$895
\$2,490	\$480	\$537	\$673	\$750	\$825	\$898
\$2,500	\$481	\$538	\$674	\$752	\$827	\$900
\$2,510	\$484	\$539	\$676	\$754	\$829	\$902
\$2,520	\$485	\$540	\$678	\$756	\$831	\$905
\$2,530	\$486	\$541	\$680	\$758	\$834	\$907
\$2,540	\$487	\$543	\$681	\$760	\$836	\$909
\$2,550	\$489	\$544	\$683	\$762	\$838	\$912
\$2,560	\$490	\$545	\$685	\$764	\$840	\$914
\$2,570	\$491	\$546	\$687	\$766	\$842	\$916
\$2,580	\$492	\$548	\$689	\$768	\$845	\$919
\$2,590	\$494	\$549	\$690	\$770	\$847	\$921
\$2,600	\$495	\$550	\$692	\$772	\$849	\$924
\$2,610	\$496	\$551	\$694	\$774	\$851	\$926
\$2,620	\$497	\$552	\$696	\$776	\$853	\$928
\$2,630	\$499	\$554	\$698	\$778	\$856	\$931
\$2,640	\$501	\$555	\$699	\$780	\$858	\$933
\$2,650	\$502	\$556	\$701	\$782	\$860	\$936
\$2,660	\$504	\$557	\$703	\$784	\$862	\$938
\$2,670	\$505	\$559	\$705	\$786	\$865	\$941
\$2,680	\$506	\$560	\$707	\$788	\$867	\$943
\$2,690	\$507	\$561	\$709	\$790	\$869	\$946
\$2,700	\$510	\$563	\$710	\$792	\$871	\$948
\$2,710	\$511	\$564	\$712	\$794	\$874	\$951
\$2,720	\$512	\$565	\$714	\$796	\$876	\$953
\$2,730	\$514	\$566	\$716	\$798	\$878	\$956
\$2,740	\$516	\$568	\$718	\$800	\$881	\$958
\$2,750	\$517	\$569	\$720	\$803	\$883	\$961
\$2,760	\$519	\$570	\$722	\$805	\$885	\$963
\$2,770	\$520	\$572	\$724	\$807	\$887	\$966
\$2,780	\$522	\$573	\$726	\$809	\$890	\$968
\$2,790	\$524	\$574	\$727	\$811	\$892	\$971
\$2,800	\$525	\$576	\$729	\$813	\$895	\$973
\$2,810	\$526	\$577	\$731	\$815	\$897	\$976
\$2,820	\$529	\$578	\$733	\$818	\$899	\$978
\$2,830	\$530	\$580	\$735	\$820	\$902	\$981
\$2,840	\$531	\$581	\$737	\$822	\$904	\$984
\$2,850	\$534	\$583	\$739	\$824	\$906	\$986

\$2,860	\$535	\$584	\$741	\$826	\$909	\$989
\$2,870	\$538	\$585	\$743	\$828	\$911	\$992
\$2,880	\$539	\$587	\$745	\$831	\$914	\$994
\$2,890	\$540	\$588	\$747	\$833	\$916	\$997
\$2,900	\$543	\$590	\$749	\$835	\$919	\$999
\$2,910	\$544	\$591	\$751	\$837	\$921	\$1,002
\$2,920	\$546	\$593	\$753	\$840	\$924	\$1,005
\$2,930	\$548	\$594	\$755	\$842	\$926	\$1,008
\$2,940	\$550	\$596	\$757	\$844	\$929	\$1,010
\$2,950	\$551	\$597	\$759	\$846	\$931	\$1,013
\$2,960	\$554	\$599	\$761	\$849	\$934	\$1,016
\$2,970	\$555	\$600	\$763	\$851	\$936	\$1,019
\$2,980	\$558	\$602	\$765	\$853	\$939	\$1,021
\$2,990	\$559	\$603	\$767	\$856	\$941	\$1,024
\$3,000	\$561	\$605	\$769	\$858	\$944	\$1,027
\$3,010	\$563	\$606	\$772	\$860	\$946	\$1,030
\$3,020	\$565	\$608	\$774	\$863	\$949	\$1,032
\$3,030	\$568	\$609	\$776	\$865	\$952	\$1,035
\$3,040	\$569	\$611	\$778	\$867	\$954	\$1,038
\$3,050	\$571	\$612	\$780	\$870	\$957	\$1,041
\$3,060	\$573	\$614	\$782	\$872	\$959	\$1,044
\$3,070	\$575	\$616	\$784	\$875	\$962	\$1,047
\$3,080	\$578	\$617	\$787	\$877	\$965	\$1,050
\$3,090	\$579	\$619	\$789	\$879	\$967	\$1,053
\$3,100	\$582	\$620	\$791	\$882	\$970	\$1,055
\$3,110	\$584	\$622	\$793	\$884	\$973	\$1,058
\$3,120	\$587	\$624	\$795	\$887	\$976	\$1,061
\$3,130	\$588	\$625	\$798	\$889	\$978	\$1,064
\$3,140	\$590	\$627	\$800	\$892	\$981	\$1,067
\$3,150	\$593	\$629	\$802	\$894	\$984	\$1,070
\$3,160	\$595	\$630	\$804	\$897	\$987	\$1,073
\$3,170	\$598	\$632	\$807	\$899	\$989	\$1,076
\$3,180	\$599	\$634	\$809	\$902	\$992	\$1,079
\$3,190	\$602	\$636	\$811	\$904	\$995	\$1,083
\$3,200	\$604	\$637	\$814	\$907	\$998	\$1,086
\$3,210	\$607	\$639	\$816	\$910	\$1,001	\$1,089
\$3,220	\$609	\$641	\$818	\$912	\$1,003	\$1,092
\$3,230	\$612	\$643	\$821	\$915	\$1,006	\$1,095
\$3,240	\$614	\$644	\$823	\$917	\$1,009	\$1,098
\$3,250	\$617	\$646	\$825	\$920	\$1,012	\$1,101

\$3,260	\$619	\$648	\$828	\$923	\$1,015	\$1,104
\$3,270	\$622	\$650	\$830	\$925	\$1,018	\$1,108
\$3,280	\$624	\$652	\$832	\$928	\$1,021	\$1,111
\$3,290	\$627	\$654	\$835	\$931	\$1,024	\$1,114
\$3,300	\$629	\$656	\$837	\$934	\$1,027	\$1,117
\$3,310	\$632	\$657	\$840	\$936	\$1,030	\$1,121
\$3,320	\$634	\$659	\$842	\$939	\$1,033	\$1,124
\$3,330	\$637	\$661	\$845	\$942	\$1,036	\$1,127
\$3,340	\$639	\$663	\$847	\$945	\$1,039	\$1,130
\$3,350	\$642	\$665	\$850	\$947	\$1,042	\$1,134
\$3,360	\$644	\$667	\$852	\$950	\$1,045	\$1,137
\$3,370	\$648	\$669	\$855	\$953	\$1,048	\$1,140
\$3,380	\$651	\$671	\$857	\$956	\$1,051	\$1,144
\$3,390	\$653	\$673	\$860	\$959	\$1,054	\$1,147
\$3,400	\$656	\$675	\$862	\$961	\$1,058	\$1,151
\$3,410	\$658	\$677	\$865	\$964	\$1,061	\$1,154
\$3,420	\$662	\$679	\$868	\$967	\$1,064	\$1,158
\$3,430	\$664	\$681	\$870	\$970	\$1,067	\$1,161
\$3,440	\$667	\$683	\$873	\$973	\$1,070	\$1,165
\$3,450	\$671	\$685	\$875	\$976	\$1,074	\$1,168
\$3,460	\$673	\$687	\$878	\$979	\$1,077	\$1,172
\$3,470	\$676	\$690	\$881	\$982	\$1,080	\$1,175
\$3,480	\$679	\$692	\$883	\$985	\$1,083	\$1,179
\$3,490	\$682	\$694	\$886	\$988	\$1,087	\$1,182
\$3,500	\$686	\$696	\$889	\$991	\$1,090	\$1,186
\$3,510	\$688	\$698	\$892	\$994	\$1,093	\$1,190
\$3,520	\$692	\$700	\$894	\$997	\$1,097	\$1,193
\$3,530	\$695	\$703	\$897	\$1,000	\$1,100	\$1,197
\$3,540	\$698	\$705	\$900	\$1,003	\$1,104	\$1,201
\$3,550	\$701	\$707	\$903	\$1,006	\$1,107	\$1,204
\$3,560	\$705	\$709	\$905	\$1,010	\$1,111	\$1,208
\$3,570	\$707	\$712	\$908	\$1,013	\$1,114	\$1,212
\$3,580	\$711	\$714	\$911	\$1,016	\$1,117	\$1,216
\$3,590	\$715	\$716	\$914	\$1,019	\$1,121	\$1,220
\$3,600	\$717	\$719	\$917	\$1,022	\$1,125	\$1,223

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For cases in which the combined net income of the parents is more than \$3,600 per week, the child support award at \$3,600 represents the minimum basic support

award. The court must add a discretionary amount of child support to the minimum basic award based on the factors specified in N.J.S.A. 2A:34-23. See Appendix IX-A, Extreme Income Situations, for additional information.

**DO NOT EXTRAPOLATE [THESE SCHEDULES] THIS SCHEDULE BEYOND \$3,600 COMBINED WEEKLY NET INCOME.**

(**Note:** Revised Appendix IX-F adopted June 15, 2007 to be effective September 1, 2007; revised Appendix IX-F adopted July 9, 2013 to be effective September 1, 2013; revised Appendix IX-F adopted \_\_\_\_\_ to be effective \_\_\_\_\_.)

# Attachment 5



**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.

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

Selecting a Standard of Well-Being - Before estimating the marginal cost of children, a standard of well-being must be defined. Different marginal cost estimation methods use different standards of well-being. Although several standards have been used in the past, no consensus has emerged as to which provides the most credible result. Two of the most widely used marginal-cost

estimation methods, Rothbarth and Engel, employ the standards of well-being described below.

Engel - The standard of well-being is the proportion of household income spent on food. Thus, if two families spend the same percentage of their income on food, they are considered equally well-off.

Rothbarth - This standard of well-being is based on how parents adjust their spending on adult goods due to the presence of a child. In other words, well-being is measured by comparing excess-income (i.e., after necessary expenditures for the family) available to purchase adult goods such as adult clothing, alcohol, tobacco, and entertainment.

Consumer Expenditure Data - Once an estimation technique is chosen, the household expenditure data to which it is applied must be selected. Typically, economists use data from the Consumer Expenditure Survey (CEX). The CEX is the most detailed source of national data on household expenditures and how they vary by family composition, size, geographic location and socioeconomic characteristics. The CEX collects expenditure information for hundreds of household consumption items including food, housing, clothing, transportation, education, [child care] childcare, health care, and entertainment. The CEX is a cross-sectional survey designed to represent the civilian, non-institutional population in the United States. To be included in the CEX sample, the family must have participated in three or four interviews during the year. Approximately 5,000 families participate in the CEX each quarter. CEX results are published annually, however, the results are generally three years old by the time they are available for public use. The CEX is considered the best available source of information for determining the cost of children using marginal-cost estimation techniques.

The Betson Analysis - In September 1990, Dr. David Betson of the University of Notre Dame published child-rearing estimates based on his analysis of pooled CEX data from 1980 through the first quarter of 1987, a variety of estimation techniques, and alternative definitions of the standard of well-being. As did previous studies, Dr. Betson's analysis resulted in a wide range of estimates of expenditures on children. Dr. Betson, like other economists, believes that the true range of marginal expenditures on children lies at some interval between the Engel and Rothbarth estimates. The Engel estimates, which are close to per

capita (i.e., equal shares), clearly overstate the marginal cost of children and, thus, represent the upper bound of spending on children. Economists know that the Engel estimates are incorrect, but do not have the same information about the Rothbarth estimates. Thus, the Rothbarth estimates may represent the true level of marginal spending on children or the theoretical lower bound of that spending. Dr. Betson concluded that the Rothbarth method produced the best set of estimates on the marginal cost of children because it has the least empirical flaws and those that do exist have a minimal effect on the resulting estimates.

Estimating Spending on Children - The CEX does not have a direct measure of spending on children, so the expenditures on children are measured indirectly. The cost of raising children is estimated by comparing total spending in households without children to total spending in households with one, two, and three children in all income categories covered by the tables. Although this may be an indicator of the marginal increase in household spending when children are added, it does not give a complete picture since income constraints may also force adults to spend less on themselves to share what income is available with their child(ren). To measure the impact children make on adult household spending, the Betson-Rothbarth estimation method provides for a greater robustness of data. This approach, utilized by David Macpherson, Ph.D., Trinity University, the economist who conducted the review of Appendix IX-F of the New Jersey Child Support Guidelines in 2024, analyzes the change in expenditures on adult clothing as this has been ascertained as the best estimator of expenditures on children in the household. [economists Michael and Lazear have ascertained that measuring the change in expenditures on adult clothing gives the best estimate of expenditures on children in the household. This particular "estimator," which is a derivative of the Rothbarth methodology adopted to current use by Dr. William Rodgers, III, Chief Economist of the John J. Heldrich Center for Workforce Development, Edward Bloustein School of Planning and Public Policy, at Rutgers University, is] along with the marginal increases in overall household spending, analyzed to arrive at the overall cost of child rearing as reflected in the awards table. The CEX data is also adjusted to account for the variety of educational levels, ethnic backgrounds, and other factors specific to the population of New Jersey.

Adjusting the Appendix IX-F Schedule for One Child – Using the traditional estimator, it was noted that each of the schedules, if adjusted for inflation alone, closely mirrored the current award schedule in Appendix IX-F, except for the schedule related to one child. The number based upon the estimator was significantly lower for one child. According to Dr. Macpherson, this was likely an anomaly due to the sample size of CEX data for one child, which was smaller than

that for more children. In fact, the sample size for one child was about one-half that for two or more children. As the estimates for all other children consistently mirrored the inflation adjustment alone, the schedule of awards for one child was adjusted for inflation as well. Dr. Macpherson indicated that relying on the inflation adjustment as a substitute estimator for one child complements the current practice of applying the biennial cost of living adjustment to child support awards, which is adjusted for inflation.

Development of Child Support Award Schedules – Dr. Macpherson's 2024 [Dr. Rodgers' 2012] study estimates parental expenditures on one, two, and three children as a percentage of total household outlays. To do this, Macpherson [Rodgers] uses the estimation method developed in the Betson analysis (1990) [the Lazear and Michael treatise (1988)] and transforms the Rothbarth parameters into a schedule of child support obligations by using the following steps:

a. converting child-related spending as a proportion of consumption to a proportion of net income;

b. updating estimates to 2022 [2011];

c. adjusting the schedule for one child based on inflation alone due to anomalies in data;

[c.] d. adjusting the schedule to reflect New Jersey's higher cost of living as measured by the "Consumer Price Index - All Urban Consumers" (CPI-U);

[d.] e. deducting the cost of [child care] childcare and unreimbursed health care expenses that exceed \$ 250 per child per year (these expenses are added to the basic obligation);

[e.] f. extrapolating the estimates to families with four, five, and six children;

[f.] g. computing marginal proportions between income intervals so that the support schedule can be constructed in ten dollars increments;

[g.] h. using the Rothbarth and marginal proportions to create the relationship between support obligations and combined net weekly income; and

[h.] i. using median regression to smooth (remove remaining kinks/discrete jumps) the relationship.

6. Economic Principles Included in the Child Support Guidelines.

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

b. Larger households have lower per-person costs due to economies of scale and the sharing of family goods (i.e., unit prices decrease as quantities and sharing increase).

c. Total spending on children increases with family size but at a decreasing rate. Support awards increase with the number of children in the family.

d. When a family's total outlays rise, child-related spending increases roughly in the same proportion. In the [Rodgers] Macpherson study's analysis, as one moves from the lowest to highest of the 22 income intervals, the average increase in total outlays is 8%, 11%, and 8% [7%, 6%, and 7%] for one child, two children, and three children. The comparable average increases in the expenditures on children are 9%, 12%, and 9% [7%, 7%, and 9%].

e. As a family's income increases, child-related expenditures increase because parents use a portion of their disposable income to improve their children's quality of life. [From the Lazear and Michael model, the change (derivative) in child-related expenditures with respect to family income has two components. The second portion of the derivative is the positive impact that income has on total expenditures.]

f. Child-related expenditures as a percentage of family consumption are relatively constant across most of the income scale.

g. As income increases, total family consumption spending declines as a proportion of net income since income items such as savings, personal insurance, and gifts increase with family income. Families at lower level of the income ladder have consumption spending that may exceed 100% of net income. In contrast,

high-income families may spend only 60% to 75% of net income on consumption items.

h. As a family's income increases, child-related expenditures as a proportion of family income decline, even though these expenditures as a percentage of a family's consumption spending remain fairly constant. The difference between spending as a proportion of family income and a proportion of consumption is due to the effect of income taxes, savings and charitable contributions. Income allocated to these items is not available for consumption spending.

i. Due to economies of scale, the sharing of family goods and the redistribution of adult spending, as the number of children increases, the additional cost of each child has a less than proportionate increase. Dr. Macpherson [Dr. Rodgers] estimates that child-related expenditures for two children are less than twice as much as child-related expenditures for one child. For two children, the average cost across the 22 income intervals is 1.6 [1.7] more than one child. Also, the child-related expenditures for three children are less than two [three] times as much as one child. This study average is 1.9 [2.2] more than one child. These estimates lie in the range of those reported in the 2004 and 2015 to 2019 Policy Studies report for New Jersey.

## 7. Assumptions Included in the Child Support Guidelines.

a. Intact Family Spending Patterns as the Standard for Support Orders. Support guidelines based on spending patterns of intact families provide an adequate level of support for children. Child-rearing expenditures of single parents provide little guidance for setting adequate child support awards since single-parent households generally have less money to spend compared with intact families. The fact that single parents actually do spend less income on children compared with two-parent families does not mean that they should spend less if the other parent has the means to increase total spending on the children through support payments. Also, the level of spending by single parents on their children has no relation to adequacy or the needs of the children but is a function of the total amount of income available to those parents.

b. Standard of Living. Although these support guidelines attempt to approximate the same level of marginal spending on children before divorce or separation, the resulting child support awards do not guarantee that the children's standard of living will remain the same if one of those events occurs. Usually, the children's standard of living will decline since the child support award

(based on marginal spending) is being added to a much smaller level of base household expenditures. Less total money is available in the primary household of the child after divorce or separation since the other parent's income is no longer available. Less money means a decline in household expenditures which results in a lower standard of living. Additionally, some economies of scale are lost when one parent leaves the household.

c. Marginal-Cost Estimation. For determining child support obligations, marginal-cost estimation techniques, which provide the additional cost of children based on intact-family spending patterns, are more appropriate than average-cost methods that divide spending between all family members equally (per capita).

d. The Rothbarth Marginal Cost Estimator. The Rothbarth marginal cost estimation techniques [(e.g., Betson and Lazear and Michael)] provide the most accurate and robust estimates of parental expenditures on children in dual-parent families. [Dr. Rodgers' 2012] Dr. Macpherson's 2024 analysis of the [2000 to 2011] 2013 to 2019 micro data of the Consumer Expenditure Survey provides the most current and reliable estimates of child-related expenditures in dual-parent families.

e. National versus New Jersey Spending on Children. Because the Rothbarth estimates are for the U.S. and it is well known that New Jersey's income distribution is very different from the U.S income distribution, [Dr. Rodgers] Dr. Macpherson uses U.S. Census data to equate the income of New Jersey and U.S families and constructs proportions to smooth the schedule or remove discrete jumps in obligation as net income rises. This follows the same principle as in the 2004 Policy Studies Report for New Jersey. The [2010] 2015 to 2019 U.S. and New Jersey income distribution in the American Community Survey was used to adjust the Rothbarth estimates.

f. NCP/PAR Time. The awards in the support schedules represent spending on children by intact families. In an intact family, the children reside in one household and no NCP/PAR Time is needed. This is similar to child support actions in which one parent has sole physical custody of a child and there is no NCP/PAR Time. The awards in the Appendix IX-F support schedules represent situations in which the child is with the custodial parent 100% of the time. Although the Appendix IX-F awards are not reduced for NCP/PAR Time, they may be adjusted, if these factors are present in a specific case, through worksheet calculations. For further information and assumptions related to NCP/PAR Time adjustments and their related assumptions, see paragraphs 13 and 14 respectively.

g. Effect of a Child's Age. [Dr. Rodgers' 2012] Dr. Macpherson's 2024 study does not provide estimates on child-rearing expenditures by children's age groups. The Appendix IX-F awards represent the average cost of raising a child from age zero through 17 years (i.e., the total marginal cost averaged over 18 years). Studies have shown that expenditures are higher than the average for teen-aged children and lower than the average for preteen children.

h. Self-Support Reserve. The self-support reserve is a factor in calculating a child support award only when one or both of the parents have income at or near the poverty level. The self-support reserve is 150% of the U.S. poverty guideline for one person. It attempts to ensure that the obligor has sufficient income to maintain a basic subsistence level and the incentive to work so that child support can be paid. A child support award is adjusted to reflect the self-support reserve only if payment of the child support award would reduce the obligor's net income below the reserve and the custodial parent's (or the Parent of the Primary Residence's) net income minus the custodial parent's share of the child support award is greater than 150% of the poverty guideline. The latter condition is necessary to ensure that custodial parents can meet their basic needs so that they can care for the children. As of January 1, 2024, the self-support reserve is \$434 per week (This amount is 150% of the poverty guideline for one person).

i. Income Tax Withholding. For wage earners, income tax withholding rates provide an accurate estimate of after-tax income available to pay weekly support obligations. Income tax withholding may differ from end-of-year tax obligations due to the parent's filing status and the number of dependents, deductions and credits reported or claimed by each parent.

j. Spending of Child Order. These guidelines assume that the obligee is spending the support award for the benefit of the child or children.

k. Sharing of Child-Rearing Expenses. These guidelines assume that the parents are sharing in the child-rearing expenses in proportion to their relative incomes. To the extent that this is not true (i.e., if one parent is paying all costs associated with housing for the child from his or her own income) and can be proven to the court, a guidelines-based support award may require adjustment.

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. . . . no change.
29. Background Reports and Publications.

The reports listed below were either used during the development of the New Jersey child support guidelines or document the Supreme Court Family Practice Committee's findings and recommendations regarding the guidelines. Judiciary reports are available at the New Jersey State library and select city, county, and county courthouse libraries. Reports prepared for the U.S. Department of Health and Human Services are available from the U.S. Office of Child Support Enforcement Reference Center.

a. David A. Macpherson, New Jersey Economic Basis for Updated Child Support Schedule, October 9, 2024.

[a.] b. New Jersey Child Support Institute, Institute for Families, in cooperation with the Office of Child Support Services, Division of Family Development, Department of Human Services, Child Support Guidelines Quadrennial Review: Final Report, 2013.

[b.] c. William M. Rodgers, III, New Jersey Economic Basis for Updated Child Support Schedule, Rutgers, The State University of New Jersey, Fifth Update: January 16, 2013.

[c.] d. Margaret Campbell Haynes, Treatment of Social Security Disability Derivative Benefits, 2011.

[d.] e. New Jersey Child Support Institute, Institute for Families, in cooperation with the Office of Child Support Services, Division of Family Development, Department of Human Services, Child Support Guidelines Working Forum Compendium, Fall 2009.

[e.] f. New Jersey Supreme Court Family Practice Committee, 2007 - 2009 Final Report, January 20, 2009.

[f.] g. New Jersey Supreme Court Family Practice Committee, 2004 - 2007 Final Report, January 12, 2007.

[g.] h. Policy Studies, Inc., New Jersey Economic Basis for Updated Child Support Schedule, Report prepared for the New Jersey Administrative Office of the Courts, March 30, 2004.

[h.] i. New Jersey Administrative Office of the Courts, Supplemental Report of the Supreme Court Family Division Practice Committee on Proposed Amendments to Appendix IX (Child Support Guidelines) of the New Jersey Court Rules, Report to the Supreme Court, October 1996.

[i.] j. New Jersey Administrative Office of the Courts, Final Report of the Supreme Court Family Division Practice Committee on Proposed Revisions to the New Jersey Child Support Guidelines, Rule 5:6A and Appendix IX of the New Jersey Court Rules, Report to the Supreme Court, March 1996.

[j.] k. Policy Studies, Inc., Economic Basis for Updated Child Support Schedules, State of New Jersey, Report prepared for the New Jersey Administrative Office of the Courts, April 1995.

[k.] l. Mark Lino, Expenditures on Children by Families, 1994 Annual Report, U.S. Department of Agriculture, Center for Nutrition Policy and Promotion, Miscellaneous Publication 1528, April 1995.

[l.] m. David M. Betson, Alternative Estimates of the Cost of Children from the 1980-86 Consumer Expenditure Survey, Report to the U.S. Department of Health and Human Services (Office of Assistant Secretary for Planning and Evaluation), University of Wisconsin Institute for Research on Poverty, September 1990.

[m.] n. Lewin/ICF, Estimates of Expenditures on Children and Child Support Guidelines, Report to the U.S. Department of Health and Human Services (Office of Assistant Secretary for Planning and Evaluation), Lewin/ICF, October 1990.

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

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 7(h), 14(e) and 20(a) amended May 22, 2023; paragraph 7(h), 14(e), and 20(a) amended April 2, 2024 to be effective June 1, 2024; paragraph 5, 6, 7, and 29 amended \_\_\_\_\_ to be effective

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# Attachment 6

**PROPOSAL FROM THE SUPREME COURT COMMITTEE  
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FOR REVIEW AND FEEDBACK BY FAMILY PRACTICE COMMITTEE  
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**MODEL COLLOQUY AND RELATED GUIDANCE:  
NAME CHANGE PROCEEDINGS FOR CHILDREN/YOUTH IN  
THE FAMILY PART**

**BACKGROUND NOTE:**

This model colloquy document is presented in follow-up to the Court’s endorsement in concept of Recommendation 2019:13 in the 2017-2019 Report of the Supreme Court Committee on Minority Concerns (SCCMC), specifically Recommendation 2019:13(4).<sup>1</sup> In terms of scope, the model colloquies provided here offer sample colloquies to use as starting points/references for use in summary proceedings on the record (uncontested name changes for children/youth) and, when applicable, required best interest hearings (contested name changes for children/youth). The phrasing presented in these model colloquies ensure that in matters involving transgender, nonbinary, or gender non-conforming children appropriate language is used to create a record without unnecessarily subjecting the child(ren) to compelled first-person self-identification with the name set forth on their birth certificate.<sup>2</sup> The relevant portion of the Recommendation<sup>3</sup> is as follows:

The SCCMC recommends that in the matter of name changes [for] minors heard in the Family Part, not related to another Family Part matter such as a divorce or adoption

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<sup>1</sup> The SCCMC is now known as the Supreme Court Committee on Diversity, Inclusion and Community Engagement.

<sup>2</sup> These model colloquies are not intended to be limiting or to displace the scope of questions necessary for plenary hearings required by Emma v. Evans, 215 N.J. 197 (2013), and other relevant caselaw and any applicable Directives.

<sup>3</sup> The first two prongs of Recommendation 2019:13 were resolved through subsequent actions by the Court, which approved amendments to R. 1:38 effective September 1, 2021, that make all name changes in the Family Part confidential pursuant to R. 1:38-3(f)(10).

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within the preceding three years, the Court adopt the following as standard statewide practices in the interest of procedural fairness and access to justice:

...

3) the option of summary judgments on the papers where no best interest hearing is required<sup>4</sup>; and

4) adoption of sample colloquies for the trial court's use both in summary proceedings on the record and, when applicable, required best interest hearing that will ensure that in matters involving trans-identified, gender non-conforming, and non-binary children appropriate language is used to create a record ... without unnecessarily directly subjecting the child(ren) to compelled first-person self-identification with the names set forth on their birth certificates.

In the [September 5, 2019 Notice to the Bar](#) communicating the Court's administrative determinations regarding the SCCMC 2017-2019 report and recommendations, the Notice states, in pertinent part, that in regard to Recommendation 2019:13(3) - Disposition Without Appearance, "... the Court agrees that some name change applications can and should be decided without a court appearance and will refer this part of the recommendation to the Family Practice Committee for development of

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<sup>4</sup> In an August 20, 2018 "Assignment Judge Memo" the Administrative Director summarized a number of significant rules changes that would become effective in September 1, 2018, and where applicable, offered clarifications as to related procedures. With regard to the implementation of the changes to R. 4:72-1 the Administrative Director states: "... Additionally, the rule provides that absent extraordinary circumstances, where the parents/guardians and the minor consent to the name change, the court will conduct a summary hearing for the limited purpose of creating a record and confirming the information in the complaint. A 'best interests' analysis is only necessary in a dispute between parents ..."

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proposed amendatory language and, if necessary, direction to applicants, practitioners, and judges to clarify and reinforce the permissibility of disposition without appearance in these matters.” In addition, the Court approved the drafting of sample colloquies for use by judges administering name change matters in the FD docket.

**RELEVANT PROCEDURAL HISTORY AND RELATED NOTES:**

The model colloquy and related guidance presented here incorporate the Court’s initial determination as to Recommendation 2019:13 and the subsequent relevant Rules amendments, including the changes to R. 4:72 and R. 1:38. These models also incorporate the required elements of Emma and Sacklow v. Betts, 450 N.J. Super. 425 (Ch. Div. 2017) as applicable to name changes for children in affirmation of and in alignment with their gender identity.

**PURPOSE OF THE MODEL COLLOQUY:**

The purpose of the model colloquy and related guidance is to provide judges handling name change applications in the Family Part with a template to follow to create a sufficient record while avoiding unnecessary intrusion on a child’s/youth’s privacy, particularly when the application is in support of a child’s/youth’s gender affirmation, and avoiding unnecessary and potentially harmful overexposure to the name assigned at birth or other name used that does not comport to the name by which the child knows themselves, i.e., the child’s common law name. These model colloquies are presented for use where disposition without appearance is not possible and a summary hearing for purposes only of verifying the contents of the Verified Complaint is necessary.



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**MODEL COLLOQUY A –  
Contested Name Change for a Child/Youth  
(i.e., where one parent/guardian objects)**

Where a parent/guardian objects to formalizing a name change for a child, the trial court must conduct a best interests analysis. Sacklow sets forth the criteria for evaluating best interests in name changes for minors in affirmation of gender identity and transgender or nonbinary experience, recognizing that generally affirmation of gender identity is in a child’s best interest.

The following illustrates an approach, particularly as to language but not necessarily as to sequencing, when the court, to create a record on which to base the best interests finding, is questioning the parents directly or through counsel.

Court: Welcome. We are here today to address the application for a name change for a minor. The docket number is \_\_\_\_\_. In this matter, we have a parent currently in support of the application and a parent that objects to the application. In such an instance, the court must conduct a hearing to determine whether the approval of the name change application is under the law in the best interests of the child. In order to make such a determination, I am going to ask a series of questions.

Please administer the oath/affirmation to the parties.

[Oath/affirmation administered to the parents.]

Court: What is your relationship to the child in this matter?

Response: [Parent/Guardian]

Court: Is the name of the child as it appears on your child’s birth certificate (or as previously changed by court order) accurately set forth in the Verified Complaint you filed with the court?

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Response: [Yes]

Court: What is your child's date of birth?

Response: [Answer will be provided.]

Court: Please look at the certification of confidential information attached to the complaint. Is your child's social security number accurately set forth in that certification?

Response: [Yes]

Court to Affirming Parent: You are in court today for purposes of asking the court to issue a name change order for your minor child, correct?

Response: [Yes]

Court to Affirming Parent: I have before me your Verified Complaint. Was all of the information in the Complaint accurate when you executed your certification?

Response: [Yes]

Court to Affirming Parent: Is all of the information in the Verified Complaint still accurate today?

Response: [Yes]

Court to Affirming Parent: You wish for your child to assume or continue using the name \_\_\_\_\_, correct?

Response: [Yes]

Court to Objecting Parent: You are in court today to state your objection to the court issuing a name change order for your minor child, correct?

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Response: [Yes]

Court to Objecting Parent:: You do not wish for your child to assume or continue using the name \_\_\_\_\_, correct?

Response: [Yes]

Court to Objecting Parent: Please explain your reasons for opposing the application for a Judgment of Name Change.

Response: [Parent will proceed to explain their objection(s).]

Court: Current case law requires me to evaluate several factors in determining whether a name change is in a child's best interest. In making such an evaluation for a child affirming their gender, these factors include:

- the age of the child;
- the length of time the child has used the [chosen] name;
- any potential anxiety, embarrassment or discomfort that may result from the child having a name [they] believe does not match [their] outward appearance/gender expression and gender identity;
- the history of any medical or mental health counseling the child has received;
- the name the child is known by in their family, school and community;
- the child's preference and motivations for seeking the name change; and
- whether both parents consent to the name change, and if consent is not given, the reason for withholding consent.

Note: The court has the option to extract the information from the pleadings and enter it into the record or to continue to the colloquy to

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take testimony on these factors. If the colloquy will continue, the following offers examples of ways to phrase the questions.

Court to Parent(s):        How long and in what circumstances does your child use the name you are seeking to formalize through a Court Order?

Parent(s):                    [Affirming Parent will respond followed by any input from Objecting Parent(s).]

Court to Parent(s):        What effects have you observed on the child's mental and physical health as a result of their use of a name that does not match their outward appearance, gender expression, or gender identity?

Parent(s):                    [Affirming Parent will respond followed by any input from Objecting Parent(s).]

Court to Parent(s):        What effects have you observed on the child's mental and physical health as a result of using a name that matches their outward appearance, gender expression, or gender identity?

Parent(s):                    [Affirming Parent will respond followed by any input from Objecting Parent(s).]

Court to Parent(s):        [If not sufficiently presented in the papers, the court will ask about the history of any medical or mental health services the child has received.

If sufficiently presented in the papers, the court will reference accordingly to place in the record.]

Parent(s):                    [Affirming Parent will respond followed by any input from Objecting Parent(s).]

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Court to Parent(s): [If not sufficiently presented in the papers, the court will inquire about the name the child is known by in the family, at school, and in the community.

If sufficiently presented in the papers, the court will reference accordingly to place in the record.]

Parent(s): [If queried, affirming Parent will respond followed by any input from Objecting Parent(s).]

Court to Parent(s): [If not sufficiently presented in the papers, the court will inquire about the child’s motivation for formally changing their name.

If sufficiently presented in the papers, the court will reference accordingly to place in the record.]

Parent(s): [If queried, affirming Parent will respond followed by any input from Objecting Parent(s).]

**Having obtained the information necessary to render a best interests determination, the court will place its findings on the record and conclude with one of the following prompts.**

Court: “Thank you. The court finds that petitioner has met all of the statutory and procedural requirements in this matter and the issuance of a judgment of name change is in the best interests of the child in this matter. The court will enter a judgment accordingly.” **[The court will add here any additional instructions and details it needs to add on the record.]**

**OR, if not approved,**

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Court: Thank you. The court finds that while the Petitioner has not established that it is in the best interests of the child to in this matter to issue a judgment of name change because **[The court will set forth its findings and add here any additional instructions and details it needs to add on the record.]**

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**MODEL COLLOQUY B1 – SUMMARY APPROACH:**

**Uncontested Name Change for a Child/Youth<sup>5</sup>**

**(i.e., where all parents/guardians or a sole parent/guardian consent to a name change yet an appearance has been required by the court)**

Discussion Point: The following illustrates an approach when the court is questioning the parents directly or through Counsel.

Court: Welcome. Please administer the oath/affirmation to the parties.

[Oath/affirmation administered to parents]

Court: What are your current addresses?

Response: [Answer(s) provided]

Court: What is your relationship to the child in this matter?

Response: [Parent/Guardian]

Court: You are in court today for purposes of asking the court to issue a name change order for your minor child, correct?

Response: [Yes]

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<sup>5</sup> Rule 4:72-4, in part, states: “Except as otherwise provided in R. 4:72-1(b) and (c) regarding consent to a name change for a minor, on the date fixed for hearing the court, **if satisfied from the filed papers**, with or **without oral testimony**, that there is no reasonable objection to the assumption of another name by plaintiff, shall by its judgment authorize plaintiff to assume such other name effective immediately. **At the hearing**, plaintiff must present adequate proof of plaintiff’s current name.” (emphasis added).

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Court: I have before me your verified complaint. Was all of the information in the complaint accurate when you executed your certification?

Response: [Yes]

Court: Is all of the information in the verified complaint still accurate today?"

Response: [Yes]

Court: Is the name of the child as it appears on your child's birth certificate (or as previously changed by court order) accurately set forth in the verified complaint you filed with the court?

Response: [Yes]

Court: What is your child's date of birth?

Response: [Answer will be provided.]

Court: Please look at the certification of confidential information attached to the complaint. Is your child's social security number accurately set forth in that certification?

Response: [Yes]

Court: You wish for your child to assume or continue using the name \_\_\_\_\_, correct?

Response: [Yes]

Court: Thank you. The court finds that Petitioner(s) has/have met all of the statutory and procedural requirements in this matter. The court will enter a judgment accordingly. **[The court will add here any additional instructions and details it needs to add on the record.]**



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**MODEL COLLOQUY B2– DETAILED APPROACH:  
Uncontested Name Change for a Child/Youth  
(i.e., where all parents/guardians or a sole parent/guardian consent  
to a name change but the matter is not resolvable without  
appearance due to a deficiency in the petition that can be resolved  
through an appearance)**

Discussion Point: The following illustrates an approach when the court is questioning the parents directly or through Counsel.

Court: Welcome. Please administer the oath/affirmation to the parties.

[Oath/affirmation administered to parents]

Court: What are your current addresses?

Response: [Answer(s) provided]

Court: What is your relationship to the child in this matter?

Response: [Parent/Guardian]

Court: You are in court today for purposes of asking the court to issue a name change order for your minor child, correct?

Response: [Yes]

Court: I have before me your verified complaint. Was all of the information in the complaint accurate when you executed your certification?

Response: [Yes]

Court: Is all of the information in the verified complaint still accurate today?"

Response: [Yes]

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Court: Is the name of the child as it appears on your child's birth certificate (or as previously changed by court order) accurately set forth in the verified complaint you filed with the court?

Response: [Yes]

Court: What is your child's date of birth?

Response: [Answer will be provided.]

Court: Please look at the certification of confidential information attached to the complaint. Is your child's social security number accurately set forth in that certification?

Response: [Yes]

Court: You wish for your child to assume or continue using the name \_\_\_\_\_, correct?

Response: [Yes]

Court: Does your child reside with you?

Response: [Answer will be provided.]

Court: Has your child ever been adjudicated delinquent or convicted of a crime?

Response: [No] or [If yes] What was the nature of the delinquency or crime and the disposition/sentence imposed?

Court: Are there any juvenile or criminal charges currently pending against your child?

Response: [No] or [if yes, the court should ask the nature and location of any charges and should state for the record that proof of

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service on the Office of Attorney General and County Prosecutor has been provided.]

Court: Have you ever obtained a Court Order to change the name of your child prior to this application?

Response: [No] or [if yes, have information placed on the record.]

Court: Thank you. The court finds that Petitioner(s) has/have met all of the statutory and procedural requirements in this matter. The court will enter a judgment accordingly. **[The court will add here any additional instructions and details it needs to add on the record.]**

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