Supreme Court of New Jersey

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 1, 2026.

For the Court,

Chief Justice

Dated: July 23, 2026

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

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1:6-2. Form of Motion; Hearing

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) Civil and Family Part Motions - Oral Argument. Except as otherwise provided by R. 5:5-4 (family actions), no motion shall be listed for oral argument unless a party requests oral argument in the moving papers or in timely-filed answering or reply papers, or unless the court directs. A party requesting oral argument may, however, condition the request on the motion being contested. If the motion involves pretrial discovery or is directly addressed to the calendar, the request shall be considered only if accompanied by a statement of reasons and shall be deemed denied unless the court otherwise advises counsel prior to the return day. As to all other motions, except for motions for reconsideration under R. 4:42-2(b) and R. 4:49-2, the request shall be granted as of right; a request for oral argument on a motion for reconsideration shall be granted at the court's discretion.

(e) ...no change.

(f) ...no change.

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

adopted July 16, 1981 to be effective September 14, 1981; paragraph (c) amended July 15, 1982 to be effective September 13, 1982; paragraph (c) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended December 20, 1983 to be effective December 31, 1983; paragraphs (a) and (c) amended and paragraph (f) adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended and paragraph (d) caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (d) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 13, 1994 to be effective January 1, 1995; paragraphs (a) and (f) amended January 21, 1999 to be effective April 5, 1999; paragraphs (c) and (d) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraphs (b), (c), and (f) amended July 27, 2006 to be effective September 1, 2006; paragraph (b) caption amended, former text of paragraph (b) captioned and redesignated as paragraph (1), and new paragraph (2) adopted July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended July 9, 2013 to be effective September 1, 2013; paragraph (a) amended August 5, 2022 to be effective September 1, 2022; paragraph (d) amended July 23, 2026 to be effective September 1, 2026.

2:5-3. Preparation and Filing of Transcript; Statement of Proceedings; Prescribed Transcript Request Form

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) Preparation and Filing. The court reporter, clerk, or agency, as the case may be, shall promptly prepare or arrange for the preparation of the transcript in accordance with standards fixed by the Administrative Director of the Courts. The person preparing the transcript shall deliver the original to the Appellate Division transcript unit when the appeal is from the Superior Court, the Tax Court, a municipal court, or an administrative agency or officer. The transcript shall be text searchable and in a format as prescribed by Administrative Directive. The person preparing the transcript shall also forthwith notify all parties of such deliveries, and a complete set of the transcripts shall be forwarded immediately to the clerk of the court to which the appeal is being taken. [When the last volume of the entire transcript has been delivered to the Appellate Division, the court reporter supervisor, clerk or agency, as the case may be, shall certify its delivery on a form to be prescribed by the Administrative Director of the Courts. That transcript delivery certification and a complete set of the transcripts shall be forwarded

immediately to the clerk of the court to which the appeal is being taken. A copy of the certification shall also then be sent to the appellant. The Appellate Division shall serve a copy of the certification on all other parties upon filing within the electronic case jacket and, if the appeal is from a conviction on an indictable offense, on the New Jersey Division of Criminal Justice, Appellate Section.]

(f) ...no change.

Note: Source — R.R. 1:2-8(e) (first, second, third, fourth, sixth and seventh sentences), 1:2-8(g), 1:6-3, 1:7-1(f) (fifth sentence), 3:7-5 (second sentence), 4:44-2 (second sentence), 4:61-1(c), 4:88-8 (third and fourth sentences), 4:88-10 (sixth sentence). Paragraphs (a)(b)(c) and (d) amended July 7, 1971 to be effective September 13, 1971; paragraphs (b) and (d) amended July 14, 1972 to be effective September 5, 1972; paragraph (c) amended June 29, 1973 to be effective September 10, 1973; caption amended and paragraph (a) caption and text amended July 24, 1978 to be effective September 11, 1978; paragraphs (c) and (d) amended July 16, 1981 to be effective September 14, 1981; paragraph (e) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended, paragraph (d) caption and text amended, former paragraph (e) redesignated paragraph (f), and paragraph (e) caption and text adopted November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (e) amended July 14, 1992 to be effective September 1, 1992; paragraphs (c), (e) and (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (e) amended July 27, 2006 to be effective September 1, 2006; paragraph (d) amended July 16, 2009 to be effective September 1, 2009; paragraph (a) caption and text amended, and paragraphs (b), (c), (d) and (e) amended August 5, 2022 to be effective September 1, 2022; paragraph (e) amended July 23, 2026 to be effective September 1, 2026.

2:6-1. Preparation of Appellant's Appendix; Joint Appendix; Contents

(a) ...no change.

(1) Required Contents. The appendix prepared by the appellant or jointly by the appellant and the respondent shall contain (A) in civil actions, the complete pretrial order, if any, and the pleadings; (B) in criminal, quasi-criminal or juvenile delinquency actions, the indictment or accusation and, where applicable, the complaint and all docket entries in the proceedings below; (C) the judgment, order or determination appealed from or sought to be reviewed or enforced, including the jury verdict sheet, if any; (D) the trial judge's charge to the jury, if at issue, and any opinions or statement of findings and conclusions; (E) the statement of proceedings in lieu of record made pursuant to R. 2:5-3(f); (F) the notice or notices of appeal; [(G) the transcript delivery certification prescribed by R. 2:5-3(e);] [(H)] (G) any unpublished opinions cited pursuant to R. 1:36-3; and [(I)] (H) such other parts of the record, excluding the stenographic transcript, as are essential to the proper consideration of the issues, including such parts as the appellant should reasonably assume will be relied upon by the respondent in meeting the issues raised. If the appeal is from a disposition of a motion for summary judgment, the appendix shall also include a statement of all items submitted to the court on the summary judgment motion and all such items shall be included in the appendix,

except that briefs in support of and opposition to the motion shall be included only as permitted by subparagraph (2) of this rule.

(2) ...no change.

(3) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

Note: Source — R.R. 1:7-1(f), 1:7-2 (first six sentences), 1:7-3. Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended July 22, 1983 to be effective September 12, 1983; paragraphs (a), (b) and (c) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a)(1) and (c) amended July 12, 2002 to be effective September 3, 2002; new subparagraph (a)(3) adopted July 19, 2012 to be effective September 4, 2012; subparagraph (a)(1) amended July 27, 2018 to be effective September 1, 2018; subparagraph (a)(1)(G) deleted, former subparagraphs (a)(1)(H) and (a)(1)(I) redesignated as subparagraphs (a)(1)(G) and (a)(1)(H) July 23, 2026 to be effective September 1, 2026.

4:4-4. Summons; Personal Service; In Personam Jurisdiction

Service of summons, writs and complaints shall be made as follows:

(a) Primary Method of Obtaining In Personam Jurisdiction. The primary method of obtaining in personam jurisdiction over a defendant in this State is by causing the summons and complaint to be personally served withing the State pursuant to R. 4:4-3, as follows:

(1) . . .no change.

(2) . . .no change.

(3) . . .no change.

(4) . . .no change.

(5) . . .no change.

(6) . . .no change.

(7) . . .no change.

(8) . . .no change.

(9) Upon a junior judgment creditor defendant in a foreclosure action, by delivering a copy of the summons and complaint via mail to the last known address or [by publication], when the last known address cannot be ascertained after diligent inquiry, by publication in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county in which the venue is laid.

The foregoing subparagraphs (a)(1) through (a)(9) notwithstanding, in personam jurisdiction may be obtained by mail under the circumstances and in the manner provided by R. 4:4-3.

(b) . . .no change.

(c) . . .no change.

Note: Source—R.R. 4:4-4. Paragraph (a) amended July 7, 1971 to be effective September 13, 1971; paragraphs (a) and (b) amended July 14, 1972 to be effective September 5, 1972; paragraph (f) amended July 15, 1982 to be effective September 13, 1982; paragraph (e) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; paragraphs (a), (f) and (g) amended November 5, 1986 to be effective January 1, 1987; paragraph (i) amended November 2, 1987 to be effective January 1, 1988; paragraph (e) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (b) amended July 14, 1992 to be effective September 1, 1992; text deleted and new text substituted July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(3), (b)(1)(A), (b)(1)(C), and (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 9, 2008 to be effective September 1, 2008; paragraph (b)(1) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended April 30, 2019 to be effective May 1, 2019; paragraph (a)(9) amended July 23, 2026 to be effective September 1, 2026.

4:4-5. Summons; Service on Absent Defendants; In Rem or Quasi In Rem Jurisdiction

(a) Methods of Obtaining In Rem Jurisdiction. Whenever, in actions affecting specific property, or any interest therein, or any res within the jurisdiction of the court, or in matrimonial actions over which the court has jurisdiction, wherein it shall appear by affidavit of the plaintiff's attorney or other person having knowledge of the facts, that a defendant cannot, after diligent inquiry as required by this rule, be served within the State, service may, consistent with due process of law, be made by any of the following four methods:

(1) . . .no change.

(2) . . .no change.

(3) by publication of a notice to absent defendants [once in a newspaper published or of general circulation in the county in which the venue is laid] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county in which the venue is laid; and also by mailing, within 7 days after publication, a copy of the notice as herein provided and the complaint to the defendant, prepaid, to the defendant's residence or the place where the defendant usually receives mail, unless it shall appear by affidavit that such residence or place is unknown, and cannot be ascertained after inquiry as herein provided or unless the defendants are proceeded against as unknown owners

or claimants pursuant to R. 4:26-5(c). If defendants are proceeded against pursuant to R. 4:26-5(c), a copy of the notice shall be posted upon the lands affected by the action within 7 days after publication. The notice of publication to absent defendants required by this rule shall be in the form of a summons, without a caption. The top of the notice shall include the docket number of the action, the court, and county of venue. The notice shall state briefly:

(A) . . .no change.

(B) . . .no change.

(C) . . .no change.

(D) . . .no change.

(4) . . .no change.

(b) . . .no change.

Note: Source – R.R. 4:4-5(a)(b)(c)(d), 4:30-4(b) (second sentence). Paragraph (c) amended July 7, 1971 to be effective September 13, 1971; paragraph (c) amended July 14, 1972 to be effective September 5, 1972; amended July 24, 1978 to be effective September 11, 1978; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) (b) (c) (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; introductory paragraph amended, paragraph (c) amended, and portion of paragraph (c) relocated as closing paragraph of rule July 9, 2008 to be effective September 1, 2008; introductory paragraph designated as paragraph (a), paragraph (a) caption adopted, former paragraphs (a), (b), and (c) redesignated as subparagraphs (a)(1), (a)(2), and (a)(3), former subparagraphs (c)(1), (c)(2), (c)(3), and (c)(4) redesignated as subparagraphs (a)(3)(A), (a)(3)(B), (a)(3)(C), and (a)(3)(D), former paragraph (d) redesignated as subparagraph (a)(4), concluding paragraph designated as paragraph (b), and paragraph (b) caption adopted July 23,

2010 to be effective September 1, 2010; paragraph (a)(3) amended July 23, 2026 to be effective September 1, 2026.

4:10-2. Scope of Discovery; Treating Physician

Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) ...no change.

(g) Limitation on Frequency of Discovery. The frequency or extent of use of the discovery methods otherwise permitted under these rules for both parties and nonparties shall be limited by the court if it determines that: (1) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (2) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (3) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the

issues. The court may act pursuant to a motion or on its own initiative after reasonable notice to the parties.

Note: Source — R.R. 4:16-2, 4:23-1, 4:23-9, 5:5-1(f). Amended July 14, 1972 to be effective September 5, 1972 (paragraphs (d)(1) and (2) formerly in R. 4:17-1); paragraph (d)(2) amended July 14, 1992 to be effective September 1, 1992; paragraphs (c) and (d)(1) and (3) amended July 13, 1994 to be effective September 1, 1994; paragraph (d)(1) amended June 28, 1996 to be effective September 1, 1996; paragraph (e) adopted July 10, 1998 to be effective September 1, 1998; paragraph (d)(1) amended July 12, 2002 to be effective September 3, 2002; corrective amendments to paragraph (d)(1) adopted September 9, 2002 to be effective immediately; caption amended, paragraphs (a), (c), and (e) amended, and new paragraphs (d)(4), (f), and (g) adopted July 27, 2006 to be effective September 1, 2006; subparagraph (d)(1) amended July 19, 2012 to be effective September 4, 2012; new caption added to paragraph (f), caption and text of former subparagraph (f) redesignated as subparagraph (f)(2), new subparagraph (f)(1) and Official Comment adopted August 1, 2016 to be effective September 1, 2016; paragraph (d) amended July 15, 2024 to be effective September 1, 2024; paragraph (g) amended July 23, 2026 to be effective September 1, 2026.

4:48-1. Execution and Delivery of Warrant of Satisfaction; Appeal after Satisfaction and Execution

(a) Execution and Delivery. Upon satisfaction of a judgment duly entered and docketed, a warrant shall be executed and delivered to the party making satisfaction or to the party's representative, guardian or attorney, or to the clerk of the court, stating the judgment docket number or book and page where it is recorded and directing the clerk to satisfy the same of record. The warrant shall be executed by anyone entitled to receive satisfaction or by the attorney of record in the action. If executed by anyone other than the attorney of record the warrant shall be duly acknowledged. If executed by the attorney of record the attorney's certification shall suffice.

(b) Appeal after Satisfaction and Execution. A party may appeal after acceptance of payment of a final judgment only if the party can show: (1) the party made an intention to appeal known prior to accepting payment of the final judgment and prior to executing a warrant to satisfy that judgment and (2) prevailing on the appellate issue would not impact the final judgment other than to potentially increase the judgment amount.

Note: Source–R.R. 4:60-1. Amended July 14, 1972 to be effective September 5, 1972; amended July 13, 1994 to be effective September 1, 1994; caption amended, text redesignated as paragraph (a) and caption added, and new paragraph (b) added July 23, 2026 to be effective September 1, 2026.

4:56-2. Order to Show Cause to Approve Plan; Service

Upon the filing of the complaint, the court shall make an order returnable in not less than 14 days after its service, directing the depositors, other creditors and stockholders of the bank, and the Commissioner, if not the plaintiff, to show cause why the proposed plan or such modified plan as may be prepared under the direction of the court, should not be approved. Within one week after the entry of the order a copy thereof, together with a copy of the proposed plan, shall be mailed to each depositor, other creditor, and stockholder at the address appearing in the bank's records and to the Commissioner, if not the plaintiff. If, however, the class of stockholders or other class appears in the action by representation pursuant to R. 4:32, in addition to such service on the representatives, the order or a summary thereof approved by the court shall be printed once at least 10 days before the return day [in a newspaper generally circulated in the municipality in which the bank has its principal office.] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county in which the venue is laid, and shall be posted at least 10 days before the return day in a conspicuous place or places in and about the bank's place of business. The judgment of the court shall then be binding upon the persons so represented.

Note: Source–R.R. 4:71-2, 4:71-3; amended July 13, 1994 to be effective September 1, 1994; amended July 23, 2026 to be effective September 1, 2026.

4:64-7. In Rem Tax Foreclosure

(a) ...no change.

(b) Publication; Contents of Notice. The plaintiff shall publish once a notice of foreclosure [in a newspaper generally circulated] in accordance with N.J.S.A. 35:3-1 et seq. in the municipality where the lands affected are located stating (1) that it has commenced an action in the Superior Court by filing a complaint on a specified date to foreclose and forever bar any and all rights of redemption of the parcels described in the tax foreclosure list contained in the notice and that the action is brought against the land only and no personal judgment may be entered therein; (2) that any person desiring to protect a right, title or interest in any said parcel by redemption or to contest plaintiff's right to foreclose, must do so by paying the amount required to redeem (which shall be set forth in the notice) plus interest to the date of redemption and such costs as the court may allow, prior to the entry of judgment therein, or by filing and serving an answer to the complaint setting forth defendant's answer within 45 days after the date of publication of the notice; and (3) that in the event of failure of redemption or answer by a person having the right to redeem or answer, such person shall be forever barred and foreclosed of all right, title and interest and equity of redemption in and to the parcels of land described in the tax foreclosure list. The notice shall contain a copy of the tax foreclosure list.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) ...no change.

(g) ...no change.

Note: Source—R.R. 4:82-7(a)(b)(c)(d)(e)(f)(g)(h)(i); paragraphs (c), (e) and (g) amended July 29, 1977 to be effective September 6, 1977; paragraph (c) amended July 16, 1981 to be effective September 14, 1981; paragraph (c) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraphs (b), (c) and (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 23, 2026 to be effective September 1, 2026.

4:69-6. Limitation on Bringing Certain Actions

(a) ...no change.

(b) Particular Actions. No action in lieu of prerogative writs shall be commenced

(1) ...no change.

(2) ...no change.

(3) to review a determination of a planning board or board of adjustment, or a resolution by the governing body or board of public works of a municipality approving or disapproving a recommendation made by the planning board or board of adjustment, after 45 days from the publication of a notice once [in the official newspaper of the municipality or a newspaper of general circulation] on the municipality's official Internet website or in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the municipality, provided, however, that if the determination or resolution results in a denial or modification of an application, after 45 days from the publication of the notice or the mailing of the notice to the applicant, whichever is later. The notice shall state the name of the applicant, the location of the property and in brief the nature of the application and the effect of the determination or resolution (e.g., "Variance-Store in residential zone denied"), and shall advise that the determination or resolution has been filed in the office of the board or the municipal clerk and is available for

inspection; or

(4) ...no change.

(5) ...no change.

(6) ...no change.

(7) ...no change.

(8) ...no change.

(9) ...no change.

(10) ...no change.

(11) ...no change.

(c) ...no change.

Note: Source—R.R. 4:88-15(a) (b)(1)(2)(3)(4)(5)(6)(8)(9) (10)(11)(12) (c). Paragraph (b)(1) amended July 7, 1971 to be effective September 13, 1971; paragraph (b)(3) amended November 2, 1987 to be effective January 1, 1988; paragraph (b)(3) amended July 23, 2026 to be effective September 1, 2026.

4:73-3. Service of Process

(a) ...no change.

(b) Non-Resident or Unknown Parties. If a defendant resides outside this State or if the plaintiff does not know defendant's residence address, notice shall be given to defendant by publication once [in a newspaper published or of general circulation] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county or counties in which the land or property to be taken is located and by mailing to defendant's last known address a copy of the notice at least 10 days before the return date of the order to show cause. If the name of a defendant is unknown the published notice shall be addressed to "Unknown Owner" or "Unknown Claimant".

(c) ...no change.

Note: Source—R.R. 4:92-3(a) (b) (c). Paragraph (c) adopted July 14, 1972 to be effective September 5, 1972; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended June 28, 1996 to be effective September 1, 1996; paragraph (b) amended July 23, 2026 to be effective September 1, 2026.

4:80-6. Notice of Probate of Will

Within 60 days after the date of the probate of a will, the personal representative shall cause to be mailed to all beneficiaries under the will and to all persons designated by R. 4:80-1(a)(3), at their last known addresses, a notice in writing that the will has been probated, the place and date of probate, the name and address of the personal representative and a statement that a copy of the will shall be furnished upon request. Proof of mailing shall be filed with the Surrogate within 10 days thereof. If the names or addresses of any of those persons are not known, or cannot by reasonable inquiry be determined, then a notice of probate of the will shall be published [in a newspaper of general circulation] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county naming or identifying those persons as having a possible interest in the probate estate. If by the terms of the will property is devoted to a present or future charitable use or purpose, like notice and a copy of the will shall be mailed to the Attorney General.

Note: Source—R.R. 4:99-7; former R. 4:80-8 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; amended July 23, 2026 to be effective September 1, 2026.

4:86-1. Action; Records; Guardianship Monitoring Program

(a) Every action for the determination of incapacity of a person and for the appointment of a guardian of that person or of the person's estate or both, other than an action with respect to a veteran under N.J.S.A. 3B:13-1 et seq., or with respect to a kinship legal guardianship under N.J.S.A. 3B:12A-1 et seq., shall be brought pursuant to R. 4:86-1 through R. 4:86-8 for appointment of a general, limited or pendente lite temporary guardian. The court in any case may relax and modify procedural requirements, including as related to in-person examinations and communications, based on the individual circumstances of the case.

(b) ...no change.

(c) ...no change.

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) ...no change.

Note: Source–R.R. 4:102-1. Amended July 22, 1983 to be effective September 12, 1983; former R. 4:83-1 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; R. 4:86 caption amended, and text of R. 4:86-1 amended July 12, 2002 to be effective September 3, 2002; caption to Rule 4:86 amended, and text of Rule 4:86-1 amended July 9, 2008 to be effective September 1, 2008; caption amended, former text amended and designated as paragraph (a), and new paragraphs (b) and (c) added August 1, 2016 to be effective September 1, 2016; paragraph (a) amended July 23, 2026 to be effective September 1, 2026.

4:86-2. Complaint; Accompanying Documents; Alternative Affidavits or Certifications; Request for *Pendente Lite* Temporary Guardian

(a) ...no change.

(b) Accompanying Documents. The complaint shall have annexed thereto:

(1) An affidavit or certification stating the nature, description, and fair market value of the following, in such form as promulgated by the Administrative Director of the Courts:

(A) ...no change.

(B) all the personal estate which [he or she is] they are, will or may in all probability become entitled to, including stocks, bonds, mutual funds, securities and investment accounts: money on hand, annuities, checking and savings accounts and certificates of deposit in banks and notes or other indebtedness due the alleged incapacitated person; pensions and retirement accounts, including annuities and profit sharing plans; miscellaneous personal property; and the nature and total monthly amount of any income which may be payable to the alleged incapacitated person; and

(C) ...no change.

[(2) Affidavits or certifications of two physicians having qualifications set forth in N.J.S.A. 30:4-27.2t, or the affidavit or certification of one such physician

and one licensed practicing psychologist as defined in N.J.S.A. 45:14B-2, in such form as promulgated by the Administrative Director of the Courts. Pursuant to N.J.S.A. 3B:12-24.1(d), the affidavits or certifications may make disclosures about the alleged incapacitated person. If an alleged incapacitated person has been committed to a public institution and is confined therein, one of the affidavits or certifications shall be that of the chief executive officer, the medical director, or the chief of service providing that person is also the physician with overall responsibility for the professional program of care and treatment in the administrative unit of the institution. However, where an alleged incapacitated person is domiciled within this State but resident elsewhere, the affidavits or certifications required by this rule may be those of persons who are residents of the state or jurisdiction of the alleged incapacitated person's residence. Each affiant shall have made a personal examination of the alleged incapacitated person not more than 30 days prior to the filing of the complaint, but said time period may be relaxed by the court on an ex parte showing of good cause. To support the complaint, each affiant shall state:]

(2) Affidavits or certifications of: two physicians having qualifications set forth in N.J.S.A. 30:4-27.2t; or one such physician and one licensed practicing psychologist as defined in N.J.S.A. 45:14B-2; or one such physician and one licensed physician assistant having qualifications set forth in N.J.S.A. 45:9-27.10

et seq. and under a delegation agreement with a supervising physician as defined in N.J.S.A. 45:9-27.17 and -27.18; or one such physician and one registered nurse licensed as an Advance Practice Nurse having qualifications set forth in N.J.A.C. 13:37-7.1 et seq. and under a joint protocol with a collaborating physician as defined in N.J.A.C. 13:35-6.6. A supervising or collaborating physician of an affiant shall not separately certify as to the alleged incapacity of the individual.

The affidavits or certifications shall be in such form as promulgated by the Administrative Director of the Courts. Pursuant to N.J.S.A. 3B:12-24.1(d), the affidavits or certifications may make disclosures about the alleged incapacitated person.

If an alleged incapacitated person has been committed to a public institution and is confined therein, one of the affidavits or certifications shall be that of the chief executive officer, the medical director, or the chief of service providing that person is also the physician with overall responsibility for the professional program of care and treatment in the administrative unit of the institution. When an alleged incapacitated person is domiciled within this State but is a resident elsewhere, the affidavits or certifications required by this rule may be from the persons who are residents of the state or jurisdiction of the alleged incapacitated person's residence.

Each affiant shall have made a personal examination of the alleged incapacitated person not more than 30 days prior to the filing of the complaint. The time period may be relaxed by the court on an ex parte showing of good cause.

To support the complaint, each affiant shall state:

(A) ...no change.

(B) ...no change.

(C) ...no change.

(D) ...no change.

(E) ...no change.

(F) the affiant's opinion of the extent to which the alleged incapacitated person is unfit and unable to govern [himself or herself] themself and to manage [his or her] their affairs and shall set forth with particularity the circumstances and conduct of the alleged incapacitated person upon which this opinion is based, including a history of the alleged incapacitated person's condition;

(G) ...no change.

(H) ...no change.

(3) ...no change.

(4) ...no change.

(c) Alternative Affidavits or Certifications.

(1) ...no change.

(2) In lieu of the affidavits or certifications provided for in paragraph (b)(2), an affidavit or certification of one affiant having the qualifications as required therein shall be submitted, stating that [he or she] the affiant has endeavored to make a personal examination of the alleged incapacitated person not more than 30 days prior to the filing of the complaint but that the alleged incapacitated person or those in charge of [him or her] the alleged incapacitated person have refused or are unwilling to have the affiant make such an examination. The time period herein prescribed may be relaxed by the court on an ex parte showing of good cause.

(d) Request for *Pendente Lite* Temporary Guardian. The complaint may also request the appointment of a *pendente lite* temporary guardian of the person or estate, or both, pursuant to N.J.S.A. 3B:12-24.1(c). Notice of this application shall be given to the alleged incapacitated person or the alleged incapacitated person's attorney or the attorney appointed by the court to represent the alleged incapacitated person.

Note: Source–R.R. 4:102-2; former R. 4:83-2 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a), (b), and (c) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b) and (c) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a), (b) and (c) amended July 9, 2008 to be effective September 1, 2008; caption amended, and paragraphs (a),

(b) and (c) amended and captions added August 1, 2016 to be effective September 1, 2016; new subparagraph (b)(3) added and former subparagraph (b)(3) redesignated as (b)(4) March 15, 2021 to be effective May 15, 2021; paragraph (b)(3) revised April 5, 2023 to be effective May 1, 2023; caption amended, subparagraphs (b)(1)(B), (b)(2), and (c)(2) amended, and new paragraph (d) added July 23, 2026 to be effective September 1, 2026.

4:86-4. Order for Hearing; Appointment and Duties of Counsel, *Pendente Lite* Temporary Guardian, Guardian ad Litem; Examination.

(a) Contents of Order for Hearing.

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) ...no change.

(5) A separate notice shall be personally served on the alleged incapacitated person stating that if [he or she desires] they desire to oppose the action [he or she] they may appear either in person or by attorney, and may demand a trial by jury. The notice shall be in such form and include all such provisions as promulgated by the Administrative Director of the Courts, including as to the rights of an alleged or adjudicated incapacitated person.

(6) ...no change.

(7) ...no change.

(8) ...no change.

(9) *Pendente Lite* Temporary Guardian.

(i) The order may include the appointment of a *pendente lite* temporary guardian of the person or estate, or both, pursuant to N.J.S.A. 3B:12-24.1(c), if the court finds on good cause shown that there is a critical need or risk of substantial

harm to the physical or mental health, safety, and well-being of the alleged incapacitated person or to their property or business affairs, and that it is in the person's best interest to have a *pendente lite* temporary guardian appointed before the hearing to determine incapacity and appoint a permanent guardian.

(ii) Unless expressly waived therein, the order appointing the *pendente lite* temporary guardian shall fix the amount of the bond in accordance with N.J.S.A. 3B:15-1 et seq. If there are extraordinary reasons justifying the waiver of a bond, that determination shall be set forth in a decision supported by appropriate factual findings.

(iii) If an order appointing a *pendente lite* temporary guardian is entered without notice, the alleged incapacitated person may appear and move for its dissolution or modification on two days' notice to the plaintiff and to the *pendente lite* temporary guardian or on such shorter notice as the court prescribes. An order appointing a *pendente lite* temporary guardian entered without notice shall expire as prescribed by the court, but within a period of not more than 45 days, unless within that time the court extends it for good cause shown for the same period.

(b) Duties of Counsel for Alleged Incapacitated Person.

(1) [Counsel] In their role as advocate for the alleged incapacitated person, whether appointed pursuant to subparagraph (a)(8) above or retained, counsel shall (i) personally interview the alleged incapacitated person; (ii) make

inquiry of persons having knowledge of the alleged incapacitated person's circumstances, [his or her] physical and mental state, and [his or her] property; and (iii) make reasonable inquiry to locate any will, powers of attorney, or health care directives previously executed by the alleged incapacitated person or to discover any interests the alleged incapacitated person may have as beneficiary of a will or trust.

(2) ...no change.

(3) Counsel shall protect the rights of the alleged incapacitated person and zealously advocate for their wishes and decisions, so long as such are not patently absurd or pose an undue risk of harm to the client.

(4) [(3)] If the alleged incapacitated person obtains other counsel, such counsel shall notify the court and appointed counsel at least ten days prior to the hearing date.

[(c) Examination. If the affidavit or certification supporting the complaint is made pursuant to R. 4:86-2(c), the court may, on motion and upon notice to all persons entitled to notice of the hearing under paragraph (a), order the alleged incapacitated person to submit to an examination. The motion shall set forth the names and addresses of the physicians who will conduct the examination, and the order shall specify the time, place and conditions of the examination. Upon

request, the report thereof shall be furnished to either the examined party or his or her attorney.]

(c) Duties of *Pendente Lite* Temporary Guardian.

(1) A *pendente lite* temporary guardian appointed pursuant to N.J.S.A. 3B:12-24.1 and subparagraph (a)(9) above is limited to act only for those services specified in the court's order. Appointment of a *pendente lite* temporary guardian does not have the effect of an adjudication of incapacity and does not limit the legal rights of the alleged incapacitated person other than as specified in the court's order.

(2) The court's order may authorize a *pendente lite* temporary guardian to arrange interim financial, social, medical, or mental health services or temporary accommodations deemed necessary by the court to deal with the alleged incapacitated person's critical needs or risk of substantial harm, and to make arrangements for payment for such services from the person's estate.

(3) A *pendente lite* temporary guardian shall communicate all actions taken on behalf of the person to counsel for the alleged incapacitated person, who has the right to object to such actions.

(d) Appointment and Duties of Guardian Ad Litem. At any time prior to or following entry of a judgment of incapacity and appointment of guardian pursuant to N.J.S.A. 3B:12-24.1 et seq. and R. 4:86-6, where special circumstances

come to the attention of the court by formal motion or otherwise, the court may appoint a guardian ad litem to serve as an independent factfinder, investigator, and evaluator for the court. The guardian ad litem [may, in addition to counsel, be appointed to evaluate] shall conduct an independent investigation as to the best interests of the alleged incapacitated person [and to present that evaluation to the court]. Following the investigation, the guardian ad litem shall submit a report to the court containing the results of the investigation and making a recommendation as to the best interests of the alleged incapacitated person. The guardian ad litem shall not have authority to make decisions on behalf of the alleged incapacitated person.

(e) Compensation. The compensation of the attorney for the party seeking guardianship, appointed counsel, *pendente lite* temporary guardian, and [of the] guardian ad litem, if any, may be fixed by the court to be paid out of the estate of the alleged incapacitated person or in such other manner as the court shall direct.

(f) Examination. If the affidavit or certification supporting the complaint is made pursuant to R. 4:86-2(c), the court may, on motion and upon notice to all persons entitled to notice of the hearing under paragraph (a), order the alleged incapacitated person to submit to an examination. The motion shall set forth the name and address of the physician who will conduct the examination, and the order shall specify the time, place, and conditions of the examination. Upon request, the

report thereof shall be furnished to either the alleged incapacitated person or their counsel.

Note: Source–R.R. 4:102-4(a) (b). Paragraph (b) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 21, 1980 to be effective September 8, 1980; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; caption of former R. 4:83-4 amended, caption and text of paragraph (a) amended and in part redesignated as paragraph (b) and former paragraph (b) redesignated as paragraph (c) and amended, and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended and paragraphs (d) and (e) added June 28, 1996 to be effective September 1, 1996; paragraphs (a), (b), (c), (d), and (e) amended July 12, 2002 to be effective September 3, 2002; paragraph (e) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a), (b),(c),(d) and (e) amended July 9, 2008 to be effective September 1, 2008; paragraph (a) amended, subparagraphs enumerated and paragraphs (a)(6) and (a)(7) adopted, paragraph (b) amended and subparagraphs enumerated, and paragraph (c) amended August 1, 2016 to be effective September 1, 2016; new subparagraph (a)(7) added and former subparagraph (a)(7) redesignated as (a)(8) March 15, 2021 to be effective May 15, 2021; subparagraph (b)(2) amended April 6, 2021 to be effective May 15, 2021; caption amended, paragraph (a) caption amended, subparagraph (a)(5) amended, new subparagraph (a)(9) added, paragraph (b) caption amended, subparagraph (b)(1) amended, former subparagraph (b)(3) redesignated as (b)(4), new subparagraph (b)(3) added, former paragraph (c) amended and redesignated as paragraph (f), new paragraph (c) added, paragraph (d) caption and text amended, and paragraph (e) amended July 23, 2026 to be effective September 1, 2026.

4:86-6. Hearing; Judgment

(a) ...no change.

(b) ...no change.

(c) Appointment of General or Limited Guardian. If a general or limited guardian of the person or of the estate or of both the person and the estate is to be appointed, the court shall appoint and letters shall be granted to any of the following:

(1) the incapacitated person's spouse or domestic partner or civil union partner, if the spouse or domestic partner or civil union partner was living with the incapacitated person as [husband or wife] spouse or as a domestic partner or as a civil union partner at the time the incapacity arose [; (2)], or the incapacitated person's [next of kin] heirs, or friends; or

[(3)] (2) thereafter, first consideration shall be given to the Office of the Public Guardian for Elderly Adults within the statutory mandate of that office[. If]; or

(3) if none of them will accept the appointment, or if the court is satisfied that no appointment from among them will be in the best interests of the incapacitated person or estate, then the court shall appoint and letters shall be granted to such other person who will accept appointment as the court determines is in the best interests of the incapacitated person. Such persons may include registered professional guardians or surrogate decision-makers chosen by the

incapacitated person before incapacity by way of a durable power of attorney, health care proxy, or advance directive.

(d) Judgment.

(1) The judgment of legal incapacity and appointment of guardian shall be in such form and include all such provisions as promulgated by the Administrative Director of the Courts, including as to the rights of the incapacitated person, except to the extent that the court explicitly directs otherwise.

(2) ...no change.

(3) ...no change.

(e) Duties of Guardian.

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) ...no change.

(5) ...no change.

(6) A guardian shall cooperate fully with any [Court] court or Surrogate staff or volunteers until the guardianship is terminated by the death or return to capacity of the incapacitated person, or the guardian's death, removal or discharge.

(7) ...no change.

(f) ...no change.

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) ...no change.

(5) ...no change.

(A) ...no change.

(B) ...no change.

(6) ...no change.

(7) ...no change.

Note: Source–R.R. 4:102-6(a) (b) (c), 4:103-3 (second sentence). Paragraph (a) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (c) of former R. 4:83-6 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended, text of paragraph (c) redesignated as paragraphs (c) and (d) and amended, paragraph (c) caption amended, and paragraph (d) caption adopted July 9, 2008 to be effective September 1, 2008; paragraphs (a) and (c) amended, new paragraph (d) added, former paragraph (d) amended and redesignated as paragraph (e), and new paragraph (f) added August 1, 2016 to be effective September 1, 2016; by order dated August 25, 2016 effective date of paragraph (f)(5) extended to March 1, 2017; subparagraphs (f)(4) and (f)(5)(B) amended July 31, 2020 to be effective September 1, 2020; subparagraph (e)(1) amended March 15, 2021 to be effective May 15, 2021; former subparagraphs (c)(1) and (c)(2) combined as subparagraph (c)(1), former subparagraph (c)(3) renumbered as subparagraph (c)(2), former unnumbered paragraph designated as subparagraph (c)(3), and subparagraphs (d)(1) and (e)(6) amended July 23, 2026 to be effective September 1, 2026.

4:86-7. Rights of an Incapacitated Person; Proceedings for Return to Capacity [or], Review of Guardianship, Appointment of a Substitute, Successor, or Co-Guardian, or Transfer of Guardianship

(a) Rights of an Incapacitated Person. An individual subject to a general or limited guardianship shall retain the rights listed in the judgment of legal incapacity and appointment of guardian, as well as:

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) ...no change.

(5) ...no change.

(6) ...no change.

(7) ...no change.

(b) Proceedings for Return to Capacity.

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) The court may render judgment that the person no longer is fully or partially incapacitated, that [his or her] the person's guardianship be modified or discharged subject to the duty to account, and that [his or her] their person and

estate be restored to [his or her] their control, or may render judgment that the guardianship be modified but not terminated.

(c) ...no change.

(d) Proceedings for Appointment of a Substitute, Successor, or Co-Guardian.

(1) The guardian or an interested person may seek appointment of a substitute, successor, or co-guardian by commencing a separate summary action by verified complaint. The complaint shall be supported by an affidavit or certification for each proposed substitute, successor, or co-guardian as described in R. 4:86-2(b)(3).

(2) The court shall, on notice to the persons who would be set forth in a complaint filed pursuant to R. 4:86-2, set a date for hearing, appoint counsel for the incapacitated person if the incapacitated person is not represented, and take oral testimony in open court with or without a jury. In addition, the court may appoint a guardian ad litem to evaluate the best interests of the incapacitated person and to present that evaluation to the court in accordance with R. 4:86-4(d).

(3) The court may render judgment appointing a substitute, successor, or co-guardian in accordance with R. 4:86-6.

(4) An appointed substitute, successor, or co-guardian shall perform the duties set forth in R. 4:86-6(e).

(e) Proceedings for Transfer of Guardianship from New Jersey to Another State.

(1) A guardian of an incapacitated person appointed by a New Jersey court may seek transfer of the guardianship to another state pursuant to N.J.S.A.3B:12B-17 by filing a motion setting forth the basis for the transfer.

(2) Notice of the motion shall be served on all individuals entitled to notice of a complaint, supporting affidavits, and order for hearing pursuant to R. 4:86-4.

(3) The court may schedule a hearing on its own motion, or upon the request of the guardian or those entitled to notice of the motion.

(4) If the court is satisfied that the guardianship will be accepted by the court of the other state and makes findings as set forth in N.J.S.A. 3B:12B-17, it shall issue a provisional order granting the motion and directing the guardian to file for guardianship in the other state.

(5) Upon receipt of a provisional order accepting the guardianship from the court of the other state and any other documents required for termination, the court shall enter a final order confirming the transfer and terminating the New Jersey guardianship.

(f) Proceedings for Transfer of Guardianship from Another State to New Jersey.

(1) A guardian of an incapacitated person appointed by the court of another state may seek transfer of the guardianship to New Jersey pursuant to N.J.S.A.3B:12B-18 by filing a motion setting forth the basis for the transfer. A certified copy of the provisional order of transfer from the court of the transferring state shall be annexed to the motion.

(2) Notice of the motion shall be served on all individuals entitled to notice of a complaint, supporting affidavits, and order for hearing pursuant to R. 4:86-4, and any persons entitled to such notice under the laws of the transferring state.

(3) The court may schedule a hearing on its own motion, or upon the request of the guardian or those entitled to notice of the motion.

(4) The court shall enter a provisional order accepting the guardianship unless:

(A) an objection is raised, and the court determines that acceptance of the transfer would be contrary to the interests of the incapacitated person; or

(B) the guardian is ineligible for appointment under New Jersey law.

(5) Upon receipt of a final order from the court of the transferring state confirming the transfer, the court shall render judgment accepting the transfer and

appointing the guardian in accordance with R. 4:86-6.

(A) On the motion of any party, or on the court's own motion, the court shall determine whether the guardianship must be modified to conform to New Jersey law.

(B) The judgment shall recognize the guardianship order from the transferring state, including its determination of incapacity and appointment of guardian.

(C) The appointed guardian shall perform the duties set forth in R. 4:86-6(e).

(6) Denial of a motion seeking transfer of a guardianship to New Jersey under this rule shall not preclude the guardian from seeking appointment under R. 4:86-2 or paragraph (d) above.

Note: Source–R.R. 4:102-7; former R. 4:83-7 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; caption and text amended July 12, 2002 to be effective September 3, 2002; caption and text amended July 9, 2008 to be effective September 1, 2008; caption and text of former rule deleted, new caption adopted, new paragraphs (a), (b) and (c) adopted August 1, 2016 to be effective September 1, 2016; caption amended, paragraph (a) caption added, paragraph (b) caption added and text amended, paragraph (c) caption added and text amended September 27, 2023 to be effective January 1, 2024; caption amended, paragraph (a) amended, subparagraph (b)(4) amended, new paragraphs (d), (e), and (f) added July 23, 2026 to be effective September 1, 2026.

4:86-10. Appointment of Guardian for Persons Eligible for and/or Receiving Services from the Division of Developmental Disabilities

An action pursuant to N.J.S.A. 30:4-165.7 et seq. for the appointment of a guardian for a person over the age of 18 who is eligible for and/or receiving services from the Division of Developmental Disabilities shall be brought pursuant to these rules insofar as applicable, except that:

(a) The complaint may be brought by the Commissioner of Human Services; [or] a parent[,]; a spouse or domestic partner or civil union partner[,]; a relative; or [other] another party interested in the welfare of such person. The complaint and all accompanying documents shall be in such form and include all such provisions as promulgated by the Administrative Director of the Courts.

(b) In lieu of the affidavits or certifications prescribed by R. 4:86-2(b)(2), the verified complaint shall have annexed thereto two documents. One document shall be an affidavit or certification submitted by a practicing physician or a psychologist licensed pursuant to P.L. 1966, c.282 (N.J.S.A. 45:14B-1 et seq.), or an affidavit or certification of a licensed physician assistant having qualifications set forth in N.J.S.A. 45:9-27.10 et seq. and under a delegation agreement with a supervising physician as defined in N.J.S.A. 45:9-27.17 and -27.18, or an affidavit or certification of a registered nurse licensed as an Advance Practice Nurse having qualifications set forth in N.J.A.C. 13:37-7.1 et seq. and under a joint protocol with a collaborating physician as defined in N.J.A.C. 13:35-6.6, who has made a

personal examination of the alleged incapacitated person not more than six months prior to the filing of the verified complaint. The other document shall be one of the following: (1) an affidavit or certification from the chief executive officer, medical director or other officer having administrative control over a Division of Developmental Disabilities program from which the individual is receiving functional or other services; (2) an affidavit or certification from a designee of the Division of Developmental Disabilities having personal knowledge of the functional capacity of the individual who is the subject of the guardianship action; (3) a second affidavit or certification from a practicing physician or psychologist licensed pursuant to P.L. 1966, c.282 (N.J.S.A. 45:14B-1 et seq.), or of a licensed physician assistant having qualifications set forth in N.J.S.A. 45:9-27.10 et seq. and under a delegation agreement with a supervising physician as defined in N.J.S.A. 45:9-27.17 and -27.18, or of a registered nurse licensed as an Advance Practice Nurse having qualifications set forth in N.J.A.C. 13:37-7.1 et seq. and under a joint protocol with a collaborating physician as defined in N.J.A.C. 13:35-6.6, except that a supervising or collaborating physician of an affiant shall not separately certify as to the alleged incapacity of the individual; (4) a copy of the Individualized Education Program, including any medical or other reports, for the individual who is subject to the guardianship action, which shall have been prepared no more than two years prior to the filing of the verified complaint; or (5) an affidavit or certification from a licensed care professional having personal

knowledge of the functional capacity of the individual who is the subject of the guardianship action. The documents shall set forth with particularity the facts supporting the belief that the alleged incapacitated person suffers from a significant chronic functional impairment to such a degree that the person lacks the cognitive capacity either to make decisions or to communicate, in any way, decisions to others. The court in its discretion may require additional proofs as needed.

(c) ...no change.

(d) The hearing shall be held pursuant to R. 4:86-6 except that a guardian may be summarily appointed if the attorney for the alleged incapacitated person, by affidavit or certification, does not dispute either the need for the guardianship or the fitness of the proposed guardian and if a plenary hearing is not requested either by the alleged incapacitated person or on [his or her] the alleged incapacitated person's behalf.

Note: Adopted July 7, 1971 to be effective September 13, 1971; amended July 24, 1978 to be effective September 11, 1978. Former rule deleted and new rule adopted November 5, 1986 to be effective January 1, 1987; caption amended and paragraphs (b), (c) and (d) of former R. 4:83-10 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; paragraphs (b), (c) and (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 22, 2014 to be effective September 1, 2014; caption amended, introductory paragraph and paragraphs (b), (c) and (d) amended August 1, 2016 to be effective September 1, 2016; paragraphs (a), (b), and (d) amended July 23, 2026 to be effective September 1, 2026.

4:90-3. Order to Show Cause

Upon filing of the complaint, and if the complaint is made by a creditor upon notice to the executor or administrator, the court may make an order requiring all persons interested in the decedent's real or personal estate, including the State Treasurer and the Attorney General, to show cause on a specified date not less than two months after the date of the order why so much of the real or personal estate should not be sold as will be sufficient to pay the decedent's debts or the residue thereof. A copy of the order to show cause together with a copy of the complaint shall be sent by registered or certified mail to the State Treasurer and the Attorney General and no further proceedings shall be taken unless a certificate, signed by the Attorney General and the State Treasurer certifying that the State will interpose no objection to the making of an Order authorizing the sale of such property, has been received by the Court. The order to show cause shall, one month prior to the date fixed in the order for the hearing, be published [once in a newspaper of this State] in an online news publication of this State eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq., as the court directs.

Note: Source—R.R. 4:109-4, 4:109-8. Amended July 7, 1971 to be effective September 13, 1971; amended June 29, 1990 to be effective September 4, 1990; amended July 23, 2026 to be effective September 1, 2026.

4:93-2. Declaration of Death

The action may be brought in a summary manner in accordance with R. 4:83 on an order to show cause returnable not less than 30 days nor more than three months from the date of the order why judgment should not be entered declaring such person to be dead. Notice of the order shall be published once [in a newspaper of general circulation] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county where the absentee was last domiciled and shall be served by mail or otherwise as the court directs.

Note: Source—R.R. 4:111-2. Amended July 7, 1971 to be effective September 13, 1971; former R. 4:92-2 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; amended July 23, 2026 to be effective September 1, 2026.

8:4-3. Time for Filing Responsive Pleadings

The time for filing of all pleadings other than the complaint, including answers to complaints filed under the Correction of Errors Law, N.J.S.A. 54:51A-7, shall be as prescribed by R. 4:6-1 and subject to R. 1:3-3 provided that:

(a) ... no change

(b) ... no change

(c) In small claims state tax cases under R. 8:11, an answer is optional and need not be filed. If an answer is filed, it must be filed within 60 days after service of the complaint, counterclaim, or crossclaim.

(d) In any state tax matter, the time to answer a complaint may be extended for a period not exceeding 60 days by written consent of the parties, which written consent shall be filed with the answer within said extension period. Further enlargements of the time to answer shall be allowed only on notice by court order, on good cause shown therefor.

(e) The time periods prescribed in paragraphs (b), (c), or (d) of this rule are altered by the filing and service of a motion under R. 4:6 or a motion for summary judgment under R. 4:46 or R. 4:69-2 as follows: (1) if the motion is denied in whole or in part or its disposition is postponed until trial, the answer shall be filed and served within 10 days after notice of the court's action; (2) if a motion for a more definite statement is granted, the answer shall be filed and served within 10 days after the service of such statement.

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 16, 1981 to be effective September 14, 1981; amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; initial paragraph amended August 1, 2016 to be effective September 1, 2016; initial paragraph amended and paragraph (a) amended July 27, 2018 to be effective September 1, 2018; paragraph (b) amended July 31, 2020 to be effective

September 1, 2020; new paragraphs (c), (d), and (e) adopted July 23, 2026 to be effective September 1, 2026.

8:8-3. Consolidation and Severance

(a) Consolidation. The Tax Court on its own motion or on a party's motion may consolidate actions if they present a common question of law or fact, involve the same property or related properties, or the same or similar proofs.

(b) Severance. ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979; paragraph (a) amended July 23, 2026 to be effective September 1, 2026.

APPENDIX II

Form A. Uniform Interrogatories to be Answered by Plaintiff in All Personal Injury Cases (Except Medical Malpractice Cases): Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3). Information provided in response to these interrogatories shall not be used for any improper purpose. Use of such information shall be in accordance with the Rules of Court, including but not limited to R. 1:38, and the Rules of Professional Conduct.

(Caption)

1. Full name, present address, date of birth, Social Security number, and Medicare number, if applicable. If Medicare number is applicable, attach a copy of the Medicare card.

2. Describe your version of the alleged occurrence, incident, accident or act of negligence asserted in detail setting forth the date, location, time and weather.

3. Detailed description of nature, extent and duration of any and all injuries.

4. Detailed description of injury or condition claimed to be permanent together with all present complaints.

5. If confined to a hospital, state its name and address, and dates of admission and discharge.

6. If any diagnostic tests were performed, state the type of test performed, name and address of place where performed, date each test was performed and what each test disclosed. Attach a copy of the test results.

7. If treated by any health care provider, state the name and present address of each health care provider, the dates and places where treatments were received and the date of last treatment. Attach true copies of all written reports provided to you by any such health care provider whom you propose to have testify in your behalf.

8. If still being treated, the name and address of each doctor or health care provider rendering treatment, where and how often treatment is received and the nature of the treatment.

9. If a previous injury, disease, illness or condition is claimed to have been aggravated, accelerated or exacerbated, specify in detail the nature of each and the name and present address of each health care provider, if any, who ever provided treatment for the condition.

10. If plaintiff has ever sustained personal injuries in any prior or subsequent accident, state: (a) the date of said accident; (b) the injuries plaintiff alleged that they sustained in that accident; (c) the docket number and parties to any lawsuit arising out of that accident; (d) the names of any hospitals, imaging providers, and health care providers who provided care to plaintiff for any injuries alleged to have been sustained in that accident; and (e) attach a copy of any medical records related to that accident.

[10.] 11. If employed at the time of the accident, state: (a) name and address of employer; (b) position held and nature of work performed; (c) average weekly wages for past year; (d) period of time lost from employment, giving dates; and (e) amount of wages lost, if any.

[11.] 12. If there has been a return to employment or occupation, state: (a) name and address of present employer; (b) position held and nature of work performed; and (c) present weekly wages, earning, income or profit.

[12.] 13. If other loss of income, profit or earnings is claimed: (a) state total amount of the loss; (b) give a complete detailed computation of the loss; and (c) state the nature and source of the loss of income, profit and earnings, and the dates of the deprivation.

[13.] 14. Itemize in complete detail any and all moneys expended or expenses incurred for hospitals, doctors, nurses, diagnostic tests or health care providers, x-rays, medicines, care and appliances and state the name and address of each payee and the amount paid and owed each payee.

[14.] 15. Itemize any and all other losses or expenses incurred not otherwise set forth.

[15.] 16. Identify all documents that may relate to this action, and attach copies of each such document.

[16.] 17. State the names and addresses of all eyewitnesses to your version of the alleged occurrence, incident, accident, or act of negligence asserted, their relationship to you and their interest in this lawsuit.

[17.] 18. State the names and addresses of all persons who have knowledge of any facts relating to the case.

[18.] 19. If any photographs, videotapes, audio tapes or other forms of electronic recording, sketches, reproductions, charts or maps were made with respect to anything that is relevant to the subject matter of the complaint, describe: (a) the number of each; (b) what each shows or contains; (c) the date taken or made; (d) the names and addresses of the persons who made them; (e) in whose possession they are at present; and (f) if in your possession, attach a copy, or if not subject to convenient copying, state the location where inspection and copying may take place.

[19.] 20. If you claim that the defendant made any admissions as to the subject matter of this lawsuit, state: (a) the date made; (b) the name of the person by whom made; (c) the name and address of the person to whom made; (d) where made; (e) the name and address of each person present at the time the admission was made; (f) the contents of the admission; and (g) if in writing, attach a copy.

[20.] 21. If you or your representative and the defendant have had any oral communication concerning the subject matter of this lawsuit, state: (a) the date of the communication; (b) the name and address of each participant; (c) the name and address of each person present at the time of such communication; (d) where such communication took place; and (e) a summary of what was said by each party participating in the communication.

[21.] 22. If you have obtained a statement from any person not a party to this action, state: (a) the name and present address of the person who gave the statement; (b) whether the statement was oral or in writing and if in writing, attach a copy; (c) the date the statement was obtained; (d) if such statement was oral, whether a recording was made, and if so, the nature of the recording and the name and present address of the person who has custody of it; (e) if the statement was written, whether it was signed by the person making it; (f) the name and address of the person who obtained the statement; and (g) if the statement was oral, a detailed summary of its contents.

[22.] 23. If you claim that the violation of any statute, rule, regulation or ordinance is a factor in this litigation, state the exact title and section.

[23.] 24. State the names and addresses of any and all proposed expert witnesses. Set forth in detail the qualifications of each expert named and attach a copy of each expert's current resume. Also attach true copies of all written reports provided to you by any such proposed expert witnesses.

With respect to all expert witnesses, including treating physicians, who are expected to testify at trial and with respect to any person who has conducted an examination pursuant to Rule 4:19, who may testify, state each such witness's name, address and area of expertise and attach a true copy of all written reports provided to you.

State the subject matter on which your experts are expected to testify.

State the substance of the facts and opinions to which your experts are expected to testify and a summary of the grounds for each opinion.

[24.] 25. State whether you have ever been convicted of a crime. YES ( ) or NO ( ).

If the answer is "yes", state: (a) date; (b) place; and (c) nature.

[25.] 26. State (a) the name and address of any person, including any person or party answering these interrogatories, who has made a statement regarding this lawsuit or the subject matter of this lawsuit; (b) whether the statement was oral or in writing; (c) the date the statement was made; (d) the name and address of the person to whom the statement was made; (e) the name and address of each person present when the statement was made; and (f) the name and address of each person who has knowledge of the statement.

Unless subject to a claim of privilege, which must be specified: (g) attach a copy of the statement, if it is in writing; (h) if the statement was oral, state whether a recording was made and, if so, set forth the nature of the recording and the name and address of the person who has custody of it; and (i) if the statement was oral and no recording was made, provide a detailed summary of its contents.

TO BE ANSWERED ONLY IN AUTOMOBILE ACCIDENT CASES

[26.] 27. State on what street, highway, road or other place (designate which) and in what general direction (north, south, east or west) your vehicle was proceeding immediately prior to the collision. (You may include a sketch for greater clarity.)

[27.] 28. With respect to fixed objects at the location of the collision, state as nearly as possible the point of impact. If you included a sketch, place an X thereon to denote the point of impact.

(Note: The term "point of impact" as used in this and other questions has reference to the exact point on the street, highway, road or other place where the vehicles collided or where any pedestrian was struck.)

[28.] 29. State whether there were any traffic control devices, signs or police officers at or near the place of the collision. If there were, describe them (i.e., traffic lights, stop sign, police officers, etc.) and state the exact location of each.

[29.] 30. If you contend that there was a malfunction of a motor vehicle or equipment, state: (a) make, model and year of the motor vehicle and whether or not that vehicle was equipped with power brakes and steering; (b) the nature of the malfunction; (c) the date the motor vehicle was purchased and the name and address of the person from whom the motor vehicle was purchased; (d) the date that that portion of the motor vehicle in which the malfunction occurred was last inspected and the name and address of the person inspecting same; (e) the last date prior to the accident that that portion of the motor vehicle was repaired or replaced, the nature and extent of the repairs, the name and address of the person repairing or replacing same; (f) if the motor vehicle was repaired after the accident, state the name and address of the person repairing same and the nature of the repairs; and (g) attach a copy of any repair bills.

[30.] 31. If the collision occurred at an uncontrolled intersection, state: (a) which vehicle entered the intersection first; (b) whether your vehicle came to a full stop before entering the intersection; and (c) if your vehicle did not come to a full stop before entering the intersection, state the speed of your vehicle when it entered the intersection.

[31.] 32. For each other vehicle or pedestrian collided with, state, at the time you first observed the other vehicle or pedestrian, (a) your speed and (b) the speed of the other vehicle or the movement, if any, of the pedestrian, and the distance in feet between (c) the front of your vehicle and the point of impact; (d) the front of the other vehicle or pedestrian and the point of impact, and (e) the front of your vehicle and the other vehicle or pedestrian.

[32.] 33. State where each vehicle came to rest after the impact. Include the distance in terms of feet from

the point of impact to the point where each vehicle came to rest.

[33.] 34. For each other vehicle or pedestrian involved, state (a) which part of your vehicle; and (b) which part of the other vehicle or pedestrian came into contact.

[34.] 35. State the following facts with respect to the collision: (a) time; (b) condition of weather; (c) condition of visibility; and (d) condition of roadway.

[35.] 36. For each other vehicle or pedestrian involved, state whether you observed the vehicle or pedestrian prior to the accident? YES (___) or NO (___). If the answer is "yes," set forth the time that elapsed from the time you first saw the vehicle or pedestrian until the impact occurred.

[36.] 37. At the time of the impact, state the speeds of all vehicles involved in the collision.

[37.] 38. Were you charged with a motor vehicle violation as a result of the collision? YES (_____) or NO ( ). If the answer is "yes", state: (a) charge; (b) plea; and (c) disposition.

[38.] 39. Do you have insurance coverage and/or PIP benefits under an applicable policy or policies of automobile insurance? As to each such policy provide the name and address of the insurance carrier, policy number, the named insured and attach a copy of the declaration sheet.

[39.] 40. If the Plaintiff(s) or any occupant of the vehicle consumed any alcoholic beverage or took any drugs or medication within twenty-four (24) hours before the subject incident, state what was consumed.

[40.] 41. If at the time of the accident you were in the course of your employment, logged on to a Transportation Network Company's digital network or engaged in a prearranged ride for a Transportation Network Company (TNC), state the name and address of your employer or TNC.

If you are making a claim for property damage to a motor vehicle, provide answers to the uniform interrogatories contained in Form B, questions 1 through 18.

FOR PRODUCT LIABILITY CASES (OTHER THAN PHARMACEUTICAL AND TOXIC TORT CASES), ALSO ANSWER A(2)

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.

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

Note: Amended July 17, 1975 to be effective September 8, 1975; entire text deleted and new text added Effective 09/01/2016, July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; interrogatory 23 and certification amended July 28, 2004 to be effective September 1, 2004; caption and final instruction amended July 23, 2010 to be effective September 1, 2010; interrogatory 1 amended July 19, 2012 to be effective September 4, 2012; former number 25 renumbered as 37, and new numbers 25 through 36 added August 1, 2016 to become effective September 1, 2016; introductory paragraph amended July 31, 2020 to be effective September 1, 2020; interrogatory numbers

2 and 16 amended, new interrogatory number 25 added, interrogatory numbers 26 through 37 renumbered as numbers 27 through 38, and new interrogatory numbers 39 and 40 added August 5, 2022 to be effective September 1, 2022; new interrogatory number 10 added, and former interrogatory numbers 10 through 40 renumbered as 11 through 41 July 23, 2026 to be effective September 1, 2026.

APPENDIX XXIX
[NOTICE OF ARBITRATION HEARING]

Attorney Name: _____

Address: _____

_____

Telephone: _____

Attorney for: _____

_____

Plaintiff,

v.

_____

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION. CIVIL PART
_____ COUNTY
DOCEKT NO: _____

CIVIL ACTION
NOTICE OF ARBITRATION HEARING

TO: _____

TAKE NOTICE that a ☐ default / ☐ default judgment on liability was entered against you on _____, 20_____, in the above matter. An arbitration hearing in this matter is scheduled for _____ ☐ a.m./ ☐ p.m. on _____, 20 _____, [at] for a(n)

☐ In Person Hearing

_____
(location)

☐ Remote/Virtual Hearing

_____
(Zoom link)

_____
(Teams link)

☐ Telephonic Hearing

Telephone Number: _____

You have the right to appear at the arbitration hearing and should take whatever action you deem

appropriate with regard to the same. Those scheduled for a remote/virtual hearing can appear virtually by using the above Zoom or Teams link. Those scheduled for a telephonic hearing can participate in the hearing by phone.

At the conclusion of the arbitration hearing an award of monetary damages may be entered against you which may then result in a final judgment being entered against you by the court. If the arbitration date is rescheduled or cancelled, you will be notified by separate correspondence. If you have a new address, it is your responsibility to notify the undersigned immediately in writing of your new address.

_____

Attorney for

Note: Effective 09/01/2014, CN 11669-English (Appendix XXIX); new text added July 23, 2026 to be effective September 1, 2026.

RPC 1.8 Conflict of Interest: Current Clients; Specific Rules

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

(g) ... no change

(h) ... no change

(i) ... no change

(j) ... no change

(k) A lawyer shall not have sexual relations with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced. When the client is an organization, a lawyer for the organization shall not have sexual relations with members of the organization's litigation control group as defined by RPC 1.13(a). For purposes of this paragraph, "lawyer"

means any lawyer who assists in the representation of the client but does not include other firm members who provide no such assistance.

(l) [(k)] A lawyer employed by a public entity, either as a lawyer or in some other role, shall not undertake the representation of another client if the representation presents a substantial risk that the lawyer's responsibilities to the public entity would limit the lawyer's ability to provide independent advice or diligent and competent representation to either the public entity or the client.

(m) [(l)] A public entity cannot consent to a representation otherwise prohibited by this Rule.

Note: Adopted September 10, 1984 to be effective immediately; paragraph (e) amended July 12, 2002 to be effective September 3, 2002; caption amended, paragraphs (a), (b), (c), (f), (g), (h) amended, former paragraph (i) deleted, former paragraph (j) redesignated as paragraph (i), former paragraph (k) deleted, and new paragraphs (j) , (k) and (l) added November 17, 2003 to be effective January 1, 2004; subparagraph (e)(3) amended July 22, 2014 to be effective January 1, 2015; former paragraphs (k) and (l) renumbered as paragraphs (l) and (m), new paragraph (k) added July 23, 2026 to be effective September 1, 2026.

RPC 1.13. Organization as the Client

(a) A lawyer employed or retained to represent an organization represents the organization as distinct from its directors, officers, employees, members, shareholders, or other constituents. For the purposes of RPCs 1.8(k), [RPC] 4.2, and 4.3, however, the organization's lawyer shall be deemed to represent not only the organizational entity but also the members of its litigation control group. Members of the litigation control group shall be deemed to include current agents and employees responsible for, or significantly involved in, the determination of the organization's legal position in the matter whether or not in litigation, provided, however, that "significant involvement" requires involvement greater, and other than, the supplying of factual information or data respecting the matter. Former agents and employees who were members of the litigation control group shall presumptively be deemed to be represented in the matter by the organization's lawyer but may at any time disavow said representation.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

Note: Adopted September 10, 1984, to be effective immediately; amended June 28, 1996, to be effective September 1, 1996; paragraph (a) amended July 23, 2026 to be effective September 1, 2026.