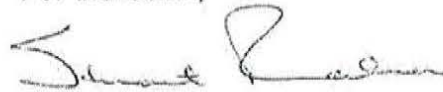


**SUPREME COURT OF NEW JERSEY**

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, 2021, except that the amendments to Rules 3:5-3, 3:5-4, 3:5-5, and 3:5-6 shall be effective October 1, 2021.

For the Court,

A handwritten signature in black ink, appearing to read "S. G. Ryan", is written over the text "For the Court".

Chief Justice

Dated: July 30, 2021

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

1:2-1	5:7-4A
1:11-2	5:7-5
1:30-4	5:7-10
1:33-2	5:10-1
1:34-2	5:10-4
1:38-3	5:10-17 (new)
1:40-12	5:12-3
3:1-4	5:20-2
3:5-3*	5:21-3
3:5-4*	7:6-3
3:5-5*	7:7-9
3:5-6*	7:8-9
3:6-6	7:7-11
3:9-1	7:12-3
3:13-3	Appendix to Part VII, Guideline 3
3:14-4	Appendix IX-A
3:21-4	Appendix IX-B
4:72-4	Appendix IX-C
5:1-4	Appendix IX-D
5:1-5	Appendix XIX
5:6-3	RPC 7.2
5:6-9	

\* These amendments have an October 1, 2021 effective date; all other amendments in this Order have a September 1, 2021 effective date.

1:2-1. Proceedings in Open Court: Robes

(a) Open Court Requirement. All trials, hearings of motions and other applications, first appearances, pretrial conferences, arraignments, sentencing conferences (except with members of the probation department) and appeals shall be conducted in open court unless otherwise provided by rule or statute.

(b) Virtual Transmission of Testimony. Upon application in advance of appearance, unless otherwise provided by statute, the court may permit testimony in open court by contemporaneous transmission from a different location for good cause and with appropriate safeguards.

(c) Sealing; Settlement Conferences. If a proceeding is required to be conducted in open court, no record of any portion thereof shall be sealed by order of the court except for good cause shown, as defined by R. 1:38-11(b), which shall be set forth on the record. Settlement conferences may be heard at the bench or in chambers.

(d) Robes. Every judge shall wear judicial robes during proceedings in open court, including those conducted pursuant to paragraph (b).

Note: Source – R.R. 1:28-6, 3:5-1 (first clause), 4:29-5, 4:118-5, 7:7-1, 8:13-7(c); amended July 14, 1992 to be effective September 1, 1992; amended July 16, 2009 to be effective September 1, 2009; amended July 27, 2018 to be effective September 1, 2018; text redesignated as paragraphs (a) (c) and (d) with captions added and text of paragraph (d) amended, and new paragraph (b) adopted July 30, 2021 to be effective September 1, 2021.

1:11-2. Withdrawal or Substitution

(a) Generally. Except as otherwise provided by R. 5:3-5(e) (withdrawal in a civil family action) and R. 7:7-9 (withdrawal and substitution in a municipal court action),

(1) ...no change

(2) ...no change

(3) ...no change

(b) ...no change

(c) ...no change

Note: Source - R.R. 1:12-7A; amended July 16, 1981 to be effective September 14, 1981; amended November 7, 1988 to be effective January 2, 1989; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; amended and paragraph designations and captions added January 21, 1999 to be effective April 5, 1999; paragraphs (a)(1) and (a)(2) amended July 27, 2006 to be effective September 1, 2006; subparagraph (a)(1) amended July 19, 2012 to be effective September 4, 2012; new paragraph (a)(3) adopted December 4, 2012 to be effective January 1, 2013; paragraph (a) amended; new paragraph (c) added July 28, 2017 to be effective September 1, 2017; paragraph (a) amended July 30, 2021 to be effective September 1, 2021.

1:30-4. Clerks' Offices; Municipal Court Offices

The office of the clerk of every court, except the municipal courts, shall be open to the public for the transaction of all business of the court for such hours and on such days as shall be fixed by the Chief Justice. The office [of the clerk] of every municipal court shall be open to the public for the transaction of all business of the court on days and during hours fixed by the municipal court judge [or presiding judge] thereof, or, in courts where there is a chief judge, the chief judge and the Assignment Judge, subject to the approval of the Administrative Director of the Courts.

Note: Source-R.R. 7:19-4. Amended December 21, 1971 to be effective January 31, 1972; caption and text amended July 30, 2021 to be effective September 1, 2021.

1:33-2. Court Managerial Structure

(a) ...no change

(b) ...no change

(c) Within each vicinage, the Chief Justice shall organize the Superior Court trial court system into four functional units to facilitate the management of the trial court system within that vicinage. These units shall be: Civil, Criminal, Family and General Equity.

(d) ...no change

(e) ...no change

(f) For each vicinage, the Chief Justice shall designate a municipal court judge to serve as Presiding Judge of the municipal courts for that vicinage, who shall serve in that role at the pleasure of the Chief Justice. The Presiding Judge shall report directly to and be responsible to the Assignment Judge of the vicinage.

Note: Former rule redesignated R. 1:33-3 and new rule adopted October 26, 1983 to be effective immediately; paragraphs (a) (b) (d) and (e) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; paragraph (c) amended and new paragraph (f) adopted July 30, 2021 to be effective September 1, 2021.

1:34-2. Clerks of Court; Municipal Court Administrators

[The clerk of every court, except the Supreme Court, the Appellate Division, the Superior Court and the Tax Court, shall be responsible to and under the supervision of the judge or presiding judge of the court that the clerk serves, the Assignment Judge of the county, and the Administrative Director of the Courts.]

(a) The clerks of the Supreme and Superior Courts shall be responsible to and under the supervision of the Administrative Director of the Courts and the Chief Justice. The clerk of the Appellate Division shall be responsible to and under the supervision of the Administrative Director of the Courts, the Chief Justice, and the Presiding Judge for Administration of the court. The clerk of the Tax Court shall be responsible to and under the supervision of the Presiding Judge of the Tax Court [presiding judge of the court] and the Administrative Director of the Courts. Each county shall have one or more deputy clerks of the Superior Court with respect to Superior Court matters filed in that county; deputy clerks may issue writs out of the Superior Court. The Surrogate of the county shall be the deputy clerk of the Superior Court, Chancery Division, Probate Part, with respect to probate matters pending in that county. The Vicinage Chief Probation Officer/Probation Division Manager for the vicinage shall be the acting deputy clerk of the Superior Court for that vicinage for the purpose of certifying child support judgments and orders as required by R. 4:101, and with respect to writs of

execution as provided by R. 4:59-1(c). All employees serving as deputy clerks of the Superior Court shall be, in that capacity, responsible to the clerk of the Superior Court.

(b) The Municipal Court Administrator in each municipal court shall be responsible to and under the supervision of the Municipal Court Judge or, in those municipal courts where there is a Chief Judge, the Chief Judge, the Vicinage Municipal Court Presiding Judge, the Assignment Judge, the Administrative Director of the Courts, and the Chief Justice.

Note: Source — R.R. 6:2-7, 7:21-1, 7:21-2, 8:13-4. Amended July 14, 1972 to be effective September 5, 1972; amended June 20, 1979 to be effective July 1, 1979; amended June 29, 1990 to be effective September 4, 1990; amended July 14, 1992 to be effective September 1, 1992; amended June 28, 1996 to be effective June 28, 1996; amended July 28, 2004 to be effective September 1, 2004; amended July 19, 2012 to be effective September 4, 2012; caption amended, text amended and designated as paragraph (a), and new paragraph (b) adopted July 30, 2021 to be effective September 1, 2021.

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.

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) Records relating to grand jury proceedings pursuant to R. 3:6-7

except as provided by [R. 3:6-6(b)] R. 3:6-6(c) and R. 3:6-9(d);

(5) . . . no change

(6) . . . no change

(7) . . . no change

(8) . . . no change

(9) . . . no change

(10) . . . no change

(11) . . . no change

(12) . . . no change

(13) . . . no change

(14) . . . no change

(15) . . . no change

(d) Records of Family Part Proceedings.

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) . . . no change

(5) . . . no change

(6) . . . no change

(7) . . . no change

(8) . . . no change

(9) . . . no change

(10) . . . no change

(11) . . . no change

(12) . . . no change

(13) . . . no change

(14) . . . no change

(15) . . . no change

(16) . . . no change

(17) . . . no change

(18) . . . no change

(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.

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) . . . no change

(5) . . . no change

(6) . . . no change

(7) . . . no change

(8) . . . no change

(9) . . . no change

(10) [Certification of Confidential Information for Name Change

forms and Final Judgment Addendum forms prepared] All records in actions

for change of name pursuant to N.J.S.A. 2A:52-1 and R. 4:72-1 et seq.

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009; subparagraph (b)(1) amended December 9, 2009 to be effective immediately; paragraphs (e) and (f) amended January 5, 2010 to be effective immediately; subparagraph (c)(11) amended, subparagraph (c)(12) adopted, and subparagraph (d)(10) amended February 16, 2010 to be effective immediately; subparagraph (d)(1) amended June 23, 2010 to be effective July 1, 2010; paragraph (e) amended October 26, 2010 to be effective immediately; paragraph (e) amended February 28, 2013 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013; subparagraphs (f)(2) and (f)(5) amended, and new subparagraph (f)(9) added December 9, 2014 to be effective immediately; subparagraph (d)(2) amended July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended May 30, 2017 to be effective immediately; paragraph (a) and subparagraphs (d)(1) and (d)(13) amended July 28, 2017 to be effective September 1, 2017, subparagraphs (c)(1), (d)(1), (d)(2), (d)(5), (d)(6), (d)(9), and (f)(6) amended May 15, 2018 to be effective immediately; new subparagraph (c)(13) adopted July 27, 2018 to be effective September 1, 2018; new subparagraph (c)(14) adopted and subparagraph (f)(5) amended September 12, 2018 to be effective immediately; new subparagraph (d)(18) adopted July 29, 2019

to be effective September 1, 2019; new subparagraphs (c)(1) 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.

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

(a) Mediator Qualifications . . . no change.

(b) Mediator Training Requirements.

(1) General Provisions. All persons serving as mediators shall have completed the basic dispute resolution training course as prescribed by these rules and approved by the Administrative Office of the Courts. Volunteer mediators in the Special Civil Part and Municipal Court mediators shall have completed 18 [classroom] hours of basic mediation skills complying with the requirements of subparagraph (b)(3) of this rule. Mediators on the civil, general equity, and probate roster of the Superior Court shall have completed 40 [classroom] hours of basic mediation skills complying with the requirements of subparagraph (b)(5) of this rule and shall be mentored in at least two cases in the Law Division – Civil Part of Chancery Division – General Equity or Probate Part of the Superior Court for a minimum of five hours by a civil roster mentor mediator who has been approved in accordance with the “Guidelines for the Civil Mediation Mentoring Program” promulgated by the Administrative Office of the Courts. Family Part mediators shall have completed a 40-hour training program complying with the requirements of subparagraph (b)(4) of this rule and, unless otherwise exempted in this rule, at least five hours being mentored by a family roster mentor mediator in at least two cases in the Family Part. In all cases it is the obligation of the

mentor mediator to inform the litigants prior to mediation that a second mediator will be in attendance and why. If either party objects to the presence of the second mediator, the second mediator may not attend the mediation. In all cases, the mentor mediator conducts the mediation, while the second mediator observes. Mentored mediators are provided with the same protections as the primary mediator under the Uniform Mediation Act. Retired or former New Jersey Supreme Court justices and Superior Court judges, retired or former Administrative Law judges, retired or former federal court judges, and retired judges from other states who presided over a court of general jurisdiction or appellate court, child welfare mediators, and staff/law clerk mediators are exempted from the mentoring requirements except as required to do so for remedial reasons. Mediators already serving on the Civil mediator roster prior to September 1, 2015 are exempted from the updated training requirements. Family Roster mediators who wish to serve on the Civil Roster, must complete the six-hour supplemental Civil Mediation training and must comply with the Civil roster mentoring requirement of five hours and two cases in the Civil Part.

(2) Continuing Training. . . no change.

(3) Mediation Course Content - Basic Skills. The 18-hour [classroom] course in basic mediation skills and complementary dispute resolution (CDR) settlement techniques, shall, by lectures, demonstrations,

exercises and role plays, teach the skills necessary for mediation practice, including but not limited to conflict management, communication and negotiation skills, the mediation process, and addressing problems encountered in mediation and other CDR resolution processes.

(4) Mediation Course Content – Family Part Actions. The 40-hour [classroom] course for family action mediators shall include basic mediation skills as well as at least 22 hours of specialized family mediation training, which should cover family and child development, family law, dissolution procedures, family finances, and community resources. In special circumstances and at the request of the Assignment Judge, the Administrative Office of the Courts may temporarily approve for a one-year period an applicant who has not yet completed the specialized family mediation training, provided the applicant has at least three years of experience as a mediator or a combination of mediation experience and service in the Family Part, has co-mediated in a CDR program with an experienced family mediator, and certifies to the intention to complete the specialized training within one year following the temporary approval. Economic mediators in family disputes shall have completed 40 hours of training in family mediation in accordance with this rule.

(5) Mediation Course Content – Civil, General Equity, and Probate Actions. The 40-hour [classroom] course for civil, general equity and probate

action mediators shall include basic and advanced mediation skills as well as specialized civil mediation training as approved by the Administrative Director of the Courts.

(6) Training Requirements for Judicial Law Clerks. Judicial law clerks serving as third-party neutral settlers, shall first have completed a [six-hour complementary dispute resolution (CDR) settlement negotiation techniques training] Law Clerk Settlement Negotiation Training course prescribed by the Administrative Office of the Courts.

(7) Co-mediation; mentoring; training evaluation. . . . no change.

(8) Mediation Course Content – Supplemental Mediation Training for Civil and Family Mediators. Applicants to the roster who have been trained in a 40-hour out-of-state mediation training or who took the 40-hour New Jersey mediation training more than five years prior to applying to the roster, and who otherwise qualify under this rule, must further attend [a six-hour supplemental course approved by the Administrative Office of the Courts] six hours of supplemental training. The six hours of supplemental training shall consist of attending the four-hour continuing training set forth in subsection (b)(2) of this rule, and two additional hours, which may be offered as a remote live training. The combined trainings shall be completed within one year. There shall be two distinct supplemental courses, one for family mediators and one for civil

mediators, which shall be approved by the Administrative Office of the Courts.

The combined courses shall include, but are not limited to, training in facilitative methods, training on how to conduct mediation in a virtual setting, case management techniques, procedural requirements for an enforceable mediated settlement, NJ Rules and [mediator ethics] the Standards of Conduct for Mediators in Court-Connected Programs, Guidelines for Mediator Compensation (see Appendix XXVI to these Rules), the Uniform Mediation Act (N.J.S.A. 2A:23C-1 to -13), and mediation case law.

(c) Arbitrator Qualification and Training. Arbitrators serving in judicial arbitration programs shall have the minimum qualifications prescribed by Rule 4:21A-2. All arbitrators shall attend initial training of at least three [classroom] hours and continuing training of at least two hours in courses approved by the Administrative Office of the Courts.

(1) New Arbitrators. . . no change.

(2) Roster Arbitrators. . . no change.

(3) Arbitration Course Content – Initial Training. The three-hour [classroom] course shall teach the skills necessary for arbitration, including applicable statutes, court rules and administrative directives and policies, the standards of conduct, applicable uniform procedures as reflected in the approved procedures manual and other relevant information.

(4) Arbitration Course Content – Continuing Training...no change.

(d) Training Program Evaluation. . . no change.

Note: Adopted July 14, 1992 as Rule 1:40-10 to be effective September 1, 1992; caption amended, former text redesignated as paragraphs (a) and (b), paragraphs (a)3.1 and (b)4.1 amended June 28, 1996 to be effective September 1, 1996; redesignated as Rule 1:40-12, caption amended and first sentence deleted, paragraph (a)1.1 amended and redesignated as paragraph (a)(1), paragraph (a)2.1 amended and redesignated as paragraph (a)(2), paragraph (a)2.2 amended and redesignated as paragraph (b)(5), new paragraphs (a)(3) and (a)(4) adopted, paragraph (a)3.1 redesignated as paragraph (a)(5), paragraph (a)3.2 amended and incorporated in paragraph (b)(1), paragraph (a)4.1 amended and redesignated as paragraph (b)(6), paragraph (b)1.1 amended and redesignated as paragraph (b)(1), paragraphs (b)2.1 and (b)3.1 amended and redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)4.1 redesignated as paragraph (b)(4) with caption amended, paragraph (b)5.1 amended and redesignated as paragraph (b)(7) with caption amended, new section (c) adopted, and paragraph (b)5.1(d) amended and redesignated as new section (d) with caption amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(3) and (b)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b)(1), (b)(3), and (c) amended July 28, 2004 to be effective September 1, 2004; caption amended and paragraph (a)(4) caption and text amended June 15, 2007 to be effective September 1, 2007; new paragraph (a)(6) caption and text adopted, paragraph (b)(1) amended, paragraph (b)(2) deleted, paragraphs (b)(3) and (b)(4) redesignated as paragraphs (b)(2) and (b)(3), paragraph (b)(5) amended and redesignated as paragraph (b)(4), and paragraphs (b)(6) and (b)(7) redesignated as paragraphs (b)(5) and (b)(6) July 16, 2009 to be effective September 1, 2009; subparagraphs (b)(2) and (b)(4) amended July 21, 2011 to be effective September 1, 2011; subparagraph (a)(3) caption and text amended, subparagraphs (a)(4), (a)(6), (b)(1), (b)(2) and (b)(4) amended, former subparagraph (b)(5) redesignated as subparagraph (b)(6), former subparagraph (b)(6) redesignated as subparagraph (b)(7), new subparagraphs (b)(5) and (b)(8) adopted July 27, 2015 to be effective September 1, 2015; subparagraphs (a)(3) text, (a)(5) caption and text, and (b)(1) text and paragraph (c) amended July 28, 2017 to be effective September 1, 2017; paragraph (a)(3) amended, paragraph (a)(4) caption and text amended, and paragraphs (b)(1), (b)(3), and (b)(6) amended July 29, 2019 to be effective September 1, 2019; paragraph (c) amended July 31, 2020 to be effective September 1, 2020; subparagraphs (b)(1), (b)(3), (b)(4),

(b)(5), (b)(6), (b)(8), paragraph (c), and subparagraph (c)(3) amended July 30, 2021 to be effective September 1, 2021.

3:1-4. Orders; Form; Entry

(a) Time. Except for judgments to be prepared by the court and entered pursuant to R. 3:21-5, pretrial detention orders entered pursuant to R. 3:4A, [or] pretrial release orders and release revocation orders entered pursuant to R. 3:26-2, and any other orders created in the Judiciary's computerized systems, formal written orders shall be presented to the court in accordance with R. 4:42-1(e) except that only the original of the signed order shall be filed. The court may also issue and transmit to the Department of Corrections electronic Orders to Produce inmates, with those orders or writs containing an electronically affixed signature of a Superior Court judge. Such orders shall have the same authority as orders that contain a judge's original signature.

(b) ... no change.

(c) ... no change.

Note: Adopted July 29, 1977 to be effective September 6, 1977. Paragraph (c) amended July 24, 1978 to be effective September 11, 1978; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended August 30, 2016 to be effective January 1, 2017; paragraph (a) amended July 30, 2021 to be effective September 1, 2021.

### 3:5-3. Issuance and Contents

(a) Electronic. Except as provided in paragraphs (b) and (c) of this rule, an applicant shall request a search warrant electronically in the Judiciary's computerized system used for such applications. The application shall include a certification in lieu of oath completed by the applicant in accordance with R. 1:4-4(b). If the judge is satisfied that grounds for granting the application exist or that there is probable cause to believe they exist, the judge may authorize issuance of the warrant electronically. The warrant shall contain the date of issuance and shall identify the property to be seized, name or describe the person or place to be searched, and specify the hours when it may be executed. The warrant shall be directed to any law enforcement officer, without naming an officer, and it shall state the basis for its issuance and the name of each person whose certification was submitted in support of the application. The execution of the search warrant and return shall be pursuant to R. 3:5-5(a).

(b) [(a)] In-Person. An applicant for a search warrant may [shall] appear personally before the judge, who must take the applicant's affidavit or testimony before issuing the warrant. The judge may also examine, under oath, any witness the applicant produces, and may require that any person upon whose information the applicant relies appear personally and be examined under oath concerning such information. If the judge is satisfied that grounds for granting the application exist

or that there is probable cause to believe they exist, the judge shall date and issue the warrant [identifying the property to be seized, naming or describing the person or place to be searched and specifying the hours when it may be executed. The warrant shall be directed to any law enforcement officer, without naming an officer, and it shall state the basis for its issuance and the names of the persons whose affidavits or testimony have been taken in support thereof. The warrant shall direct that it be returned to the judge who issued it]. The warrant shall contain the information specified in paragraph (a), including the name of each person whose affidavit or testimony has been taken in support thereof. The execution of the search warrant and return shall be pursuant to R. 3:5-5(a).

(c) [(b)] Telephonic. A Superior Court judge may issue a search warrant upon sworn oral testimony of an applicant who is not physically present. Such sworn oral testimony may be communicated to the judge by telephone[ , radio] or other means of electronic communication. The applicant [judge] shall arrange to contemporaneously record such sworn oral testimony by means of a [tape-] recording device [or stenographic machine] if [such are] available; otherwise, adequate [longhand] notes summarizing what is said shall be made by the judge. Subsequent to taking the oath, the applicant must identify himself or herself, specify the purpose of the request, and disclose the basis of his or her information. This sworn testimony shall be deemed to be an affidavit for the purposes of

issuance of a search warrant. A warrant may issue if the judge is satisfied [that exigent circumstances exist sufficient to excuse the failure to obtain a written warrant, and] that sufficient grounds for granting the application have been shown. Upon approval, the judge shall memorialize the specific terms of the authorization to search and shall direct the applicant to enter this authorization verbatim on a form, or other appropriate paper, designated the duplicate original search warrant. This warrant shall be deemed a search warrant for the purpose of R. 3:5. The judge shall direct the applicant to print the judge's name on the warrant. [The judge shall also contemporaneously record factual determinations as to exigent circumstances. If a recording is made, the judge shall direct that the testimony be transcribed as soon as practicable. This transcribed record shall be certified by the judge.] The judge shall promptly issue a written confirmatory search warrant and shall enter thereon the exact time of issuance of the duplicate original warrant. In all other respects, the method of issuance and contents of the warrant shall be that required by [subsection (a) of] this rule.

Note: Source -- R.R. 3:2A-3, 3:2A-4 (second sentence); former rule redesignated paragraph (a) and paragraph (b) adopted July 26, 1984 to be effective September 10, 1984; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; new paragraph (a) caption and text adopted, former paragraphs (a) and (b) amended and redesignated as paragraphs (b) and (c) and captions added July 30, 2021 to be effective October 1, 2021.

3:5-4. Secrecy

A search warrant shall be issued with all practicable secrecy and the affidavit, certification, or testimony upon which it is based shall not be [filed with the criminal division manager's office or] made public in any way prior to execution. The disclosure, prior to its execution, that a warrant has been applied for or issued, except as necessary for its execution, may constitute a contempt. After execution, a warrant and accompanying papers shall remain confidential except as provided in R. 3:5-6(c).

Note: Source--R.R. 3:2A-9 (first paragraph); amended July 13, 1994 to be effective January 1, 1995; amended July 12, 2002 to be effective September 3, 2002; amended July 30, 2021 to be effective October 1, 2021.

3:5-5. Execution and Return with Inventory

(a) In General. A search warrant may be executed by any law enforcement officer, including the Attorney General or county prosecutor or sheriff or members of their staffs. The warrant must be executed within 10 days after its issuance and within the hours fixed therein by the judge issuing it, unless for good cause shown the warrant provides for its execution at any time of day or night. The officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property is taken. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made and verified by the officer executing the warrant in the presence of the person from whom or from whose premises the property is taken or, if such person is not present, in the presence of some other person. It shall be the responsibility of the executing law enforcement agency to ensure that the executed search warrant, inventory, and any other accompanying documents are included in the Judiciary's computerized system within 14 days of execution. The [judge] executing law enforcement agency shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken [and to the applicant for the warrant].

(b) Duplicate Search Warrant. If a duplicate original search warrant issued telephonically pursuant to R. 3:5-3(c) has been executed, the person who executed the warrant shall enter the exact time of its execution on its face. If a [tape or stenographic record] recording of the oral testimony has been made, the [judge shall require the applicant to sign a transcript of that record. The] executing law enforcement agency shall be responsible to retain the recording. In all other respects, execution and return of the duplicate original search warrant shall be that required by paragraph (a) of this rule.

Note: Source--R.R. 3:2A-4; former rule redesignated as paragraph (a) and paragraph (b) adopted July 26, 1984 to be effective September 10, 1984; paragraphs (a) and (b) amended and captions added July 30, 2021 to be effective October 1, 2021.

3:5-6. Records; [Filing;] Confidentiality

(a) In General. Except as provided in paragraph [subsection] (b), the applicant [judge who issued the warrant] shall [attach thereto] include the return, inventory, and all other papers in connection therewith, including the affidavits, certification, and [a] any transcript or summary of any oral testimony, if available, and, where applicable, a duplicate original search warrant in the Judiciary's computerized system [, and shall file them with the criminal division manager's office of the county wherein the property was seized]. When a recording [tape or stenographic record] has been made, it shall [also] be [filed by the judge] retained by the executing law enforcement agency.

(b) Subsequent Applications Related to Electronic Communications. In the event a search warrant is issued based in whole or in part on oral, wire, or electronic communications authorized by a wiretap judge under the provisions of the New Jersey Wiretapping and Electronic Surveillance Control Act, N.J.S.A. 2A:156A-1 et seq., [the judge who issued the warrant shall file only with the wiretap judge the application for the search warrant and all other affidavits, documents and exhibits submitted in connection therewith, as well as any tape or stenographic record of oral testimony taken by the wiretap judge. The] the executing law enforcement agency [judge who issued the warrant] shall file a notice of such application [filing] with the wiretap judge [, as aforesaid, together

with the warrant and, where applicable, a duplicate original search warrant and inventory with the criminal division manager's office of the county wherein the property was seized].

(c) Discovery. All warrants that have been completely executed and the papers accompanying them, including the affidavits, certification, transcript or summary of any oral testimony, duplicate original search warrant, return and inventory, and any original [tape or stenographic] recording, shall be confidential, except that the warrant and accompanying papers shall be provided to the defendant in discovery pursuant to R. 3:13-3 and available for inspection and copying by any person claiming to be aggrieved by an unlawful search and seizure on [upon] notice to the county prosecutor for good cause shown.

Note: Source--R.R. 3:2A-5, 3:2A-9 (second paragraph). Amended June 29, 1973 to be effective September 10, 1973; amended July 26, 1984 to be effective September 10, 1984; paragraph designations and text of paragraph (b) adopted and paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (b) amended July 13, 1994, paragraph (c) amended December 9, 1994, to be effective January 1, 1995; paragraph (b) amended June 28, 1996 to be effective September 1, 1996; caption amended and paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended December 4, 2012 to be effective January 1, 2013; caption amended, and paragraphs (a), (b) and (c) amended and captions added July 30, 2021 to be effective October 1, 2021.

3:6-6. Who May Be Present at Session and Deliberations; Record and Transcript

(a) Attendance at Session. No person, other than the jurors, the prosecuting attorney, the clerk of the grand jury, the witness under examination, interpreters when needed and, for the purpose of recording the proceedings, a stenographer or operator of a recording device, may be present while the grand jury is in session. However, if necessary because of the complexity of the matter, and with the approval of the Assignment Judge or designated judge, assistants employed by the prosecutor's office may be present to assist the prosecuting attorney.

(b) Attendance at Deliberations.

(1) No person other than the jurors [ , the clerk, the prosecuting attorney and the stenographer or operator of the recording device] and any sign interpreter or other person assisting a hearing- or visually-impaired juror may be present while the grand jury is deliberating. [The grand jury, however, may request either (1) the prosecuting attorney and the stenographer or operator or (2) the clerk to leave the jury room during its deliberations.]

(2) The clerk shall not be present during deliberations but shall return to record the vote of the grand jury.

(3) During deliberations, if the grand jury has a question for the prosecutor or would like to hear additional testimony, any inquiry, comments, or testimony shall be recorded and shall take place in the presence of the clerk of the grand jury

and a stenographer, or operator of a recording device, as well as any interpreter or assistant as described in paragraph (b)(1), if necessary.

[(b)] (c) Record; Transcript. A stenographic record or sound recording shall be made of all testimony of witnesses, comments by the prosecuting attorney, and colloquy between the prosecuting attorney and witnesses or members of the grand jury, before the grand jury.

When a digital sound recording of the grand jury proceedings has been made, after an indictment has been returned and if the indictment is not sealed, the court shall furnish or make available a copy of the grand jury proceedings to the parties on compact disk or by other electronic means. After an indictment has been returned, at the request of the defendant, a transcript of the grand jury proceedings (including the session as described in paragraph (a) and any inquiry, comments, and testimony as described in paragraph (b)(3)) shall be made. The request shall designate the portion or portions of the proceedings to be transcribed and the person or persons to whom the transcript is to be furnished. A copy of the request for a transcript will be served contemporaneously by the defendant upon the prosecutor, who may move for a protective order pursuant to R. 3:13-3(e). The prosecutor may request a copy of the transcript at any time.

[(c)] (d) Retention of Records. ... no change

Note: Source-R.R. 3:3-6(a)(b)(c); paragraphs (a) and (b) amended July 15, 1982 to be effective September 13, 1982; paragraph (b) amended and second paragraph added to paragraph (b) July 13, 1994, new text in paragraph (b) amended December 9, 1994, to be effective January 1, 1995; paragraph (c) amended July 5, 2000 to be effective September 5, 2000; paragraph (b) amended July 21, 2011 to be effective September 1, 2011; paragraph (b) amended December 4, 2012 to be effective January 1, 2013; caption amended, paragraph (a) redesignated as paragraphs (a) and (b), new paragraph (a) amended, new paragraph (b) caption added and text amended, former paragraph (b) redesignated as paragraph (c) and amended, former paragraph (c) redesignated as paragraph (d) July 30, 2021 to be effective September 1, 2021.

3:9-1. Post-Indictment Procedure; Arraignment; Meet and Confer; Plea Offer; Conferences; Pretrial Hearings; Pretrial Conference

(a) Post-Indictment Procedure. When an indictment is returned, or an indictment sealed pursuant to R. 3:6-8 is unsealed, a copy of the indictment, together with all available discovery as provided for in R. 3:13-3(b)(1) for each defendant named therein, shall be [either delivered to the criminal division manager's office, or be available through] provided by the prosecutor's office. If a plea offer is tendered, it must be in writing and should be included in the discovery package. Upon the return or unsealing of the indictment, the defendant shall be notified in writing by the criminal division manager's office of the date, time, and location to appear for arraignment, which shall occur within 14 days of the return or unsealing of the indictment. The criminal division manager's office shall ascertain whether the defendant is represented by counsel and that an appearance has been filed pursuant to Rule 3:8-1. Upon receipt of the indictment by the criminal division manager's office, counsel for the defendant shall immediately be notified electronically of the return or unsealing of the indictment and the date, time, and location of the arraignment. If the defendant is unrepresented, the criminal division manager's office shall ascertain whether the defendant has completed an application form for public defender services and the status of that application.

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

Note: Source -- R.R. 3:5-1. Paragraph (b) deleted and new paragraph (b) adopted July 7, 1971, to be effective September 13, 1971; paragraph (b) amended July 29, 1977 to be effective September 6, 1977; paragraph (a) amended and paragraph (b) deleted July 21, 1980 to be effective September 8, 1980; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; first three sentences of former paragraph (a) amended and redesignated paragraph (c), last sentence of former paragraph (a) amended and moved to new paragraph (e), new paragraphs (a), (b), (d) and (e) adopted July 13, 1994 to be effective January 1, 1995; paragraph (e) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 16, 2009 to be effective September 1, 2009; caption, paragraph (a), paragraph (b) caption and text, and paragraph (c) amended December 4, 2012 to be effective January 1, 2013; caption amended, paragraph (a) caption and text amended, former paragraph (b) amended and redesignated as paragraph (c), former paragraph (c) caption and text amended and redesignated as paragraph (b), paragraph (d) amended, new paragraph (e) added, and former paragraph (e) amended and redesignated as paragraph (f) April 12, 2016 to be effective May 20, 2016; paragraphs (b) and (c) amended, former paragraph (d) amended and redesignated as paragraph (e), former paragraph (e) caption and text amended and redesignated as paragraph (d), and paragraph (f) amended August 1, 2016 to be effective September 1, 2016; paragraph (a) amended July 30, 2021 to be effective September 1, 2021.

3:13-3. Discovery and Inspection

(a) ... no change

(b) Post-Indictment Discovery.

(1) Discovery by the Defendant. Except for good cause shown, the prosecutor's discovery for each defendant named in the indictment shall be [delivered to the criminal division manager's office, or shall be available through] provided by the prosecutor's office [,] upon the return or unsealing of the indictment. Good cause shall include, but is not limited to, circumstances in which the nature, format, manner of collation, or volume of discoverable materials would involve an extraordinary expenditure of time and effort to copy. In such circumstances, the prosecutor may make discovery available by permitting defense counsel to inspect and copy or photograph discoverable materials at the prosecutor's office, rather than by copying and delivering such materials. The prosecutor shall also provide defense counsel with a listing of the materials that have been supplied in discovery. If any discoverable materials known to the prosecutor have not been supplied, the prosecutor shall also provide defense counsel with a listing of the materials that are missing and explain why they have not been supplied.

If the defendant is represented by the public defender, defendant's attorney shall obtain a copy of the discovery from the prosecutor's office [or the criminal division manager's office] prior to the arraignment. However, if the defendant has

retained private counsel, upon written request of counsel submitted along with a copy of counsel's entry of appearance and received by the prosecutor's office prior to the date of the arraignment, the prosecutor shall, within three business days, send the discovery to defense counsel either by U.S. mail at the defendant's cost or by e-mail without charge, with the manner of transmittal at the prosecutor's discretion. [Defense counsel shall simultaneously send a copy of the request for mail or e-mail discovery to the criminal division manager's office.]

A defendant who does not seek discovery from the State shall so notify [the criminal division manager's office and] the prosecutor, and the defendant need not provide discovery to the State pursuant to sections (b)(2) or (f), except as required by R. 3:12-1 or otherwise required by law.

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

(A) through (J) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

Note: Source--R.R. 3:5-11(a) (b) (c) (d) (e) (f) (g) (h). Paragraphs (b) (c) (f) and (h) deleted; paragraph (a) amended and paragraphs (d) (e) (g) and (i) amended and redesignated June 29, 1973 to be effective September 10, 1973. Paragraph (b)

amended July 17, 1975 to be effective September 8, 1975; paragraph (a) amended July 15, 1982 to be effective September 13, 1982; paragraphs (a) and (b) amended July 22, 1983, to be effective September 12, 1983; new paragraphs (a) and (b) added, former paragraphs (a), (b), (c), (d) and (f) amended and redesignated paragraphs (c), (d), (e), (f) and (g) respectively and former paragraph (e) deleted July 13, 1994 to be effective January 1, 1995; rule redesignation of July 13, 1994 eliminated December 9, 1994, to be effective January 1, 1995; paragraphs (c)(6) and (d)(3) amended June 15, 2007 to be effective September 1, 2007; subparagraph (f)(1) amended July 21, 2011 to be effective September 1, 2011; new subparagraph (c)(10) adopted July 19, 2012 to be effective September 4, 2012; paragraph (a) amended, paragraph (b) text deleted, paragraph (c) amended and renumbered as paragraph (b)(1), paragraph (d) amended and renumbered as paragraph (b)(2), new paragraphs (b)(3) and (c) adopted, paragraphs (e) and (f) renumbered as paragraphs (d) and (e), paragraph (g) amended and renumbered as paragraph (f) December 4, 2012 to be effective January 1, 2013; paragraph (b)(1)(I) amended July 27, 2015 to be effective September 1, 2015; paragraph (b) amended April 12, 2016 to be effective May 20, 2016; paragraph (c) amended August 1, 2016 to be effective September 1, 2016; subparagraph (b)(1) amended July 30, 2021 to be effective September 1, 2021.

3:14-4. Order for Change of Venue; Costs

If a change of venue is ordered, the criminal division manager's office in which the complaint-warrant or complaint-summons, indictment, or accusation is pending shall notify [transmit to] the criminal division manager's office in the county to which the matter is transferred [all papers filed therein or duplicates thereof], and the prosecution shall continue in that county. [The costs of trial shall be certified to the Assignment Judge of the county in which the indictment was found or the accusation was filed.]

Note: Source--R.R. 3:6-2(d); amended July 13, 1994 to be effective January 1, 1995; amended July 30, 2021 to be effective September 1, 2021.

3:21-4. Sentence

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) Sentence Pursuant to Negotiated Disposition under N.J.S.A. 2C:35-12,

Where the defendant is pleading guilty pursuant to a negotiated disposition governed by N.J.S.A. 2C:35-12, and, as part of that negotiated disposition, the prosecutor has agreed not to file a motion for a mandatory extended-term sentence under N.J.S.A. 2C:43-6(f), the prosecutor shall represent to the court, on the record at the time of the guilty plea, that (1) the plea is pursuant to N.J.S.A. 2C:35-12, (2) the defendant would ordinarily be eligible for a mandatory extended-term sentence under N.J.S.A. 2C:43-6(f), and (3) the State is waiving the extended-term sentence in exchange for the defendant's guilty plea. The parties shall also record this information on the plea form. If the defendant disputes the prosecutor's representation that defendant is eligible for a mandatory extended-term sentence under N.J.S.A. 2C:43-6(f), the court shall hold a hearing at which the State shall have the burden to prove the defendant's eligibility for such a sentence by a preponderance of the evidence.

(g) [(f)] Sentence Pursuant to N.J.S.A. 2C:43-7.1, 2C:43-7.2, or 2C:44-5.1.

... no change

(h) [(g)] Reasons for Sentence. ... no change

(i) [(h)] Notification of Right to Appeal and to File Petitions for Post-

Conviction Relief. ... no change

(j) [(i)] Sentence Imposed Pursuant to N.J.S.A. 2C:44-1(f)(2). ... no change

(k) [(j)] Statement of Estimated Real Time to Be Served. ... no change

Note: Source -- R.R. 3:7-10(d). Paragraph (f) amended September 13, 1971, paragraph (c) deleted and paragraphs (d), (e) and (f) redesignated as (c), (d) and (e) July 14, 1972 to be effective September 5, 1972; paragraph (e) adopted and former paragraph (e) redesignated as (f) August 27, 1974 to be effective September 9, 1974; paragraph (b) amended July 17, 1975 to be effective September 8, 1975; paragraphs (d) and (e) amended August 28, 1979 to be effective September 1, 1979; paragraph (d) amended December 26, 1979 to be effective January 1, 1980; paragraph (g) adopted July 26, 1984 to be effective September 10, 1984; paragraph (d) caption and text amended November 5, 1986 to be effective January 1, 1987; paragraph (d) amended November 2, 1987 to be effective January 1, 1988; paragraph (d) amended January 5, 1988 to be effective February 1, 1988; new paragraph (c) adopted and former paragraphs (c), (d), (e), (f), and (g) redesignated (d), (e), (f), (g), and (h) respectively June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 14, 1992 to be effective September 1, 1992; paragraph (i) adopted April 21, 1994 to be effective June 1, 1994; paragraphs (b), (e), (f) and (g) amended July 13, 1994 to be effective January 1, 1995; former paragraphs (f), (g), (h), and (i) redesignated as paragraphs (g), (h), (i), and (j) and new paragraph (f) adopted July 10, 1998 to be effective September 1, 1998; paragraph (j) amended July 5, 2000 to be effective September 5, 2000; paragraph (e) caption and text amended, and paragraph (f) amended June 15, 2007 to be effective September 1, 2007; paragraph (h) caption and text amended July 16, 2009 to be effective September 1, 2009; paragraph (g) amended July 21, 2011 to be effective September 1, 2011; paragraph (a) caption and text amended August 30, 2016 to be effective January 1, 2017; paragraph (a) amended July 29, 2019 to be

effective September 1, 2019; new paragraph (f) adopted, and former paragraphs (f), (g), (h), (i) and (j) redesignated as paragraphs (g), (h), (i), (j) and (k) July 30, 2021 to be effective September 1, 2021.

Rule 4:72-4. Hearing; Judgment; Filing

Except as otherwise provided in Rule 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 [from and after the time fixed therein, which shall be not less than 30 days from the entry thereof]. At the hearing, plaintiff must present adequate proof of plaintiff's [his or her] current name. Within 45 days after entry of judgment, a certified copy of the judgment shall be filed with the appropriate office within the Department of Treasury. If plaintiff has been convicted of a crime or if criminal charges are pending, the clerk shall mail a copy of the judgment to the State Bureau of Identification.

Note: Source – R.R. 4:91-4; amended July 24, 1978 to be effective September 11, 1978; amended July 11, 1979 to be effective September 10, 1979; amended July 22, 1983 to be effective September 12, 1983; amended July 14, 1992 to be effective September 1, 1992; amended July 13, 1994 to be effective September 1, 1994; amended June 20, 2003 to be effective immediately; amended August 1, 2016 to be effective September 1, 2016; amended July 27, 2018 to be effective September 1, 2018; caption and text amended November 17, 2020 to be effective immediately; amended July 30, 2021 to be effective September 1, 2021.

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

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

(1) Priority Track. . . . no change

(2) Complex Track. . . . no change

(3) Expedited Track. . . . no change

(4) Standard Track. . . . no change

(5) Arbitration [Track] Tracked Matters. At any point in a proceeding, pre- or post-judgment, the parties may agree to execute a Consent Order or Agreement to arbitrate or resolve the issues pending before the court pursuant to the Uniform Arbitration Act, N.J.S.A. 2A:23B-1[,] et seq., the New Jersey Alternative Procedure for Dispute Resolution Act, N.J.S.A. 2A:23A-1[,] et seq., or any other agreed upon framework for arbitration of disputes between and among parties to any proceeding arising from a family or family-type relationship except as provided in R. 5:1-5 (a)(1). If the parties elect to arbitrate, the litigation shall be assigned to the Arbitration Track, provided the parties have executed and filed with the court the Arbitration Questionnaire, which is set forth in Appendix XXIX-A, and the Arbitrator/Umpire Disclosure Form, which is set forth in Appendix

XXIX-D. Thereafter, the arbitration shall proceed pursuant to R. 5:1-5. [Issues not resolved in the arbitration shall be addressed in a separate mediation process or by the court after the disposition of the arbitration.]

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

(c) Track Reassignment. . . . no change

Note: Adopted January 21, 1999 to be effective April 5, 1999; paragraph (b) amended August 1, 2006 to be effective September 1, 2006; subparagraph (a)(3) amended July 21, 2011 to be effective September 1, 2011; subparagraph (a)(4) amended, new subparagraph (a)(5) adopted, and paragraphs (b) and (c) amended July 27, 2015 to be effective September 1, 2015; subparagraph (a)(5) amended July 29, 2019 to be effective September 1, 2019; subparagraph (a)(5) caption and text amended July 30, 2021 to be effective September 1, 2021.

5:1-5. Arbitration

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

(b) Prerequisites.

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

(2) The Arbitrator Disclosure Form. The Arbitrator/Umpire Disclosure Form, which is set forth in Appendix XXIX-D, shall be signed by the arbitrator/umpire, attached to the Agreement or Consent Order, and filed with the court. The parties must file the Arbitration Questionnaire, the Arbitrator Disclosure Form, and the Agreement or Consent Order before the case is placed on the arbitration track.

(3) Agreement or Consent Order. . . . no change

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

(c) Arbitration Track. Any action, pre- or post-judgment, pending at the time that an Agreement or Consent Order to arbitrate is reached shall be placed on the

Arbitration Track referenced in R. 5:1-4 for no more than one year following Arbitration Track assignment, which term may be extended by the court for good cause shown. Cases assigned to the Arbitration Track should be given scheduling consideration when fixing court appearances in other matters.

Note: Adopted July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended, new subparagraph (b)(2) adopted, subparagraphs (b)(2) and (b)(3) redesignated as subparagraphs (b)(3) and (b)(4) July 29, 2019 to be effective September 1, 2019; subparagraphs (b)(1) and (b)(2) amended, subparagraph (b)(4) deleted, and paragraph (c) amended July 30, 2021 to be effective September 1, 2021.

5:6-3. Hearing.

(a) Generally. The court shall hear and determine the matter in a summary manner on the return day fixed in the process unless it is adjourned by or with the consent of the court. If the plaintiff does not attend the hearing, the court may dismiss the complaint, adjourn the matter to a future date and renotify the parties or take other appropriate action. On its own or a party's motion on good cause shown the court may order that the matter proceed in a plenary manner as it shall direct.

(b) Referral of child support. In any case in which custody, parenting time, or child support is at issue, any child support issues in the case shall not be referred to a hearing officer unless approved by the Family Presiding Judge.

Note: Source-R. (1969) 5:3-2 (third sentence), 5:5-1(a), (c). Adopted December 20, 1983, to be effective December 31, 1983; text redesignated as paragraph (a) with caption added, and new paragraph (b) adopted July 30, 2021 to be effective September 1, 2021.

5:6-9. Termination of Child Support Obligations

(a) Duration of Support. In accordance with N.J.S.A. 2A:17-56.67 et seq., unless otherwise provided in a court order, judgment, or court-approved preexisting agreement, the obligation to pay current child support and provide medical support [including health care coverage,] shall terminate by operation of law when the child being supported:

(1) dies;

(2) marries;

(3) enters the military service; or

(4) reaches 19 years of age, except as otherwise provided [within] in this rule or applicable statute. [In no case shall a child support obligation extend beyond the date the child reaches the age of 23.]

(b) Termination of Obligation in Cases Administered by the Probation Division.

(1) Notices of Proposed Termination. . . . no change

(2) Written Request for Continuation. In response to the notice prescribed in [section] subparagraph (b)(1), the obligee may submit to the court a written request for continuation, on a form and within timeframes promulgated by the Administrative Office of the Courts, with supporting documentation and a future

termination date, seeking the continuation of support beyond the child's nineteenth birthday if the child being supported:

(A) is still enrolled in high school or other secondary educational program;

(B) is enrolled full-time in a post-secondary educational program; or

(C) has a physical or mental disability as determined by a federal or state agency or court order that existed prior to the child reaching the age of 19 and that requires continued support.

(3) Review of Written Request for Continuation. . . .no change

(4) No Response to Notice of Proposed Termination. . . .no change.

(5) Motion or Application. . . .no change.

(6) Arrears Remain Due and Enforceable. . . .no change.

(7) Notice of Termination. . . .no change.

(8) Unallocated Orders . . .no change

(9) Allocated Orders . . .no change

(c) Termination or Continuation of Child Support Obligations Not

Administered by the Probation Division. . . .no change

(d) Other Reasons for Termination of Child Support Obligations. . . . no change.

(e) Emancipation. . . .no change.

(f) Support for Children in Out-of-Home Placement through the Division of Child Protection and Permanency. . . no change.

(g) Support for a Child Beyond 23 Years of Age. Pursuant to N.J.S.A. 2A:17-56.14, N.J.S.A. 2A:17-56.67 et seq., and N.J.S.A. 2A:34-23:

(1) A parent, or a child, may apply to the court for an order continuing the child support obligation, as well as the continuation of Title IV-D services, for a child with a severe physical or mental incapacity that causes the child to be financially dependent on a parent. The parental obligation to provide support for the child shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent. In such cases, if the court order so provides, the Probation Division shall be required to provide full Title IV-D monitoring and enforcement services until further order of the court.

(2) In cases where a child is over the age of 23 and has not established a Title IV-D case through the Probation Division, the obligor or obligee may apply for limited non-IV-D monitoring only services through the Probation Division, pursuant to the provisions of N.J.S.A. 2A:17-56.14 and R. 5:7-11. The Probation Division shall not be required to provide full Title IV-D enforcement services for such cases.

[(g)] (h) Financial Maintenance for a Child Beyond 23 Years of Age.

Pursuant to N.J.S.A. [2A:34-23, N.J.S.A.] 2A:17-56.67 et seq. [,] and N.J.S.A.

2A:34-23 [, and related case law]:

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) . . . no change

[(h)] (i) Foreign Orders or Judgments. . . .no change

Note: Adopted July 28, 2017 to be effective September 1, 2017; paragraph (a) amended, subparagraph (b)(2) amended, paragraph (g) amended and redesignated as paragraph (h), paragraph (h) redesignated as paragraph (i), and new paragraph (g) adopted July 31, 2021 to be effective September 1, 2021.

5:7-4A. Income Withholding for Child Support: Notices

(a) Immediate Income Withholding. . . .no change.

(b) Initiated Income Withholding. . . .no change.

(c) Rules Applicable to All Withholdings. . . .no change.

(d) All Notices Applicable to All Orders and Judgments that Include Child

Support Provisions. The judgment or order shall include notices stating:

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) . . . no change

(5) the driver's license held or applied for by the obligor may be denied, suspended, or revoked if (i) a child support arrearage accumulates that is equal to or exceeds the amount of child support payable for six months, or (ii) the obligor fails to provide health care coverage for the child as ordered by the court within six months, or (iii) the court issues a warrant for the obligor's arrest for failure to pay child support as ordered, or (iv) the obligor fails to appear at a hearing to establish paternity or child support, or (v) the obligor fails to appear at a child support hearing to enforce a child support order and said warrant remains outstanding;

[(6) the driver's license held or applied for by the obligor shall be denied, suspended, or revoked if the court issues a warrant for the obligor's arrest for

failure to pay child support as ordered, or for failure to appear at a hearing to establish paternity or child support, or for failure to appear at a child support hearing to enforce a child support order and said warrant remains outstanding;]

(6) [(7)] the amount of child support and/or the addition of a health care coverage provision in Title IV-D cases shall be subject to review, at least once every three years, on written request by either party to the State IV-D agency or designee [Division of Family Development, P.O. Box 716, Trenton, NJ 08625-0716] and adjusted by the court, as appropriate, or upon application to the court;

(7) [(8)] after a judgment or order is entered and a probation support account has been established, the obligee and the obligor [parties] are required to notify the appropriate Probation Division of any change of employer, address, [or] health care coverage provider, or a change in the status of the children within 10 days of the change and that failure to provide such information shall be considered a violation of the order;

(8) [(9)] in accordance with N.J.S.A. 2A:34-23b, the obligee [custodial parent] may require the obligor's [non-custodial parent's] health care coverage provider to make payments directly to the health care provider by submitting a copy of the relevant sections of the order to the insurer; and

(9) [(10)] Social Security numbers are collected and used in accordance with section 205 of the Social Security Act (42 U.S.C.A. §405), that disclosure of an

individual's Social Security number for Title IV-D purposes is mandatory, that Social Security numbers are used to obtain income, employment, and benefit information on individuals through computer matching programs with federal and state agencies, and that such information is used to establish and enforce child support under Title IV-D of the Social Security Act (42 U.S.C.A. § 651 et seq.) [; and] .

[(11) after a judgment or order is entered and a probation support account has been established, the obligee and the obligor shall notify the appropriate Probation Division of any change of employer, health insurance provider, or address and the obligee and obligor shall notify the Probation Division of a change of address or a change in the status of the children as may be required in the order or judgment within ten days of the change, and any judgment or order that includes alimony, maintenance, or child support shall so provide. Failure to provide information as to change of employer, health insurance provider, address, or status of the children shall be considered a violation of the order].

Note: Former R. 5:7-5(b) redesignated as R. 5:7-4A(a), former R. 5:7-5(c) redesignated as R. 5:7-4A(b), former R. 5:7-5(d) redesignated as R. 5:7-4A(c), former R. 5:7-4(f) redesignated as R. 5:7-4A(d) July 27, 2015 to be effective September 1, 2015; subparagraph (a)(3) amended July 28, 2017 to be effective September 1, 2017; subparagraph (d)(5) amended, subparagraph (d)(6) deleted, subparagraphs (d)(7) (d)(8) (d)(9) amended and redesignated as subparagraphs (d)(6) (d)(7) (d)(8), subparagraph (d)(10) redesignated as subparagraph (d)(9), and subparagraph (d)(11) deleted July 30, 2021 to be effective September 1, 2021.

5:7-5. Failure to Pay; Enforcement by the Court or a Party; Suspension and Revocation of Licenses for Failure to Support Dependents; Execution of Assets for Child Support; Child Support Judgments and Post-Judgment Interest

(a) Application for Relief in Aid of Litigant's Rights. . . .no change

(b) Suspension and Revocation of Licenses for Failure to Support

Dependents

(1) Driver's License, Recreation Activity License, Professional License.

Pursuant to N.J.S.A. 2A:17-56.41 [, a child support obligor's driver's license shall be suspended by operation of law upon the issuance of a child support-related warrant. Pursuant to N.J.S.A. 2A:17-56.41] to -56.52, an obligor's licenses to drive, participate in recreational activities, or to practice licensed occupations may be denied, suspended, or revoked after notice and a hearing if:

(A) child support arrears equal or exceed the amount payable for six months;

or

(B) court-ordered health care coverage for a child is not provided for six months; or

(C) the obligor fails to respond to a subpoena relating to a paternity or child support action; or

(D) a warrant for the obligor's arrest has been issued by the court due to the:

(i) failure to pay child support as ordered,

(ii) failure to appear at a hearing to establish paternity or child support, or

(iii) failure to appear at a child support hearing to enforce a child support order.

(2) License to Practice Law. . . no change

(3) Transmittal of Order Suspending or Revoking License. . . no change

(4) Term of Suspension/Restoration of License. . . no change

(c) Execution on Assets to Collect Alimony and Child Support. . . no change

(d) Child Support Judgments and Post-Judgment Interest. . . no change

Note: Source - R. (1969) 4:79-9(b)(1), (2) (3). Adopted December 20, 1983 to be effective December 31, 1983; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended July 13, 1994, to be effective August 1, 1994; paragraphs (b), (c) and (d) amended July 13, 1994 to be effective September 1, 1994; caption amended, paragraph (e) adopted March 15, 1996, to be effective immediately; caption amended, paragraphs (a) and (d) amended, and paragraphs (f) and (g) adopted June 28, 1996, to be effective immediately; paragraphs (b), (c), and (e) amended May 25, 1999 to be effective July 1, 1999; paragraph (a) caption and text, and paragraphs (e)(1), (e)(3), and (e)(7) amended June 15, 2007 to be effective September 1, 2007; paragraph (f) amended July 19, 2012 to be effective September 4, 2012; caption amended, paragraph (a) amended, new paragraph (b) adopted, former paragraphs (b), (c) and (d) deleted and redesignated as paragraphs (a), (b) and (c) in new R. 5:7-4A, paragraph (e) deleted, former subparagraph (e)(5) amended and redesignated as new subparagraph (b)(3), former subparagraph (e)(7) redesignated as new subparagraph (b)(4), former paragraph (f) redesignated as paragraph (c), and former paragraph (g) redesignated as paragraph (d) July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended July 30, 2021 to be effective September 1, 2021.

### 5:7-10. Suspension of Child Support Orders

(a) Applicability. This rule is applicable to all orders and judgments that include child support provisions. [“Suspension of enforcement” of a provision of an order means that judicial enforcement of such provision of an order means that judicial enforcement of such provision temporarily ceases until further order of court. Except as provided by law, the trial court, in its discretion, may enter an order: (1) temporarily suspending enforcement of provisions of an existing child support order; tis references only judicial enforcement, meaning that no bench warrants will issue, the case will not be listed for enforcement action, and no relief to litigant proceedings under R. 1:10-3 will be instituted until further order of the court; or (2) temporarily suspending specifically identified enforcement mechanisms, such as judicial enforcement and income withholding, of provisions of an existing child support order; or (3) temporarily suspending all support provisions of an existing order, including the charging and enforcement of current support and enforcement of past due obligations, until further order of the court; or (4) temporarily suspending the current support obligation only, but allowing enforcement of past due obligations to continue until further order of court.]

(b) Definitions. (1) “Suspension of judicial enforcement” means that no bench warrant will issue, the case will not be listed for enforcement action, and no relief to litigant proceedings will be instituted by the Probation Division for the

child support provision of an order until further order of the court. (2) “Suspension of administrative enforcement” means that no automatic judgment shall be entered, and no state tax return, federal tax return, Financial Institution Data Match, lottery winnings or Child Support Network shall be subject to offset or interception by the state IV-D agency or its designee until further order of the court. (3) “Suspension of all obligations” means the temporary suspension of all support provisions of an existing support order, including the charging and enforcement of current support and enforcement of past due obligations, until further order of the court. (4) “Suspension of current obligation only” means the temporary suspension of the current support obligation only but allowing enforcement of past due obligations to continue until further order of the court. The circumstances that warrant the suspension of child support obligations generally involve uncertainty about a fact necessary for modifying an existing child support award, such as an incarcerated parent’s ability to repay arrears upon release, custody disputes, overpayments, arrears disputes, applications for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI), and misrepresentation or material mistake of fact.

[(b)] (c) Scope. [Orders entered by the court under this rule that contain provisions for suspension of enforcement, shall not be scheduled for enforcement hearings, no bench warrants shall issue, and no relief to the litigant proceeding

under R. 1:10-3 shall be instituted until further order of the court. Unless otherwise specified in the order, all other enforcement remedies, including, but not limited to, income withholding, automatic entry of judgments, tax offset, license suspension, credit agency reporting, Financial Institution Data Match (FIDM), lottery intercepts, passport denial, and Child Support Lien Network (CSLN) intercepts, shall continue unless the court directs otherwise.]

(1) Discretionary Temporary Suspension of Enforcement, Remedies, Obligations. Except as provided by law and these Rules, the trial court, in its discretion, may enter an order: (i) temporarily suspending judicial enforcement or administrative enforcement of an existing child support provision in an order; (ii) temporarily suspending specifically identified judicial or administrative enforcement remedies in an existing child support provision of an order; (iii) temporarily suspending all obligations; or (iv) temporarily suspending the current support obligation only.

(2) Passports. Child support related restrictions, or the lifting of such restrictions, on passports are administrative remedies under the exclusive jurisdiction of the federal government. (i) Cases that meet the federally established criteria for the child support related denial, suspension, or revocation of a passport shall be submitted by the state IV-D agency or its designee to the Secretary of the U.S. Department of Health and Human Services; (ii) Notice to the obligor of the

intent to deny, suspend, or revoke a passport that includes instructions regarding the obligor's right to contest the passport restriction shall be provided by the state IV-D agency or its designee; (iii) Requests to contest the passport restriction are handled by the state IV-D agency or its designee in concert with the federal government; (iv) Motions or applications for the denial or reinstatement of passport privileges as a child support enforcement remedy shall be denied and the obligor directed to pursue administrative remedies through the state IV-D agency or its designee.

(3) Credit Bureau Reporting. The reporting of child support arrears to credit bureaus is an enforcement remedy administered by the state IV-D agency or its designee on cases that meet the state-established eligibility criteria for such reporting. (i) Notice to the obligor of the intent to report child support arrears to credit bureaus that includes instructions regarding the obligor's right to contest the reporting, shall be provided by the IV-D agency or its designee; (ii) Requests to contest the credit bureau reporting are handled by the state IV-D agency or its designee in concert with the Probation Division; (iii) Motions or applications for the exemption or deletion of credit bureau reporting due to child support arrears as a child support enforcement remedy shall be denied and the obligor directed to pursue his or her administrative remedies through the IV-D agency or its designee.

[(c)] (d) Review. [The court shall review suspension provisions of the order

60 days from the date of the order, and every 60 days thereafter, unless the court directs otherwise.] (1) A child support case under the supervision of the Probation Division with an order that contains a suspension of enforcement provision shall be reviewed [listed] by Probation [for a hearing] every [60] 90 days. (2) [if] If there has been no activity on the case during the period of suspension, the Probation Division shall list the case for a hearing, as appropriate, unless the court directs otherwise.

Note: Adopted June 15, 2007 to be effective September 1, 2007; paragraph (a) amended, new paragraph (b) adopted, former paragraph (b) redesignated as paragraph (c) and text replaced, former paragraph (c) redesignated as paragraph (d) and amended July 30, 2021 to be effective September 1, 2021.

5:10-1. Venue

An action for the adoption of a child [,] shall be brought [or the venue laid in the county where the plaintiff is domiciled, except that if the child to be adopted is in the custody and control of an approved agency, the action may be brought or the venue laid in the county in which such approved agency has an office.] in the county in which the prospective parent resides, or in the county where the child resided immediately prior to placement for adoption, or, if the child is less than three months of age, in the county in which the child was born; except that whenever the child to be adopted has been received into the home of a prospective parent from an approved agency, the action may be instituted in the Superior Court, Chancery Division, Family Part of the county in which the approved agency has an office. For placements by the Division of Child Protection and Permanency, which is an approved agency, the office shall be deemed to be in the county where parental rights were terminated.

Note: Source-R. (1969) 4:94-1(a). Adopted December 20, 1983, to be effective December 31, 1983; amended July 30, 2021 to be effective September 1, 2021.

5:10-4. Surrogate Action

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

(b) Jurisdiction.

(1) . . . no change

(2) . . . no change

(3) In private placement adoptions, [Upon] the court shall assign a date [fixing a day] for the preliminary or final hearing [in private placement adoptions, the]. The Surrogate shall attach [append] to the court's order a form promulgated by the Administrative Director of the Courts for [informing the child's] parents in an adoption proceeding that informs the child's parents whose parental rights are subject to [a] termination [proceeding of the procedure] how to object to the adoption, [the] as to their right to legal counsel, and how to apply for a court-appointed attorney. The signed order and form shall be returned to the plaintiff for service of the [form and] notice of the hearing [on the child's parents whose parental rights are subject to a termination proceeding] pursuant to N.J.S.A. 9:3-45, and for service of the appropriate form on the child's parents. Service of the form on the child's parent whose rights are not being terminated shall not be required.

(4) . . . no change

Note: Source - R. (1969) 4:94-3. Adopted December 20, 1983, to be effective December 31, 1983; caption amended, former text redesignated as paragraph (b),

paragraph (b) caption adopted, paragraph (b) amended, and new paragraph (a) adopted July 21, 2011 to be effective September 1, 2011; former subparagraph (b)(3) redesignated as subparagraph (b)(4) and new subparagraph (b)(3) adopted May 30, 2017 to be effective immediately; subparagraph (b)(3) amended July 29, 2019 to be effective September 1, 2019; subparagraph (b)(3) amended July 30, 2021 to be effective September 1, 2021.

5:10-17. Co-Parent Adoption Complaints [new]

(a) Verification of Complaint. The complaint shall be verified by both the child's co-parent, as defined in N.J.S.A. 9:17-70, and the person treated in State law as the child's legal parent, as defined in N.J.S.A. 9:17-70.

(b) Venue. The complaint shall be filed in the county of residence of the co-parent or of the legal parent.

(c) Contents of Complaint. The complaint shall state all of the following:

(1) The name and address of the co-parent seeking to adopt as it appears on the child's birth certificate;

(2) The name and address of the legal parent of the child as it appears on the child's birth certificate;

(3) The name, birthdate, place of birth, and primary residential address of the child to be adopted;

(4) The nature of the relationship between the co-parent and the legal parent at the time of the birth of the child. If the co-parent is currently married or a partner in civil union to a third party, the name of the co-parent's current spouse or partner in the civil union;

(5) The facts surrounding the conception of the child, identifying any other involved parties who may have parental rights with respect to the child; and

(6) A statement as to whether the child is subject to the Indian Child Welfare Act pursuant to R. 5:10-6.

(d) Documents to be Filed with the Complaint. The following documents shall be attached to the complaint:

(1) A certified marriage or civil union certificate issued prior to the child's birth, or a copy certified to be true by an attorney licensed to practice law in this state;

(2) A certified copy of the child's birth certificate on which both the co-parent and the legal parent are named, or a copy certified to be true by an attorney licensed to practice law in this state;

(3) If the parties are no longer married or in a civil union, proof of the dissolution of the marriage or civil union;

(4) If the adopting co-parent is currently married or a partner in civil union to a third party, the verified consent of that third party to the adoption;

(5) An affidavit or certification signed by both the co-parent and the legal parent describing how the child was conceived and identifying any other involved parties to the conception. The parties may attach proof from a medical doctor with respect to any insemination or other fertility procedure;

(6) A form of Final Judgment of Adoption; and

(7) A Report of Adoption, only if an amendment to the birth certificate is requested.

(e) Home Study or Background Check or Affidavit of Non-Military Service.  
No home study, background check, or Affidavit of Non-Military Service is required when filing a complaint.

(f) Surrogate Action on the Complaint.

(1) Prior to docketing the complaint, the Surrogate shall review the complaint to ensure the proper venue is laid in accordance with paragraph (b) of this Rule, and that it contains the contents and documents required under paragraphs (c) and (d) of this Rule.

(2) If the complaint is deemed incomplete, the court shall order the parties to file an amended complaint or shall dismiss the complaint without prejudice, as the situation requires.

(3) Upon determining that the complaint is complete and ready to be filed, a date shall be fixed for final hearing not later than ten days after filing. The Surrogate shall provide the entire adoption file to the court for review no later than five days before the final hearing date.

(g) Notice Requirements. There shall be no requirement to serve either a notice of hearing or the court-promulgated form entitled "Parental Rights in an Adoption Proceeding (Non-Agency Placement)" on the legal parent.

(h) Final Hearing.

(1) If the court determines that the parental rights of any other interested party have been relinquished or terminated, it shall issue a judgment of adoption confirming both parties to the action as legal parents of the child, without need for an appearance by the parties.

(2) If the court determines that another individual may have existing parental rights to the child, it shall order and conduct a hearing on the matter, providing notice to all parties, before issuing a judgment of adoption.

Note: Adopted July 30, 2021 to be effective September 1, 2021.

5:12-3. Discovery

All relevant reports of the Division of Child Protection and Permanency and other reports of experts or other documents upon which the Division intends to rely shall be provided to the court, [and] to counsel for all parties, and to any self-represented party on the first return date of the Order to Show Cause, if then available, or as soon as practicable after they become available. The Division's case file shall also be available for inspection to the attorneys for the parties without court order. All other discovery by any party shall be permitted only by leave of court for good cause shown.

Note: Source-R. (1969) 5:7A-3. Adopted December 20, 1983, to be effective December 31, 1983; amended June 28, 1996 to be effective September 1, 1996; amended July 9, 2013 to be effective September 1, 2013; amended July 30, 2021 to be effective September 1, 2021.

5:20-2. Summons.

(a) Issuance. [If it appears from the complaint that there is probable cause to believe that a juvenile is delinquent and after review of the complaint by the court intake service it recommends court action, a summons shall issue to the juvenile and the juvenile's parents, guardians or custodian.] A summons may be issued on a complaint if the law enforcement officer who made the complaint issues the complaint-summons upon the law enforcement officer's finding of probable cause. This shall be done without the necessity of a judicial officer making the probable cause finding to issue the complaint. Once the complaint-summons is filed with the court, a law enforcement officer shall within five days of filing of the complaint-summons personally serve the complaint-summons on the juvenile and the parent, guardian, or custodian without taking the juvenile into custody. After expeditious review of the complaint-summons by the court intake service, a notice of proceeding date and time shall issue to the juvenile and the juvenile's parent, guardian or custodian.

(b) Form. . . . no change

(c) Service. . . . no change

Note: Source-R.R. (1969) 5:8-4(a)(b)(c); 5:8-5(a)(b). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a), (b) and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 30, 2021 to be effective September 1, 2021.

5:21-3. Detention Hearings

(a) Initial Detention Hearing. If the juvenile has not been released pursuant to R. 5:20-2 or R. 5:21-2, the court shall conduct an initial hearing for a preliminary probable cause review and for [to determine whether] pretrial detention [is required] pursuant to the standards of R. 5:21-5. The hearing shall occur [be held] no later than the morning following the juvenile's placement in custody, including holidays and weekends. [Said] The hearing shall be on oral or written notice to the juvenile and the juvenile's parents, [or] guardian, or custodian, all of whom shall be present at the hearing. The hearing, however, shall not be adjourned if such notice or process fails to produce the attendance of the parents, [or] guardian, or custodian. [If a complaint has not been filed by the time the initial hearing is held, the juvenile shall be immediately released from custody.] If the juvenile is not represented by counsel at the initial hearing and if the court determines that the juvenile should be detained, a second detention hearing shall be held within two court days after the initial hearing at which the juvenile shall be represented by assigned or retained counsel or by the Public Defender as the circumstances require.

(b) Probable Cause Hearing. . . . no change.

(c) Detention Review Hearing. . . . no change.

(d) Findings. . . . no change.

Note: Source-R. (1969) 5:8-2(c) and (d); R. (1969) 5:8-6(d). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (e) adopted November 1, 1985 to be effective January 2, 1986; paragraph (b) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a) and (e) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended August 1, 2016 to be effective September 1, 2016; paragraph (a) amended July 30, 2021 to be effective September 1, 2021.

7:6-3. Guilty Plea by Mail or in an Electronic System in Non-Traffic Offenses

(a) Entry of Guilty Plea by Mail or in an Electronic System. In all non-traffic and non-parking offenses, except as limited below, on consideration of a written or electronically submitted application, supported by certification, with notice to the complaining witness and prosecutor, and at the time and place scheduled for trial, the judge may permit the defendant to enter a guilty plea by mail or in an electronic system approved by the Administrative Director of the Courts [if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship such as illness, physical incapacity, substantial distance to travel, or incarceration]. The guilty plea by mail form or electronic application may also include a statement for the court to consider when determining the appropriate sentence. Entry of a [A] guilty plea by mail or submitted in the electronic system shall not be available for the following:

- (1) ...no change
- (2) ...no change
- (3) ...no change
- (4) ...no change
- (5) ...no change

(b) Plea Form Submitted by Mail or in the Electronic System - Certification.

The [Guilty Plea by Mail] guilty plea shall be submitted on a form by mail or in an electronic system approved by the Administrative Director of the Courts.

[(c) Judgment. The court shall send the defendant and complaining witness a copy of its decision by ordinary mail.]

(c) Plea of Guilty by Mail or in the Electronic System—Acknowledgements, Waiver and Certification.

(1) In those cases in which a defendant may enter a plea of guilty to a non-traffic offense by mail or in the electronic system, the plea shall include:

(A) an acknowledgment that the defendant committed the non-traffic offense to which the defendant is pleading guilty and a factual basis for the plea;

(B) a waiver of the defendant's right to contest the case at a trial, the right to appear personally in court, and, if not represented by an attorney, a waiver of the right to be represented by an attorney; and

(C) an acknowledgment by the defendant that the plea of guilty is being entered voluntarily with understanding of the nature of the charge and the consequences of the plea.

(2) In those cases in which an attorney submits a plea of guilty on behalf of the defendant through the electronic system, the plea shall include a certification signed by the defendant that recites the terms of the plea; specifies that the

defendant has reviewed such terms; establishes a factual basis for the plea; and establishes that the plea of guilty is being entered voluntarily with understanding of the nature of the charge and the consequences of the plea.

(d) Scheduling and Judgment.

(1) For guilty pleas submitted in the electronic system in matters that require review by the municipal prosecutor, the court shall enter the disposition in the electronic system. The matter may be scheduled for disposition on the record in open court at the discretion of the municipal court judge.

(2) For guilty pleas submitted on a manual plea by mail form or in the electronic system that do not involve the municipal prosecutor's review, the court shall schedule the matter to be heard on the record in open court.

(3) The court shall send a copy of its decision by ordinary mail or through the electronic system to the defendant, the complaining witness, and attorneys who have entered an appearance.

Note: Adopted June 15, 2007 to be effective September 1, 2007; caption amended, paragraph (a) caption and text amended, paragraph (b) caption and text amended, former paragraph (c) deleted, and new paragraphs (c) and (d) adopted July 30, 2021 to be effective September 1, 2021.

7:7-9. Filing Appearance; Withdrawal from Representation and Substitution of Attorney

(a) Filing Appearance. The attorney for the defendant in an action before the municipal court shall immediately file an appearance with the municipal court administrator of the court having jurisdiction over the matter and shall serve a copy on the appropriate prosecuting attorney or other involved party, as identified by the municipal court administrator.

(b) Withdrawal, Substitution Prior to Receipt of Discovery. Prior to the receipt of any discovery, an attorney may withdraw as counsel without leave of court with the client's consent provided a substitution of attorney is filed naming the substituted attorney or indicating that the client will appear pro se.

(c) Withdrawal, Substitution Prior to Completion of Discovery and Prior to the Setting of a Trial Date. Prior to the completion of discovery and the setting of a trial date, an attorney may withdraw as counsel without leave of court upon the filing of the client's written consent and a substitution of attorney executed by both the withdrawing attorney and the substituted attorney indicating that the withdrawal and substitution will not cause or result in delay. In the substitution of attorney, the withdrawing attorney shall certify that all discovery received from the State has been or will be provided to the substituting attorney within five business days after the filing of the fully executed substitution of attorney with the court.

(d) Withdrawal, Substitution After Completion of Discovery and After the Setting of a Trial Date. After completion of discovery and the setting of a trial date, an attorney may not withdraw or substitute as counsel without leave of court.

(e) Motion at Any Stage of Proceedings. Nothing in this rule prohibits an attorney from filing a motion at any stage of the proceedings to be relieved from representing the defendant or be substituted as counsel.

(f) Requesting Discovery at Any Stage of Proceedings. Nothing in this rule prohibits a pro se defendant or substituting attorney from requesting discovery at any stage of the proceedings.

Note: Source-R. (1969) 3:8-1. Adopted October 6, 1997 to be effective February 1, 1998; caption amended, text designated as paragraph (a) and caption added, and new paragraphs (b) through (f) adopted July 30, 2021 to be effective September 1, 2021.

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

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

(b) ...no change

Note: Adopted July 21, 2011 to be effective September 1, 2011; paragraph (a) amended July 29, 2019 to be effective September 1, 2019; paragraph (a) amended July 30, 2021 to be effective September 1, 2021.

7:8-9. Non-Monetary Procedures on Failure to Appear

(a) Warrant or Notice.

(1) Non-Parking [Motor Vehicle] Cases.

(i) Except as set forth in subparagraph (ii), if [If] a defendant in any non-parking case before the court fails to appear or answer a complaint, the court [may either issue a bench warrant for the defendant's arrest in accordance with R. 7:2-2(c) or issue and mail a failure to appear notice to the defendant] shall issue a notice advising the defendant of the rescheduled appearance and that a failure to appear at that rescheduled appearance may result in the issuance of a bench warrant on a form approved by the Administrative Director of the Courts. [If a failure to appear notice is mailed to the defendant and the defendant fails to comply with its provisions, a bench warrant may be issued in accordance with R. 7:2-2(c).] If the defendant fails to appear for that rescheduled appearance, a bench warrant may be issued in accordance with R. 7:2-2(h). When issuing a bench warrant, the court shall simultaneously schedule the defendant to appear at a future court event.

(ii) In the most serious matters involving public safety, including but not limited to driving while intoxicated, domestic violence, defendants being monitored by pre-trial services, or other matters where upon conviction there is a reasonable likelihood of a jail sentence or loss or suspension of license, if a defendant in any non-parking case before the court fails to appear or answer a

complaint, the court may issue a bench warrant for the defendant's arrest in accordance with R. 7:2-2(h), while simultaneously scheduling the defendant to appear at a future court event.

(2) Parking Cases. If a defendant in any parking case before the court fails to appear or answer a complaint, the court shall mail a failure to appear notice to the defendant on a form approved by the Administrative Director of the Courts. Where a defendant has not appeared or otherwise responded to failure to appear notices associated with two or more pending parking tickets within the court's jurisdiction, the court may issue a bench warrant in accordance with [R. 7:2-2(c)] R. 7:2-2(h), while simultaneously scheduling the defendant to appear at a future court event. Such a bench warrant shall not issue when the pending tickets have been issued on the same day or otherwise within the same 24-hour period.

(b) Driving Privileges; Report to Motor Vehicle Commission.

(1) Non-Parking Motor Vehicle Cases. ...no change

(2) [All Other] Parking Cases. In all [other] parking cases, whether or not a bench warrant is issued, the court may order the suspension of the defendant's driving privileges or of defendant's nonresident reciprocity privileges or prohibit the person from receiving or obtaining driving privileges until the pending matter is adjudicated or otherwise disposed of. The court shall then mark the case as [closed] suspended on its records, subject to being reopened pursuant to paragraph

[subparagraph] (e) of this rule. The court shall forward the order to suspend to the Motor Vehicle Commission on a form approved by the Administrative Director of the Courts.

(c) Unexecuted Bench Warrant or Bail Posted after Bench Warrant

Executed. If a bench warrant is not executed, it shall remain open and active until the court either recalls, withdraws, or discharges it. If bail has been posted after the issuance of the bench warrant and the defendant fails to appear or answer, the court may declare a forfeiture of the bail, report a motor vehicle bail forfeiture to the Motor Vehicle Commission, and mark the case as [closed] suspended on its records subject to being reopened pursuant to paragraph [subparagraph] (e) of this rule. The court may set aside any bail forfeiture in the interest of justice.

(d) Parking Cases; Unserved Notice. In parking cases, no bench warrant may be issued if the initial failure to appear notice is returned to the court by the Postal Service marked to indicate that the defendant cannot be located. The court then may order a suspension of the registration of the motor vehicle or of the defendant's driving privileges or defendant's nonresident reciprocity privileges or prohibit the person from receiving or obtaining driving privileges until the pending matter is adjudicated or otherwise disposed of. [The court shall forward the order to suspend to the Motor Vehicle Commission on a form approved by the Administrative Director of the Courts.] The court shall then mark the case as

[closed] suspended on its records, subject to being reopened pursuant to paragraph [subparagraph] (e) of this rule. The court shall forward the order to suspend to the Motor Vehicle Commission on a form approved by the Administrative Director of the Courts.

(e) Reopening. ...no change

(f) Dismissal of Parking Tickets. ...no change

(g) Monetary Sanctions for Failure to Appear. ...no change

Note: Source – Paragraphs (a), (b), (c), (d), (e): R. (1969) 7:6-3; paragraph (f): new. Adopted October 6, 1997 to be effective February 1, 1998; paragraph (a) text deleted, and new paragraphs (a)(1) and (a)(2) adopted July 28, 2004 to be effective September 1, 2004; paragraph (b) caption amended, paragraphs (b)(1), (c), (d) and (f) amended July 16, 2009 to be effective September 1, 2009; paragraphs (a)(1), (a)(2), (b)(1), (b)(2) amended, paragraph (c) caption and text amended, and paragraphs (d) and (f) amended August 30, 2016 to be effective January 1, 2017; caption amended and new paragraph (g) adopted July 17, 2018 to be effective September 1, 2018; paragraph (a)(1) caption and text amended, paragraph (a)(2) amended, paragraph (b)(2) caption and text amended, paragraph (c) caption and text amended, and paragraph (d) amended July 30, 2021 to be effective September 1, 2021.

7:12-3. Pleas of Not Guilty and Pleas of Guilty by Mail or in an Electronic System in Certain Traffic or Parking Offenses

(a) [Use] Entry of Pleas by Mail or in an Electronic System; Limitations. In all traffic or parking offenses, except as limited below, the judge may permit the defendant to enter a guilty or not guilty plea [by mail, or to plead not guilty by mail] and submit a [written] defense for use at trial by mail or in an electronic system approved by the Administrative Director of the Courts.[, if a personal appearance by the defendant would constitute an undue hardship such as illness, physical incapacity, substantial distance to travel, or incarceration. The Administrative Director of the Courts may designate certain traffic or parking offenses as exempt from the hardship requirement.] This procedure shall not be available in the following types of cases:

(1) ...no change

(2) ...no change

(3) ...no change

(4) ...no change

(b) Plea of Guilty by Mail or in the Electronic System – Acknowledgments,

Waiver and Certification.

(1) In those cases in which [where] a defendant may enter a plea of guilty to a traffic offense or parking offense by mail or in the electronic system, the [such] plea shall include:

(A) an acknowledgment [acknowledgement] that the defendant committed the traffic violation or parking offense to which the defendant is pleading guilty and a factual basis for the plea [set forth in the complaint(s)];

(B) ...no change

(C) an acknowledgment [acknowledgement] by the defendant that the plea of guilty is being entered voluntarily with understanding of the nature of the charge and the consequences of the plea;

(2) In those cases in which an attorney submits a plea of guilty on behalf of the defendant through the electronic system, the plea shall include a certification signed by the defendant that recites the terms of the plea; specifies that the defendant has reviewed those terms; establishes a factual basis for the plea; and establishes that the plea of guilty is being entered voluntarily with understanding of the nature of the charge and the consequences of the plea.

[(2)] (3) A plea of guilty to a traffic offense or parking offense by mail or in the electronic system may also include a statement for the court to consider when determining the appropriate sentence.

(c) Plea of Not Guilty by Mail or in the Electronic System.

(1) In those cases in which [where] a defendant may enter a plea of not guilty to a traffic offense or parking offense and submit any defense to the

charge(s) by mail or in the electronic system, the [such] not guilty plea and defense shall include the following:

(A) ...no change

(B) ...no change

(2) A defense to a traffic offense or parking offense submitted by mail or in the electronic system may also include a statement for the court to consider when deciding on the appropriate sentence in the event of a finding of guilty.

(d) Forms. ...no change

(e) Scheduling and Judgment. [If a defendant elects to enter a plea of guilty or to enter a plea of not guilty under the procedures set forth in this rule, the court shall send the defendant a copy of the judgment by ordinary mail.]

(1) For guilty pleas submitted in the electronic system in matters that require review by the municipal prosecutor, the court shall enter the disposition in the electronic system. The matter may be scheduled for disposition on the record in open court at the discretion of the municipal court judge.

(2) For not guilty pleas submitted in the electronic system in matters that require review by the municipal prosecutor, the court shall schedule the matter to be heard on the record in open court.

(3) For not guilty and guilty pleas submitted on a manual plea by mail form or in the electronic system that do not involve the municipal prosecutor's review, the court shall schedule the matter to be heard on the record in open court.

(4) The court shall send a copy of its decision by ordinary mail or through the electronic system to the defendant, the complaining witness, and attorneys who have entered an appearance.

Note: Source - R. (1969) 7:6-6. Adopted October 6, 1997 to be effective February 1, 1998; caption amended, paragraph (a) caption and text amended, former paragraph (b) amended and redesignated as paragraph (c), and new paragraph (b) adopted July 28, 2004 to be effective September 1, 2004; caption of rule amended, captions and text of former paragraphs (a) and (b) deleted, former paragraph (c) redesignated as paragraph (e) and amended, and new paragraphs (a), (b), (c), and (d) adopted June 15, 2007 to be effective September 1, 2007; paragraph (a) amended July 16, 2009 to be effective September 1, 2009; paragraph (a) amended July 9, 2013 to be effective September 1, 2013; caption amended, caption and text of paragraph (a) amended, paragraphs (a) (b) (c) caption and text amended, paragraph (e) caption amended and text replaced July 30, 2021 to be effective September 1, 2021.

## APPENDIX TO PART VII

### GUIDELINES FOR OPERATION OF PLEA AGREEMENTS IN THE MUNICIPAL COURTS OF NEW JERSEY

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GUIDELINE 3. Prosecutor's Responsibilities. Nothing in these Guidelines should be construed to affect in any way the prosecutor's discretion in any case to move unilaterally for an amendment to the original charge or a dismissal of the charges pending against a defendant if the prosecutor determines and personally represents on the record the reasons in support of the motion. The prosecutor shall also appear in person to set forth any proposed plea agreement on the record. However, with the approval of the municipal court judge, in lieu of appearing on the record, the prosecutor may submit to the court a Request to Approve Plea Agreement, on a form approved by the Administrative Director of the Courts, signed by the prosecutor and by the defendant. When a plea agreement has been reached between the defendant and prosecutor in the Judiciary's electronic system, the prosecutor shall submit any proposed amended or dismissed charge and plea agreement electronically in that system. Nothing in this Guideline shall be construed to limit the court's ability to order the prosecutor to appear at any time during the proceedings.

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Note: Guidelines and Comment adopted June 29, 1990, simultaneously with former Rule 7:4-8 ("Plea Agreements") to be effective immediately; as part of 1997 recodification of Part VII rules, re-adopted without change as Appendix to Part VII and referenced by Rule 7:6-2 ("Pleas, Plea Agreements"), October 6, 1997 to be effective February 1, 1998; Guideline 4 amended July 5, 2000 to be effective September 5, 2000; Guidelines 3 and 4 amended July 28, 2004 to be effective September 1, 2004; Guideline 4 amended June 7, 2005 to be effective July 1, 2005; Guideline 4 amended June 15, 2007 to be effective September 1, 2007; Guideline 3 amended July 16, 2009 to be effective September 1, 2009; Guideline 3 amended July 30, 2021 to be effective September 1, 2021.

## RPC 7.2 Advertising

(a) Subject to the requirements of RPC 7.1, a lawyer may [advertise] communicate information regarding the lawyer's services through public media, such as a telephone directory, legal directory, newspaper or other periodical, radio or television, internet or other electronic media, or through mailed written communication. [All advertisements shall be predominantly informational. No drawings, animations, dramatizations, music, or lyrics shall be used in connection with televised advertising. No advertisement shall rely in any way on techniques to obtain attention that depend upon absurdity and that demonstrate a clear and intentional lack of relevance to the selection of counsel; included in this category are all advertisements that contain any extreme portrayal of counsel exhibiting characteristics clearly unrelated to legal competence.]

(b) ... no change

(c) ... no change

Note: Adopted July 12, 1984, to be effective September 10, 1984; paragraph (a) amended December 10, 1986, to be effective December 10, 1986; paragraph (c) amended October 16, 1992, to be effective immediately; paragraph (a) amended November 17, 2003 to be effective January 1, 2004; paragraph (b) amended July 27, 2018, to be effective September 1, 2018; paragraph (a) amended July 30, 2021 to be effective September 1, 2021.

**APPENDIX IX-A**  
**CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES**

(Includes amendments through those effective September 1, 2021)

1. Philosophy of the Child Support Guidelines. . . no change.
2. Use of the Child Support Guidelines as a Rebuttable Presumption. . . no change.
3. Deviating from the Child Support Guidelines. . . no change.
4. The Income Shares Approach to Sharing Child-Rearing Expenses. . . no change.
5. Economic Basis for the Child Support Guidelines. . . no change.
6. Economic Principles Included in the Child Support Guidelines. . . no change.
7. Assumptions Included in the Child Support Guidelines.
  - a. Intact Family Spending Patterns as the Standard for Support Orders. . . no change.
  - b. Standard of Living. . . no change.
  - c. Marginal-Cost Estimation. . . no change.
  - d. The Rothbarth Marginal Cost Estimator. . . no change.
  - e. National versus New Jersey Spending on Children. . . no change.
  - f. NCP/PAR Time. . . no change.
  - g. Effect of a Child's Age. . . no change.
  - 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 [105] 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 [105] 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 13, 2021, the self- support reserve is \$[260] 372 per week (this amount is [105] 150% of the poverty guideline for one person).

- i. Income Tax Withholding. . . . no change.
- j. Spending of Child Support Order. . . . no change.
- k. Sharing of Child-Rearing Expenses. . . . no change.
- 8. Expenses Included in the Child Support Schedules. . . . no change.
- 9. Expenses That May Be Added to the Basic Child Support Obligation. . . . no change.
- 10. Adjustments to the Support Obligation. . . . no change.
- 11. Defining Income. . . . no change.
- 12. Imputing Income to Parent. . . . no change.
- 13. Adjustments for PAR Time (formerly Visitation Time) . . . . no change.
- 14. Sharing-Parenting Arrangements. . . . no change.
- 15. Split-Parenting Arrangements. . . . no change.
- 16. Child in the Custody of a Third Party. . . . no change.
- 17. Adjustments of 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

Although these guidelines apply to all actions to establish and modify child support awards, extremely low or high parental income situations make the Appendix IX-F awards inappropriate due to the limitations of the economic data. The guidelines listed below apply to extreme parental income situations.

a. Obligors With Net Income Less Than the U.S. Poverty Guideline. If an obligor's net income, after deducting that person's share of the total support award, is less than [105] 150 % of the U.S. poverty guideline for one person (net income of \$[260] 372 per week as of January 13, 2021, or as published annually in the Federal Register), the court shall carefully review the obligor's income and living expenses to determine the maximum amount of child support that can reasonably be ordered without denying the obligor the means of self-support at a minimum subsistence level. If an obligee's income minus the obligee's share of the child support award is

less than [105] 150 % of the poverty guideline, no self-support reserve adjustment shall be made regardless of the obligor's income. In all cases, a fixed dollar amount shall be ordered to establish the principle of the parent's support obligation and to provide a basis for an upward modification should the obligor's income increase in the future. In these circumstances, the support award should be between \$5.00 per week and the support amount at \$180 combined net weekly income for the appropriate number of children.

- b. Parents with a Combined Net Annual Income in Excess of \$187,200. . . 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 Reached Majority. . . no change.
- 26. Health Insurance for Children

Unless the parents agree to an alternative health care arrangement, all child support orders shall provide for the coverage of the child's health care needs (i.e., medical and dental) and health insurance (when such insurance is available to either parent at a reasonable cost). The parent's marginal cost of adding a child to a health insurance policy shall be added to the basic child support award and deducted from the paying parent's income share of the total child support award (Appendix IX-B). The following standards shall apply when determining if a health insurance provision is appropriate and which parent should provide health insurance for the child.

a. The cost of health insurance is considered reasonable if it is employment-related or available through a group plan, regardless of the service delivery mechanism, and does not reduce the net income of the obligor below [105] 150% of the poverty guideline for one person (after paying the child support award) or the custodial parent's net household income below [200] 150% of the poverty guideline for the number of persons in the primary household. If sufficient income is not available to pay child support and a health insurance premium without eroding these income reserves, priority shall be given to child support.

b. Health insurance includes fees for service, health maintenance organizations (HMO), preferred provider organizations (PPO) and other types of coverage under which medical services could be provided to the dependent child.

c. When reasonably priced health insurance is available to only one parent, that parent shall be ordered to provide coverage for the child.

d. If health insurance is available to both parents, the parent who can obtain the most comprehensive coverage at the least cost shall be ordered to provide health insurance for the child. Alternatively, both parents may be ordered to provide health insurance if it is available to them at a reasonable cost and the combinations of plans provides the most comprehensive coverage.

e. When neither parent has access to health insurance, the parents shall be ordered to share in health expenses in accordance with their relative incomes (see paragraph 9 for the treatment of predictable and recurring unreimbursed health expenses in excess of \$250 per child per year).

f. If the custodial parent and the child receive Medicaid, the non-custodial parent shall be ordered to enroll the child in a health insurance plan if it is available at a reasonable cost.

g. If health care insurance is not available to either parent at the time the support order is established, the court shall require that health insurance coverage be obtained for the child if it becomes available to either parent in the future. The Probation Division shall monitor the availability of health insurance of the child.

27. Unpredictable, Non-Recurring Unreimbursed Health-Care In Excess of \$250 Per Child Per Year. . . no change.

28. Distribution of Worksheets and Financial Affidavits. . . no change.

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

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; paragraphs 7(h), 14(e), and 20(a) amended May 18, 2021 to be effective, June 1, 2021; paragraphs 7(h), 20(a), and 26(a) amended July 30, 2021 to be effective September 1, 2021.

**APPENDIX IX-B**  
**USE OF THE CHILD SUPPORT GUIDELINES**

**(Includes Amendments through those effective September 1, 2021)**

**GENERAL INFORMATION. . . no change.**

**LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET**

Caption. . . . no change.

Lines 1 through 5 – Determining Income

Gross Income. . . . no change.

Sources of Income. . . . no change.

Income from self-employment or operation of a business. . . . no change.

Sporadic Income. . . . no change.

Military Pay. . . . no change.

In-Kind Income. . . . no change.

Alimony, Spousal Support and/or Separate Maintenance. . . . no change.

Types of Income Excluded from Gross Income - The following types of income are excluded from *gross income*:

a. means-tested income (i.e., based on the fact that the recipient has minimal income and requires government assistance to live) including, but not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), General Assistance, Refugee Assistance, rent subsidies, Supplemental Needs Assistance Program (SNAP) [food stamps, and], Supplemental Security Income for the Aged, Blind or Disabled (SSI), and Social Security concurrent SSI and Disability or SSI and Retirement benefits (all of the concurrent benefit is excluded);

b. . . no change

c. . . no change

d. . . no change

e. . . no change

f. ... no change

g. ... no change

h. ... no change

i. ... no change

Collecting and Verifying Income Information. . . . no change.

Line 1 – Gross Taxable Income. . . . no change.

Line 1a – Mandatory Retirement Contributions. . . . no change.

Line 1b – Tax Deductible Alimony Paid. . . . no change.

Line 1c - Taxable Alimony Received. . . . no change.

Line 2 – Adjusted Gross Taxable Income. . . . no change.

Line 2a – Withholding Taxes. . . . no change.

Line 2b - Mandatory Union Dues. . . . no change.

Line 2c – Child Support Orders for Other Dependents. . . . no change.

Line 2d – Other Dependent Deduction. . . . no change.

Line 3 – Net Taxable Income. . . . no change.

Line 4 - Non-Taxable Income. . . . no change.

Line 4a - Non-Tax-Deductible Alimony Paid. . . . no change.

Line 4b - Non-Taxable Alimony Received. . . . no change.

Line 5 - Government (Non-Means Tested) Benefit for the Child. . . . no change.

Line 6 – Net Income. . . . no change.

Line 7 - Each Parent’s Share of Income....no change.

Line 8 – Basic Child Support Amount. . . . no change.

Line 9 – Adding Net Work-Related Child Care Costs to the Basic Obligation. . . . no change.

Line 10 – Adding Health Insurance Costs of the Child to the Basic Obligation. . . . no change.

Line 11 – Adding Predictable and Recurring Unreimbursed Health Care to the Basic Obligation. . . . no change.

Line 12 – Adding Court- Approved Predictable and Recurring Extraordinary Expenses to the Basic Support Amount. . . . no change.

Line 13 - Calculating the Total Child Support Amount. . . . no change.

Line 14 – Parental Share of the Total Child Support Obligation. . . . no change.

Line 15 – Credit for Derivative Government Benefits for the Child Based on Contribution of the Non-Custodial Parent. . . . no change.

Line 16 – Credit for Child-Care Payments. . . . no change.

Line 17 - Credit for Payment of Child’s Health Insurance Cost. . . . no change.

Line 18 – Credit for Payment of Child’s Predictable and Recurring Unreimbursed Health Care. . . . no change.

Line 19 - Credit for Payment of Court-Approved Extraordinary Expenses. . . . no change.

Line 20 – Adjustment for Parenting Time Variable Expenses. . . . no change.

Line 20a – Number of Overnights with Each Parent. . . . no change.

Line 20b – Each Parent’s Share of Overnights with the Child. . . . no change.

Line 21 – Net Child Support Obligation. . . . no change.

Lines 22, 23, and 24 – Adjusting the Child Support Obligation for Other Dependents. . . . no change.

Line 22 – Line 21 CS Obligation with Deduction for Other Dependents. . . . no change.

Line 23 – Line 21 CS Obligation without Deduction for Other Dependents. . . . no change.

Line 24 – Obligation Adjusted for Other Dependents. . . . no change.

Line 25, 26, and 27- Maintaining a Self-Support Reserve

To ensure that the obligor parent retains sufficient net income to live at a minimum

subsistence level and has the incentive to work, that parent's net child support award is tested against [105] 150% of the U.S. poverty guideline for one person. If the NCP's net income after deducting the child support award is less than the self-support reserve, the order should be adjusted. No such adjustment shall occur, however, if the custodial parent's net income minus the custodial parent's child support obligation is less than the self-support reserve. This priority is necessary to ensure that custodial parents can meet their basic needs while caring for the child(ren). The poverty guideline will be disseminated by the AOC each February or when it is published in the Federal Register. The self-support reserve test is applied as follows:

1. Subtract the obligor's child support obligation from that person's net income.
2. If the difference is greater than [105] 150% of the poverty guideline for one person \$[260] 372 per week as of January 13, 2021, the self-support reserve is preserved and the obligor's support obligation is the child support order.
3. If the difference is less than [105] 150% of the poverty guideline for one person and the custodial parent's net income is greater than [105] 150% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and the [105] 150% of the poverty guideline for one person.

In determining whether the application of the self-support reserve is appropriate, the court may need to impute income to a parent as provided in Appendix IX-A. The court should also consider a parent's actual living expenses and the custodial parent's share of the support obligation (see Appendix IX-A, paragraph 20).

#### Line 25 - Self-Support Reserve Test

Calculate whether the obligor's income will exceed [105] 150% of the poverty level by subtracting the net child support obligation from the non-custodial parent's net income. (Math: Line 6 NCP - Line 21 or Line 24.) Enter the result for the NCP on Line 25. Enter the custodial parent's net income minus the custodial parent's child support obligation (Line 6 minus Line 14) on Line 25. Then,

If the NCP Line 25 amount is less than [105] 150% of the poverty guideline and the CP Line 25 minus the CP Line 14 is greater than [105] 150% of the poverty guideline, Go To Line 26. If the NCP result is greater than [105] 150% of the poverty guideline, Skip Line 26 and Enter the Line 21 or Line 24 non-custodial parent child support obligation on Line 27.

NOTE: If the CP Line 25 minus the CP Line 14 amount is less than [105] 150% of the poverty guideline, there is no NCP self-support reserve adjustment. In this case, the NCP Line 21 or Line 24 amount is the final child support order (Line 27).

#### Line 26 - Maximum Child Support Order

Subtract the poverty level from the non-custodial parent's net income to find the

maximum child support order. (Math: Line 6 Non-Custodial Net Income - [105] 150% of the poverty guideline).

Enter the result on Lines 26 and 27.

Line 27 – Child Support Order. . . no change.

## LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET

Caption...no change

Lines 1 through 5 – Determining Income

Gross Income. . . . no change.

Sources of Income. . . . no change.

Income from self-employment or operation of a business. . . . no change.

Sporadic Income. . . . no change.

Military Pay. . . . no change.

In-Kind Income...no change.

Alimony, Spousal Support, and/or Separate Maintenance...no change.

Types of Income Excluded from Gross Income - The following types of income are excluded from *gross income*:

a. means-tested income (i.e., based on the fact that the recipient has minimal income and requires government assistance to live) including, but not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), General Assistance, Refugee Assistance, rent subsidies, Supplemental Needs Assistance Program (SNAP) [food stamps, and], Supplemental Security Income for the Aged, Blind or Disabled (SSI), and Social Security concurrent SSI and Disability or SSI and Retirement benefits (all of the concurrent benefit is excluded);

b. through i. . . . no change

Collecting and Verifying Income Information. . . . no change.

Line 1 – Gross Taxable Income...no change.

Line 1a – Mandatory Retirement Contributions...no change.

Line 1b- Tax Deductible Alimony Paid...no change.

Line 1c – Taxable Alimony Received...no change.

Line 2 – Adjusted Gross Taxable Income...no change.

Line 2a – Withholding Taxes...no change.

Line 2b – Mandatory Union Dues....no change.

Line 2c – Child Support Orders for Other Dependents....no change.

Line 2d- Other Dependent Deduction....no change.

Line 3 – Net Taxable Income....no change.

Line 4 – Non-Taxable Income....no change.

Line 4a- Non-Tax-Deductible Alimony Paid....no change.

Line 4b – Non-Taxable Alimony Received....no change.

Line 5 – Government (Non-Means Tested) Benefit for the Child...no change.

Line 6 – Net Income....no change.

Line 7 – Each Parent’s Share of Income....no change.

Line 8 – Basic Child Support Amount....no change.

Line 9 – Number of Overnights with Each Parent....no change.

Line 10 – Each Parent’s Share of Overnight with Child....no change.

Line 11 – PAR Shared Parenting Fixed Expenses....no change.

Line 12 – Shared Parenting Basic Child Support Amount....no change.

Line 13 – Each Parent’s Share of Shared Parenting Basic Child Support Amount....no change.

Line 14 – PAR Shared Parenting Variable Expenses....no change.

Line 15 – PAR Adjusted Shared Parenting Basic Child Support Amount....no change.

Lines 16 through 20 – Figuring Supplemental Expenses to be Added to the Shared Parenting Basic Child Support Amount....no change.

Line 16- Adding Net Work-Related Child Care Costs....no change.

Line 17 – Adding Health Insurance Costs for the Child....no change.

Line 18 – Adding Predicable and Recurring Unreimbursed Health Care....no change.

Line 19 – Adding Court-Approved Predicable and Recurring Extraordinary Expenses...no

change.

Line 20 – Total Supplemental Expenses....no change.

Line 21 – PAR’s Share of the Total Supplemental Expenses....no change.

Line 22 – Credit for Derivative Government Benefits for the Child Based on Contribution of the Parent of Alternate Residence....no change.

Line 23 – Credit for PAR’s Child Care Payments....no change.

Line 24 – Credit for PAR’s Payment of Child’s Health Insurance Cost....no change.

Line 25 – Credit for PAR’s Payment of Unreimbursed Health Care....no change.

Line 26 – Credit for PAR’s Payment of Court-Approved Extraordinary Expenses....no change.

Line 27 – PAR’s Total Payments for Supplemental Expenses....no change.

Line 28 – PAR’s Net Supplemental Expenses....no change.

Line 29 – PAR’s Net Child Support Obligation....no change.

Lines 30, 31 and 32 – Adjusting the Child Support Obligation for Other Dependents....no change.

Line 30 – Line 29 PAR CS Obligation WITH Deductions for Other Dependents....no change.

Line 31 – Line 29 PAR CS Obligation WITHOUT Deductions for Other Dependents....no change.

Line 32 – Adjusted PAR CS Obligation....no change.

Lines 33 and 34 – Maintaining a Self-Support Reserve

To ensure that the PAR retains sufficient net income to live at a minimum subsistence level and has the incentive to work, that parent's net child support award is tested against [105] 150% of the U.S. poverty guideline for one person. If the PAR's net income after deducting the child support award is less than the self-support reserve, the order should be adjusted. No such adjustment shall occur, however, if the PPR's net income minus the PPR's child support obligation is less than the self-support reserve. This priority is necessary to ensure that a PPR can meet his or her basic needs while caring for the child(ren). The poverty guideline will be disseminated by the AOC each February or when it is published in the Federal Register. The self-support reserve test is applied as follows:

1. Subtract the obligor's child support obligation from that person's net income.

2. If the difference is greater than [105] 150% of the poverty guideline for one person (\$[260] 372 per week as of January 13, 2021, the self-support reserve is preserved and the obligor's support obligation is the child support order.

3. If the difference is less than [105] 150% of the poverty guideline for one person and the PPR's net income is greater than [105] 150% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and the [105] 150% of the poverty guideline for one person.

In determining whether the application of the self-support reserve is appropriate, the court may need to impute income to a parent as provided in Appendix IX-A. The court should also consider a parent's actual living expenses and the PPR's share of the support obligation (see Appendix IX-A, paragraph 20).

NOTE: In some family situations (e.g., the PPR's income exceeds the PAR's income and shared parenting times are near equal), the PPR may owe child support to the PAR (in such cases, the PAR's obligation is a negative number). If this occurs, the self-support reserve should be tested using the PPR's net income and the absolute value of the PAR's negative obligation. In all cases, the PPR should be given the priority with regard to the self-support reserve.

#### Line 33 – Self- Support Reserve Test

Subtract the PAR's net child support obligation from the PAR's net income. Math: PAR's Line 6 net income - PAR Line 29 or 32 child support obligation. Note: If Line 29 or 32 is a negative number, the PPR is the obligor of that amount. Enter the PAR's result on Line 33.

Enter the PPR's net income (from Line 6) on Line 33. Then,

*If the PAR's Line 33 is less than [105]150% of the poverty guideline and the PPR's Line 33 is greater than [105]150% of the poverty guideline, Go To Line 34.*

*If the PAR's Line 33 is greater than [105]150% of the poverty guideline, Skip Line 34 and Enter the PAR's Line 29 or 32 child support obligation on Line 35.*

NOTE: If the PPR Line 33 amount is less than [105]150% of the poverty guideline, there is no PAR self-support reserve adjustment. In this case, the PAR Line 29 or 32 amount is the final child support order (Line 35).

#### Line 34 - PARS's Maximum Child Support Order

Subtract [105] 150% of the poverty guideline from the PAR's net income to find the maximum child support order. Math: Line 6 PAR net income – [105] 150% of the poverty guideline. Enter the result on Lines 34 and 35.

Line 35 – Child Support. . . . no change.

#### Line 36 – PPR Household Income Test

Add the PPR's net income from all sources (including means-tested income such as [AFDC] TANF), the net income of other adults in the primary household, and the PAR shared parenting

order. Math: PPR Line 6 net income + net income of other adults + PAR Line 35 child support order. Enter the sum in the PPR's Line 36 column.

Test: If Line 36 is less than the PPR household income threshold for the PPR and the total number of persons in the primary household (see table in Appendix IX-A, paragraph 14), the award must be recalculated, without adjusting for shared-parenting, using the sole parenting worksheet. If Line 36 exceeds the PPR household income threshold, the Line 35 child support order is appropriate.

NOTE: A PAR may still receive an adjustment for variable expenses when the sole parenting worksheet is used to recalculate the support award. If, however, the PPR's household income plus a PAR time-adjusted support award is still below 200% of the poverty guideline, the application of the variable-expenses adjustment is not presumptive (i.e., it is subject to the discretion of the court).

Note: Adopted May 13, 1997, effective September 1, 1997. Amended July 10, 1998 to be effective September 1, 1998; May 25, 1999 to be effective July 1, 1999. Revised April 4, 2000 to be effective immediately. Revisions to Line Instructions for Lines 1-5, 1b, and 2b (as to both the Sole-Parenting Worksheet and the Shared-Parenting Worksheet) adopted July 5, 2000 to be effective September 5, 2000. Revisions to Line Instructions for Lines 1-5, 24, 25 and 26, (as to the Sole-Parenting Worksheet) and Lines 1-5, 32 and 33 (as to the Shared-Parenting Worksheet) adopted April 2, 2001 to be effective immediately. Revisions to Line Instructions for Lines 24, 25 and 26, (as to the Sole-Parenting Worksheet) and Lines 32 and 33 (as to the Shared-Parenting Worksheet) adopted March 12, 2002 to be effective immediately. Revisions to Line Instructions for Line 1-5, and 2a (as to both the Sole-Parenting Worksheet and the Shared-Parenting Worksheet) adopted April 20, 2002 to be effective immediately. Amended July 12, 2002 to be effective September 3, 2002; March 17, 2003 to be effective immediately; April 28, 2003 to be effective immediately; March 15, 2004 to be effective immediately; July 28, 2004 to be effective September 1, 2004; March 14, 2005 to be effective immediately; February 14, 2006 to be effective immediately; July 27, 2006 to be effective September 1, 2006; February 13, 2007 to be effective immediately; 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 to be effective September 1, 2015; amended April 12, 2016 to be effective May 1, 2016; amended April 4, 2017 to be effective May 1, 2017; amended May 29, 2018 to be effective June 1, 2018; amended May 9, 2019 to be effective June 1, 2019; amended effective June 1, 2020; amended May 18, 2021 to be effective June 1, 2021; amended July 30, 2021 to be effective September 1, 2021.

**APPENDIX IX-C**

**CHILD SUPPORT GUIDELINES - SOLE PARENTING WORKSHEET**

Case Name: _____ v. _____		County: _____	
<i>Plaintiff</i>		<i>Defendant</i>	
Custodial Parent is the: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Docket #: _____	
		Number of Children: _____	
<i>All amounts must be weekly</i>		CUSTODIAL	NON-CUSTODIAL
		COMBINED	
1. Gross Taxable Income	\$	\$	
1a. Mandatory Retirement Contributions (non-taxable)	-\$	-\$	
1b. Tax-Deductible Alimony Paid (Current and/or Past Relationships)	-\$	-\$	
1c. Taxable Alimony Received (Current and/or Past Relationships)	+\$	+\$	
2. Adjusted Gross Taxable Income ((L1 - L1a - L1b) + L1c)	\$	\$	
2a. Federal, State and Local Income Tax Withholding	-\$	-\$	
2b. Mandatory Union Dues	-\$	-\$	
2c. Child Support Orders for Other Dependents	-\$	-\$	
2d. Other Dependent Deduction (from L14 of a separate worksheet)	-\$	-\$	
3. Net Taxable Income (L2 - L2a - L2b - L2c - L2d)	\$	\$	
4. Non-Taxable Income (source: _____)	+\$	+\$	
4a. Non-Tax-Deductible Alimony Paid (Current and/or Past Relationships)	-\$	-\$	
4b. Non-Taxable Alimony Received (Current and/or Past Relationships)	+\$	+\$	
5. Government (Non-Means Tested) Benefits for the Child	+\$	+\$	
6. Net Income (L3 + L4 + L5)	\$	\$	\$
7. Each Parent's Share of Income (L6 Each Parent + L6 Combined)	0.____	0.____	1.00
8. Basic Child Support Amount (from Appendix IX-F Schedules)			\$
9. Net Work Related Child Care (from Appendix IX-E Worksheet)			+\$
10. Child's Share of Health Insurance Premium			+\$
11. Unreimbursed Health Care Expenses over \$250 per child per year			+\$
12. Court-Approved Extraordinary Expenses			+\$
13. Total Child Support Amount (L8 + L9 + L10 + L11 + L12)			\$
14. Each Parent's Share of Support Obligation (L7 x L13)	\$	\$	
15. Government Benefits for the Child Based on Contribution of NCP		-\$	
16. Net Work-Related Child Care Paid		-\$	
17. Health Insurance Premium for the Child Paid		-\$	
18. Unreimbursed Health Care Expenses Paid (>\$250/child/year)		-\$	
19. Court-Approved Extraordinary Expenses Paid		-\$	
20. Adjustment for Parenting Time Expenses (L8 x L20b for Non-Custodial Parent x 0.37) <i>Note: Not presumptive in some low income situations (see App IX-A., ¶13)</i>		-\$	
20a. Number of Annual Overnights with Each Parent			
20b. Each Parent's Share of Overnights with the Child (L20a for Parent + L20a Combined)	0.____	0.____	1.00
21. Net Child Support Obligation (L14 - L15 - L16 - L17 - L18 - L19 - L20)		\$	

*Continued on Page 2*

**CHILD SUPPORT GUIDELINES – SOLE PARENTING WORKSHEET – PAGE 2**

*If there is no adjustment for other dependents, go to line 25*

22. Child Support Order WITH Other Dependent Deduction (L2d) and Child Support Orders for Other Dependents (L2c)		\$	
23. Child Support Order WITHOUT Other Dependent Deduction and Child Support Orders for Other Dependents		\$	
24. Adjusted Child Support Order ((L22 + L23) + 2)		\$	
25. Self-Support Reserve Test: (L6 - L21 or L24 for NCP; L6 - L14 for CP) If L25 for NCP is greater than [105] 150% of the federal poverty guideline for one-person (pg) L25 for CP is less than pg, enter L21 or L24 amount on L27. If NCP L25 is less than the pg and CP L25 is greater than the pg, go to L26.	\$	\$	
26. Obligor Parent's Maximum Child Support Obligation. (L6 NCP income - [105] 150% of federal poverty guideline for one person). Enter result here and on Line 27.		\$	
27. Child Support Order		\$	

**COMMENTS, REBUTTALS, AND JUSTIFICATION FOR DEVIATIONS**

1. This child support order for this case  was  was not based on the child support guidelines award.
2. If different from the child support guidelines award (Line 27), enter amount ordered:
3. The child support guidelines were not used, or the guidelines award was adjusted because:
4. The following court-approved extraordinary expenses were added to the basic support obligation:

5. Custodial Taxes:       App IX-H       Circ E       Other      # Eligible Dependents:      Marital:

Non-Custodial Taxes:       App IX-H       Circ E       Other      # Eligible Dependents:      Marital:

Prepared By:      Title:      Date:

Amended July 30, 2021 to be effective September 1, 2021 - CN 10788

**APPENDIX IX-D**

**CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET**

Case Name: _____ v. _____		County: _____	
Plaintiff	Defendant	Docket #: _____	
PPR is the: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Number of Children: _____	
<i>All amounts must be weekly</i>	PARENT OF PRIMARY RESIDENCE (PPR)	PARENT OF ALTERNATE RESIDENCE (PAR)	COMBINED
1. Gross Taxable Income	\$	\$	
1a. Mandatory Retirement Contributions (non-taxable)	-\$	-\$	
1b. Tax-Deductible Alimony Paid (Current and/or Past Relationships)	-\$	-\$	
1c. Taxable Alimony Received (Current and/or Past Relationships)	+\$	+\$	
2. Adjusted Gross Taxable Income ((L1 - L1a - L1b) + L1c)	\$	\$	
2a. Federal, State and Local Income Tax Withholding	-\$	-\$	
2b. Mandatory Union Dues	-\$	-\$	
2c. Child Support Orders for Other Dependents	-\$	-\$	
2d. Other Dependent Deduction (from L14 of a separate worksheet)	-\$	-\$	
3. Net Taxable Income (L2 - L2a - L2b - L2c - L2d)	\$	\$	
4. Non-Taxable Income (source: _____)	+\$	+\$	
4a. Non-Tax-Deductible Alimony Paid (Current and/or Past Relationships)	-\$	-\$	
4b. Non-Taxable Alimony Received (Current and/or Past Relationships)	+\$	+\$	
5. Government (Non-Means Tested) Benefits for the Child	+\$	+\$	
6. Net Income (L3 + L4 + L5)	\$	\$	\$
7. Each Parent's Share of Income (L6 Each Parent + L6 Combined)	0.____	0.____	1.00
8. Basic Child Support Amount (from Appendix IX-F Schedules)			\$
9. Number of Overnights with Each Parent			
10. Each Parent's Share of Overnights with the Child (L9 for Parent + L9 Combined)	0.____	0.____	1.00
<i>If PAR time sharing is less than the equivalent of two overnights per week (28%), use Sole Parenting Worksheet.</i>			
11. PAR Shared Parenting Fixed Expenses (L8 x PAR L10 x 0.38 x 2)			+\$
12. Shared Parenting Basic Child Support Amount (L8 + L11)			\$
13. Each Parent's Share of SP Basic Child Support Amount (L7 x L12)	\$	\$	
14. PAR Shared Parenting Variable Expenses (PAR L10 x L8 x 0.37)		-\$	
15. PAR Adjusted SP Basic Child Support Amount (PAR L13 - L11 - L14)		\$	
16. Net Work Related Child Care (from Appendix IX-E Worksheet)			+\$
17. Child's Share of Health Insurance Premium			+\$
18. Unreimbursed Health Care Expenses over \$250 per child per year			+\$
19. Court-Approved Extraordinary Expenses			+\$
20. Total Supplemental Expenses (L16 + L17 + L18 + L19)			\$
21. PAR's Share of Total Supplemental Expenses (PAR L7 x L20)		\$	
22. Government Benefits for the Child Based on Contribution of PAR		\$	
23. PAR Net Work-Related Child Care PAID		\$	

**CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET – PAGE 2**

<i>All amounts must be weekly</i>	PPR	PAR	COMBINED
24. PAR Health Insurance Premium for the Child PAID		\$	
25. PAR Unreimbursed Health Care Expenses >\$250/child/year) PAID		\$	
26. PAR Court-Approved Extraordinary Expenses PAID		\$	
27. PAR Total Supplemental Expenses PAID (L23 + L24 + L25 + L26)		\$	
28. PAR Net Supplemental Expenses (L21 - L27)		\$	
29. PAR Net Child Support Obligation (L15 + L28)		\$	
<b><i>If there is no adjustment for other dependents, go to line 33.</i></b>			
30. Line 29 PAR CS Obligation WITH Other Dependent Deduction L2d and Child Support Orders for Other Dependents L2c		\$	
31. Line 29 PAR CS Obligation WITHOUT Other Dependent Deduction and Child Support Orders for Other Dependents		\$	
32. Adjusted PAR Child Support Obligation ((L30 + L31) + 2)		\$	
33. Self-Support Reserve Test: (L6 - L29 or L32 for PAR; L6 - L13 for PPR) If L33 for PAR is greater than [105]150% of the federal poverty guideline for one person (pg) or L33 for the PPR is less than the pg, enter the L29 or L32 amount on the PAR L35. If PAR L33 is less than the pg and PPR's L33 is greater than the pg, go to L34. If L29 or L32 is negative, see App. IX-B for instructions.	\$	\$	
34. Maximum CS Obligation (Obligor Parent's L6 net income - [105]150% of the poverty guideline for one person). Enter result here and on Line 35.	\$	\$	
35. Child Support Order (negative L29 or L32 denotes PPR Obligation)	\$	\$	
<b><i>If the PAR is the Obligor, Continue on Line 36</i></b>			
36. PPR Household Income Test (L6 PPR net income from all sources + net income of other household members + L35 order). If less than the PPR household income threshold (see App. IX-A, ¶14(c)), the SOLE PARENTING WORKSHEET should be used.	\$		
<b>COMMENTS, REBUTTALS, AND JUSTIFICATION FOR DEVIATIONS</b>			
1. This child support order for this case <input type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (Line 35), enter amount ordered:			
3. The child support guidelines were not used, or the guidelines award was adjusted because:			
4. The following extraordinary expenses were added to the basic support obligation on Line 19:			
5. PPR Taxes:	<input type="checkbox"/> App IX-H	<input type="checkbox"/> Circ E	<input type="checkbox"/> Other
PAR Taxes:	<input type="checkbox"/> App IX-H	<input type="checkbox"/> Circ E	<input type="checkbox"/> Other
	# Eligible Dependents:	Marital:	
	# Eligible Dependents:	Marital:	
Prepared By:	Title:	Date:	

Amended July 30, 2021 to be effective September 1, 2021 - CN 10727

Appendix XIX

MEDIATION OF ECONOMIC ASPECTS OF FAMILY ACTIONS –  
“COMPLETION OF MEDIATION” FORM

A copy of the Completion of Mediation form contained in this Appendix, with instructions on how to fill out the Completion of Mediation form, shall accompany the referral form provided to the mediator during initial contact. Upon the conclusion of the mediation (or if the case is otherwise returned to court) the mediators shall promptly fill out and submit to the court this Completion of Mediation form.

Note: Appendix XIX (“Guidelines for Pilot Program – Mediation of Economic Aspects of Family Actions”) deleted February 6, 2007 and replaced by Directive #1-07. New Appendix XIX (“Mediation of Economic Aspects of Family Actions – ‘Completion of Mediation’ Form”) adopted July 16, 2009 to be effective September 1, 2009; form revised July 30, 2021 to be effective September 1, 2021.

<p><b>State of New Jersey</b></p> <p><b>COMPLETION OF MEDIATION FORM</b></p> <p><b>For Mediation of Economic Aspects of Family Law Cases</b></p>	<p>For Office Use Only</p> <p>Date Received:</p> <p>Date Entered:</p>
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**Directions:** This form is to be completed by the mediator when mediation is concluded, or the case is returned to court.

CASE DOCKET NUMBER	CASE NAME	NAME OF MEDIATOR
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**OUTCOME**

mediation held / full agreement on all issues  
 mediation held / some issues still pending  
 mediation held / no agreement  
 no mediation held / parties settled case before mediation session  
 no mediation held / party failed to attend

DATE CASE ASSIGNED TO MEDIATOR	DATE OF INITIAL MEDIATION SESSION	DATE OF FINAL MEDIATION SESSION
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NUMBER OF MEDIATION SESSIONS	NUMBER OF HOURS FOR PREPARATION	NUMBER OF MEDIATION HOURS
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<p>[DID THE ATTORNEYS/PARTIES SUBMIT PROPER CASE SUMMARIES?]</p> <p style="text-align: center;">[ <input type="checkbox"/> yes      <input type="checkbox"/> no ]</p>	<p>[WERE THE ATTORNEYS/PARTIES PREPARED FOR THE MEDIATION SESSIONS?]</p> <p style="text-align: center;">[ <input type="checkbox"/> yes      <input type="checkbox"/> no ]</p>	<p>[DID THE PARTIES PARTICIPATE IN THE MEDIATION SESSIONS?]</p> <p style="text-align: center;">[ <input type="checkbox"/> yes      <input type="checkbox"/> no ]</p>
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PLEASE RETURN TO: FAMILY DIVISION <i>(designated vicinage staff)</i>	OR FAX TO: EMAIL TO: MAIL TO:
<p><u>A copy of this form shall be returned to the parties upon completion.</u></p>	

Note: Form adopted as Appendix XIX July 16, 2009 to be effective September 1, 2009; amended July 30, 2021 to be effective September 1, 2021.