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Acting Administrative Director of the Courts

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DIRECTIVE #2-20[Questions or comments may be
directed to (609) 815-2900, ext. 55350]

TO: Assignment Judges
Family Presiding Judges
Trial Court Administrators
Family Division Managers

FROM: Glenn A. Grant, J.A.D. 

SUBJ: Family -- Non-Dissolution (FD) Education Program (EP)

DATE: January 3, 2020

This directive promulgates for immediate implementation a Non-Dissolution (FD) Education Program (EP) for immediate implementation in each vicinage. The FD EP shall be presented by the vicinage Family Division to provide litigants with an overview of the court processes for non-dissolution cases. The program is intended to assist parents and/or caregivers in learning about FD court procedures and the financial responsibilities and obligations of raising a child.

The FD EP will be required for parents and/or caregivers of a minor child who are filing a new non-dissolution complaint in the Family Division, where one or more of the following reliefs is being sought:

- Custody
- Parenting Time
- Paternity/Child Support in conjunction with custody or parenting time

Participation in the program does not require a fee and is a prerequisite to appearing at any other scheduled court events, except under any of the circumstances mentioned below:

- There is an open and active Division of Child Protection and Permanency (DCP&P) case involving the same parents and minor child
- A temporary or final restraining order exists between the parties pursuant to the Prevention of Domestic Violence Act

- If either party is restrained from contact with the other party or a child of the other party under the criminal or civil laws of this or any other state
- The initial complaint is filed with an accompanying order to show cause
- The complaint is for a minor name change only
- The complaint is for paternity and child support only
- The complaint is for Special Immigrant Juvenile Status
- The complaint is for the relief of financial maintenance or emancipation
- The complaint is to disestablish paternity
- The complaint is filed by an incarcerated litigant
- If the court finds good cause for exemption

Each vicinage must offer the FD EP to litigants at least once each month. It is to be presented by Family Division staff in a Probation Officer or higher title, having two or more years of experience in the Family Division. The FD EP will be offered during the workday and immediately prior to the parties participating in a consent conference. If the parties reach an agreement or partial agreement during the consent conference, that agreement must be memorialized in a Uniform Summary Support Order (USSO). If only a partial agreement is reached, the case must be scheduled for a subsequent hearing before a judge regarding the outstanding reliefs. If the parties do not reach any agreement during the consent conference, the case must be scheduled for a hearing before a judge. If only one party appears for the FD EP, or if a party refuses to participate, the case will be rescheduled for a hearing before a judge.

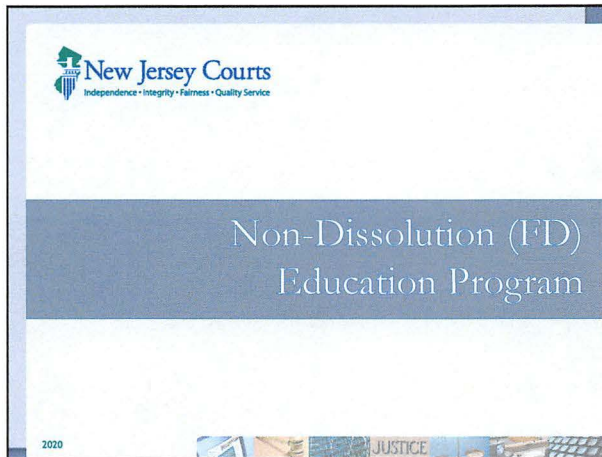
Staff chosen as FD EP presenters will need to complete a one-time train-the-trainer course, which covers adult learning theory and facilitation skills. This course will be made available by the Conference of Family Division Manager's training committee.

A standardized PowerPoint for use in the FD EP is attached to this Directive. Staff are to use Proceeding Code 1613 to schedule the FD EP. When the FD EP is scheduled, the corresponding NJKiDS notice (CS517) will issue advising of the court event.

Any questions or comments regarding this directive may be directed to the Family Practice Division at (609) 815-2900 ext. 55350.

Attachment

cc: Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Special Assistants to the Administrative Director
Amelia Wachter-Smith, Chief, Family Practice
Assistant Family Division Managers



1

WELCOME

- Please silence all electronic devices.
- Questions are welcomed throughout the program.
- Program lasts approximately 1 hour.
- Please sign in. Your signature will be proof of your attendance.

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Why Am I Here?

- **Why am I here today?**
 - Paternity/Child Support
 - Custody of a Minor Child
 - Parenting Time

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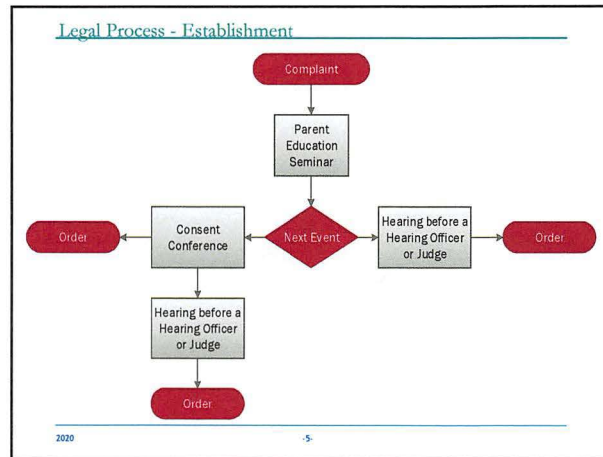
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Goals & Objectives

- **Understand the legal process**
- **Financial Responsibilities (Child Support)**
- **Understand the programs available through the courts**
- **Provide tools to assist your children**

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Custody In New Jersey

- Types of custody in New Jersey:
 - Joint **legal** custody
 - Most commonly granted per NJ statute
 - Fosters co-parenting
 - Both parents have access to all information regarding the child
 - All major decisions made by both parents
 - Sole **legal** custody
 - All major decisions are made by one parent
 - Primary **residential** custody
 - Where the child resides overnight for over 50% of the week or more
 - Shared **residential** custody
 - The child resides with each parent equally

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Definitions

Non-Dissolution(FD): involves cases concerning family relationships and responsibilities where there is no divorce filed. Reliefs sought in this docket include:

- custody,
- visitation,
- parenting time,
- support (including Separate Maintenance),
- financial maintenance,
- paternity determinations, and
- cases filed under the Uniform Interstate Family Support Act (UIFSA)

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Definitions Cont'd

- Paternity Establishment** - legal determination of who is the father.
- Child Support Order** - a support order for a child, including a child who has attained the age of majority, under the law of the issuing state.
- Parenting time** - the right of a parent to spend time with a child residing with another person.
- Relocation:** request by the custodial parent or caregiver to move to another state with child (ren).

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Emancipation of a Child vs Termination of Child Support

Emancipation:

- Defined as when a child moves out of the sphere of influence of the parents.
- For legal purposes, this means that the child does not live with the parents, is not financially dependent on the parents, and the parents are not obligated to pay child support on the child's behalf.
- **Children officially become emancipated only when the court declares them so.**
- Emancipation always terminates the child support obligation. If there are arrears owed, the amount collected will be paid toward that balance.

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Emancipation of a Child vs Termination of Child Support

Termination of Child Support (N.J.S.A. 2A:17-56.67 et. seq.) and NJ Court Rule 5:6-9.

- Unless otherwise provided in a court order or judgment, the obligation to pay child support shall terminate by operation of law without order by the court on the date that a child marries, dies, or enters the military service.
- In addition, a child support obligation shall terminate by operation of law without order by the court when a child reaches 19 years of age, except:
 - When the child is a full time student
 - When the child has a physical or mental disability
 - As ordered by the court.

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Emancipation of a Child vs Termination of Child Support

- The custodial parent may request that support be continued after the child reaches the age of 19. The parent or the child may petition the court to convert the child support obligation to another form of financial maintenance or financial support for a child that has reached the age of 23.
- **In no case may child and/or support monitored by Probation exceed a child's 23rd birthday.**
- Financial maintenance order is not considered "child support," and may not be enforced or monitored through a Probation Services Unit.
- Termination of the child support order does not automatically emancipate a child.

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Understanding

**the financial
responsibilities
for the children**



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FINANCIAL RESPONSIBILITIES

- Medical co-pays
- Child Care
- Extra-curricular activities
- Child Support

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FINANCIAL RESPONSIBILITIES

- Child Support Guidelines were developed to provide the court with economic information to assist in the establishment and modification of fair and adequate child support awards.
- Child support is a continuous duty of both parents.
- Court ordered support can be paid directly between the parties, or through the Probation Division of the Superior Court.

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How Child Support is Determined

- **Financial Summary:**
W-2's, Last three paystubs, 1099's, business records, Tax returns
- **Factors to be considered:**
 - Time each Parent has the child
 - Daycare / Before & Aftercare
 - Child's portion of health care coverage
 - Mandatory Pension (not a 401k or like plans)
 - Mandatory Union Dues
 - Overtime / Bonuses
 - Other Income
 - Other Child Support orders (Financial responsibility for other children)

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FINANCIAL RESPONSIBILITIES

- **Direct pay** – Parties are responsible to pursue court enforcement of their own support orders. Parties may represent themselves in court or consult with an attorney of their own choosing.
- **Probation Enforcement** – Upon application of a party, or by court order, the Probation Child Support Enforcement unit of the Superior Court can monitor and enforce support orders.

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Legal Process – Enforcement of Child Support Orders**Enforcement**

The Probation Division can help get your support paid if you have an order for child support payments, and

- the non-custodial parent is not paying, or
- the payments are incomplete or,
- the payments are late.

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Legal Process – Probation Child Support Enforcement

The Probation division is authorized to enforce court orders that call for:

- Collection of current support;
- Collection of past due child support (arrearage);
- Court ordered health care coverage;
- Collection of spousal support/alimony.

Probation enforces court-ordered IV-D child support obligations and non-IV-D support obligations, but with different levels of service.

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Probation Child Support Enforcement

Probation enforcement tools include, but are not limited to:

- Income withholding
- Credit reporting
- Lottery prize intercept
- Tax refund offset
- Seizure of assets
- License suspension- driver's, professional or recreational
- Passport denial
- Civil awards/settlements
- Court enforcement of litigants' rights
- Warrants
- Judgments by operation of law

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Probation Child Support Enforcement

Information on the probation child support enforcement services can be found on-line at:

- **Probation Services - Child Support Enforcement web page:**
<https://njcourts.gov/courts/probation/probation.html?lang=eng>
- **Your Guide to the New Jersey Judiciary Child Support Enforcement Program (brochure):**
https://www.njcourts.gov/forms/10752_guide_njj_csep_letter.pdf
- **FAQ about Child Support Enforcement:**
<https://www.njcourts.gov/courts/probationchild/guidecourtenforce.html>

Additional information can be obtained by calling customer service at 877-655-4371.

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Mediation vs. Consent Conference		
Category	Mediation	Consent Conference
Degree of Formality	Formal process.	The proceedings and events that occur while a case is pending, while subject to the Rules of Court, are informal in nature.
Definition of Role	The mediator defines his or her role for the parties at the beginning of the session and the rules that apply to the proceeding.	The facilitator should inform the parties how the information may be shared with the court.
Confidentiality	Proceedings are strictly confidential.	Communication concerning the reasons for the lack of a resolution, as well as recommendations are shared with the Court.

21

Successful Consent Conference

- Successful Conference
 - Court order suited to your needs
 - No delay or additional proceedings
 - More time to spend creating your order with court staff
 - Less costly

22

Avoiding Costly Litigation

Settle whenever possible

- The more litigation... the higher the cost.
 - Attorney fees
 - Additional court dates may be required which will necessitate appearances by the parties (time away from job)
 - Custody evaluations/assessments

23

USSO – Uniform Summary Support Order

Plaintiff vs. Defendant

Superior Court of New Jersey
Chancery Division - Family Part
Civil Action No. _____

1. Case No. _____

2. Plaintiff's Name: _____

3. Defendant's Name: _____

4. Case Type: _____

5. Case Status: _____

6. Case Description: _____

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8. Case Outcome: _____

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Need to Change the Order

How do I change my order?

- File an Application for Modification of Court Order (\$25.00)
 - For enforcement
 - or
 - To change terms in the order (requires a change of circumstance)
- Case will be heard by a Child Support Hearing Officer or a Judge

