

**Michael J. Blee, J.A.D.**  
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**TO: Assignment Judges  
Trial Court Administrators**

**FROM: Michael J. Blee, J.A.D.** *MB*

**SUBJ: Civil/Probate/Family/Probation – Support/Financial Maintenance**

**DATE: March 11, 2026**

**Directive #04-26**

Questions may be directed to the Family Practice Division at (609)815-2900, ext. 55350 or the Civil Practice Division at ext. 54900.

This Directive clarifies whether claims for support and/or financial maintenance should be filed in the Civil Part, Family Part, or Probate Part in accordance with the Termination of Obligation to Pay Child Support Law, N.J.S.A. 2A:17-56.67; R. 4:3-1(a)(4)(I) “Post-Judgment Relief Relating to Incapacitated Adult Child of Parents Subject to Family Part Order”; and R. 5:6-9 “Termination of Child Support Obligations.” Although this Directive does not encompass all scenarios that can arise, it offers guidance as to the most frequent scenarios.

For the scenarios outlined below, an application for support and/or financial maintenance is to be filed as follows:

| Scenarios                                                                                                                                                                       | Division                                                                                                                                                                                                                                                                                                |
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| 1. Incapacitated adult who is not eligible for child support pursuant to N.J.S.A. 2A:17-56.67, including an incapacitated adult over 19 with no preexisting child support order | Probate, except that when an FM, FD, or FV matter is concurrently pending, and/or when either parent remains subject to a Family Part support order or financial maintenance order related to other dependents, the support issue for the incapacitated adult child shall be filed and heard in Family. |

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| <p>2. Incapacitated minor with no Family matter pending and not seeking child support pursuant to N.J.S.A. 2A:17-56.67</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>A minor cannot be adjudicated incapacitated in Probate.</p> <p>Friendly settlement matters involving minors shall be heard in Civil.</p> <p>Applications for withdrawal of funds held in the Surrogate's Intermingled Trust Fund shall be heard in Probate.</p>                                             |
| <p>3. Incapacitated adult whose disability arose after child support was terminated</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Probate, except that when an FM, FD, or FV matter is concurrently pending, and/or when either parent remains subject to a Family Part support order or financial maintenance order related to other dependents, the support issue for the incapacitated adult child shall be filed and heard in Family.</p> |
| <p>4. Incapacitated adult over 23 with a pre-existing, current, charging child support order (also referred to as life of child order)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Family</p>                                                                                                                                                                                                                                                                                                  |
| <p>5. Adult over 19 seeking support who is not incapacitated and does not qualify for child support pursuant to N.J.S.A. 2A:17-56.67</p> <p>Examples include but are not limited to:</p> <ul style="list-style-type: none"> <li>• There is no prior child or medical support order and the child is 18 or older, and not in high school, at the time of the application</li> <li>• There is an ongoing child support award and the child is over 19. In such case, an application for financial maintenance can be filed by either an adult child or a parent/guardian if the child: (1)</li> </ul> | <p>Family</p>                                                                                                                                                                                                                                                                                                  |

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| <p>is not enrolled in high school; (2) is not enrolled in a full-time post-secondary educational program; or (3) does not have a physical or mental disability that existed prior to the child reaching the age of 19 and requires continued support.</p> |  |
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Questions regarding this directive may be directed to Family Practice Assistant Director Joanne M. Dietrich or Civil Practice Assistant Director Taironda Phoenix.

cc: Chief Justice Stuart Rabner  
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General Equity Presiding Judges  
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