

Volunteer Lawyers
for Justice
Taking Cases. Changing Lives.

VETERANS LEGAL CLINIC

Thursday, March 30th, 2023

9:00 AM- 11:30 AM

Virtual Training

HOSTED BY

Volunteer Lawyers for Justice

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Biographies

Alexandra Bravo is a Staff Attorney who oversees the Veterans Legal Program and handles issues relating to child support as they arise in other programs. Prior to joining VLJ, Alexandra was an associate at Bastarrika, Soto, Gonzalez, & Somohano, LLP where she practiced family law. Alexandra previously clerked for the Hon. Yolanda Adrianzen, J.S.C. Alexandra received her bachelor's degree from Seton Hall University and her law degree from Rutgers Law School, where she was a managing editor of the *Rutgers Law Journal*. Alexandra is also fluent in Spanish.

Katiana Guerrier is a legal assistant who supports VLJ's Reentry Legal Services (ReLeSe) Program and Veterans Legal Program. Prior to joining VLJ, Katiana worked as a medical receptionist at a doctor's office in West Orange, NJ. Katiana has a BA in Legal Studies from William Paterson University where she served the campus community as a Resident Assistant for three years. Additionally, Katiana completed the NJ LEEP Summer Law Program at Seton Hall University and interned with the United States Probation Office. Katiana is also a member of Phi Theta Sigma Honors Law Fraternity, previously having served as Ethics Chair.

Karen Robinson, Esq. is the Managing Attorney for VLJ and coordinates VLJ's efforts for Newark Reentry Legal Services (ReLeSe) and the New Jersey Human Trafficking Victims' Legal Assistance Program. Karen is a member of the Essex County Vicinage Advisory Committee on Diversity, Inclusion and Community Engagement and serves on the Reentry and Municipal Court subcommittees. Karen is also a member of the New Jersey State Bar Association Municipal Practice Section. Prior to attending law school, she served in the Jesuit Volunteer Corps and worked in refugee resettlement in Nashville, TN. During law school, Karen was selected as a Haiti Rule of Law delegate where she participated in a new Prison Conditions project in Jeremie, Haiti and she worked on Prison Conditions and Prisoner's Rights in Cameroon, Africa. She was also president of the Public Interest Network. Karen is a graduate of University of California, Berkeley with a BA in Rhetoric and received her law degree from Seton Hall University.



Veterans Legal Clinic Training

March 30th, 2023 | 9:00am -11:30am
Online

The Veterans Legal Wellness Clinic uses a legal “check up” approach to determine what legal issues our Veteran clients are facing, and how we can provide assistance. This training will provide an overview of the legal issues commonly seen at the Wellness Clinic, as well as the clinic procedures. The training includes best practices for interviewing veteran clients, as well as a detailed overview of the legal questionnaires and assessments most frequently used at the clinic. This training will also provide refresher regarding Expungement and Child Support Assessments. At the conclusion of the training volunteers should have increased confidence interviewing clients and providing legal advice on issues most commonly faced by our veteran clients including determining eligibility for expungement filings and child support modification.

SPEAKERS

- Alexandra Bravo, Esq. Volunteer Lawyers for Justice
- Karen Robinson, Esq. Volunteer Lawyers for Justice
- Diana Onuschak, Volunteer Lawyers for Justice
- Katiana Guerrier, Volunteer Lawyers for Justice

AGENDA

- 9:00** **Welcome and Introductions (5 minutes)**
- 9:05** **Clinic Overview and Working with Veteran Clients (30 minutes)**
Alexandra C. Bravo, Esq., Volunteer Lawyers for Justice
- 9:35** **Expungement Overview (45minutes)**
Karen Robinson, Esq., Volunteer Lawyers for Justice
- 10:20** **Child Support Modification Overview (45 minutes)**
Alexandra C. Bravo, Esq., Volunteer Lawyers for Justice
- 11:05** **Hypothetical Case Study (15 Minutes)**
- 11:20** **Q&A Wrap Up (10 minutes)**

SECTION 1:

Intro to VLJ's Veterans
Legal Wellness Clinic

Veterans Legal Wellness Clinic: Overview and Procedures

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Veterans Legal Clinic Overview

- **Clinic held virtually on**
 - 2nd Thursday of the month from 2-5pm
 - 4th Thursday of the month from 9am – 12pm
- **Volunteers pre-register for interested dates**
 - www.vljinj.org/vljvetsclinicsignup
 - If firm/company has a pro bono coordinator, you should also be in touch with them to confirm interest in volunteering
- **Veterans self-register for clinic date(s)**
 - Intake is completed upon arrival to Zoom meeting

VLJ'S VETERANS LEGAL CLINIC - SIGN UP

VLJ's Veterans Legal Wellness Program is a lifeline for veterans who are struggling with legal issues. Reentry into civilian life can be a difficult one, so unfortunately some veterans accumulate legal issues.

At this virtual legal clinic, pro bono attorneys and non-attorneys meet with veterans and military personnel to conduct a holistic legal intake to determine what issues are holding them back, provide advice, screen for merit, and determine crucial next steps for veterans to move forward with their legal issue(s).

CLICK TO REVIEW CLINIC SCHEDULE

CLICK TO SIGN UP TO VOLUNTEER

Volunteer Lawyers for Justice

Veterans Legal Clinic Overview

- Arrive 5 minutes early to virtual clinic in Zoom and open Veterans Clinic Resource site: <https://www.vljinj.org/veterans-volunteer-resources>
- VLJ staff attorney and volunteers huddle at the start of each clinic to review goal
- VLJ legal assistant welcomes veterans and conducts intake to collect basic information including income

Veterans Legal Program - Volunteer Resources

Thank you for volunteering with VLJ's Veterans Legal Program. The resources below are meant to provide information and support to you while you volunteer with our virtual legal clinic, held twice per month.

If you are volunteering for the first time, please review the intake process with our volunteer onboarding committee [HERE](#).

STEP 1: COMPLETE A WELLNESS QUESTIONNAIRE WITH EACH CLIENT

The first step in assisting our veteran clients is to assess their needs and identify legal issues. The intake is held with a volunteer attorney to complete the Veterans Legal Wellness Clinic - Volunteer Packet (below) with each client.

How to complete the packet:

- Part 1: Client Intake Agreement
- Part 2: Wellness Questionnaire
- Part 3: Volunteer Request Form

VETERANS LEGAL WELLNESS CLINIC - VOLUNTEER PACKET OVERVIEW

We recommend completing the packet to complete the packet through the course of appointment, and advance notice through the intake call.

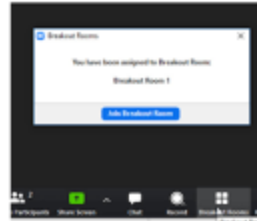
WARNING: Each team must complete a **Veterans Legal Wellness Clinic - Volunteer Packet** for each client and submit to the VLJ administrative staff questionnaire should be completed if applicable and returned to VLJ by the end of the intake.

STEP 2: COMPLETE THE ADDITIONAL STEPS DEPENDING ON LEGAL ISSUES IDENTIFIED DURING THE WELLNESS QUESTIONS



Veterans Legal Clinic Overview

- Volunteers are put into teams, with a non-attorney volunteer, and placed in separate breakout rooms to meet with clients 1:1.
 - If questions arise, one volunteer should return to Main Session to chat with staff
 - Veteran client should not be left alone in Zoom room
- In order of arrival, VLJ will email client intake and eligibility to volunteer team and place veteran in breakout room with volunteers.
 - Volunteers teams typically meet with around 3 veterans per clinic.
- Volunteer team to complete all clinic forms and email back to VLJ team (abravo@vljn.org and kguerrier@vljn.org).



Navigating the Appointment / Required Forms



Fill everything out, we appreciated it!

- Refer to **VLJ Veterans Legal Wellness Clinic - Volunteer packet**
- Meet client / Make introductions
- PART 1: Limited-scope Retainer Agreement
 - Review with veteran client and obtain verbal consent
- PART 2: Wellness Questionnaire
 - Explaining the goals and procedures of the clinic
 - Holistic interview to identify legal issues
 - Collect information and provide advice / make assessment (e.g., expungement, child support modification, etc.)
 - Manage expectations / Prioritize next steps
- PART 3: Volunteer Report Form
 - Provide notes
 - Highlight deadlines and next steps
 - Confirm pro bono time spent with client

PART 1. Limited Scope Legal Services Acknowledgement and Understanding



VETERANS LEGAL WELLNESS CLINIC

Part 1. Limited Scope Legal Services Acknowledgement and Understanding

This is an Acknowledgment between Volunteer Lawyers for Justice, its volunteers and staff and you. It contains the basic terms of our agreement to provide you with limited legal advice and assistance so that you can better represent yourself in your legal matter.

Scope of Legal Advice. You are representing yourself in your legal matter. Neither Volunteer Lawyers for Justice nor the volunteers you are meeting with today is representing you in any capacity. The volunteer agrees to provide you with legal advice based upon the information that you give throughout the legal clinic. This volunteer is not agreeing to perform any outside investigation of the facts of your legal matter.

Duration of Legal Help. This arrangement to advise you will begin right now and will end at the completion of our meeting today. Unless agreed to in writing, neither Volunteer Lawyers for Justice nor the volunteer you are meeting with will help you in any capacity after the completion of today's appointment and its assume liability regarding the outcome of your legal matter.

Attorney's Fee and Costs. There is no cost for our meeting. You are responsible for all legal costs and fees outside of this legal clinic.

Declining to Advise. We may decline to advise you as follows:

- ❑ If we have a conflict of interest – for example, if we have already advised or provided representation to the opposing party in your case, we have a legal conflict of interest and cannot provide you with legal advice.
- ❑ If your legal problems are too complicated and beyond the scope of this project, or
- ❑ If you are under 18 and not both in the New Jersey Rules of Professional Conduct.

CONSENT CONFIRMATION (must check one)

On _____ the LIMITED SCOPE LEGAL SERVICES ACKNOWLEDGMENT AND UNDERSTANDING was reviewed with:

"Client" _____, and Client provided verbal consent.

On _____ the LIMITED SCOPE LEGAL SERVICES ACKNOWLEDGMENT AND UNDERSTANDING was reviewed with:

"Client" _____, and Client did not provide verbal consent.

Volunteers: Attorney 1 _____ Attorney 2 _____ Attorney 3 _____

Start appointment by obtaining verbal consent



Identify volunteers meeting with client



Issue 2 to Highlight: Veteran has a NJ child support order

Use these questions to get additional information as needed.

ASSESSING ELIGIBILITY FOR CHILD SUPPORT MODIFICATION DECISION	
<p>1) Is there an existing child support order?</p> <p>YES or NO</p> <p>YES If Court records list there is an order in effect.</p>	<div style="border: 1px solid black; width: 100px; height: 150px; margin: 0 auto;"></div>
<p>2) Is there child support arrears?</p> <p>YES or NO</p> <p>YES If Court records list arrearages have been established or if the problem is not resolved or not in arrears.</p>	
<p>3) Does the client have one of the below changed circumstances?</p> <p>The request to modify a child support order must be based on a substantial and continuing change in circumstances since the last order was entered.</p> <ul style="list-style-type: none"> • Has the client's income changed significantly? • Has the client's expenses changed significantly? • Has the client's custody arrangement changed significantly? • Has the client's health or ability to work changed significantly? • Has the client's marital status changed significantly? • Has the client's child's needs changed significantly? • Has the client's child's age changed significantly? • Has the client's child's educational needs changed significantly? • Has the client's child's medical needs changed significantly? • Has the client's child's special needs changed significantly? • Has the client's child's living situation changed significantly? • Has the client's child's health or ability to work changed significantly? • Has the client's child's educational needs changed significantly? • Has the client's child's medical needs changed significantly? • Has the client's child's special needs changed significantly? 	

Use this section to provide additional information provided by the client.

Be sure to note volunteer team's determination: Is the veteran eligible for a child support modification?

Issue 3 to Highlight: Veteran has renter experience issues

HOUSING	ADVISE/NOTES
<p>1) What is your living situation?</p> <p><input type="checkbox"/> Rent a home</p> <p><input type="checkbox"/> Own a home</p> <p><input type="checkbox"/> Homeless</p> <p><input type="checkbox"/> Live in a shelter</p> <p><input type="checkbox"/> Other _____</p>	<div style="border: 1px solid black; width: 100px; height: 150px; margin: 0 auto;"></div>
<p>IF RENTER:</p> <p>2) Has your landlord filed an eviction proceeding against you in court or threatened to evict you?</p>	
<p>3) Are you behind on your rent? If yes, how far behind?</p>	
<p>4) Do you receive subsidized housing (Section 8, vouchers, etc)?</p>	
<p>5) Are you having any of the following problems?</p> <p><input type="checkbox"/> Repairs not being done</p> <p><input type="checkbox"/> Heat doesn't work</p> <p><input type="checkbox"/> Mold, bugs, or rodents</p> <p><input type="checkbox"/> Unsafe conditions</p> <p><input type="checkbox"/> Other _____</p>	
<p>NOTE TO ATTORNEY: If the answer to 2 or 5 is yes, please complete the "Housing/Eviction Questionnaire" available for download on VLJ's Veterans Volunteer Resources webpage https://www.vlj.org/volunteer/volunteer-resources/</p>	

Use these questions to get additional information as needed.

Is veteran a renter and having a housing issue (i.e., eviction filed, scheduled for case management conference)?

If YES, complete additional "Housing/Eviction Questionnaire" and flag for VLJ staff.

After the Wellness Questionnaire Interview

Determine next steps! Most common next steps include:

- If eligible for an **expungement** → Complete records request form(s)
- If eligible to seek **child support modification** → Complete records request form
- If active **eviction case** or **habitability issues** → Complete HOUSING questionnaire
- Interested in filing for **bankruptcy** → Complete BANKRUPTCY questionnaire
- Has **suspended driver's license** → Notify veteran that VLJ will send them a consent for to complete/sign to obtain MVC records
- Interested in having **estate planning documents drafted** → Complete WILLS questionnaire (note, different for married and unmarried veterans)
- If **VA / veterans benefits issue** or **not receiving benefits** → Refer to Veterans Services Officer

Resource site has everything you need!

- Including, but not limited to:
 - Supplemental questionnaires
 - Records requests
 - VLJ's contact information to send documents
 - Contact information for non-legal referral organizations

COMPLETE ANY OF THESE ADDITIONAL QUESTIONNAIRES, AS NEEDED, DEPENDING ON THE LEGAL ISSUES IDENTIFIED DURING INTAKE!



PART 3: Volunteer Report Form. Complete After Wellness Appt.

Part 3. Volunteer Report Form

Please complete the questions below based on your conversation with the veteran and what you learned through completion of the Intake Legal Issues Questionnaire. The goal is to report to VLJ what was completed during the appointment AND to help us complete the next steps for the veteran.

If a red flag was identified you may have to report your findings back to the veteran again, and prepare additional next steps for veterans to move forward with identified legal and non-legal issues. Upon completion submit packet to email to Veterans Legal Program staff attorney and legal assistant.

Feedback on attorney/client meeting

Please provide detailed information about the following:

- Any other needs for clients, including any upcoming deadlines.
- Any other information you learn related to veterans during the course of the appointment.
- Other flags of the additional questionnaires were completed with veterans or additional resources. (Examples: estate planning, housing/visitation, bankruptcy, debt support).

Issues identified for the veteran client

Please list the issues identified in order of priority. Examples include: being evicted or home seized, unsubmitted appeal of a service hearing, waiting for appeal of VA benefits decision, waiting to receive VA medical support while on VA.

Notes

- If a veteran client is awaiting an appointment, please indicate whether you have found the client eligible to seek an appointment under the current notice and through completion of Intake Questionnaire.
- Indicators relating to health or safety, for VAID responsibility, where include whether your team determined that the client is a good candidate to seek a consultation presently.

Priority 1

Priority 2

Priority 3

Priority 4

Priority 5

Priority 6

Help prioritize issues

Provide detailed notes from conversation

Indicate if you/your office might be able to assist veteran client beyond wellness clinic appointment

Are you or any other volunteers from your team interested in continuing to assist this veteran client beyond today's clinic? If so, indicate which volunteer and which legal issue. Examples include being a "buddy" to help client obtain records, providing representation, etc. Even if someone from today's team is unable to continue, please consider your law firm's / legal department's areas of expertise and whether a referral could be made to your office generally. It would be extremely beneficial for veterans to be able to obtain consistent, continued assistance with one (or more) of the issues identified.

Total time spent with veteran client:

Confirm time spent with veteran client

Additional Notes:

Interviewing and Working with Veteran Clients

Working with Veteran Population

- Some experience trauma related to:
 - Military service and experiences
 - Sexual assault
 - Poverty
 - Others
- Trauma's effect on assisting client:
 - Client may have trouble telling his/her story in a linear fashion
 - Client may have issues with memory
 - Client may have felt unheard in past and may need to vent
 - Client may be focused on one issue when the real priority may be another



Some Interviewing Tips for Volunteers

- **Do:**
 - Get the client's general story with open ended questions, then move on to individual issues
 - Find out what issues are of the highest concern to the client and prioritize them (note: ask about any upcoming court dates)
 - Pick up on key words – listen critically
 - Ex. "I'm having money problems"
 - Give the best, most definitive advice you can
 - Be clear about the legal issues that VLJ can and cannot assist with
 - If unsure, you can always ask VLJ Staff
 - Be empathetic and let client express their frustration
 - Suggest next steps and provide resources for alternatives

Some Interviewing Tips for Volunteers

- **Do not:**
 - Ask questions that suggest judgement
 - Ex: "Why did you/didn't you . . ."
 - Overly react to statements made by client
 - Let the client lose sight of the legal issues being discussed- gently redirect the client as needed
 - Make promises or give clients false hope



SECTION 2:

Criminal Record Expungement

N.J. Stat. Title 2C, Subtit. 3, Ch. 52

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 3. Sentencing (Chs. 43 — 104) > Chapter 52. Expungement (§§ 2C:52-1 — 2C:52-32.1)

Chapter 52. Expungement

History

L. 1978, c. 95.

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[N.J. Stat. § 2C:52-1](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 3. Sentencing (Chs. 43 — 104) > Chapter 52. Expungement (§§ 2C:52-1 — 2C:52-32.1)

§ 2C:52-1. Definition of expungement

Definition of Expungement. a. Except as otherwise provided in this chapter, expungement shall mean the extraction, sealing, impounding, or isolation of all records on file within any court, detention or correctional facility, law enforcement or criminal justice agency concerning a person's detection, apprehension, arrest, detention, trial or disposition of an offense within the criminal justice system.

b. Expunged records shall include complaints, warrants, arrests, commitments, processing records, fingerprints, photographs, index cards, "rap sheets" and judicial docket records.

History

L. 1979, c. 178, § 108; amended by [2019, c. 269](#), § 1, effective June 15, 2020.

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[N.J. Stat. § 2C:52-2](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 3. Sentencing (Chs. 43 — 104) > Chapter 52. Expungement (§§ 2C:52-1 — 2C:52-32.1)

§ 2C:52-2. Indictable Offenses

a. In all cases, except as herein provided, a person may present an expungement application to the Superior Court pursuant to this section if:

the person has been convicted of one crime under the laws of this State, and does not otherwise have any subsequent conviction for another crime, whether within this State or any other jurisdiction. Subject to the provision of subsection e. of [N.J.S.2C:52-14](#) requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another crime shall not bar presenting an application seeking expungement relief for the criminal conviction that is the subject of the application; or

the person has been convicted of one crime and no more than three disorderly persons or petty disorderly persons offenses under the laws of this State, and does not otherwise have any subsequent conviction for another crime, or any subsequent conviction for another disorderly persons or petty disorderly persons offense such that the total number of convictions for disorderly persons and petty disorderly persons offenses would exceed three, whether any such crime or offense conviction was within this State or any other jurisdiction. Subject to the provision of subsection e. of [N.J.S.2C:52-14](#) requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another crime, disorderly persons offense, or petty disorderly persons offense shall not bar presenting an application seeking expungement relief for the one criminal conviction and no more than three convictions for disorderly persons or petty disorderly persons offenses that are the subject of the application; or

the person has been convicted of multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses under the laws of this State, all of which are listed in a single judgment of conviction, and does not otherwise have any subsequent conviction for another crime or offense in addition to those convictions included in the expungement application, whether any such conviction was within this State or any other jurisdiction. Subject to the provision of subsection e. of [N.J.S.2C:52-14](#) requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another crime, disorderly persons offense, or petty disorderly persons offense that is not listed in a single judgment of conviction shall not bar presenting an application seeking expungement relief for the convictions listed in a single judgment of conviction that are the subject of the application; or

the person has been convicted of multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses under the laws of this State, which crimes or combination of crimes and offenses were interdependent or closely related in circumstances and were committed as part of a sequence of events that took place within a comparatively short period of time, regardless of the date of conviction or sentencing for each individual crime or offense, and the person does not otherwise have any subsequent conviction for another crime or offense in addition to those convictions included in the expungement application, whether any such conviction was within this

State or any other jurisdiction. Subject to the provision of subsection e. of [N.J.S.2C:52-14](#) requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another crime, disorderly persons offense, or petty disorderly persons offense that was not interdependent or closely related in circumstances and was not committed within a comparatively short period of time as described above shall not bar presenting an application seeking expungement relief for the convictions of crimes or crimes and offenses that were interdependent or closely related and committed within a comparatively short period of time, and that are the subject of the application.

For purposes of determining eligibility to present an expungement application to the Superior Court pursuant to this section, a conviction for unlawful distribution of, or possessing or having under control with intent to distribute, marijuana or hashish in violation of paragraph (11) of subsection b. of [N.J.S.2C:35-5](#), or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of P.L.1987, c.101 ([C.2C:35-7](#)) or subsection a. of section 1 of [P.L.1997, c.327](#) ([C.2C:35-7.1](#)), for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or for obtaining or possessing marijuana or hashish in violation of paragraph (3) of subsection a. of [N.J.S.2C:35-10](#), or for an equivalent crime in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction of a crime within this State or any other jurisdiction but shall instead be considered a conviction of a disorderly persons offense within this State or an equivalent category of offense within the other jurisdiction, and a conviction for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (4) of subsection a., or subsection b., or subsection c. of [N.J.S.2C:35-10](#), or a violation involving marijuana or hashish as described herein or possessing with intent to use drug paraphernalia with or hashish in violation [J.S.2C:36-2](#), or for an equivalent crime or offense in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction within this State or any other jurisdiction.

The person, if eligible, may present the expungement application after the expiration of a period of five years from the date of his most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later. The term "court-ordered financial assessment" as used herein and throughout this section means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the application, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The person shall submit the expungement application to the Superior Court in the county in which the most recent conviction for a crime was adjudged, which includes a duly verified petition as provided in [N.J.S.2C:52-7](#) praying that the conviction, or convictions if applicable, and all records and information pertaining thereto be expunged. The petition appended to an application shall comply with the requirements set forth in [N.J.S.2C:52-1](#) et seq.

Notwithstanding the provisions concerning the five-year time requirement, if, at the time of application, a court-ordered financial assessment subject to collection under the comprehensive enforcement program established pursuant to [P.L.1995, c.9](#) ([C.2B:19-1](#) et al.) is not yet satisfied due to reasons other than willful noncompliance, but the time requirement of five years is otherwise satisfied, the person may submit the expungement application and the court may grant an expungement; provided, however, that if expungement is granted the court shall enter a civil judgment for the unpaid portion of the court-ordered financial the name of the Treasurer, State of New Jersey and transfer collections and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of [P.L.2017, c.244](#) ([C.2C:52-23.1](#)). The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole discretion to amend the judgment.

Additionally, an application may be filed and presented, and the court may grant an expungement pursuant to this section, although less than five years have expired in accordance with the time requirements when the court finds:

(1) the court-ordered financial assessment is satisfied but less than five years have expired from the date of satisfaction, and the time requirement of five years is otherwise satisfied, and the court finds that the person substantially complied with any payment plan ordered pursuant to [N.J.S.2C:46-1](#) et seq., or could not do so due to compelling circumstances affecting his ability to satisfy the assessment; or

(2) at least four but less than five years have expired from the date of the most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later; and the person has not been otherwise convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the most recent conviction; and the court finds in its discretion that compelling circumstances exist to grant the expungement. The prosecutor may object pursuant to section 11 of [P.L.2019, c.269 \(C.2C:52-10.1\)](#), [N.J.S.2C:52-11](#), [N.J.S.2C:52-14](#), or [N.J.S.2C:52-24](#).

In determining whether compelling circumstances exist for the purposes of paragraph (1) of this subsection, a court may consider the amount of any court-ordered financial assessment imposed, the person's age at the time of the offense or offenses, the person's financial condition and other relevant circumstances regarding the person's ability to pay.

b. Records of conviction pursuant to statutes repealed by this Code for the crimes of murder, manslaughter, treason, anarchy, kidnapping, rape, forcible sodomy, arson, perjury, false swearing, robbery, embracery, or a conspiracy or any attempt to commit any of the foregoing, or aiding, assisting or concealing persons accused of the foregoing crimes, shall not be expunged.

Records of conviction for the following crimes specified in the New Jersey Code of Criminal Justice shall not be subject to expungement: [N.J.S.2C:11-1](#) et seq. (Criminal Homicide), except death by auto as specified in [N.J.S.2C:11-5](#) and strict liability vehicular homicide as specified in section 1 of [P.L.2017, c.165 \(C.2C:11-5.3\)](#); [N.J.S.2C:13-1](#) (Kidnapping); section 1 of [P.L.1993, c.291 \(C.2C:13-6\)](#) (Luring or Enticing); section 1 of [P.L.2005, c.77 \(C.2C:13-8\)](#) (Human Trafficking); [N.J.S.2C:14-2](#) (Sexual Assault or Aggravated Sexual Assault); subsection a. of [N.J.S.2C:14-3](#) (Aggravated Criminal Sexual Contact); if the victim is a minor, subsection b. of [N.J.S.2C:14-3](#) (Criminal Sexual Contact); if the victim is a minor and the offender is not the parent of the victim, [N.J.S.2C:13-2](#) (Criminal Restraint) or [N.J.S.2C:13-3](#) (False Imprisonment); [N.J.S.2C:15-1](#) (Robbery); [N.J.S.2C:17-1](#) (Arson and Related Offenses); subsection a. of [N.J.S.2C:24-4](#) (Endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child, or causing the child other harm); paragraph (4) of subsection b. of [N.J.S.2C:24-4](#) (Photographing or filming a child in a prohibited sexual act or for portrayal in a sexually suggestive manner); paragraph (3) of subsection b. of [N.J.S.2C:24-4](#) (Causing or permitting a child to engage in a prohibited sexual act or the simulation of an act, or to be portrayed in a sexually suggestive manner); subparagraph (a) of paragraph (5) of subsection b. of [N.J.S.2C:24-4](#) (Distributing, possessing with intent to distribute or using a file-sharing program to store items depicting the sexual exploitation or abuse of a child); subparagraph (b) of paragraph (5) of subsection b. of [N.J.S.2C:24-4](#) (Possessing or viewing items depicting the sexual exploitation or abuse of a child); section 8 of [P.L.2017, c.141 \(C.2C:24-4.1\)](#) (Leader of a child pornography network); [N.J.S.2C:28-1](#) (Perjury); [N.J.S.2C:28-2](#) (False Swearing); paragraph (4) of subsection b. of [N.J.S.2C:34-1](#) (Knowingly promoting the prostitution of the actor's child); section 2 of [P.L.2002, c.26 \(C.2C:38-2\)](#) (Terrorism); subsection a. of section 3 of [P.L.2002, c.26 \(C.2C:38-3\)](#) (Producing or Possessing Chemical Weapons, Biological Agents or Nuclear or Radiological Devices); and conspiracies or attempts to commit such crimes.

Records of conviction for any crime committed by a person holding any public office, position or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof and any conspiracy or attempt to commit such a crime shall not be subject to expungement if the crime involved or touched such office, position or employment.

c. In the case of conviction for the sale or distribution of a controlled dangerous substance or possession thereof with intent to sell, expungement shall be denied except where the crimes involve:

- (1) Marijuana, where the total quantity sold, distributed or possessed with intent to sell was less than one ounce;
- (2) Hashish, where the total quantity sold, distributed or possessed with intent to sell was less than five grams; or
- (3) Any controlled dangerous substance provided that the conviction is of the third or fourth degree, where the court finds that compelling circumstances exist to grant the expungement. The prosecutor may object pursuant to section 11 of [P.L.2019, c.269 \(C.2C:52-10.1\)](#), [N.J.S.2C:52-11](#), [N.J.S.2C:52-14](#), [.J.S.2C:52-24](#).

d. In the case of a State licensed physician or podiatrist convicted of an offense involving drugs or alcohol or pursuant to section 14 or 15 of [P.L.1989, c.300 \(C.2C:21-20 or 2C:21-4.1\)](#), the petitioner shall notify the State Board of Medical Examiners upon filing an application for expungement and provide the board with a copy thereof. The petitioner shall also provide to the court a certification attesting that the requirements of this subsection were satisfied. Failure to satisfy the requirements of this subsection shall be grounds for denial of the expungement application and, if applicable, administrative discipline by the board.

History

L. 1979, c. 178, § 109; Amended [1989, c. 300](#), § 23; [1993, c. 301](#), § 1; [1994, c. 133](#), § 6; [2009, c. 188](#), § 1, eff. Mar. 13, 2010; [2013, c. 136](#), § 3, eff. Aug. 14, 2013; [2015, c. 261](#), § 2, effective April 18, 2016; [2017, c. 141](#), § 7, effective February 1, 2018; [2017, c. 165](#), § 9, effective July 21, 2017; [2017, c. 244](#), § 1, effective October 1, 2018; [2019, c. 269](#), § 2, effective June 15, 2020.

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[N.J. Stat. § 2C:52-3](#)

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§ 2C:52-3. Disorderly persons offenses and petty disorderly persons offenses

a. Any person who has been convicted of one or more disorderly persons or petty disorderly persons offenses under the laws of this State who has not been convicted of any crime, whether within this State or any other jurisdiction, may present an expungement application to a court pursuant to this section. Any person who has been convicted of one or more disorderly persons or petty disorderly persons offenses under the laws of this State who has also been convicted of one or more crimes shall not be eligible to apply for an expungement pursuant to this section, but may present an expungement application to the Superior Court pursuant to [N.J.S.2C:52-2](#).

b. Any person who has been convicted of one or more disorderly persons or petty disorderly persons offenses under the laws of this State who has not been convicted of any crime, whether within this State or any other jurisdiction, may present an expungement application pursuant to this section to any court designated by the Rules of Court if:

the person has been convicted, under the laws of this State, on the same or separate occasions of no more than five disorderly persons offenses, no more than five petty disorderly persons offenses, or a combination of no more than five disorderly persons and petty disorderly persons offenses, and the person does not otherwise have any subsequent conviction for a disorderly persons or petty disorderly persons offense, whether within this State or any other jurisdiction, such that the total number of convictions for disorderly persons and petty disorderly persons offenses would exceed five. Subject to the provision of subsection e. of [N.J.S.2C:52-14](#) requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another disorderly persons offense or petty disorderly persons offense shall not bar presenting an application seeking expungement relief for the convictions that are the subject of the application, which may include convictions for no more than five disorderly persons or petty disorderly persons offenses, or combination thereof; or the person has been convicted of multiple disorderly persons offenses or multiple petty disorderly persons offenses under the laws of this State, or a combination of multiple disorderly persons and petty disorderly persons offenses under the laws of this State, which convictions were entered on the same day, and does not otherwise have any subsequent conviction for another offense in addition to those convictions included in the expungement application, whether any such conviction was within this State or any other jurisdiction. Subject to the provision of subsection e. of [N.J.S.2C:52-14](#) requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another disorderly persons or petty disorderly persons offense that was not entered on the same day shall not bar presenting an application seeking expungement relief for the convictions entered on the same day that are the subject of the application; or the person has been convicted of multiple disorderly persons offenses or multiple petty disorderly persons offenses under the laws of this State, or a combination of multiple disorderly persons and petty disorderly persons offenses under the laws of this State, which offenses or combination of offenses were interdependent or closely related in circumstances and were committed as part of a sequence of

events that took place within a comparatively short period of time, regardless of the date of conviction or sentencing for each individual offense, and the person does not otherwise have any subsequent conviction for another offense in addition to those convictions included in the expungement application, whether within this State or any other jurisdiction. Subject to the provision of subsection e. of [N.J.S.2C:52-14](#) requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another disorderly persons offense or petty disorderly persons offense that was not interdependent or closely related in circumstances and was not committed within a comparatively short period of time as described above shall not bar presenting an application seeking expungement relief for the convictions of offenses that were interdependent or closely related and committed within a comparatively short period of time, and that are the subject of the application.

For purposes of determining eligibility to present an expungement application to the court pursuant to this section, a conviction for unlawful distribution of, or possessing or having under control with intent to distribute, marijuana or hashish in violation of paragraph (11) of subsection b. of [N.J.S.2C:35-5](#), or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of P.L.1987, c.101 ([C.2C:35-7](#)) or subsection a. of section 1 of [P.L.1997, c.327 \(C.2C:35-7.1\)](#), for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or for obtaining or possessing marijuana or hashish in violation of paragraph (3) of subsection a. of [N.J.S.2C:35-10](#), or for an equivalent crime in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction of a crime within this State or any other jurisdiction but shall instead be considered a conviction of a disorderly persons offense within this State or an equivalent category of offense within the other jurisdiction, and for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (4) of subsection a., or subsection b., or subsection c. of [N.J.S.2C:35-10](#), or a violation involving marijuana or hashish as described herein or possessing with intent to use drug paraphernalia with or hashish in violation [.J.S.2C:36-2](#), or for an equivalent crime or offense in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction within this State or any other jurisdiction.

The person, if eligible, may present the expungement application after the expiration of a period of five years from the date of his most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later. The term "court-ordered financial assessment" as used herein and throughout this section means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the application, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The person shall submit the expungement application to a court in the county in which the most recent conviction for a disorderly persons or petty disorderly persons offense was adjudged, which includes a duly verified petition as provided in [N.J.S.2C:52-7](#) praying that the conviction, or convictions if applicable, and all records and information pertaining thereto be expunged. The petition appended to an application shall comply with the requirements of [N.J.S.2C:52-1](#) et seq.

Notwithstanding the provisions of the five-year time requirement, if, at the time of application, a court-ordered financial assessment subject to collection under the comprehensive enforcement program established pursuant to [P.L.1995, c.9 \(C.2B:19-1](#) et al.) is not yet satisfied due to reasons other than willful noncompliance, but the time requirement of five years is otherwise satisfied, the person may submit the expungement application and the court may grant an expungement; provided, however, that the court shall enter a civil judgment for the unpaid portion of the court-ordered financial the name of the Treasurer, State of New Jersey and transfer collections and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of [P.L.2017, c.244 \(C.2C:52-23.1\)](#). The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and

disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole discretion to amend the judgment. Additionally, an application may be filed and presented, and the court may grant an expungement pursuant to this section, although less than five years have expired in accordance with the time requirements when the court finds:

(1) the court-ordered financial assessment is satisfied but less than five years have expired from the date of satisfaction, and the five-year time requirement is otherwise satisfied, and the court finds that the person substantially complied with any payment plan ordered pursuant to [N.J.S.2C:46-1](#) et seq., or could not do so due to compelling circumstances affecting his ability to satisfy the assessment; or

(2) at least three but less than five years have expired from the date of the most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later; and the person has not been otherwise convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the most recent conviction; and the court finds in its discretion that compelling circumstances exist to grant the expungement. The prosecutor may object pursuant to section 11 of [P.L.2019, c.269 \(C.2C:52-10.1\)](#), [N.J.S.2C:52-11](#), [N.J.S.2C:52-14](#), [.J.S.2C:52-24](#).

In determining whether compelling circumstances exist for the purposes of paragraph (1) of this subsection, a court may consider the amount of any court-ordered financial assessment imposed, the person's age at the time of the offense or offenses, the person's financial condition and other relevant circumstances regarding the person's ability to pay.

History

L. 1979, c. 178, § 110; amended by L. 1981, c. 290, § 43; [2015, c. 261](#), § 3, effective April 18, 2016; [2017, c. 244](#), § 2, effective October 1, 2018; [2019, c. 269](#), § 3, effective June 15, 2020.

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[N.J. Stat. § 2C:52-4](#)

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§ 2C:52-4. Ordinances

In all cases wherein a person has been found guilty of violating a municipal ordinance of any governmental entity of this State and who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, and who has not been adjudged a disorderly person or petty disorderly person on more than two occasions, may, after the expiration of a period of 2 years from the date of his conviction, payment of fine, satisfactory completion of probation or release from incarceration, whichever is later, present a duly verified petition as provided in section [2C:52-7](#) herein to the Superior Court in the county in which the violation occurred praying that such conviction and all records and information pertaining thereto be expunged.

History

L. 1979, c. 178, § 111.

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[N.J. Stat. § 2C:52-4.1](#)

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§ 2C:52-4.1. Juvenile delinquent; expungement of adjudications and charges

a. Any person adjudged a juvenile delinquent may have such adjudication expunged as follows:

- (1) Pursuant to [N.J.S.2C:52-2](#), if the act committed by the juvenile would have constituted a crime if committed by an adult;
- (2) Pursuant to [N.J.S.2C:52-3](#), if the act committed by the juvenile would have constituted a disorderly or petty disorderly persons offense if committed by an adult; or
- (3) Pursuant to [N.J.S.2C:52-4](#), if the act committed by the juvenile would have constituted an ordinance violation if committed by an adult.

For purposes of expungement, any act which resulted in a juvenile being adjudged a delinquent shall be classified as if that act had been committed by an adult.

b. Additionally, any person who has been adjudged a juvenile delinquent may have his entire record of delinquency adjudications expunged if:

- (1) Three years have elapsed since the final discharge of the person from legal custody or supervision or three years have elapsed after the entry of any other court order not involving custody or supervision, except that periods of post-incarceration supervision pursuant to section 25 of P.L. 1982, c.77 ([C.2A:4A-44](#)), shall not be considered in calculating the three-year period for purposes of this paragraph;
- (2) He has not been convicted of a crime, or a disorderly or petty disorderly persons offense, or adjudged a delinquent, or in need of supervision, during the three years prior to the filing of the petition, and no proceeding or complaint is pending seeking such a conviction or adjudication, except that periods of post-incarceration supervision pursuant to section 25 of P.L. 1982, c.77 ([C.2A:4A-44](#)), shall not be considered in calculating the three-year period for purposes of this paragraph;
- (3) He was never adjudged a juvenile delinquent on the basis of an act which if committed by an adult would constitute a crime not subject to expungement under [N.J.S.2C:52-2](#);
- (4) He has never had an adult conviction expunged; and
- (5) He has never had adult criminal charges dismissed following completion of a supervisory treatment or other diversion program.

c. Any person who has been charged with an act of delinquency and against whom proceedings were dismissed may have the filing of those charges expunged pursuant to the provisions of [N.J.S.2C:52-6](#).

History

L. 1980, c. 163, § 1; amended by L. 1981, c. 290, § 44; [2009, c. 188](#), § 2, eff. Mar. 13, 2010; [2017, c. 245](#), § 1, effective April 1, 2018.

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[N.J. Stat. § 2C:52-5](#)

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§ 2C:52-5. Expungement of records of young drug offenders

Notwithstanding the provisions of [N.J.S.2C:52-2](#) and [N.J.S.2C:52-3](#), after a period of not less than one year following conviction, termination of probation or parole or discharge from custody, whichever is later, any person convicted of an offense under chapter 35 or 36 of this title for the possession or use of a controlled dangerous substance, convicted of violating P.L. 1955, c.77, s.3 ([C.2A:170-77.5](#)), or convicted of violating P.L.1962, c.113, s.1 ([C.2A:170-77.8](#)), and who at the time of the offense was 21 years of age or younger, may apply to the Superior Court in the county wherein the matter was disposed of for the expungement of such person's conviction and all records pertaining thereto. The relief of expungement under this section shall be granted only if said person has not, prior to the time of hearing, violated any of the conditions of his probation or parole, albeit subsequent to discharge from probation or parole, has not been convicted of any previous or subsequent criminal act or any subsequent or previous violation of chapter 35 or 36 of this title or of P.L.1955, c.277, s.3 ([C.2A:170-77.5](#)) or of P.L.1962, c.113, s.1 ([C.2A:170-77.8](#)), or who has not had a prior or subsequent criminal matter dismissed because of acceptance into a supervisory treatment or other diversion program.

This section shall not apply to any person who has been convicted of the sale or distribution of a controlled dangerous substance or possession with the intent to sell any controlled dangerous substance except:

- (1) Marihuana, where the total sold, distributed or possessed with intent to sell was less than one ounce, or
- (2) Hashish, where the total amount sold, distributed or possessed with intent to sell was less than five grams.

History

L. 1979, c. 178, § 112; amended by L. 1987, c. 106, § 16; [2017, c. 244](#), § 3, effective October 1, 2018.

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[N.J. Stat. § 2C:52-5.1](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

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§ 2C:52-5.1. Eligibility to file petition for expungement

a.

(1) Notwithstanding the requirements of [N.J.S.2C:52-2](#) and [N.J.S.2C:52-3](#) or any other provision of law to the contrary, beginning on the effective date of this section, the following persons may file a an expungement with any court designated by the Rules of Court at any time, provided they have satisfied, except as otherwise set forth in this subsection, payment of any court-ordered financial assessment as defined in section 8 of [P.L.2017, c.244 \(C.2C:52-23.1\)](#), satisfactorily completed probation or parole, been released from incarceration, or been discharged from legal custody or supervision at the time of application:

(a) any person who, prior to the development of a system for sealing records from the public pursuant to section 6 of [P.L.2019, c.269 \(C.2C:52-5.2\)](#), was charged with, convicted of, or adjudicated delinquent for, any number of offenses for, or delinquent acts which if committed by an adult would constitute, unlawful distribution of, or possessing or having under control with intent to distribute, marijuana or hashish in violation of paragraph (12) of subsection b. of [N.J.S.2C:35-5](#), or a violation of that paragraph and a violation of subsection a. of section 1 of P.L.1987, c.101 ([C.2C:35-7](#)) or subsection a. of section 1 of [P.L.1997, c.327 \(C.2C:35-7.1\)](#) for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building; or

(b) any person who, prior to the development of a system for sealing records from the public pursuant to section 6 of [P.L.2019, c.269 \(C.2C:52-5.2\)](#), was charged with, convicted of, or adjudicated delinquent for, any number of offenses for, or delinquent acts which if committed by an adult would constitute, obtaining, possessing, using, being under the influence of, or failing to make lawful marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of [N.J.S.2C:35-10](#); or

(c) any person who, prior to the development of a system for sealing records from the public pursuant to section 6 of [P.L.2019, c.269 \(C.2C:52-5.2\)](#), was charged with, convicted of, or adjudicated delinquent for, any number of offenses for, or delinquent acts which if committed by an adult would constitute, a violation involving marijuana or hashish as described in subparagraph (a) or (b) of this paragraph and using or possessing with intent to use drug paraphernalia with that marijuana or hashish in violation of [N.J.S.2C:36-2](#).

(2) If, at the time of application, a court-ordered financial assessment subject to collection under the comprehensive enforcement program established pursuant to [P.L.1995, c.9 \(C.2B:19-1](#) et al.) is not yet satisfied due to reasons other than willful noncompliance, but the provisions of paragraph (1) of this subsection are otherwise satisfied, the person may submit the expungement application and the court shall grant an expungement in accordance with subsection c. of this section; provided, however, that at the time the expungement is granted the court shall enter a civil judgment for the unpaid portion of the

court-ordered financial assessment in the name of the Treasurer, State of New Jersey and transfer collection and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of [P.L.2017, c.244](#) (C.2C:52:23.1). The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole discretion to amend the judgment.

b.

(1) Notwithstanding the requirements of [N.J.S.2C:52-2](#) and [N.J.S.2C:52-3](#) or any other provision of law to the contrary, beginning on the effective date of this section, a person who, prior, on, or after that effective date is charged with, convicted of, or adjudicated delinquent for, any number of offenses for, or delinquent acts which if committed by an adult would constitute, unlawful distribution of, or possessing or having under control with intent to distribute, marijuana or hashish in violation of paragraph (11) of subsection b. of [N.J.S.2C:35-5](#), may file a an expungement with a court after the expiration of three years from the date of the most recent conviction, payment of any court-ordered financial assessment as defined in section 8 of [P.L.2017, c.244](#) ([C.2C:52-23.1](#)), satisfactory completion of probation or parole, release from incarceration, or discharge from legal custody or supervision, whichever is later.

(2)

(a) Notwithstanding the provisions concerning the three-year time requirement set forth in paragraph (1) of this subsection, if, at the time of application, a court-ordered financial assessment subject to collection under the comprehensive enforcement program established pursuant to [P.L.1995, c.9](#) ([C.2B:19-1](#) et al.) is not yet satisfied due to reasons other than willful noncompliance, but the time requirement is otherwise satisfied, the person may submit the expungement application and the court shall grant an expungement in accordance with subsection c. of this section; provided, however, that at the time the expungement is granted the court shall enter a civil judgment for the unpaid portion of the court-ordered financial assessment in the name of the Treasurer, State of New Jersey and transfer collection and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of [P.L.2017, c.244](#) ([C.2C:52:23.1](#)). The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole discretion to amend the judgment.

(b) Additionally, an application may be filed and presented, and an expungement granted pursuant to subsection c. of this section, although less than three years have expired in accordance with the time requirement set forth in paragraph (1) of this subsection, when the court finds that the court-ordered financial assessment is satisfied but less than three years have expired from the date of satisfaction, and the time requirement of three years is otherwise satisfied, and the court finds that the person substantially complied with any payment plan ordered pursuant to [N.J.S.2C:46-1](#) et seq., or could not do so due to compelling circumstances affecting the person's ability to satisfy the financial assessment.

c.

(1) The provisions of [N.J.S.2C:52-8](#) through [N.J.S.2C:52-14](#) shall not apply to an expungement as set forth in this section.

(2) Upon review of the petition, the court shall immediately grant an expungement for each arrest, conviction, or adjudication of delinquency as described in subsection a. or b. of this section, as applicable. The court shall provide copies of the expungement order to the person who is the subject of the petition or that person's representative.

(3) A court order vacating an expungement that is granted to a person pursuant to this subsection may be issued upon an action filed by a county prosecutor with the court that granted the expungement, if

filed no later than 30 days after the expungement order was issued, with notice to the person, and a hearing is scheduled at which the county prosecutor shows proof that the expungement was granted in error due to a statutory disqualification to expungement that existed at the time the relief was initially granted.

d. Any public employee or public agency that provides information or records pursuant to this section shall be immune from criminal and civil liability as a result of an act of commission or omission by that person or entity arising out of and in the course of participation in, or assistance with, in good faith, an expungement. The immunity shall be in addition to and not in limitation of any other immunity provided by law.

History

L. [2019, c. 269](#), § 5, effective June 15, 2020.

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[N.J. Stat. § 2C:52-5.2](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 3. Sentencing (Chs. 43 — 104) > Chapter 52. Expungement (§§ 2C:52-1 — 2C:52-32.1)

Notice

 This section has more than one version with varying effective dates.

§ 2C:52-5.2. System for sealing records from the public [Effective until date stated in L. [2021, c. 19](#), § 21]

a.

(1) No later than three months after the effective date of this section, the Administrative Office of the Courts shall develop and maintain a system for sealing records from the public, upon order of a court, pertaining to offenses or delinquent acts involving marijuana or hashish as described in this section. Once the system is developed, unless otherwise provided by law, a court shall order the nondisclosure to the public of the records of the court and probation services, and records of law enforcement agencies with respect to any arrest, conviction, or adjudication of delinquency, and any proceedings related thereto, upon disposition of any case occurring on or after the development of the system for sealing records that solely includes the following convictions or adjudications of delinquency:

(a) any number of offenses for, or delinquent acts which if committed by an adult would constitute, unlawful distribution of, or possessing or having under control with intent to distribute, marijuana or hashish in violation of paragraph (12) of subsection b. of [N.J.S.2C:35-5](#), or a violation of that paragraph and a violation of subsection a. of section 1 of P.L.1987, c.101 ([C.2C:35-7](#)) or subsection a. of section 1 of [P.L.1997, c.327](#) ([C.2C:35-7.1](#)) for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building;

(b) any number of offenses for, or delinquent acts which if committed by an adult would constitute, obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of [N.J.S.2C:35-10](#); or

(c) any number of offenses for, or delinquent acts which if committed by an adult would constitute, a violation involving marijuana or hashish as described in subparagraph (a) or (b) of this paragraph and using or possessing with intent to use drug paraphernalia with that marijuana or hashish in violation of [N.J.S.2C:36-2](#).

(2) If the disposition of the case includes a court-ordered financial assessment subject to collection under the comprehensive enforcement program established pursuant to [P.L.1995, c.9](#) ([C.2B:19-1](#) et al.), then at the time of issuing the sealing order, the court shall also enter a civil judgment for the unpaid portion of the court-ordered financial the name of the Treasurer, State of New Jersey and

transfer collections and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of [P.L.2017, c.244 \(C.2C:52-23.1\)](#). The term “court-ordered financial assessment” as used herein means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the sealing order, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole discretion to amend the judgment.

b. Notice of the sealing order issued pursuant to subsection a. of this section shall be provided to:

- (1)** The Attorney General, county prosecutor, or municipal prosecutor handling the case; and
- (2)** The State Police and any local law enforcement agency having custody of the files and records.

c. Upon the entry of a sealing order issued pursuant to subsection a. of this section, the proceedings in the case shall be sealed and all index references shall be marked “not available” or “no record.” Law enforcement agencies shall reply to requests for information or records of a person subject to a sealing order that there is no information or records. The person may also reply to any inquiry that there is no information or record, except that information subject to a sealing order shall be revealed by that person if seeking employment within the judicial branch or with a law enforcement or corrections agency, and the information shall continue to provide a disability to the extent provided by law.

d. Records subject to a sealing order issued pursuant to subsection a. of this section may be maintained for purposes of prior offender status, identification, and law enforcement purposes, provided that the records shall not be considered whenever the Pretrial Services Program established by the Administrative Office of the Courts pursuant to section 11 of [P.L.2014, c.31 \(C.2A:162-25\)](#) conducts a risk assessment on an eligible defendant for the purpose of making recommendations to the court concerning an appropriate pretrial release decision in accordance with sections 1 through 11 of [P.L.2014, c.31 \(C.2A:162-15 et seq.\)](#) or used for sentencing purposes in any other case.

History

L. [2019, c. 269](#), § 6, effective June 15, 2020.

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[N.J. Stat. § 2C:52-5.2](#)

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Notice

 This section has more than one version with varying effective dates.

§ 2C:52-5.2. System for sealing records from the public [Effective on date stated in L. [2021, c. 19](#), § 21]

a.

(1) No later than three months after the effective date of this section, the Administrative Office of the Courts shall develop and maintain a system for sealing records from the public, upon order of a court, pertaining to offenses or delinquent acts involving marijuana or hashish as described in this section. Once the system is developed, unless otherwise provided by law, a court shall order the nondisclosure to the public of the records of the court and probation services, and records of law enforcement agencies with respect to any arrest, conviction, or adjudication of delinquency, and any proceedings related thereto, upon disposition of any case occurring on or after the development of the system for sealing records that solely includes the following convictions or adjudications of delinquency:

(a) any number of offenses for, or delinquent acts which if committed by an adult would constitute, manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of [N.J.S.2C:35-5](#), or a violation of that paragraph and a violation of subsection a. of section 1 of P.L.1987, c.101 ([C.2C:35-7](#)) or subsection a. of section 1 of [P.L.1997, c.327](#) ([C.2C:35-7.1](#)) for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building; or

(b) any number of offenses for, or delinquent acts which if committed by an adult would constitute, obtaining or possessing marijuana or hashish in violation of paragraph (3) of subsection a. of [N.J.S.2C:35-10](#).

(c) (Deleted by amendment, [P.L.2021, c.19](#))

(2) If the disposition of the case includes a court-ordered financial assessment subject to collection under the comprehensive enforcement program established pursuant to [P.L.1995, c.9](#) ([C.2B:19-1](#) et al.), then at the time of issuing the sealing order, the court shall also enter a civil judgment for the unpaid portion of the court-ordered financial assessment in the name of the Treasurer, State of New Jersey and transfer collections and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of [P.L.2017, c.244](#) ([C.2C:52-23.1](#)). The term “court-ordered financial assessment” as used herein means and includes any fine, fee, penalty, restitution,

and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the sealing order, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole discretion to amend the judgment.

b. Notice of the sealing order issued pursuant to subsection a. of this section shall be provided to:

- (1) The Attorney General, county prosecutor, or municipal prosecutor handling the case; and
- (2) The State Police and any local law enforcement agency having custody of the files and records.

c. Upon the entry of a sealing order issued pursuant to subsection a. of this section, the proceedings in the case shall be sealed and all index references shall be marked "not available" or "no record." Law enforcement agencies shall reply to requests for information or records of a person subject to a sealing order that there is no information or records. The person may also reply to any inquiry that there is no information or record, except that information subject to a sealing order shall be revealed by that person if seeking employment within the judicial branch or with a law enforcement or corrections agency, and the information shall continue to provide a disability to the extent provided by law.

d. Records subject to a sealing order issued pursuant to subsection a. of this section may be maintained for purposes of prior offender status, identification, and law enforcement purposes, provided that the records shall not be considered whenever the Pretrial Services Program established by the Administrative Office of the Courts pursuant to section 11 of [P.L.2014, c.31](#) (C.2A:162-25) conducts a risk assessment on an eligible defendant for the purpose of making recommendations to the court concerning an appropriate pretrial release decision in accordance with sections 1 through 11 of [P.L.2014, c.31](#) ([C.2A:162-15](#) et seq.) or used for sentencing purposes in any other case.

History

L. [2019, c. 269](#), § 6, effective June 15, 2020; amended by [2021, c. 19](#), § 6.

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[N.J. Stat. § 2C:52-5.3](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

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§ 2C:52-5.3. “Clean slate” expungement by petition

“Clean slate” expungement by petition. a. A person, who is not otherwise eligible to present an expungement application pursuant to any other section of chapter 52 of Title 2C of the New Jersey Statutes or other section of law, may present an expungement application to the Superior Court pursuant to this section if the person has been convicted of one or more crimes, one or more disorderly persons or petty disorderly persons offenses, or a combination of one or more crimes and offenses under the laws of this State, unless the person has a conviction for a crime which is not subject to expungement pursuant to subsection b. or c. of [N.J.S.2C:52-2](#). The person may present an application pursuant to this section regardless of whether the person would otherwise be ineligible pursuant to subsection e. of [N.J.S.2C:52-14](#) for having had a previous criminal conviction expunged, or due to having been granted an expungement pursuant to this or any other provision of law.

b. The person, if eligible, may present the expungement application after the expiration of a period of ten years from the date of the person’s most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later. The term “court-ordered financial assessment” as used herein and throughout this section means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the application, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The person shall submit the expungement application to the Superior Court in the county in which the most recent conviction for a crime or offense was adjudged, which includes a duly verified petition as provided in [N.J.S.2C:52-7](#) praying that all the person’s convictions, and all records and information pertaining thereto, be expunged. The petition appended to an application shall comply with the requirements set forth in [N.J.S.2C:52-1](#) et seq.

c. Notwithstanding the provisions concerning the ten-year time requirement, if, at the time of application, a court-ordered financial assessment subject to collection under the comprehensive enforcement program established pursuant to [P.L.1995, c.9 \(C.2B:19-1](#) et al.) is not yet satisfied due to reasons other than willful noncompliance, but the time requirement of ten years is otherwise satisfied, the person may submit the expungement application and the court shall grant an expungement in accordance with this section; provided, however, that at the time of the expungement the court shall enter a civil judgment for the unpaid portion of the court-ordered financial assessment in the name of the Treasurer, State of New Jersey and transfer collection and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of [P.L.2017, c.244 \(C.2C:52-23.1\)](#). The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole discretion to amend the judgment.

d. No expungement applications may be filed pursuant to this section after the establishment of the automated clean slate” process pursuant to subsection a. of section 8 of [P.L.2019, c.269](#) ([C.2C:52-5.4](#)).

History

L. [2019, c. 269](#), § 7, effective June 15, 2020.

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[N.J. Stat. § 2C:52-5.4](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

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§ 2C:52-5.4. Automated “clean slate” process

a.

(1) The State shall develop and implement an automated process, based, to the greatest extent practicable, on the recommendations of the task force established pursuant to subsection b. of this section, by which all convictions, and all records and information pertaining thereto, shall be rendered inaccessible to the public, through sealing, expungement, or some equivalent process, for any person who has been convicted of one or more crimes, one or more disorderly persons or petty disorderly persons offenses, or a combination of one or more crimes and offenses under the laws of this State, unless the person has a conviction for a crime which is not subject to expungement pursuant to subsection b. or c. of [N.J.S.2C:52-2](#), upon the expiration of a period of ten years from the date of the person’s most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later. The term “court-ordered financial assessment” as used herein means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are subject to being rendered inaccessible to the public, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes.

(2) The automated process shall be designed to restore a person’s convictions and other information contained in the person’s criminal history record information files if the person is subsequently convicted of a crime, for which the conviction is not subject to expungement pursuant to subsection b. or c. of [N.J.S.2C:52-2](#). A prosecutor may submit the restored criminal history record information to the court for consideration at sentencing for the subsequent conviction.

(3) Upon establishment of the automated process pursuant to this subsection, any pending “clean slate” expungement petitions filed pursuant to section 7 of [P.L.2019, c.269 \(C.2C:52-5.3\)](#) shall be rendered moot and shall be withdrawn or dismissed in accordance with procedures established by the Supreme Court.

b.

(1)

(a) There is established a task force for the purpose of examining, evaluating, and making recommendations regarding the development and implementation of the automated process described in subsection a. of this section, by which all of a person’s convictions, and all records and information pertaining thereto, shall be rendered inaccessible to the public.

(b) The task force shall consist of at least the following members:

The Chief Technology Officer of the Office of Information Technology, or a designee or designees;

The Attorney General, or a designee or designees, one or more of whom may be members of the State Bureau of Identification and the Information Technology Bureau in the Division of State Police designated by the Superintendent of the State Police;

The Administrative Director of the Courts, or a designee or designees;

The Director of Information Technology for the Administrative Office of the Courts, or a designee or designees;

The Commissioner of the Department of Corrections, or a designee or designees;

The President of the New Jersey County Jail Wardens Association, or a designee or designees;

The President of the New Jersey State Association of Chiefs of Police, or a designee or designees;

Two members of the Senate, who shall each be of different political parties, appointed by the Governor upon the recommendation of the Senate President;

Two members of the General Assembly, who shall each be of different political parties, appointed by the Governor upon the recommendation of the Speaker of the General Assembly;

Two members of academic institutions or non-profit entities appointed by the Governor who each have a background in, or special knowledge of, computer technology, database management, or recordkeeping processes; and

Four members of the public appointed by the Governor who each have a background in, or special knowledge of, the technological, criminal record or legal processes of expungement, or criminal history recordkeeping, of which two of whom shall be appointed by the Governor upon recommendation of the Senate President and two of whom shall be appointed by the Governor upon recommendation of the Speaker of the General Assembly.

(c) Appointments to the task force shall be made within 30 days of the effective date of this section. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made.

(d) Members of the task force shall serve without compensation, but shall be reimbursed for necessary expenditures incurred in the performance of their duties as members of the task force within the limits of funds appropriated or otherwise made available to the task force for its purposes.

(e) The task force shall organize as soon as practicable, but no later than 30 days following the appointment of its members. The task force shall choose a chairperson from among its members and shall appoint a secretary who need not be a member of the task force.

(f) The Department of Law and Public Safety shall provide such stenographic, clerical, and other administrative assistants, and such professional staff as the task force requires to carry out its work. The task force shall also be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available for its purposes.

(2) It shall be the duty of the task force to identify, analyze and recommend solutions to any technological, fiscal, resource, and practical issues that may arise in the development and implementation of the automated process described in subsection a. of this section. In carrying out these responsibilities, the task force shall to the extent feasible:

(a) examine and evaluate the effectiveness of the design and implementation of automated processes in Pennsylvania and California and other jurisdictions that have implemented similar programs, and consult with officials in those jurisdictions concerning their processes and any technological, fiscal, resource, and practical issues that they may have encountered, contemplated, or addressed in developing and implementing those systems; and

- (b) consult with non-profit computer programming organizations such as “Code for America” with expertise in assisting in the implementation of automated processes and expungement processing generally, to the extent those organizations make themselves available for this purpose; and
- (c) identify the necessary systemic changes, required technology, cost estimates, and possible sources of funding for developing and implementing the automated process described in subsection a. of this section.

(3)

- (a) The task force shall issue a final report of its findings and recommendations to the Governor, and to the Legislature pursuant to section 2 of [P.L.1991, c.164 \(C.52:14-19.1\)](#), no later than 180 days after the task force organizes.
- (b) The task force shall expire 30 days after the issuance of its report.

History

L. [2019, c. 269](#), § 8, effective December 18, 2019.

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[N.J. Stat. § 2C:52-6](#)

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§ 2C:52-6. Arrests not resulting in conviction

a. When a person has been arrested or held to answer for a crime, disorderly persons offense, petty disorderly persons offense, or municipal ordinance violation under the laws of this State or of any governmental entity thereof and proceedings against the person were dismissed, the person was acquitted, or the person was discharged without a conviction or finding of guilt, the Superior Court shall, at the time of dismissal, acquittal, or discharge, or, in any case set forth in paragraph (1) of this subsection, order the expungement of all records and information relating to the arrest.

(1) If proceedings took place in municipal court, the municipal court shall follow procedures developed by the Administrative Director of the Courts.

(2) The provisions of [N.J.S.2C:52-7](#) through [N.J.S.2C:52-14](#) shall not apply to an expungement pursuant to this subsection.

(3) An expungement under this subsection shall not be ordered where the dismissal, acquittal, or discharge resulted from a plea bargaining agreement involving the conviction of other charges. This bar, however, shall not apply once the conviction is itself expunged.

(4) The court shall forward a copy of the expungement order to the county prosecutor. The county prosecutor shall promptly distribute copies of the expungement order to appropriate law enforcement agencies and correctional institutions who have custody and control of the records specified in the order so that they may comply with the requirements of [N.J.S.2C:52-15](#).

(5) An expungement related to a dismissal, acquittal, or discharge ordered pursuant to this subsection shall not bar any future expungement.

(6) Where a dismissal of an offense is based on an eligible servicemember's successful participation in a Veterans Diversion Program pursuant to [P.L.2017, c.42 \(C.2C:43-23](#) et al.), the county prosecutor, on behalf of the eligible servicemember, may move before the court for the expungement of all records and information relating to the arrest and the diversion at the time of dismissal pursuant to this section.

b. When a person did not apply or a prosecutor did not move on behalf of an eligible servicemember for an expungement of an arrest not resulting in a conviction pursuant to subsection a. of this section, the person may at any time following the disposition of proceedings, present a duly verified petition as provided in [N.J.S.2C:52-7](#) to the Superior Court in the county in which the disposition occurred praying that records of such arrest and all records and information pertaining thereto be expunged.

c.

(1) Any person who has had charges dismissed against him pursuant to a program of supervisory treatment pursuant to [N.J.S.2C:43-12](#), or conditional discharge pursuant to [N.J.S.2C:36A-1](#), or conditional dismissal pursuant to [P.L.2013, c.158 \(C.2C:43-13.1](#) et al.), shall be barred from the relief provided in this section until six months after the entry of the order of dismissal.

(2) A servicemember who has successfully participated in a Veterans Diversion Program pursuant to [P.L.2017, c.42](#) ([C.2C:43-23](#) et al.) may apply for expungement pursuant to this section at any time following the order of dismissal if an expungement was not granted at the time of dismissal.

d. Any person who has been arrested or held to answer for a crime shall be barred from the relief provided in this section where the dismissal, discharge, or acquittal resulted from a determination that the person was insane or lacked the mental capacity to commit the crime charged.

History

L. 1979, c. 178, § 113; amended [2013, c. 158](#), § 13, eff. Jan. 4, 2014; amended by [2015, c. 261](#), § 4, effective April 18, 2016; [2017, c. 42](#), § 7, effective December 1, 2017; [2019, c. 269](#), § 4, effective June 15, 2020.

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[N.J. Stat. § 2C:52-6.1](#)

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§ 2C:52-6.1. Certain crimes expunged by operation of law

On the first day of the fifth month next following the effective date of [P.L.2021, c.16 \(C.24:61-31](#) et al.), any case that, prior to that effective date, includes a conviction or adjudication of delinquency solely for one or more crimes or offenses involving manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of [N.J.S.2C:35-5](#), or obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of [N.J.S.2C:35-10](#), or a violation involving marijuana or hashish as described herein and a violation of [N.J.S.2C:36-2](#) for using or possessing with intent to use drug paraphernalia with that marijuana or hashish, alone or in combination with each other, or any disorderly persons offense or petty disorderly persons offense subject to conditional discharge pursuant to [N.J.S.2C:36A-1](#), shall be expunged by operation of law, and any remaining sentence, ongoing supervision, or unpaid court-ordered financial assessment as defined in section 8 of [P.L.2017, c.244 \(C.2C:52-23.1\)](#) shall be vacated by operation of law. The Administrative Director of the Courts, in consultation with the Attorney General, may take any administrative action as may be necessary to expeditiously effectuate the expungement of records associated with any expunged matter.

History

L. [2021, c. 16](#), § 60, effective February 22, 2021; L. [2021, c. 19](#), § 5, effective February 22, 2021.

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[N.J. Stat. § 2C:52-7](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

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§ 2C:52-7. Petition for expungement

Every petition for expungement filed pursuant to this chapter shall be verified and include:

- a. Petitioner's date of birth.
- b. Petitioner's date of arrest.
- c. The statute or statutes and offense or offenses for which petitioner was arrested and of which petitioner was convicted.
- d. The original indictment, summons or complaint number.
- e. Petitioner's date of conviction, or date of disposition of the matter if no conviction resulted.
- f. The court's disposition of the matter and the punishment imposed, if any.

History

L. 1979, c. 178, § 114.

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[N.J. Stat. § 2C:52-8](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

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§ 2C:52-8. Statements to accompany petition

There shall be attached to a petition for expungement:

- a.** A statement with the affidavit or verification that there are no disorderly persons, petty disorderly persons or criminal charges pending against the petitioner at the time of filing of the petition for expungement.
- b.** In those instances where the petitioner is seeking the expungement of a criminal conviction pursuant to [N.J.S.2C:52-2](#), a statement with affidavit or verification that he has never been granted expungement, sealing or similar relief regarding a criminal conviction by any court in this State or other state or by any Federal court. “Sealing” refers to the relief previously granted pursuant to P.L. 1973, c.191 ([C.2A:85-15](#) et seq.).
- c.** In those instances where a person has received a dismissal of a criminal charge because of acceptance into a supervisory treatment or any other diversion program, a statement with affidavit or verification setting forth the nature of the original charge, the court of disposition and date of disposition.
- d.** A statement as to whether the petitioner has legally changed the petitioner’s name, the date of judgment of name change, and the previous legal name. If applicable, the petitioner shall provide a copy of the order for name change.

History

L. 1979, c. 178, § 115; amended by [2017, c. 244](#), § 4, effective October 1, 2018; [2019, c. 269](#), § 9, effective June 15, 2020.

N.J. Stat. § 2C:52-9

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

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§ 2C:52-9. Order fixing time for hearing

Upon the filing of a petition for relief pursuant to this chapter, the court shall, by order, fix a time not less than 35 nor more than 60 days thereafter for hearing of the matter.

History

L. 1979, c. 178, § 116.

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[N.J. Stat. § 2C:52-10](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

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§ 2C:52-10. Service of petition and documents

- a. Until the date that the e-filing system is established by the Administrative Office of the Courts pursuant to section 11 of [P.L.2019, c.269 \(C.2C:52-10.1\)](#), a copy of each petition, together with a copy of all supporting documents, shall be served pursuant to the rules of court upon the Superintendent of State Police; the Attorney General; the county prosecutor of the county wherein the court is located; the chief of police or other executive head of the police department of the municipality wherein the offense was committed; the chief law enforcement officer of any other law enforcement agency of this State which participated in the arrest of the individual; the superintendent or warden of any institution in which the petitioner was confined; and, if a disposition was made by a municipal court, upon the magistrate of that court. Service shall be made within 5 days from the date of the order setting the date for the hearing upon the matter.
- b. On and after the date that the e-filing system is established pursuant to section 11 of [P.L.2019, c.269 \(C.2C:52-10.1\)](#), a copy of each petition, together with a copy of all supporting documents, shall, upon their filing, be served electronically pursuant to the rules of court upon the Superintendent of State Police, the Attorney General, the county prosecutor of the county wherein the court is located, and the county prosecutor of any county in which the petitioner was convicted, using the e-filing system.

History

L. 1979, c. 178, 117; amended by [2019, c. 269](#), § 10, effective June 15, 2020.

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[N.J. Stat. § 2C:52-10.1](#)

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§ 2C:52-10.1. System to electronically file expungement applications

a.

(1) No later than twelve months after the effective date of this section, the Administrative Office of the Courts shall develop and maintain a system for petitioners to electronically file expungement applications pursuant to [N.J.S.2C:52-1](#) et seq. The e-filing system shall be available Statewide and include electronic filing, electronic service of process, and electronic document management.

(2) The system shall, in accordance with [N.J.S.2C:52-10](#), electronically notify and serve copies of the petition and all supporting documents upon the Superintendent of State Police, the Attorney General, and each county prosecutor as described in that section.

(3) The system shall electronically compile a listing of all possibly relevant Judiciary records for an expungement petitioner and transmit this information to all parties served with copies of the petition and all supporting documents in accordance with paragraph (2) of this subsection.

b. Upon receipt of the information from the court pursuant to paragraphs (2) and (3) of subsection a. of this section, the Superintendent of State Police, the Attorney General, and the county prosecutor of any county in which the person was convicted shall, within 60 days, review and confirm, as appropriate, the information against the person's criminal history record information files and notify the court of any inaccurate or incomplete data contained in the information files, or of any other basis for ineligibility, if applicable, pursuant to [N.J.S.2C:52-14](#).

c. The court shall provide copies of an expungement order to the person who is the subject of the petition and electronically transmit the order to the law enforcement and criminal justice agencies which, at the time of the hearing on the petition, possess any records specified in the order in accordance with [N.J.S.2C:52-15](#).

History

L. [2019, c. 269](#), § 11, effective June 15, 2020.

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[N.J. Stat. § 2C:52-11](#)

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§ 2C:52-11. Order directing expungement where no objection prior to hearing

If, prior to the hearing, there is no objection from those law enforcement agencies notified or from those offices or agencies which are required to be served under [2C:52-10](#), and no reason, as provided in section [2C:52-14](#), appears to the contrary, the court may, without a hearing, grant an order directing the clerk of the court and all relevant criminal justice and law enforcement agencies to expunge records of said disposition including evidence of arrest, detention, conviction and proceedings related thereto.

History

L. 1979, c. 178, § 118.

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[N.J. Stat. § 2C:52-12](#)

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§ 2C:52-12. Denial of relief although no objection entered

In the event that none of the persons or agencies required to be noticed under [2C:52-10](#) has entered any objection to the relief being sought, the court may nevertheless deny the relief sought if it concludes that petitioner is not entitled to relief for the reasons provided in section [2C:52-14](#).

History

L. 1979, c. 178, § 119.

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[N.J. Stat. § 2C:52-13](#)

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§ 2C:52-13. When hearing on petition for expungement shall not be held

No petition for relief made pursuant to this section shall be heard by any court if the petitioner, at the time of filing or date of hearing, has a charge or charges pending against him which allege the commission of a crime, disorderly persons offense or petty disorderly persons offense. Such petition shall not be heard until such times as all pending criminal and or disorderly persons charges are adjudicated to finality.

History

L. 1979, c. 178, § 120.

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[N.J. Stat. § 2C:52-14](#)

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§ 2C:52-14. Grounds for denial of relief

A petition for expungement filed pursuant to this chapter shall be denied when:

- a. Any statutory prerequisite, including any provision of this chapter, is not fulfilled or there is any other statutory basis for denying relief.
- b. The need for the availability of the records outweighs the desirability of having a person freed from any disabilities as otherwise provided in this chapter. An application may be denied under this subsection only following objection of a party given notice pursuant to [N.J.S.2C:52-10](#) and the burden of asserting such grounds shall be on the objector.
- c. In connection with a petition under [N.J.S.2C:52-6](#), the acquittal, discharge or dismissal of charges resulted from a plea bargaining agreement involving the conviction of other charges. This bar, however, shall not apply once the conviction is itself expunged.
- d. The arrest or conviction sought to be expunged is, at the time of hearing, the subject matter of civil litigation between the petitioner or his legal representative and the State, any governmental entity thereof or any State agency and the representatives or employees of any such body.
- e. Except as set forth in subsection a. of section 7 of [P.L.2019, c.269 \(C.2C:52-5.3\)](#) concerning a “clean slate” expungement petition, the person has had a previous criminal conviction expunged regardless of the lapse of time between the prior expungement, or sealing under prior law, and the present petition. This provision shall not apply:
 - (1) When the person is seeking the expungement of a municipal ordinance violation or,
 - (2) When the person is seeking the expungement of records pursuant to [N.J.S.2C:52-6](#).
- f. (Deleted by amendment, [P.L.2017, c.244](#))

History

L. 1979, c. 178, § 121; amended [2009, c. 188](#), § 3, eff. Mar. 13, 2010; [2017, c. 244](#), § 5, effective October 1, 2018; [2019, c. 269](#), § 12, effective June 15, 2020.

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[N.J. Stat. § 2C:52-15](#)

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§ 2C:52-15. Disposition of records

- a. Except as provided in subsection b. of this section, if an order of expungement of records of arrest or conviction under this chapter is granted by the court, all the records specified in said order shall be removed from the files of the law enforcement and criminal justice agencies which, at the time of the hearing of the petition, possess the records and shall be placed in the control of a person who has been designated by the head of each such agency. That designated person shall, except as otherwise provided in this chapter, ensure that such records or the information contained therein are not released for any reason and are not utilized or referred to for any purpose. In response to requests for information or records of the person who was arrested or convicted, all officers, departments and agencies shall reply, with respect to the arrest, conviction or related proceedings which are the subject of the order, that there is no record information. The court shall provide proof of expungement to the person whose records have been expunged or to that person's representative.
- b. Records of the Probation Division of the Superior Court related to any court-ordered financial assessment that remains due at the time the court grants an expungement or sealing of records shall be transferred to the New Jersey Department of Treasury for the collection and disbursement of future payments and satisfaction of judgments in accordance with section 8 of [P.L.2017, c.244 \(C.2C:52-23.1\)](#). The term "court-ordered financial assessment" as used herein and throughout this section means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the expungement or sealing order, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole authority to amend the judgment concerning the amount of any court-ordered financial assessment that remains due at the time the court grants an expungement or sealing of records.

History

L. 1979, c. 178, § 122; amended by [2017, c. 244](#), § 6, effective October 1, 2018; [2019, c. 269](#), § 13, effective June 15, 2020.

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[N.J. Stat. § 2C:52-16](#)

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§ 2C:52-16. Expunged record including names of persons other than petitioner

Any record or file which is maintained by a judicial or law enforcement agency, or agency in the criminal justice system, which is the subject of an order of expungement which includes the name or names of persons other than that of the petitioner need not be isolated from the general files of the agency retaining same if the other persons named in said record or file have not been granted an order of expungement of said record, provided that a copy of the record shall be given to the person designated in [2C:52-15](#) and the original shall remain in the agency's general files with the petitioner's name and other personal identifiers obliterated and deleted.

History

L. 1979, c. 178, § 123.

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[N.J. Stat. § 2C:52-17](#)

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§ 2C:52-17. Use of expunged records by agencies on pending petition for expungement

Expunged records may be used by the agencies that possess same to ascertain whether a person has had prior conviction expunged, or sealed under prior law, when the agency possessing the record is noticed of a pending petition for the expungement of a conviction. Any such agency may supply information to the court wherein the motion is pending and to the other parties who are entitled to notice pursuant to [2C:52-10](#).

History

L. 1979, c. 178, § 124.

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[N.J. Stat. § 2C:52-18](#)

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§ 2C:52-18. Supplying information to Violent Crimes Compensation Office

Information contained in expunged records may be supplied to the Violent Crimes Compensation Office, in conjunction with any claim which has been filed with said office.

History

L. 1979, c. 178, § 125; amended by [2017, c. 244](#), § 7, effective October 1, 2018.

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[N.J. Stat. § 2C:52-19](#)

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§ 2C:52-19. Order of superior court permitting inspection of records or release of information; limitations

Inspection of the files and records, or release of the information contained therein, which are the subject of an order of expungement, or sealing under prior law, may be permitted by the Superior Court upon motion for good cause shown and compelling need based on specific facts. The motion or any order granted pursuant thereto shall specify the person or persons to whom the records and information are to be shown and the purpose for which they are to be utilized. Leave to inspect shall be granted by the court only in those instances where the subject matter of the records of arrest or conviction is the object of litigation or judicial proceedings. Such records may not be inspected or utilized in any subsequent civil or criminal proceeding for the purposes of impeachment or otherwise but may be used for purposes of sentencing on a subsequent offense after guilt has been established.

History

L. 1979, c. 178, § 126.

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[N.J. Stat. § 2C:52-20](#)

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§ 2C:52-20. Use of expunged records in conjunction with supervisory treatment or diversion programs

Expunged records may be used by the court in determining whether to grant or deny the person's application for acceptance into a supervisory treatment or diversion program for subsequent charges. Any expunged records which are possessed by any law enforcement agency may be supplied to the Attorney General, any county prosecutor, or court of this State when same are requested and are to be used for the purpose of determining whether or not to accept a person into a supervisory treatment or diversion program for subsequent charges.

History

L. 1979, c. 178, § 127; amended by [2015, c. 261](#), § 5, effective April 18, 2016.

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[N.J. Stat. § 2C:52-21](#)

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§ 2C:52-21. Use of expunged records in conjunction with setting bail or authorizing pretrial release, presentence report, or sentencing

Expunged records, or sealed records under prior law, of prior arrests or convictions shall be provided to any court, county prosecutor, the Probation Division of the Superior Court, the pretrial services agency, or the Attorney General when same are requested for use in conjunction with a bail hearing, pretrial release determination pursuant to sections 1 through 11 of [P.L.2014, c.31](#) ([C.2A:162-15](#) et seq.), for the preparation of a presentence report, or for purpose of sentencing.

History

L. 1979, c. 178, § 128; amended by [2015, c. 261](#), § 6, effective April 18, 2016.

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[N.J. Stat. § 2C:52-22](#)

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§ 2C:52-22. Use of expunged records by parole board

Expunged records, or sealed records under prior law, of prior disorderly persons, petty disorderly persons and criminal convictions shall be provided to the Parole Board when same are requested for the purpose of evaluating the granting of parole to the person who is the subject of said records. Such sealed or expunged records may be used by the Parole Board in the same manner and given the same weight in its considerations as if the records had not been expunged or sealed.

History

L. 1979, c. 178, § 129.

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[N.J. Stat. § 2C:52-23](#)

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§ 2C:52-23. Use of expunged records by department of corrections

Expunged records, and records sealed under prior law, shall be provided to the Department of Corrections for its use solely in the classification, evaluation and assignment to correctional and penal institutions of persons placed in its custody.

History

L. 1979, c. 178, § 130.

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[N.J. Stat. § 2C:52-23.1](#)

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§ 2C:52-23.1. Use of expunged, sealed records

a. Notwithstanding any provision in this act to the contrary, expunged or sealed records may be used to facilitate the State Treasurer's collection of any court-ordered financial assessments that remain due at the time an expungement or sealing of records is granted by the court. The term "court-ordered financial assessment" as used herein and throughout this section means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the expungement or sealing order, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. Information regarding the nature of such financial assessments or their derivation from expunged or sealed records shall not be disclosed to the public. Any record of a civil judgment for the unpaid portion of any court-ordered financial assessment that may be docketed after the court has granted an expungement or sealing of records shall be entered in the name of the Treasurer, State of New Jersey. The State Treasurer shall thereafter administer such judgments without disclosure of any information related to the underlying nature of the assessments.

b. (Deleted by amendment, [P.L.2019. c.269](#))

History

L. [2017. c. 244](#), § 8, effective October 1, 2018; amended by [2019. c. 269](#), § 14, effective June 15, 2020.

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[N.J. Stat. § 2C:52-24](#)

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§ 2C:52-24. County prosecutor's obligation to ascertain propriety of petition

Notwithstanding the notice requirements provided herein, it shall be the obligation of the county prosecutor of the county wherein any petition for expungement is filed to verify the accuracy of the allegations contained in the petition for expungement and to bring to the court's attention any facts which may be a bar to, or which may make inappropriate the granting of, such relief. If no disabling, adverse or relevant information is ascertained other than that as included in the petitioner's affidavit, such facts shall be communicated by the prosecutor to the court.

History

L. 1979, c. 178, § 131; amended by [2015. c. 261](#), § 7, effective April 18, 2016.

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[N.J. Stat. § 2C:52-25](#)

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§ 2C:52-25. Retroactive application

This chapter shall apply to arrests and convictions which occurred prior to, and which occur subsequent to, the effective date of this act.

History

L. 1979, c. 178, § 132.

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[N.J. Stat. § 2C:52-26](#)

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§ 2C:52-26. Vacating of orders of sealing; time; basis

If, within 5 years of the entry of an expungement order, any party to whom notice is required to be given pursuant to section [2C:52-10](#) notifies the court which issued the order that at the time of the petition or hearing there were criminal, disorderly persons or petty disorderly persons charges pending against the person to whom the court granted such order, which charges were not revealed to the court at the time of hearing of the original motion or that there was some other statutory disqualification, said court shall vacate the expungement order in question and reconsider the original motion in conjunction with the previously undisclosed information.

History

L. 1979, c. 178, § 133.

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[N.J. Stat. § 2C:52-27](#)

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§ 2C:52-27. Effect of expungement

Unless otherwise provided by law, if an order of expungement is granted, the arrest, conviction and any proceedings related thereto shall be deemed not to have occurred, and the petitioner may answer any questions relating to their occurrence accordingly, except as follows:

- a. The fact of an expungement, sealing or similar relief shall be disclosed as provided in section [2C:52-8](#) b.
- b. The fact of an expungement of prior charges which were dismissed because of the person's acceptance into and successful completion of a supervisory treatment or other diversion program shall be disclosed by said person to any court that is determining the propriety of accepting said person into a supervisory treatment or other diversion program for subsequent criminal charges; and
- c. Information divulged on expunged records shall be revealed by a petitioner seeking employment within the judicial branch or with a law enforcement or corrections agency and such information shall continue to provide a disability as otherwise provided by law.

History

L. 1979, c. 178, § 134; amended by L. 1981, c. 290, § 45; [2015, c. 261](#), § 8, effective April 18, 2016.

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[N.J. Stat. § 2C:52-27.1](#)

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§ 2C:52-27.1. Petition to rescind order of debarment for health care claims fraud; restoration

- a. If an order of expungement of records of conviction under the provisions of chapter 52 of Title 2C of the New Jersey Statutes is granted by the court to a person convicted of health care claims fraud in which the court had ordered the offender's professional license or certificate be forfeited and the person be forever barred from the practice of the profession, occupation, trade, vocation or business pursuant to subsection a. of section 4 of [P.L. 1997, c. 353 \(C. 2C:51-5\)](#), the person may petition the court for an order to rescind the court's order of debarment if the person can demonstrate that the person is sufficiently rehabilitated.
- b. If an order to rescind the court's order of debarment is granted, the person granted the order may apply to be licensed or certified to practice the profession, occupation, trade, vocation or business from which the offender was barred.

History

L. [1997, c. 353](#), § 5; amended [2003, c. 89](#), § 77.

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[N.J. Stat. § 2C:52-28](#)

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§ 2C:52-28. Motor vehicle offenses

Nothing contained in this chapter shall apply to arrests or conviction for motor vehicle offenses contained in Title 39.

History

L. 1979, c. 178, § 135.

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[N.J. Stat. § 2C:52-29](#)

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§ 2C:52-29. Fees waived for certain applications

Any person who files an application pursuant to this chapter shall not be charged a fee for applying for an expungement, and any fee set forth in the Rules of Court, which was, based on the Supreme Court's temporary authority pursuant to sections 12 through 15, and 17 through 19 of [P.L.2014, c.31 \(C.2B:1-7 through C.2B:1-13\)](#), a revision or supplement by the Supreme Court to the fee charged pursuant to this section prior to its amendment by [P.L.2019, c.269 \(C.2C:52-5.1 et al.\)](#), is void.

History

L. 1979, c. 178, § 136; amended by [2019, c. 269](#), § 16, effective December 18, 2019.

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[N.J. Stat. § 2C:52-30](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 3. Sentencing (Chs. 43 — 104) > Chapter 52. Expungement (§§ 2C:52-1 — 2C:52-32.1)

§ 2C:52-30. Disclosure of expungement order

Except as otherwise provided in this chapter, any person who reveals to another the existence of an arrest, conviction or related legal proceeding with knowledge that the records and information pertaining thereto have been expunged or sealed is a disorderly person. Notwithstanding the provisions of section [2C:43-3](#), the maximum fine which can be imposed for violation of this section is \$200.00.

History

L. 1979, c. 178, § 137.

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[N.J. Stat. § 2C:52-31](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 3. Sentencing (Chs. 43 — 104) > Chapter 52. Expungement (§§ 2C:52-1 — 2C:52-32.1)

§ 2C:52-31. Limitation

Nothing provided in this chapter shall be interpreted to permit the expungement of records contained in the Controlled Dangerous Substances Registry created pursuant to P.L.1970, c. 227 ([C. 26:2G-17](#) et seq.), or the registry created by the Administrative Office of the Courts pursuant to section [2C:43-21](#).

History

L. 1979, c. 178, § 138.

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[N.J. Stat. § 2C:52-32](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 3. Sentencing (Chs. 43 — 104) > Chapter 52. Expungement (§§ 2C:52-1 — 2C:52-32.1)

§ 2C:52-32. Construction

This chapter shall be construed with the primary objective of providing relief to the reformed offender who has led a life of rectitude and disassociated himself with unlawful activity, but not to create a system whereby persistent violators of the law or those who associate themselves with continuing criminal activity have a regular means of expunging their police and criminal records.

History

L. 1979, c. 178, § 139; amended by [2015, c. 261](#), § 9, effective April 18, 2016.

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[N.J. Stat. § 2C:52-32.1](#)

This section is current through New Jersey 219th Second Annual Session, L. 2021, c. 74 and J.R. 1

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 3. Sentencing (Chs. 43 — 104) > Chapter 52. Expungement (§§ 2C:52-1 — 2C:52-32.1)

§ 2C:52-32.1. Petition for judicial determination of factual innocence for certain victims of identity theft

a. Notwithstanding any other provision of law to the contrary, a person who reasonably believes that he is the victim of identity theft based on the commission of an offense under [N.J.S.2C:21-1](#), section 1 of P.L.1983, c.565 ([C.2C:21-2.1](#)), [N.J.S.2C:21-17](#), or section 5 or 6 of [P.L.2003, c.184](#) ([C.2C:21-17.2](#) or [C.2C:21-17.3](#)) may petition the court where the charge is pending or where the conviction was entered for a judicial determination of the victim's factual innocence, when:

- (1) the perpetrator of the identity theft was arrested for, cited for, or convicted of a crime, offense, or violation of law under the victim's identity;
- (2) a complaint for a crime, offense, or violation has been filed against the perpetrator in the victim's name; or
- (3) the victim's identity has been mistakenly associated with a record of conviction.

If a charge is pending, the prosecutor may petition the court for a determination of factual innocence on behalf of the victim. Any judicial determination of factual innocence made pursuant to this section may be determined, with or without a hearing, upon declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties or ordered to be part of the record by the court. Where the court determines that the petition is meritorious and that there is no reasonable cause to believe that the victim committed the crime, offense, or violation for which the perpetrator of the identity theft was arrested, cited, convicted, or subject to a complaint for a crime, offense, or violation in the victim's name, or that the victim's identity has been mistakenly associated with a record of conviction, the court shall order that the victim's name and associated personal identifying information contained in the records, files, and indexes of relevant courts, law enforcement agencies, correctional institutions, and administrative agencies which are accessible to the public be deleted, sealed, labeled to show that such data is impersonated and does not reflect the defendant's identity, or corrected by inserting in the records the name of the perpetrator, if known or ascertainable, in lieu of the victim's name.

The court shall distribute such order or other appropriate notice to the prosecutor and administrative agencies to which a record of conviction may have been transmitted. The prosecutor shall distribute the order or notice to the relevant law enforcement agencies and correctional institutions so that they may comply with its provisions. The court shall provide the victim with a copy of the order or other appropriate documentation to aid in the resolution of any disabilities that may result from the arrest, charge, or conviction.

b. A victim seeking relief under this section shall not be required to comply with the requirements of chapter 52 of Title 2C of the New Jersey Statutes, but shall proceed in accordance with the rules and procedures promulgated by the Supreme Court.

c. A court that determines a victim's factual innocence pursuant to this section may at any time vacate that determination if the petition, or information submitted in support of the petition, contains material misrepresentation or fraud. If the court vacates such a determination, it shall issue an order rescinding any orders made pursuant to this section.

d. Any relief granted pursuant to this section shall not affect a victim's eligibility to apply for an expungement for any other offense pursuant to chapter 52 of Title 2C of the New Jersey Statutes.

e. Notwithstanding any other provision of law to the contrary, a petition for relief made pursuant to the provisions of this section shall not require the payment of any fee by the victim.

f. The Supreme Court may adopt rules and the Administrative Director of the Courts may issue directives to effectuate the purposes of this act.

g. The Attorney General may issue guidelines which may be necessary concerning procedures for law enforcement agencies or any other agencies in the criminal justice system to effectuate the purposes of this act.

History

L. [2015, c. 126](#), § 1, effective March 1, 2016.

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ASSESSING MY CRIMINAL RECORD EXPUNGEMENT ELIGIBILITY

1. Is there a pending or opening criminal matter?

- **YES** -- You are not currently eligible for expungement and have to wait until a final disposition is reached on the pending matter. Review "APPEARS TO BE INELIGIBLE" section on back.
- **NO** -- You may be eligible. Proceed to Question #2.

2. Are there only federal or out-of-state convictions?

- **YES (no NJ convictions)** -- You cannot expunge any federal conviction (there is no federal expungement statute) and should consult with an out-of-state attorney to expunge out-of-state matters. If convictions are only federal or out-of-state (no NJ convictions), review "APPEARS TO BE INELIGIBLE" section on back.
- **NO (also NJ convictions)** -- You may be eligible to expunge the convictions that are NJ convictions. However, the federal and out-of-state convictions will be used when determining whether any New Jersey matters can be expunged. Proceed to Question #3.

3. Do you have indictable crime (felony) convictions ONLY in any jurisdiction?

Note: You want to look at final convictions, not original charges, which may start as an indictable offense but get plead down.

➤ **IF YES** -- Are any convictions for a barred offense?

➤ **IF NO** -- You may be eligible. Proceed to Question #4.

NO -- You may be eligible. Proceed to Question #4.

YES -- Barred offenses cannot be expunged. These offenses are generally violent crimes against other people such as homicide, robbery and endangering the welfare of a child. For a full listing, please see N.J.S.A. 2C:52-2 and the "APPEARS TO BE INELIGIBLE" section on back.

4. How many indictable crime (felony) convictions do you have?

➤ **IF MORE THAN 1** -- Are they from different dates, arising from different arrests?

➤ **IF ONLY 1** -- Has it been 5 years from date of conviction, time served, payment of fine, and end of probation or parole, whichever is latest?

IF YES -- You may qualify for Clean Slate Expungement. Proceed to Question # 7.

IF NO -- You may be eligible under a "one-night spree" exception if you have complied with the required waiting period. See "IF ONLY 1" Question.

IF NO -- Has it been at least 4 years?

IF YES -- You may be eligible. Proceed to "APPEARS TO BE ELIGIBLE."

YES -- You may qualify for lowered time period if there are compelling reasons.

NO -- Has it been 5 years since completion of sentence except for fine payment? If you substantially complied with payment or could not do so for compelling reasons, you may be eligible. Otherwise, you may be eligible for Clean Slate Expungement. Proceed to Question #7.

5. Do you have disorderly persons (misdemeanor) convictions ONLY?

➤ **IF MORE THAN 5** -- You may qualify for Clean Slate Expungement. Proceed to #7.

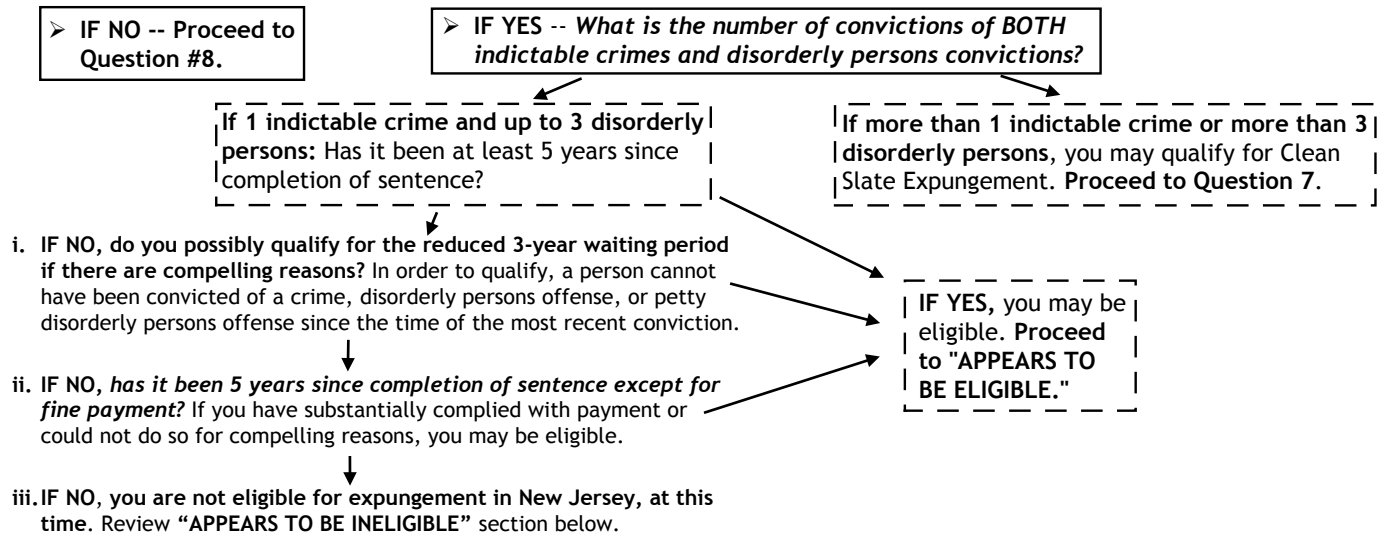
➤ **IF 5 OR FEWER** -- How long has it been since date of conviction, time served, payment of fine, and end of probation or parole, whichever is latest?

If more than 5 years -- You may be eligible for expungement in New Jersey.

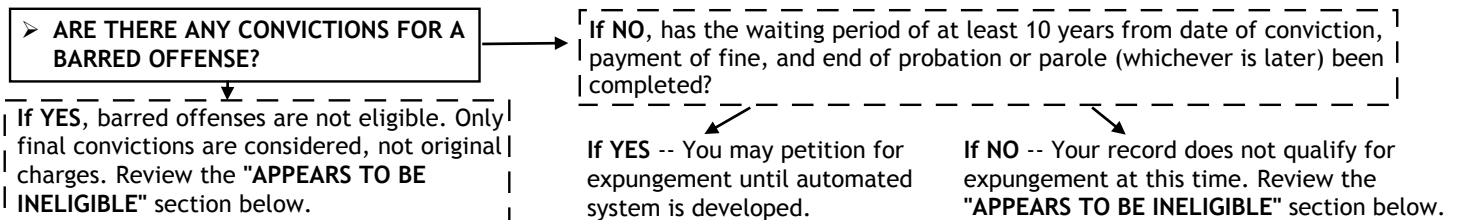
If less than 5 years but more than 3 years -- You may qualify for a reduced 3-year waiting period if there are compelling reasons.

If less than 3 years -- You are not eligible for expungement at this time.

6. Do you have BOTH indictable crime and disorderly persons convictions?



7. Do you qualify for a Clean Slate Expungement?



8. Do you have dismissed or not guilty charges ONLY? You may seek expungement of those immediately. VLJ can generally assist only with expungement dismissals if doing so will result in a clean record. **Proceed to Question #9.**

9. Do you have a PTI dismissal or conditional discharges? You may seek expungement of diversionary program records 6 months after successful completion of the program. **Proceed to Question #10.**

10. Do you have a violation of a municipal ordinance? You may seek expungement of their violation 2 years after sentence completion as long as you do not have an indictable offense conviction and only up to 2 disorderly persons convictions. **Proceed to Question #11.**

11. Do you have a juvenile record? IF YES -- Contrary to popular belief, juvenile records are not automatically sealed, and can be expunged under certain circumstances. Review the "APPEARS TO BE ELIGIBLE" section below.

APPEARS TO BE ELIGIBLE

You can:

1. Apply for free legal services with VLJ immediately following this seminar.
2. If you financially qualify, you can meet with a volunteer attorney during our legal clinic for advice and brief services. Or If you do not financially qualify, you may be eligible for other free or reduced legal services. Please see separate handout for more details on other organizations.
3. If you are then deemed eligible for expungement, VLJ will attempt to place your case with a volunteer attorney for full representation following the clinic. Please note: a full copy of your criminal case history(CCH) report may be required for full representation and a fingerprint fee applies.
4. If you wish to file for expungement on your own, without an attorney, please see the pro se packet materials.

APPEARS TO BE INELIGIBLE

You can:

1. Get involved with advocacy efforts. The expungement law is changing thanks to people like you sharing their stories with lawmakers. Do not lose hope!
2. Think about why you sought expungement relief. VLJ can assist you with referrals to community based organization that may assist with other services such as employment, housing, etc.
3. Strategize with VLJ ways to achieve goals without an expungement, i.e. work/job readiness programs, employment programs offered through city, homeless prevention programs, etc. VLJ can give you relevant brochures.

This flowchart is for general use only. A legal assessment to determine eligibility for expungement under N.J.S.A. 2C:52, also requires review of an individual's entire criminal case history. This questionnaire was developed by Volunteer Lawyers for Justice and may not be reproduced in whole or in part without prior written permission from Volunteer Lawyers for Justice (VLJ).

New Expungement Law Updates

On December 18th, 2019 new expungement law (L. 2019, c.269) passed in NJ that will take effect on February 15, 2021.

Indictable crimes

- More than one conviction (unrelated to one another or not listed on the same Judgment of Conviction) will no longer be a strict bar to expungement, although only the most recent conviction will be considered for eligibility (must not be a barred offense and waiting period has elapsed).
- The number of disorderly persons convictions eligible to expunge in addition to an indictable crime conviction remains no more than 3, but certain marijuana-related convictions will not count towards those 3.
- Standard waiting period will be reduced from 6 years to 5 years, and the early pathways waiting period will be reduced from 5 years to 4 years.
- Early pathways “public interest” standard will change to “compelling reasons.”
- “Compelling reasons” will also be the standard used to evaluate eligibility of 3rd and 4th degree CDS (except marijuana) with intent to sell indictable crimes.

Disorderly persons

- Number of convictions will increase from 4 convictions to 5 convictions.
 - Certain marijuana-related convictions will be treated as disorderly persons offenses for expungement purposes and will not count towards the 5 convictions.
- Standard waiting period remains 5 years and early pathways waiting period remains 3 years, but the standard will change from “public interest” to “compelling reasons.” Compelling reasons will need not be demonstrated for certain marijuana-related convictions.

Automatic expungement

- Convictions for certain marijuana-related offenses will be eligible for automatic expungement beginning in September with no limit on the number of convictions.
- Dismissals in municipal or superior court will be automatically expunged.

Clean Slate

- After a waiting period of 10 years from the most recent conviction, records that exceed the number of indictable crimes and disorderly persons convictions (and do not include a barred offense) will be expunged automatically after the state develops and implements the automatic system.
- A clean slate expungement will be nullified if later convicted of a barred offense.

Procedural

- Expungements will be filed electronically.
 - AOC to develop and maintain an electronic filing.
 - The system will serve all relevant parties with notice of the petition and serve the final order to all parties including petitioner.
 - State Police has 60 days to enter any objection.
- Filing fee of \$75 will be waived, though VLJ clients’ fees were always waived.
- Petition must include a statement that petitioner has not changed their name (or if so, must provide pertinent details).

NOTICE TO THE BAR

AUTOMATED PROCESSES FOR CERTAIN MARIJUANA AND HASHISH CASES IN ACCORDANCE WITH THE MARIJUANA DECRIMINALIZATION LAW

The Supreme Court by the attached order dated July 1, 2021 provides for the dismissal, vacating, and expungement of certain marijuana and hashish cases involving offenses enumerated in the Marijuana Decriminalization Law, L. 2021, c. 19 (codified in relevant part at N.J.S.A. 2C:35-23.1 and N.J.S.A. 2C:52-6.1). Approximately 360,000 cases in the Superior Court (Criminal and Family) and in the Municipal Courts potentially fall within this statutory direction.

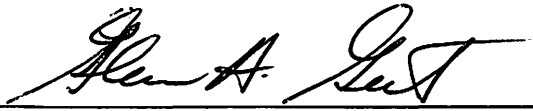
The Court's Order sets out in detail the statutory criteria for determining those cases to which the automated processes apply.

Technological modifications are being made to a number of the Judiciary's case management systems to enable implementation of the automated processes for these eligible cases as expeditiously as possible.

The Court's order also provides for a process for handling cases not captured by the automated processes via a motion to dismiss or vacate (depending on the status of the case) brought to the court (Superior Court or Municipal Court) that had jurisdiction over the case, or by individual expungement petition to the Superior Court.

A process to address inquiries from individuals as to whether their particular case has been expunged pursuant to the provisions of the Order and

to receive a certification of such expungement is currently being developed. This process for expungement inquiry and certification will be announced to the public upon completion of the automated processes set forth in the Order.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: July 1, 2021

SUPREME COURT OF NEW JERSEY

The Marijuana Decriminalization Law, L. 2021, c. 19, codified in relevant part at N.J.S.A. 2C:35-23.1 and N.J.S.A. 2C:52-6.1, provides for the dismissal, vacating, and expungement of certain marijuana and hashish cases involving specified offenses as defined in that legislation. The Administrative Office of the Courts has determined that approximately 360,000 cases in the Superior Court (Criminal and Family) and the Municipal Courts potentially fall within that statutory direction.

In accordance with N.J.S.A. 2C:35-23.1(a), the automated processes set forth in this Order apply only to cases involving the following specific marijuana or hashish offenses, including attempts or conspiracies to commit these specific offenses:

N.J.S.A. 2C:35-5(b)(12) - Distribution of less than one ounce of marijuana or less than 5 grams of hashish (fourth degree);

N.J.S.A. 2C:35-10(a)(3) - Possession of more than 50 grams of marijuana or more than 5 grams of hashish (fourth degree);

N.J.S.A. 2C:35-10(a)(4) - Possession of 50 grams or less of marijuana or 5 grams or less of hashish (disorderly persons offense).

The above specific offenses are eligible for the actions directed by the new statute whether they exist in the case alone, in combination, or in combination with one or more of the offenses listed in the following paragraph, including attempts or conspiracies to commit these related offenses.

The below specific offenses, including attempts or conspiracies to commit these related offenses, must be in combination with at least one of the above-listed offenses involving marijuana or hashish for the offense to be eligible for the automated processes set forth in this Order.

N.J.S.A. 2C:36-2 - Possession of Drug Paraphernalia (disorderly persons offense);

N.J.S.A. 2C:35-10(b) - Use or Being Under Influence of Controlled, Dangerous Substance (disorderly persons offense);

N.J.S.A. 2C:35-10(c) - Failure to Make Lawful Disposition of Controlled, Dangerous Substance (disorderly persons offense);

N.J.S.A. 39:4-49.1 - Operating Motor Vehicle in Possession of Controlled, Dangerous Substance (traffic offense).

For administrative efficiency, those eligible cases have been grouped into the following four categories by the particular stage of the case: (1) cases that are pending adjudication; (2) cases that have been adjudicated but are pending sentencing (adult) or pending disposition (juvenile); (3) select cases after sentencing (adult) or after disposition (juvenile); and (4) other cases that have been disposed (as defined below).

Accordingly, effective immediately, it is **ORDERED** as to those four categories of cases as follows:

(1) Cases Pending Adjudication

For cases in which adjudication is pending and where only the specific offense(s) remain active as of the date of this order, including cases in which the defendant is currently subject to a conditional discharge program:

(a) such cases shall be dismissed pursuant to N.J.S.A. 2C:35-23.1(a);

(b) such cases shall be expunged pursuant to N.J.S.A. 2C:52-6(a) (excluding N.J.S.A. 39:4-49.1, which is not eligible for expungement pursuant to N.J.S.A. 2C:52-28);

(c) any associated active warrants for failure to appear shall be rescinded;

(d) any associated violations of probation or violations of pretrial monitoring shall be vacated; and

(e) any associated court-ordered driver's license suspensions or revocations for failure to appear shall be rescinded. Any rescission of a court-ordered driver's license suspension or revocation pursuant to

this order is separate from any license restoration fee or process required by the New Jersey Motor Vehicle Commission.

(2) Cases That Have Been Adjudicated but are Pending Sentencing (Adult) or Disposition (Juvenile)

For cases that are pending sentencing or disposition, and that have been adjudicated through entry of a guilty plea, adjudication of delinquency, guilty verdict, disposition, or admission into pretrial intervention (PTI), veterans' diversion program, or juvenile diversion program:

(a) any guilty verdict, adjudication of delinquency, plea, placement in an enumerated diversionary program, or other entry of guilt shall be vacated pursuant to N.J.S.A. 2C:35-23.1(b)(1);

(b) any guilty verdict, adjudication of delinquency, plea, placement in an enumerated diversionary program, or other entry of guilty shall then be dismissed pursuant to N.J.S.A. 2C:35-23.1(a);

(c) such cases shall be expunged pursuant to N.J.S.A. 2C:52-6(a) (excluding N.J.S.A. 39:4-49.1, which is not eligible for expungement pursuant to N.J.S.A. 2C:52-28);

(d) any associated active warrants for failure to appear shall be rescinded;

(e) any associated violations of pretrial monitoring shall be vacated; and

(f) any associated court-ordered driver's license suspensions or revocations for failure to appear shall be rescinded. Any rescission of a court-ordered driver's license suspension or revocation pursuant to this order is separate from any license restoration fee or process required by the New Jersey Motor Vehicle Commission.

(3) Select Cases After Sentencing (Adult) or After Disposition (Juvenile)

For cases in which the defendant or juvenile is or will be serving a sentence of incarceration, probation or parole, or other form of community supervision on July 1, 2021 as a result of a conviction or an adjudication of delinquency for the specific offenses, not including cases in which there was a conviction or adjudication for N.J.S.A. 39:4-49.1 (Operating Motor Vehicle in Possession of Controlled, Dangerous Substance):

(a) any conviction, remaining sentence, juvenile disposition, ongoing supervision, any associated violation of probation, or unpaid court-ordered financial assessment including civil judgments for non-payment shall be vacated pursuant to N.J.S.A. 2C:35-23.1(b)(2);

(b) any defendant or juvenile currently serving a term of incarceration shall be released;

(c) any ongoing term of supervision, including terms for violations of probation, shall be terminated;

(d) such cases shall be dismissed, pursuant to N.J.S.A. 2C:35-23.1(a);

(e) such cases shall be expunged pursuant to N.J.S.A. 2C:52-6(a) (excluding N.J.S.A. 39:4-49.1, which is not eligible for expungement pursuant to N.J.S.A. 2C:52-28);

(f) any associated active warrants for failure to appear, failure to pay, or failure to comply with parole or other community supervision shall be rescinded;

(g) any associated court-ordered driver's license suspensions or revocations for failure to appear shall be rescinded. Any rescission of a court-ordered driver's license suspension or revocation pursuant to this order is separate from any license restoration fee or process required by the New Jersey Motor Vehicle Commission.

(4) Other Cases That Have Been Disposed

For cases in which a court has entered convictions or adjudications of delinquency for only the specific offenses or has dismissed cases due to completion of the conditional discharge program, not including cases in which there was a conviction or adjudication for N.J.S.A. 39:4-49.1 (Operating Motor Vehicle in Possession of Controlled, Dangerous Substance):

(a) any remaining sentence, juvenile disposition, ongoing supervision, associated violation of probation, or unpaid court-ordered financial assessment, including civil judgments for non-payment, shall be vacated pursuant to N.J.S.A. 2C:52-6.1;

(b) such cases shall be expunged pursuant to N.J.S.A. 2C:52-6.1;

(c) any associated active warrants for failure to appear or failure to pay shall be rescinded;

(d) any associated court-ordered driver's license suspensions or revocations for failure to appear shall be rescinded. Any rescission of a court-ordered driver's license suspension or revocation pursuant to this order is separate from any license restoration fee or process required by the New Jersey Motor Vehicle Commission.

It is **FURTHER ORDERED** that since the Judiciary will need to modify a number of its case management systems in order to implement the automated processes set forth in this Order, the Administrative Director of the Courts is directed to take such steps as are necessary to accomplish that as expeditiously as possible.

It is **FURTHER ORDERED** that the Administrative Director of the Courts shall provide lists of the cases that are subject to this Order to the Attorney General (who will share those lists with the New Jersey State Police and with county and local law enforcement agencies), the New Jersey Department of Corrections, the State Parole Board, and the County Jail Wardens so that respectively they can take appropriate actions related to those cases.

It is **FURTHER ORDERED** that, in addition to the lists of cases provided for in the preceding paragraph, the Administrative Director of the Courts also shall provide the Attorney General with lists of all cases currently pending adjudication that include the specific marijuana or hashish offenses listed above and other non-marijuana or hashish offenses that are subject to review pursuant to the statute and Attorney General Law Enforcement Directive No. 2021-1. The Attorney General will share those lists with county and municipal prosecutors so that they can take appropriate action related to those cases.

It is **FURTHER ORDERED** that any case not captured by the automated processes described above, depending on the status of the case, may be brought by motion to dismiss or motion to vacate to the court that had jurisdiction over the case

(Municipal Court or Superior Court) or by individual expungement petition to the Superior Court. Further, any legal or administrative issues related to a particular case included in the automated process shall be brought by motion before the court that had jurisdiction over the case (Municipal Court or Superior Court).

It is **FURTHER ORDERED** that the Administrative Director of the Courts shall develop a process that will allow individuals to inquire as to whether their particular case has been expunged pursuant to the provisions of this order and to receive a certification of such expungement. This process for expungement inquiry and certification shall be announced to the public upon completion of the automated processes described above.

For the Court,

A handwritten signature in blue ink, appearing to read "Shirley R. ...", is written over the text "For the Court,".

Chief Justice

Dated: July 1, 2021

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Expungement of Certain Marijuana or Hashish Cases

The Marijuana Decriminalization Law, which took effect July 1, 2021, required the expungement of certain marijuana and hashish cases. As a result, the **Supreme Court has ordered** that thousands of cases be expunged.

An expungement means this case is no longer part of your record.

You do not have to report this case on a job application, housing application, or college application. The case has been removed from the public record and cannot be used to keep you from school, housing, or most jobs.

The courts have expunged the cases of anyone convicted or adjudicated delinquent if your case has only one of these three offenses:

- N.J.S.A. 2C:35-5(b)(12) - Distribution of marijuana less than 1 ounce or hashish less than 5 grams
- N.J.S.A. 2C:35-10(a)(3) - Possession of more than 50 grams of marijuana, or more than 5 grams of hashish
- N.J.S.A. 2C:35-10(a)(4) - Possession of 50 grams or less of marijuana, or 5 grams or less of hashish

The courts have expunged other marijuana and hashish cases as well. If the case included only one of the above offenses AND any of the below offenses, it was expunged:

- N.J.S.A. 2C:36-2 - Possession of Drug Paraphernalia
- N.J.S.A. 2C:35-10(b) - Use or Being Under Influence of Controlled, Dangerous Substance
- N.J.S.A. 2C:35-10(c) - Failure to Make Lawful Disposition of Controlled, Dangerous Substance

The courts also expunged cases that involved attempts to commit and conspiracy to commit any offense listed above.

Attempts and conspiracies to commit these offenses also were expunged according to the **July 1, 2021 Supreme Court Order**.

The legislation does not require that every case containing a marijuana charge be expunged. If you have questions about your specific case, consider contacting an attorney or Legal Services of New Jersey.

How to Confirm If Your Case Was Expunged and Receive a Certification

You can go to the court where your case was heard to confirm that your record was cleared and receive a certification. Find more details in Directive #24-21.

Confirmation must be requested in person. You will need to bring identification. Call the court in advance to find out where and when to go.

Find **municipal court contact information**.

Find **criminal court contact information**.

Find **family court contact information**.

You can call your **local ombudsman** for guidance on reaching the right office.

You can also get confirmation and a certification by going to the Superior Court Clerk's Office in Trenton. Call **609-421-6100** for more information.

How to file a Motion with the Court to Review Your Case

If you think that your case should have been considered for expungement under the new law, but it was not, you can **file a motion for judicial review**. Please read the **directive to get instructions** on where to file.

Complete the **Motion for Judicial Review form**.

You can **submit the form electronically** or bring it to the court where your case was heard.

Frequently Asked Questions About the Marijuana Decriminalization Law and Expungements

Q. What is the difference between a dismissal and an expungement?

In dismissed cases, the charges are dropped, but there still is a public record of the case.

In expunged cases, the entire case is removed from the public record. It cannot be found in any public database maintained by the Judiciary and it cannot be disclosed by court staff.

Q. Why are these marijuana and hashish records being cleared?

The goal of the law is to clear the record of anyone who was charged or convicted of certain marijuana or hashish offenses before recreational use of marijuana and hashish was legalized. People usually must include information about their criminal or delinquency record when they seek a job, housing, or school admission. This information can hurt their chances of being hired, housed, or educated.



Q. What if I don't remember where my marijuana or hashish case was heard?

Look at the paperwork from your marijuana or hashish case. If you cannot find any papers, you can still find where the case was heard.



- If your case was heard in Superior Court, start at the Superior Court courthouse in the county where you were arrested or charged. If you were an adult, go to the criminal division. If you were charged as a juvenile, go to the family division.
- If your case was heard in municipal court, start at the municipal court in the town where you were arrested or charged.
- If you do not remember which court handled your case, you can do one of these things:
 - Go to your **local municipal court**.
 - Go to the **Superior Court courthouse** in your county.
 - Go to the **Superior Court Clerk's Office** in Trenton.
- In all instances, call the court for instructions before you go. You will need to bring photo identification.

- Expungement information will be released to the defendant or the defendant's attorney only.

Q. What if my marijuana or hashish case is still pending?

If your eligible marijuana or hashish case includes only the charges listed above and is pending:

- The case will be dismissed and expunged (removed from your criminal record).
- Any active arrest warrant related to that case will be cancelled.
- Any violations of probation or violations of pretrial monitoring will be cancelled.
- Any court-ordered drivers' license suspensions or revocations for failure to appear in court will be cancelled. Note that you must contact the Motor Vehicle Commission to have the license restored.

Q. What if my eligible case was decided, but the sentence or juvenile disposition has not happened yet?

- There will be no sentencing or juvenile disposition and the case will be dismissed.
- The case will also be expunged (removed from your criminal record).
- Any active arrest warrant related to a failure to appear in that case will be cancelled.
- Any violations of probation or violations of pretrial monitoring will be cancelled.
- Any court-ordered drivers' license suspensions or revocations for failure to appear in court related to that case will be cancelled. Note that you must contact the Motor Vehicle Commission to have the license restored.

Q. What if I am already serving a sentence only on one of the eligible offenses listed above?

- Anyone incarcerated or in detention because of the offenses listed above was released.
- Any term of probation, parole, or other community supervision ended.
- Any unpaid court-ordered payments, including civil judgments for non-payment, were cancelled.
- The case was dismissed and expunged.
- Any active arrest warrant related to a failure to appear in that case was cancelled.
- Any violations of probation or violations of pretrial monitoring was cancelled.
- Any court-ordered drivers' license suspensions or revocations for failure to appear in court that are related to this case was be cancelled. Note that you must contact the Motor Vehicle Commission to have the license restored.

Q. What if I completed a conditional discharge program or sentence on only one of the eligible offenses listed above?

- Any remaining sentence, juvenile disposition, ongoing supervision, associated violation of probation, or unpaid court-ordered costs, including civil judgments for non-payment, will be cancelled.
- The case will be expunged.
- Any active arrest warrant related to a failure to appear in that case will be cancelled.
- Any court-ordered drivers' license suspensions or revocations for failure to appear in court that are related to this case will be cancelled. Note that you must contact the Motor Vehicle Commission to have the license restored.



Q. Should I get a lawyer?

You are not required to get a lawyer. Still, the court system can be confusing. It is a good idea to get a lawyer if you choose to file a motion. If you cannot afford a lawyer, you can contact the legal services program in your county to see if you qualify for free legal services.

Legal Services of New Jersey maintains a directory of **regional legal services offices**.

The NJ State Bar Association also maintains a **list of county referral services** that might be helpful.

Things to think about before representing yourself in court

Mission Statement

We are an independent branch of government constitutionally entrusted with the fair and just resolution of disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution and laws of the United States and this State.

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Court Finding Codes

Outcome and/or Plea Codes:

- 1 – Guilty
- 2 – Not Guilty
- 3 – Dismissed – Other
- 4 – Guilty but Merged
- 5 – Dismissed – Rule
- 6 – Dismissed – Lack of Prosecution
- 7 – Dismissed – Prosecutor’s Motion/Request of Victim
- 8 – Dismissed – Conditional Discharge
- 9 – No Bill
- D – Dismissed – Prosecutorial Discretion
- P – Dismissed – Plea Agreement
- S – Disposed of at Superior Court (contact them for disposition)
- F – Disposed of at Family Court (contact them for disposition)
- M – Disposed through Mediation
- W – Dismissed – False ID

Sentence Codes:

- CSER – Community Service
- CSSU – Community Service Suspended
- COMM – Commercial Driver’s License Revocation
- LREK – License Revoked
- PROB – Probation
- Jail – Jail Term
- IDRC – Intoxicated Driver Resource Center
- DLOP – Dismissed – Lack of Prosecution
- DOPA – Dismissed – Plea Agreement
- DIFI – Dismissed False ID
- DIOT – Dismissed – Other
- DIPR – Dismissed – Per Rule
- DOPM – Dismissed – Prosecutorial Discretion
- VACB – Vacate Balance
- VACC – Vacate New Community Service
- VACJ – Vacate in Lieu of Jail
- VACP – Vacate Payment
- CSUS – Cost Suspended
- FCSU – Fines and Costs Suspended
- FNAS – Fines Not Assessed

New Jersey County/Municipality Codes
Enter the Appropriate Four-Digit Number on Line 5, Vendor Data

ATLANTIC COUNTY		0304 - Bordenown Twp.	0607 - Hopewell Twp.	1103 - Hamilton Twp.	1408 - Denville Twp.	SOMERSET COUNTY	
0101 - Abscon City	0305 - Burlington City	0608 - Lawrence Twp.	1104 - Hightstown Bor.	1409 - Dover Town	1801 - Bedminster Twp.	1802 - Bernards Twp.	1803 - Bernardsville Bor.
0102 - Atlantic City	0306 - Burlington Twp.	0609 - Maurice River Twp.	1105 - Hopewell Bor.	1410 - East Hanover Twp.	1804 - Bound Brook Bor.	1805 - Branchburg Twp.	1806 - Bridgewater Twp.
0103 - Brigantine City	0307 - Chesterfield Twp.	0610 - Millville City	1106 - Hopewell Twp.	1411 - Florham Park Bor.	1807 - Far Hills Bor.	1808 - Franklin Twp.	1809 - Green Brook Twp.
0104 - Buena Bor.	0308 - Cinnaminson Twp.	0611 - Shiloh Bor.	1107 - Lawrence Twp.	1412 - Hanover Twp.	1810 - Hillsborough Twp.	1811 - Manville Bor.	1812 - Millstone Bor.
0105 - Buena Vista Twp.	0309 - Dancan Twp.	0612 - Slow Creek Twp.	1108 - Pennington Bor.	1413 - Harding Twp.	1813 - Montgomery Twp.	1814 - North Plainfield Bor.	1815 - Peapack & Gladstone Bor.
0106 - Corbin City	0310 - Delran Twp.	0613 - Upper Deerfield Twp.	1109 - Princeton Bor.	1414 - Jefferson Twp.	1816 - Raritan Twp.	1817 - Rocky Hill Bor.	1818 - Somerville Bor.
0107 - Egg Harbor City	0311 - Eastampton Twp.	0614 - Vineland City	1110 - Princeton Twp.	1415 - Kinnelon Bor.	1819 - South Bound Brook Bor.	1820 - Warren Twp.	1821 - Watchung Bor.
0108 - Egg Harbor Twp.	0312 - Edgewater Park Twp.	ESSEX COUNTY		1416 - Lincoln Park Bor.	SUSSEX COUNTY		
0109 - Estell Manor City	0313 - Evesham Twp.	0701 - Belleville Twp.	1111 - Trenton City	1417 - Madison Bor.	1901 - Andover Bor.	1902 - Andover Twp.	1903 - Branchville Bor.
0110 - Folsom Bor.	0314 - Fieldsboro Bor.	0702 - Bloomfield Twp.	1112 - Robbinsville Twp.	1418 - Mendham Bor.	1904 - Byram Twp.	1905 - Frankford Twp.	1906 - Franklin Bor.
0111 - Galloway Twp.	0315 - Florence Twp.	0703 - Caldwell Bor. Twp.	1113 - West Windsor Twp.	1419 - Mendham Twp.	1907 - Fredon Twp.	1908 - Green Twp.	1909 - Hamburg Bor.
0112 - Hamilton Twp.	0316 - Hainesport Twp.	0704 - Cedar Grove Twp.	MIDDLESEX COUNTY		1910 - Hampton Twp.	1911 - Hardyston Twp.	1912 - Hopatcong Bor.
0113 - Hammonctown Town	0317 - Lumberton Twp.	0705 - East Orange City	1201 - Carteret Bor.	1420 - Mine Hill Twp.	1913 - Lafayette Twp.	1914 - Manville Twp.	1915 - Newton Town
0114 - Linwood City	0318 - Mansfield Twp.	0706 - Essex Fells Twp.	1202 - Cranbury Twp.	1421 - Montville Twp.	1916 - Odgensburg Bor.	1917 - Sandyston Twp.	1918 - Sparta Twp.
0115 - Longport Bor.	0319 - Maple Shade Twp.	0707 - Fairfield Twp.	1203 - Dunellen Bor.	1422 - Morris Plains Bor.	1919 - Stanhope Bor.	1920 - Stillwater Twp.	1921 - Sussex Bor.
0116 - Margate City	0320 - Medford Twp.	0708 - Glen Ridge Bor. Twp.	1204 - East Brunswick Twp.	1423 - Morris Twp.	1922 - Vernon Twp.	1923 - Walpack Twp.	1924 - Wanage Twp.
0117 - Mullica Twp.	0321 - Medford Lakes Bor.	0709 - Irving Twp.	1205 - Edison Twp.	1424 - Morristown Town	UNION COUNTY		
0118 - Northfield City	0322 - Mooresown Twp.	0710 - Livingston Twp.	1206 - Helmetta Bor.	1425 - Mountain Lakes Bor.	2001 - Berkeley Heights Twp.	2002 - Clark Twp.	2003 - Cranford Twp.
0119 - Pleasantville City	0323 - Mount Holly Twp.	0711 - Mount Holly Twp.	1207 - Highland Park Bor.	1426 - Mt. Arlington Bor.	2004 - Elizabeth City	2005 - Fanwood Bor.	2006 - Garwood Bor.
0120 - Port Republic City	0324 - Mount Laurel Twp.	0712 - Millburn Twp.	1208 - Jamesburg Bor.	1427 - Mt. Olive Twp.	2007 - Hillside Twp.	2008 - Kenilworth Bor.	2009 - Linden City
0121 - Somers Point City	0325 - New Hanover Twp.	0713 - Montclair Twp.	1209 - Metuchen Bor.	1428 - Netcong Bor.	2010 - Mountainside Bor.	2011 - New Providence Bor.	2012 - Plainfield City
0122 - Ventnor City	0326 - North Hanover Twp.	0714 - Newark City	1210 - Middlesex Bor.	1429 - Parsippany-Troy Hills Twp.	2013 - Rahway City	2014 - Roselle Bor.	2015 - Roselle Park Bor.
0123 - Weymouth Twp.	0327 - Palmyra Bor.	0715 - North Caldwell Bor.	1211 - Milltown Bor.	1430 - Long Hill Twp.	2016 - Scotch Plains Twp.	2017 - Springfield Twp.	2018 - Summit City
BERGEN COUNTY		0328 - Penberion Bor.	0716 - Nutley Twp.	1431 - Pequanock Twp.	2019 - Union Twp.	2020 - Westfield Town	2021 - Winfield Twp.
0201 - Allendale Bor.	0329 - Penberion Twp.	0330 - Riverside Twp.	0717 - Orange City	1432 - Randolph Twp.	WARREN COUNTY		
0202 - Alpine Bor.	0331 - Riverton Bor.	0331 - Riverton Bor.	0718 - Roseland Bor.	1433 - Riverdale Bor.	2101 - Allamuchy Twp.	2102 - Alpha Bor.	2103 - Belvidere Town
0203 - Bergenfield Bor.	0332 - Shamong Twp.	0332 - Shamong Twp.	0719 - South Orange Village Twp.	1434 - Rockaway Bor.	2104 - Blairstown Twp.	2105 - Franklin Twp.	2106 - Frelinghuysen Twp.
0204 - Bogota Bor.	0333 - Southampton Twp.	0333 - Southampton Twp.	0720 - Verona Twp.	1435 - Rockaway Twp.	2107 - Greenwich Twp.	2108 - Hackettstown Town	2109 - Hardwick Twp.
0205 - Carlstadt Bor.	0334 - Springfield Twp.	0334 - Springfield Twp.	0721 - West Caldwell Twp.	1436 - Roxbury Twp.	2110 - Harmony Twp.	2111 - Hope Twp.	2112 - Independence Twp.
0206 - Cliffside Park Bor.	0335 - Tabernacle Twp.	0335 - Tabernacle Twp.	0722 - West Orange Twp.	1437 - Victory Gardens Bor.	2113 - Knowlton Twp.	2114 - Liberty Twp.	2115 - Lopatcong Twp.
0207 - Closter Bor.	0336 - Washington Twp.	0336 - Washington Twp.	GLOUCESTER COUNTY		2116 - Mansfield Twp.	2117 - Oxford Twp.	2118 - Phillipsburg Town
0208 - Cresskill Bor.	0337 - Westampton Twp.	0337 - Westampton Twp.	0801 - Audubon Bor.	1438 - Washington Twp.	2119 - Pohatcong Twp.	2120 - Washington Bor.	2121 - Washington Twp.
0209 - Demarest Bor.	0338 - Willingboro Twp.	0338 - Willingboro Twp.	0802 - Deptford Twp.	1439 - Wharton Bor.	2122 - Washington Bor.	2123 - White Twp.	
0210 - Dumont Bor.	0339 - Woodland Twp.	0339 - Woodland Twp.	0803 - East Greenwich Twp.	OCEAN COUNTY			
0211 - East Rutherford Bor.	0340 - Wrightstown Bor.	0340 - Wrightstown Bor.	0804 - Elk Twp.	1501 - Barnegat Twp.			
0212 - Edgewater Bor.	CAMDEN COUNTY		0805 - Franklin Bor.	1502 - Barnegat Light Bor.			
0213 - Edgewater Bor.	0401 - Audubon Bor.	0402 - Audubon Park Bor.	0806 - Glassboro Bor.	1503 - Bay Head Bor.			
0214 - Elmwood Park Bor.	0403 - Barrington Bor.	0403 - Barrington Bor.	0807 - Greenwich Twp.	1504 - Beach Haven Bor.			
0215 - Englewood City	0404 - Belmar Bor.	0404 - Belmar Bor.	0808 - Harrison Twp.	1505 - Beachwood Bor.			
0216 - Englewood Cliffs Bor.	0405 - Berlin Bor.	0405 - Berlin Bor.	0809 - Logan Twp.	1506 - Berkeley Bor.			
0217 - Fair Lawn Bor.	0406 - Berlin Twp.	0406 - Berlin Twp.	0810 - Mantua Twp.	1507 - Brick Twp.			
0218 - Fairfield Bor.	0407 - Brooklawn Bor.	0407 - Brooklawn Bor.	0811 - Monroe Twp.	1509 - Eagleswood Twp.			
0219 - Fort Lee Bor.	0408 - Camden City	0408 - Camden City	0812 - National Park Bor.	1510 - Harvey Cedars Bor.			
0220 - Franklin Lakes Bor.	0409 - Cherry Hill Twp.	0409 - Cherry Hill Twp.	0813 - Newfield Bor.	1511 - Island Heights Bor.			
0221 - Garfield City	0410 - Chesilhurst Bor.	0410 - Chesilhurst Bor.	0814 - Paulsboro Bor.	1512 - Jackson Twp.			
0222 - Glen Rock Bor.	0411 - Clementon Bor.	0411 - Clementon Bor.	0815 - Pitman Bor.	1513 - Lacey Twp.			
0223 - Hackensack City	0412 - Collingswood Bor.	0412 - Collingswood Bor.	0816 - South Harrison Twp.	1514 - Lakelhurst Bor.			
0224 - Harrington Park Bor.	0413 - Gibbsboro Bor.	0413 - Gibbsboro Bor.	0817 - Swedesboro Bor.	1515 - Lakewood Twp.			
0225 - Hasbrouck Heights Bor.	0414 - Gloucester City	0414 - Gloucester City	0818 - Washington Twp.	1516 - Lavallette Bor.			
0226 - Haworth Bor.	0415 - Gloucester Twp.	0415 - Gloucester Twp.	0819 - Wenonah Bor.	1517 - Little Egg Harbor Twp.			
0227 - Hilldale Bor.	0416 - Haddon Twp.	0416 - Haddon Twp.	0820 - West Deptford Twp.	1518 - Long Beach Twp.			
0228 - Ho Ho Kus Bor.	0417 - Haddonfield Bor.	0417 - Haddonfield Bor.	0821 - Westville Bor.	1519 - Manchester Twp.			
0229 - Leonia Bor.	0418 - Haddon Heights Bor.	0418 - Haddon Heights Bor.	0822 - Woodbury City	1520 - Mantoloking Bor.			
0230 - Little Ferry Bor.	0419 - Hi-Nella Bor.	0419 - Hi-Nella Bor.	0823 - Woodbury Heights Bor.	1522 - Ocean Gate Bor.			
0231 - Lodi Bor.	0420 - Laurel Springs Bor.	0420 - Laurel Springs Bor.	0824 - Woolwich Twp.	1521 - Ocean Twp.			
0232 - Lyndhurst Twp.	0421 - Lawnside Bor.	0421 - Lawnside Bor.	HUDSON COUNTY		1523 - Pine Beach Bor.		
0233 - Mahwah Twp.	0422 - Lindenwood Bor.	0422 - Lindenwood Bor.	0901 - Bayonne City	1524 - Plumsted Twp.	1525 - Point Pleasant Bor.		
0234 - Maywood Bor.	0423 - Magnolia Bor.	0423 - Magnolia Bor.	0902 - East Newark Bor.	1526 - Pt. Pleasant Beach Bor.	1526 - Pt. Pleasant Beach Bor.		
0235 - Midland Park Bor.	0424 - Merchantville Bor.	0424 - Merchantville Bor.	0903 - Guttenberg Town	1527 - Seaside Heights Bor.	1527 - Seaside Heights Bor.		
0236 - Montvale Bor.	0425 - Mount Ephraim Bor.	0425 - Mount Ephraim Bor.	0904 - Harrison Town	1528 - Seaside Park Bor.	1528 - Seaside Park Bor.		
0237 - Moonachie Bor.	0426 - Oaklyn Bor.	0426 - Oaklyn Bor.	0905 - Hoboken City	1529 - Ship Bottom Bor.	1529 - Ship Bottom Bor.		
0238 - New Milford Bor.	0427 - Pennsauken Twp.	0427 - Pennsauken Twp.	0906 - Jersey City	1530 - South Toms River Bor.	1530 - South Toms River Bor.		
0239 - North Arlington Bor.	0428 - Pine Hill Bor.	0428 - Pine Hill Bor.	0907 - Kearny Town	1531 - Stafford Twp.	1531 - Stafford Twp.		
0240 - Northvale Bor.	0429 - Pine Valley Bor.	0429 - Pine Valley Bor.	0908 - North Bergen Twp.	1532 - Surf City Bor.	1532 - Surf City Bor.		
0241 - Norwood Bor.	0430 - Rummensde Bor.	0430 - Rummensde Bor.	0909 - Socacus Town	1533 - Tuckerton Bor.	1533 - Tuckerton Bor.		
0242 - Oakland Bor.	0431 - Somerdale Bor.	0431 - Somerdale Bor.	0910 - Union City	PASSAIC COUNTY			
0243 - Old Tappan Bor.	0432 - Stratford Bor.	0432 - Stratford Bor.	0911 - Weehawken Twp.	1601 - Bloomingdale Bor.			
0244 - Oradell Bor.	0433 - Tavistock Bor.	0433 - Tavistock Bor.	0912 - West New York Town	1602 - Clifton City			
0245 - Palisades Park Bor.	0434 - Voorhees Bor.	0434 - Voorhees Bor.	HUNTERDON COUNTY		1603 - Haledon Bor.		
0246 - Paramus Bor.	0435 - Waterford Twp.	0435 - Waterford Twp.	1001 - Alexandria Twp.	1604 - Hawthorne Bor.	1604 - Hawthorne Bor.		
0247 - Park Ridge Bor.	0436 - Winslow Twp.	0436 - Winslow Twp.	1002 - Bethelam Twp.	1605 - Little Falls Twp.	1605 - Little Falls Twp.		
0248 - Ramsey Bor.	0437 - Woodlynn Bor.	0437 - Woodlynn Bor.	1003 - Bloomsbury Bor.	1606 - North Haledon Bor.	1606 - North Haledon Bor.		
0249 - Ridgefield Bor.	CAPE MAY COUNTY		1004 - Calton Bor.	1607 - Passaic City	1607 - Passaic City		
0250 - Ridgefield Park Village	0501 - Avalon Bor.	0501 - Avalon Bor.	1005 - Clinton Town	1608 - Paterson City	1608 - Paterson City		
0251 - Ridgewood Village	0502 - Cape May City	0502 - Cape May City	1006 - Clinton Twp.	1609 - Pompton Lakes Bor.	1609 - Pompton Lakes Bor.		
0252 - River Edge Bor.	0503 - Cape May Point Bor.	0503 - Cape May Point Bor.	1007 - Delaware Twp.	1610 - Prospect Park Bor.	1610 - Prospect Park Bor.		
0253 - River Vale Twp.	0504 - Dennis Twp.	0504 - Dennis Twp.	1008 - East Amwell Twp.	1611 - Ringwood Bor.	1611 - Ringwood Bor.		
0254 - Rochelle Park Twp.	0505 - Lovers Twp.	0505 - Lovers Twp.	1009 - Flemington Bor.	1612 - Totowa Bor.	1612 - Totowa Bor.		
0255 - Rockleigh Bor.	0506 - Middle Twp.	0506 - Middle Twp.	1010 - Franklin Twp.	1613 - Wanaque Bor.	1613 - Wanaque Bor.		
0256 - Rutherford Bor.	0507 - North Wildwood City	0507 - North Wildwood City	1011 - Frenchtown Bor.	1614 - Wayne Twp.	1614 - Wayne Twp.		
0257 - Saddle Brook Twp.	0508 - Ocean City	0508 - Ocean City	1012 - Glen Gardner Bor.	1615 - West Milford Twp.	1615 - West Milford Twp.		
0258 - Saddle River Bor.	0509 - Sea Isle City	0509 - Sea Isle City	1013 - Hampton Bor.	1616 - Woodland Park Bor.	1616 - Woodland Park Bor.		
0259 - South Hackensack Twp.	0510 - Stone Harbor Bor.	0510 - Stone Harbor Bor.	1014 - High Bridge Bor.	SALEM COUNTY			
0260 - Teaneck Twp.	0511 - Upper Twp.	0511 - Upper Twp.	1015 - Kingwood Twp.	1701 - Alloway Twp.			
0261 - Tenafly Bor.	0512 - West Cape May Bor.	0512 - West Cape May Bor.	1016 - Kingwood City	1702 - Caney Point Twp.			
0262 - Teterboro Bor.	0513 - Wildwood City	0513 - Wildwood City	1017 - Lambertville City	1703 - Eliner Bor.			
0263 - Upper Saddle River Bor.	0514 - Wildwood Crest Bor.	0514 - Wildwood Crest Bor.	1018 - Lebanon Bor.	1704 - Elsinboro Twp.			
0264 - Waldwick Bor.	0515 - Woodbine Bor.	0515 - Woodbine Bor.	1019 - Lebanon Twp.	1705 - Lower Alloways Crk. Twp.			
0265 - Wallington Bor.	CUMBERLAND COUNTY		1020 - Milford Bor.	1706 - Mannington Twp.			
0266 - Washington Twp.	0601 - Bridgeton City	0601 - Bridgeton City	1021 - Raritan Twp.	1707 - Oldmans Twp.			
0267 - Westwood Bor.	0602 - Commercial Twp.	0602 - Commercial Twp.	1022 - Readington Twp.	1708 - Penns Grove Bor.			
0268 - Woodcliff Lake Bor.	0603 - Deerfield Twp.	0603 - Deerfield Twp.	1023 - Stockton Bor.	1709 - Pennsville Twp.			
0269 - Wood-Ridge Bor.	0604 - Downe Twp.	0604 - Downe Twp.	1024 - Tewksbury Twp.	1710 - Pilesgrove Twp.			
0270 - Wyckoff Twp.	0605 - Fairfield Twp.	0605 - Fairfield Twp.	1025 - Union Twp.	1711 - Pittsgrove Twp.			
BURLINGTON COUNTY		0606 - Greenwich Twp.	1026 - West Amwell Twp.	1712 - Quinton Twp.			
0301 - Bass River Twp.	0607 - Hopewell Twp.	1103 - Hamilton Twp.	MORRIS COUNTY		1713 - Salem City		
0302 - Beverly City	0608 - Lawrence Twp.	1104 - Hightstown Bor.	1401 - Boonton Town	1714 - Upper Pittsgrove Twp. 1714	1715 - Woodstown Bor.		
0303 - Bordenown City	0609 - Maurice River Twp.	1105 - Hopewell Bor.	1402 - Boonton Twp.				

Public Access Databases

Municipal Court Case Search (MCCS) - <https://portal.njcourts.gov/webe5/MPAWeb/index.jsp>

Case List

Select a Case then press the View Summary button to see the Case Details.

Search result for: Defendant Name Court - ALL, Status - ALL Page 1 of 2

Case Name	Case Number	Offense	Offense Description	Offense Date	Court Date/ Pay By Date	Case Status	Warrant Status
BOROUGH OF ROSELLE MUN COURT	S 1998 356	2C-35-7	CESS-ANALOG - DISTRIBUTE ON/NEAR SCHOOL PROPERTY (BUS)	09/24/1998	10/19/1998	Disposed	
BOROUGH OF ROSELLE MUN COURT	S 1998 357	2C-36-2	USE FORCE OR INTENT TO USE DRUG PARAPHERNALIA	09/24/1998	10/19/1998	Disposed	
MANFELD TWP MUNICIPAL CT	SP2 6H1255	39-A-97.2	UNSAFE OPERATION OF VEHICLE	01/26/2001	07/12/2001	Disposed	
MANFELD TWP MUNICIPAL CT	SP2 6H1256	39-3-15A	DRW WITH AN EXPIRED LICENSE	01/26/2001	07/12/2001	Disposed	
NEWARK MUNICIPAL COURT	AU 25181	23-5-1	NO PARKING AT ANY TIME	11/09/2008	01/02/2009	Disposed	
NEWARK MUNICIPAL COURT	AU 98795	39-6-48 29	SPEEDING (29 INDICATES EXCEEDING BY 25-29 MPH)	07/03/2010	08/11/2010	Disposed	
SAREVILLE MUNICIPAL COURT	L 121605	39B-1	FAILURE TO HAVE INSPECTION	02/16/2011	05/26/2011	Disposed	
MOOREBORO MUNICIPAL COURT	S0 33779	39-3-40	DRIVING AFTER DL REGISTRATION SUSPENSE/REVOCED	01/27/2001	04/30/2001	Disposed	
ANROCKEN TWP MUNICIPAL COURT	E20 1354	39-8-1	FAILURE TO HAVE INSPECTION	07/09/2020	08/26/2020	Disposed	
BRIDGEWATER TWP COURT	W 34676	39-3-29	FAILURE TO POSSESS OL OR REG	02/23/2008	04/01/2008	Disposed	

Complaint Detail

Case: S 1998 356 Court: 2014 Type: Complaint Defendant: [REDACTED] Status: Disposed

Defendant Information
Name: [REDACTED] Gender: [REDACTED] Eyes: [REDACTED]

Case Information
Case: S01981998 Court Time: 03:30 PM Court Room: 0001

Complaint Information
Complaint Number: S 1998 356 Issue Date: 09/24/1998 Offense Date: 09/24/1998 12:00 AM Arrest Date: 09/24/1998
Case: 2014 BOROUGH OF ROSELLE MUN COURT Agency & Officer ID: 2014-0010 Police Case No: 982842
Mun. Ct Offense: 2014 Co-Def Court: 0 Date Filed:
Complainant: [REDACTED] Transferred to: 0000 - PROSECUTOR - 10/19/1998 Transferred From:
Reason: Indiscipline Status: Disposed Time Payment: [REDACTED] Warrant: [REDACTED] Bail: [REDACTED]
Last Action Date: 10/19/1998

Charge Information
2C-35-7(a)(1) 2C-35-7(a)(2) 2C-35-7
Description: POSSESSION OF ANALOG - SCHOOL OR NEARBY
Charge Status: Disposed Degree: Indefinite Group Code: [REDACTED]

Disposition Information
Fine No Fine Fee Date: Disposition Date: 11/19/1998 Finding: Ship at Superior Ct
Capital Charge Status: License Surrendered: No Modify Type: [REDACTED]

Additional Information
Insured: [REDACTED] Person/Officer: [REDACTED] Type: [REDACTED] Addressing ID: [REDACTED] Agency Name: [REDACTED]

- Searches NJ disorderly persons, petty disorderly persons, local ordinance violations and traffic.
 - Look for Title 2C criminal charges. For purposes of expungement, you can disregard traffic matters (Title 39) but note parking and local ordinance may look similar – read through the offense description.
- Multiple counts may appear under one summons/complaint/warrant number
 - If so, click through each tab.
- There are also tabs at the bottom that may be helpful (eg: fine payment for a guilty conviction will help determine when sentence was completed).
- Disposition may say disposed - click circle for *how* it was disposed (guilty, not guilty, dismissed, etc.).
 - If Disp at Superior Court, search the Superior Court database Promis Gavel.
- Name searches may be inaccurate, not exhaustive or inconclusive.
 - Ask about middle initial, suffixes, aliases including maiden name, etc.
- What do the case numbers mean?
 - Start with the Prefix S for summons, C for complaint or W for warrant.
 - The first 4 numbers are the year (eg: 2022)
 - The middle numbers are the sequence
 - The last 4 numbers are the municipal court's code (eg: 0714 is Newark)
- Search results may be exceeded and not show any results in which case more information (record requests, fingerprint report, etc.) may be needed.

Public Access Databases

Promis Gavel - <https://portal.njcourts.gov/webe4/ExternalPGPA/CaptchaServlet>

COURTS PUBLIC ACCESS
Criminal Cases: PROMIS/Gavel Public Access: Welcome

Please type the characters you see in the picture

Disclaimer

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Type the characters you see in the picture above and click I Accept.

COURTS PUBLIC ACCESS
Criminal Cases: PROMIS/Gavel Public Access: Search Menu

COMPLETE FIELDS FOR ONE SEARCH TYPE, THEN SELECT SEARCH

Name

OR

INDICTMENT:

ACCUSATIONS # County

OR

CDR #

W 2004 000123 0101

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COURTS PUBLIC ACCESS
Criminal Cases: PROMIS/Gavel Public Access: Case List

Page: 1

SEARCH NAME	SEARCH NAME	SEARCH NAME	SEARCH NAME	SEARCH NAME	SEARCH NAME		
SEL COUNTY	SEBNO	DEFENDANT NAME	BIRTH	YEAR	SEX		
<input type="radio"/>	ESK	5284735	BEHNETT	LAVELLE	1982	F	
<input type="radio"/>	HOW	7281540	BEHNETT	LAJON	1972	M	
<input type="radio"/>	CHW	7281540	BEHNETT	LAJON	D	1972	M
<input type="radio"/>	FRK	9073950	BEHNETT	LAWRENCE	1970	M	
<input type="radio"/>	LJA	9073950	BEHNETT	LAWRENCE	1970	M	
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<input type="radio"/>	HOJ	3713800	BEHNETT	LAWRENCE	1980	M	
<input type="radio"/>	ESK	4752950	BEHNETT	LAWRENCE	1976	M	
<input type="radio"/>	HOJ	9873400	BEHNETT	LAWRENCE	1973	F	
<input type="radio"/>	GLD	9873400	BEHNETT	LAWRENCE	1973	F	
<input type="radio"/>	GLD	9873400	BEHNETT	LAWRENCE	1973	F	
<input type="radio"/>	LAW	9873400	BEHNETT	LAWRENCE	1973	F	

Page: 1

BIRTH NAME : BIRTH YEAR : SEX :

SRI NO : COUNTY CASE NO :

ESK CASE SMT DATE : 11 09 2012

DEFN NO : DEFN'S CASE NAME :

CHARG DOC : IN

INDIC/ACC NO: 12-00-03404-1 DISP DATE : 09 23 2012 ACTION : 67

REASON : GUILTY PLEA AS CHARG SENTENCE DATE: 11 09 2012

BIRTH NAME : BIRTH YEAR : SEX :

COUNTY CASE NO :

CASE INT DATE :

DEFN NO : DEFN'S CASE NAME :

CHARG DOC :

INDIC/ACC NO: DISP DATE : ACTION :

REASON : SENTENCE DATE:

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COURTS PUBLIC ACCESS
Criminal Cases: PROMIS/Gavel Public Access: Defendant Detail

Scheduled Event	Event Detail	Charges
Motions	Bail	Arrest
Appeal	Sentence	PTI

CASE NUMBER : 12003140 DEFENDANT NO : 002

DEFENDANT NAME : BEHNETT LAVELLE

DEFN ATTY NAME : POSNER LORANE L

DEFN ATTY TYPE : POOL ATTORNEY

JAIL DAYS : 0021

SENT LENGTH : 02Y08M

***** S U M M A R Y D A T A *****

CHARGING DOCUM : INDICTMENT DISPOSITION DATE : 09 21 2012

DISP ACTION : GUILTY SENTENCE DATE : 11 09 2012

DISP REASON : GUILTY PLEA AS CHARG TRANSFER TO:

- Searches NJ indictable crime convictions (and sometimes downgraded municipal charges).
- Name searches may be inaccurate or inconclusive - ask about middle initial, suffixes, aliases including maiden name, etc.
- CDR searches use municipal complaint, summons, or warrant numbers – if you’re looking up a record found in MCCS, search using this number (particularly if you cannot find results under a name search).
- Arrows go up and down the pages. Make sure you keep viewing until the end of the results.
- “Charges” tab shows the accusation and the indictment details. “Event Detail” and “Sentence” also show helpful information if there’s a conviction with a sentence.

SECTION 3:

Child Support

Parties in Child Support Actions

- Obligee/payee
 - “CP” or custodial parent
 - “PPR” or parent of primary residence
- Obligor/payor
 - “NCP” or non-custodial parent
 - “PAR” or parent of alternate residence
- Division of Human Services
- Child Support Enforcement Unit - Probation

Paternity

- Without a court order
 - Child born during course of marriage or within 300 days after the marriage has ended is presumed to be the child of the husband
 - Voluntary consent (Certificate of Parentage) for children born outside of marriage
- With a court order
 - Voluntary consent (Acknowledgement of Paternity)
 - Genetic testing
 - Default order

Paternity : Genetic Testing

- *D.W. v. R.W.*, 212 N.J. 232 (2012)
 - Court must consider a number of factors when determining whether to allow genetic testing such as :
 - any harm that would come to the child upon knowing paternity as other than what has been stated all along,
 - how the acknowledged father’s realization of his non-paternity came about
 - the nature and length of the relationship between the child and the supposed father
 - age of the child,
 - **This is not an exhaustive list**
- *S.K. v. P.D.*, 462 N.J. Super. 324 (Ch. Div. 2019)
 - Disestablishing paternity terminates ongoing child support obligations
 - It **does not** vacate child support arrears

Child Support Guidelines

- The child support guidelines set forth in Appendix IX of R. 5:6A are applied when an application to establish or modify child support is considered by the court
- The guidelines may be modified or deviated from by the court only where good cause is shown.
- Completed child support guidelines worksheet must be filed with any order or judgment that includes child support
- Any deviations from the child support guidelines must be stated in the worksheet, including agreements made by the parties

Factors Considered in Calculating Child Support

- Number of children between the parties
- Ages of the children
- Income of each party*
- Income excluded from the calculation
 - Means tested income (i.e., SSI and TANF)
 - Child support received for other children
- Income to children (i.e., children receiving SSD entitlement benefit from obligor)
- Alimony (rare for our clients)

Factors Considered in Calculating Child Support (cont'd)

- Parenting time---number of "overnights." Defined as the number of days the obligor has the child for more than 12 hours in a day.
- Other dependent deduction (ODD)
 - Obligor is supporting children (biological or adopted) from other relationships
- Child care costs
- Child's medical expenses (predictable and recurring)
 - Obligor must pay the first \$250 in expenses
 - Court will order parties to pay remainder based on income
- Other (very rare for our clients)
 - Lessons
 - Private school

Modifying Child Support

- Lepis v. Lepis, 83 N.J. 139 – party requesting modification must make a *prima facie* showing of changed circumstances that are permanent/substantial and unanticipated. This includes:
 - Changes in income, including disability, or permanent injury
 - Changes to child care costs
 - Changes to child's health insurance costs
 - Changes in parenting time
 - New other dependent deductions (ODD)
 - Incarceration
 - Emancipation
 - Other
- COLA adjustments
 - Rule 5:6B – all support orders entered after Sept. 1, 1998 are automatically reviewed for a cost of living adjustment every 3 years
- Effective date of child support modification is the filing date*

Modifying Child Support: Factors considered when proving a change in income

- Actual income of both parties
 - What caused the income increase/ decrease?
 - What efforts to mitigate the decrease were made?
- Imputed income to one or both parties
 - Unemployment
 - Underemployment
- Self-support reserve/ Poverty Threshold – 150% of the 2022 Federal Poverty Guidelines
 - Subtract the child support obligation from obligor's income
 - If obligor's income falls below the poverty threshold (\$392 per week for one person) then the obligation amount must be adjusted*
- Income to children

Modifying Child Support- Incarceration (Halliwell Motion)

- Halliwell v. Halliwell, 326 N.J. Super. 442 (App. Div. 1999)
 - Obligor files motion during his/her incarceration
 - Can file motion only for periods of incarceration 12 months or more
 - Enforcement is stayed until obligor is released
 - Obligor files another motion upon release
 - Court determines if obligor has income or assets to repay the arrearages
 - Court will consider whether to suspend or modify the arrearages that accumulated while the obligor was incarcerated

Modifying Child Support- Emancipation

- Establishes 19 as the age when a child support and/or medical support obligation will end unless otherwise ordered by the Court.
 - Both parents receive written notice of proposed termination:
 - First at least 180 days prior
 - Second at least 90 days prior
 - Custodial parent files an application for an extension before the child's 19th birthday.
- If extension is granted, child support and/or medical support may continue up to the age 23 for cases in which:
 - Dependent is still in high school
 - Dependent is attending full-time college
 - Dependent is vocational or graduate school
 - Dependent is disabled
 - The parties reach a separate agreement; or,
 - Continued child support was granted by the court

Modifying Child Support- Emancipation

- Obligor must file a motion to emancipate to show child is now independent
- Emancipating events include:
 - Child is enrolled for less than 12 credits per semester
 - Child is employed full time
 - Marriage
 - Child enlists in the military
- Emancipation does not relieve obligor from payment of arrears or solve overpayment issues unless specified in the order

Modifying Child Support- Emancipation

- Events that do not support emancipation:
 - Child is away at college as a full-time student
 - Child has summer and winter breaks from college
 - Child has a baby out of wedlock
 - Child has a severe mental or physical incapacity that causes him/her to be financially dependant upon a parent
- Request that child support is retroactively modified as of the emancipation date determined by the court (i.e., 18th birthday, date the child last attended school, etc.)

NEW JERSEY RULES OF COURT APPENDIX IX-A
CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES
(Includes Amendments through those effective September 1, 2022)

1. Philosophy of the Child Support Guidelines

These guidelines were developed to provide the court with economic information to assist in the establishment and modification of fair and adequate child support awards. The premise of these guidelines is that (1) child support is a continuous duty of both parents, (2) children are entitled to share in the current income of both parents, and (3) children should not be the economic victims of divorce or out-of-wedlock birth. The economic data and procedures of these guidelines attempt to simulate the percentage of parental net income that is spent on children in intact families. While it is acknowledged that the expenditures of two-household divorced, separated, or nonformed families are different from intact-family households, it is very important that the children of this State not be forced to live in poverty because of family disruption and that they be afforded the same opportunities available to children in intact families with parents of similar financial means as their own parents.

2. Use of the Child Support Guidelines as a Rebuttable Presumption

In accordance with Rule 5:6A, these guidelines must be used as a rebuttable presumption to establish and modify all child support orders. The guidelines must be applied in all actions, contested and uncontested, in which child support is being determined including those involving pendente lite (temporary) support, interstate support (Uniform Interstate Family Support Act (UIFSA)), domestic violence, foster care, divorce, non-dissolution, and public assistance (Temporary Assistance to Needy Families or TANF). A rebuttable presumption means that an award based on the guidelines is assumed to be the correct amount of child support unless a party proves to the court that circumstances exist that make a guidelines-based award inappropriate in a specific case. The guidelines may be disregarded or a guidelines-based award adjusted if a party shows, and the court finds, that such action is appropriate due to conflict with one of the factors set forth in sections 4, 7, 10, 13, 14, 15 or 20 of Appendix IX-A, or since an injustice would result due to the application of the guidelines in a specific case. The determination of whether good cause exists to disregard or adjust a guidelines-based award in a particular case shall be decided by the court.

3. Deviating from the Child Support Guidelines

If the court finds that the guidelines are inappropriate in a specific case, it may either disregard the guidelines or adjust the guidelines-based award to accommodate the needs of the children or the parents' circumstances. If the support guidelines are not applied in a specific case or the guidelines-based award is adjusted, the reason for the deviation and the amount of the guidelines-based award (before any adjustment) must be specified in writing on the guidelines worksheet or in the support order. Such findings clarify the basis for the support order if appealed or modified in the future. If the

guidelines are found to be inapplicable in a particular case, the court should consider the factors set forth in N.J.S.A. 2A:34-23 or N.J.S.A. 9:17-53 when establishing the child support award.

4. The Income Shares Approach to Sharing Child-Rearing Expenses

New Jersey statutes and case law provide that both parents are responsible for the financial needs of their children. In intact families, the income of both parents is pooled and spent for the benefit of all household members including the children. Each parent's contribution to the combined income of the family represents their relative sharing of household expenses. For example, if the parents have equal incomes, they are assumed to share all expenditures for the family equally (50%). This same income sharing principle is used to determine how the parents will share a child support award. In dissolved or non-formed families, however, the parents share only the expenses for the child (i.e., the Appendix IX-F support schedules are based on the marginal or added cost of a child or children to an adult couple). In sole-parenting situations, the custodial parent's share of the child-rearing expenses is assumed to be spent directly on the child through daily living expenses. The non-custodial parent's share of child-rearing costs represents the support order that is paid to the custodial parent for the benefit of the child. In situations involving PAR Time (formerly referred to as visitation), both parents make direct expenditures for the child while the child resides in their homes. To accommodate duplicated and shifting expenses associated with a child who shares time with parents who live separately, the Appendix IX-F sole-parenting awards may need to be adjusted to reflect each parent's assumed level of marginal spending on the child.

5. Economic Basis for the Child Support Guidelines

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

Selecting a Standard of Well-Being - Before estimating the marginal cost of children, a standard of well-being must be defined. Different marginal cost estimation

methods use different standards of well-being. Although several standards have been used in the past, no consensus has emerged as to which provides the most credible result. Two of the most widely used marginal-cost estimation methods, Rothbarth and Engel, employ the standards of well-being described below.

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

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

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

The Betson Analysis - In September 1990, Dr. David Betson of the University of Notre Dame published child-rearing estimates based on his analysis of pooled CEX data from 1980 through the first quarter of 1987, a variety of estimation techniques, and alternative definitions of the standard of well-being. As did previous studies, Dr. Betson's analysis resulted in a wide range of estimates of expenditures on children. Dr. Betson, like other economists, believes that the true range of marginal expenditures on children lies at some interval between the Engel and Rothbarth estimates. The Engel estimates, which are close to per capita (i.e., equal shares), clearly overstate the marginal cost of children and, thus, represent the upper bound of spending on children. Economists know that the Engel estimates are incorrect, but do not have the same information about the Rothbarth estimates. Thus, the Rothbarth estimates may represent the true level of marginal spending on children or the theoretical lower bound of that spending. Dr. Betson concluded that the Rothbarth method produced the best set of estimates on the marginal cost of children because it has the least empirical flaws and those that do exist have a minimal effect on the resulting estimates.

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

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

- a. converting child-related spending as a proportion of consumption to a proportion of net income;
- b. updating estimates to 2011;
- c. adjusting the schedule to reflect New Jersey's higher cost of living as measured by the "Consumer Price Index - All Urban Consumers" (CPI-U);
- d. deducting the cost of childcare and unreimbursed health care expenses that exceed \$250 per child per year (these expenses are added to the basic obligation);
- e. extrapolating the estimates to families with four, five, and six children;
- f. computing marginal proportions between income intervals so that the support schedule can be constructed in ten dollars increments;
- g. using the Rothbarth and marginal proportions to create the relationship between support obligations and combined net weekly income; and

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

6. Economic Principles Included in the Child Support Guidelines

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

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

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

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

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

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

g. As income increases, total family consumption spending declines as a proportion of net income since income items such as savings, personal insurance, and gifts increase with family income. Families at lower level of the income ladder have consumption spending that may exceed 100% of net income. In contrast, high-income families may spend 60% to 75% of net income on consumption items.

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

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

7. Assumptions Included in the Child Support Guidelines

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

b. Standard of Living - Although these support guidelines attempt to approximate the same level of marginal spending on children before divorce or separation, the resulting child support awards do not guarantee that the children's standard of living will remain the same if one of those events occurs. Usually, the children's standard of living will decline since the child support award (based on marginal spending) is being added to a much smaller level of base household expenditures. Less total money is available in the primary household of the child after divorce or separation since the other parent's income is no longer available. Less money means a decline in household expenditures which results in a lower standard of living. Additionally, some economies of scale are lost when one parent leaves the household.

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

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

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

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

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

h. Self-Support Reserve - The self-support reserve is a factor in calculating a child support award only when one or both of the parents have income at or near the poverty level. The self-support reserve is 150% of the U.S. poverty guideline for one person. It attempts to ensure that the obligor has sufficient income to maintain a basic subsistence level and the incentive to work so that child support can be paid. A child support award is adjusted to reflect the self-support reserve only if payment of the child support award would reduce the obligor's net income below the reserve and the custodial parent's (or the Parent of the Primary Residence's) net income minus the custodial parent's share of the child support award is greater than 150% of the poverty guideline. The latter condition is necessary to ensure that custodial parents can meet their basic needs so that they can care for the children. As of January 13, 2021, the self-support reserve is \$372 per week (this amount is 150% of the poverty guideline for one person).

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

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

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

8. Expenses Included in the Child Support Schedules

The awards in the Appendix IX-F child support schedules represent the average amount that intact families spend on their children (i.e., the marginal amount spent on the children). The Appendix IX-F support awards include the child's share of expenses for housing, food, clothing, transportation, entertainment, unreimbursed health care up to and including \$250 per child per year, and miscellaneous items. Specific items included in each category are listed below. Note: The fact that a family does not incur a specific expense in a consumption category is not a basis for a deviation from the child support guidelines. The Appendix IX-F awards are based on the percentage of income spent on children by a large number of families in a variety of socioeconomic situations. The use of averages reflects the diversity of spending by parents. To qualify for a deviation based on average costs, a parent must show that the family's marginal spending on children for all items related to a consumption category differs from the average family (e.g., there are no housing costs).

Housing - Mortgage principal and interest payments or home equity loans, property taxes, insurance, refinancing charges, repairs, maintenance, rent, parking fees, property management or security fees, expenses for vacation homes, lodging while out of town, utilities, fuels, public services, domestic services, lawn care, gardening, pest control, laundry and dry cleaning (non-clothing), moving and storage, repairs on home, furniture, major appliances, purchase or rental of household equipment or tools, postage, laundry or cleaning supplies, cleaning and toilet tissues, household and lawn products, stationary, all indoor and outdoor furniture, floor coverings, all small appliances and housewares (except personal care appliances), all household textiles (e.g., linens, drapes, slipcovers, sewing materials, etc.), and miscellaneous household equipment (e.g., clocks, luggage, light fixtures, computers and software, decorating items, etc.). The net purchase price of a home is not included as expenditures in this category.

Food - All food and non-alcoholic beverages purchased for home consumption or purchased away from home (including vending machines, restaurants, tips, school meals and catered affairs). Non-food items (e.g., tissue papers, alcoholic beverages, cigarettes) are not included.

Clothing - All children's clothing (including school uniforms), footwear (except special footwear for sports), diapers, repairs or alterations to clothing and footwear, storage, dry cleaning, laundry, watches, and jewelry.

Transportation - All costs involved with owning or leasing an automobile including monthly installments toward principal cost, finance charges (interest), lease payments, gas and motor oil, insurance, maintenance and repairs. Also, included are other costs related to transportation such as public transit, parking fees, license and registration fees, towing, tolls, and automobile service clubs. The net outlay (purchase price minus the trade-in value) for a vehicle purchase is not included. Transportation also does not include expenses associated with a motor vehicle purchased or leased for the intended primary use of a child subject to the support order.

Unreimbursed Health Care Up to and Including \$250 Per Child Per Year - Unreimbursed health-care expenditures (e.g., medical and dental) up to and including \$250 per child per year are included in the schedules. Such expenses are considered ordinary and may include items such as non-prescription drugs, co-payments or health care services, equipment, or products. The parent's cost of adding a child to health insurance policy is not included in the schedules.

Entertainment - Fees, memberships and admissions to sports, recreational, or social events, lessons or instructions, movie rentals, televisions, mobile devices, sound equipment, pets, hobbies, toys, playground equipment, photographic equipment, film processing, video games, and recreational, exercise or sports equipment.

Miscellaneous Items - Personal care products and services (e.g., hair, shaving, cosmetics), books and magazines, school supplies, cash contributions, personal insurance, and finance charges (except those for mortgage and vehicle purchases).

Note: Tuition for children (i.e., for private, parochial, or trade schools, or other secondary schools, or post-secondary education) are not included in the child support schedules and may be treated as a supplemental expense.

9. Expenses That May Be Added to the Basic Child Support Obligation

Because some child-related expenses represent large or variable expenditures or are not incurred by typical intact families, it is not appropriate to include them in the Appendix IX-F basic child support awards. The items listed below are not included in the Appendix IX-F child support awards. If incurred in a particular case, these expenses should be added to the basic support obligation.

a. Child-Care Expenses - The average cost of childcare, including day camp in lieu of childcare, is not factored into in the schedules. The net cost (after tax credits) of work-related childcare should be added to the basic obligation if incurred.

b. Health Insurance for the Child - The parent's marginal cost of adding a child to a health insurance premium is not included in the support schedules and should be added to the basic obligation if incurred.

c. Predictable and Recurring Unreimbursed Health Care Expenses in Excess of \$250 Per Child Per Year - Unreimbursed health-care expenses for a child in excess of \$250 per child per year are not included in the schedules. Such expenses should be added to the basic obligation if they are predictable and recurring. Health-care expenses for a child that exceed \$250 per child per year that are not predictable, and recurring should be shared by the parents in proportion to their relative incomes as incurred (i.e., the sharing of these expenses should be addressed in the general language of the order or judgment). Health care costs that are not included in the support award should be paid directly to the parent who made or will make the expenditure or directly to the provider of the health care (also, see N.J.S.A. 2A:34- 23b).

d. Other Expenses Approved by the Court - These are predictable and recurring expenses for children that may not be incurred by average or intact families such as private elementary or secondary education, special needs of gifted or disabled children, and visitation transportation expenses. The addition of these expenses to the basic obligation must be approved by the court. If incurred, special expenses that are not predictable and recurring should be shared by the parents in proportion to their relative incomes (i.e., the sharing of these expenses should be addressed in the general language of the order or judgment). Special expenses not included in the award should be paid directly to the parent who made or will make the expenditure or to the provider of the goods or services.

10. Adjustments to the Support Obligation

The factors listed below may require an adjustment to the basic child support obligation.

a. Other Legal Dependents of Either Parent - These guidelines include a mechanism to apportion a parent's income to all of his or her legal dependents regardless of the timing of their birth or family association (i.e., if a divorced parent remarries and has children, that parent's income should be shared by all children born to that parent). Legal dependents include adopted or biological children of either parent who are less than 18 years of age or more than 18 years of age and still attending high school or other secondary school. Stepchildren are not considered legal dependents unless a court has found that the stepparent has a legal responsibility for the stepchildren. When considering the use of this adjustment, the following principles shall apply:

(1) where there is not an order requiring either parent to pay support for the other dependent this adjustment shall be used only if the income, if any, of the other parent of the secondary family is provided to or ascertainable by the court;

(2) where there is not an order requiring either parent to pay support for the other dependent, if the other parent in the secondary family is voluntarily unemployed or underemployed, the court shall impute income to that person (see paragraph 12) to determine the serial family parent's obligation to the children in the secondary family;

(3) this adjustment may be applied to other dependents born before or after the child for whom support is being determined;

(4) this adjustment may be requested by either or both parents (custodial and/or non-custodial);

(5) the adjustment may be applied when the initial award is entered or during subsequent modifications of the support order.

b. Multiple Family Obligations. In some cases, one individual may be obligated to pay child support to multiple families. When the court adjudicates a case involving an obligor with multiple family obligations, it may be necessary to review all past orders for that individual. If the court has jurisdiction over all matters, it may either average the orders or fashion some other equitable resolution to treat all supported children fairly under the guidelines. If multiple orders reduce the obligor's income to an amount below the self-support reserve, the orders should be adjusted to distribute the obligor's available income equitably among all children while taking into consideration both the obligee's share of the child support obligation and obligor's self-support reserve. If other jurisdictions' tribunals ordered the obligor to pay child support for a different family, the New Jersey court may consider that fact for the purpose of maintaining the obligor's self-support reserve.

c. Government Benefits Paid to or for Children - Government benefits for children fall into three categories. The treatment of each type of benefit is related to its purpose and eligibility standards.

(1) Means-tested benefits have eligibility standards based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are meant to provide for minimal subsistence and are excluded as income (not counted for either parent).

(2) Derivative benefits have eligibility standards that are based on the contribution (e.g., work history, military service, disability or retirement) of one of the parties, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. Such payments are either deducted from a parent's government benefit or paid in addition to the parent's benefit. These child benefits are earned benefits that are meant to replace the lost earnings of the parent in the event of disability or retirement. The derivative child benefits shall be counted in the weekly net income of the parent whose contribution is the source of the benefits and applied as a credit to that parent's child support obligation. If the amount of the support obligation after deducting the benefits is zero, then the child support obligation is satisfied, and no support award should be ordered while the child is receiving the benefits.

(3) Other benefits are obtained without regard to means tests or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a stepparent, grandparent or deceased parent. This type of government benefit is not meant to replace lost earnings of a party, but to supplement the child's household income. Such benefits are counted as income for the parent who actually receives the benefits (usually the custodial parent).

11. Defining Income

These guidelines are based on the combined net income of the parents. Generally, net income is gross income minus income taxes, mandatory union dues, mandatory retirement, previously ordered child support orders, and, when appropriate, a theoretical child support obligation for other dependents. See Appendix IX-B for a detailed definition of income and taxes as they relate to the child support guidelines.

12. Imputing Income to Parents

The fairness of a child support award resulting from the application of these guidelines is dependent on the accurate determination of a parent's net income. If the court finds that either parent is, without just cause, voluntarily underemployed or voluntarily unemployed, it shall impute income to that parent according to the following priorities:

a. In determining the amount of income to be imputed, the court must take into consideration the specific circumstances of the parent for whom income imputation is being considered, to the extent known, including but not limited to the following factors: assets; residence; employment and earnings history (as demonstrated by pay stubs, tax returns. Social Security records, disability statements or other records reflecting all

sources of earned and unearned income); job skills; educational attainment; literacy; age; health; criminal record and other employment barriers; record of seeking work; the local job market; the availability of employers willing to hire; prevailing earnings level in the local community; what the employment status and earning capacity would have been if the family formed or remained intact; the reason and intent of the underemployment or unemployment; the ages of children in the household and child-care alternatives; the U.S. Bureau of Labor Statistics if the parent works outside of New Jersey; and other relevant background factors in the case. Incarceration may not be treated as voluntary unemployment in establishing or modifying support orders.

The determination of imputed income shall not be based on the gender or custodial position of the parent, except to the extent that it affects the ability-to-earn factors listed above. Income of other household members, current spouses, and children shall not be used to impute income to either parent except when determining the other-dependent credit. When imputing income to a parent who is caring for young children, the parent's income share of child-care costs necessary to allow that person to work outside the home shall be deducted from the imputed income.

b. If evidence is unavailable or insufficient to determine income based on the factors in subparagraph 12(a), the court may impute income based on the parent's former income at that person's usual or former occupation or the earnings for that occupation as reported by the New Jersey Department of Labor (NJDOL) or the U.S. Bureau of Labor Statistics if the parent works outside of New Jersey, based on the parent's most recent wage or benefit record (a minimum of two calendar quarters) on file with the NJDOL (note: NJDOL records include wage and benefit income only and, thus, may differ from the parent's actual income). If NJDOL records or data are unavailable or are insufficient to determine income, income may be imputed based on the prevailing State or federal minimum wage, whichever is higher.

c. When evidence of a parent's current or prior earnings and income information is unavailable or insufficient, the court may seek any available information about the specific circumstances of that parent, which may be adduced from the other parent, to determine the amount of income to impute to a parent, and may consider the factors set forth in subparagraphs 12(a) and (b) above, as well as the case law and statutes.

d. The court shall develop a factual basis, memorializing its decision, in writing or on the record, as to whether to impute income to a parent and, if so, the amount, using appropriate State statutes, procedures, case law, and legal processes in establishing and modifying support obligations.

13. Adjustments for PAR Time (formerly Visitation Time)

a. For the purpose of these guidelines, visitation is a level of parental participation in child-rearing that is less than the substantial equivalent of two or more overnights with the child each week (approximately 28% of overnights excluding vacations and holidays). Overnight means the majority of a 24-hour day (i.e., more than

12 hours). The sharing of parenting responsibilities above this time threshold may qualify for a shared-parenting child support award (see paragraph 14). For noncustodial parents (NCP) who participate in child-rearing responsibilities on a regular basis but for less than the substantial equivalent of two or more overnights per week, it is assumed that:

(1) fixed costs (e.g., housing-related expenses) for the child are not incurred by the NCP;

(2) variable costs (e.g., food, transportation, and some entertainment) for the time spent with the child are incurred by the NCP; and

(3) variable costs represent 37% of the total child-related expenditures.

b. Regular PAR Time - If a parenting plan that sets forth a visitation schedule is filed with the court or a PAR Time schedule is ordered, or the non-custodial parent exercises regular PAR Time with the child, the court may reduce an Appendix IX-F sole-parenting support award to accommodate variable expenses (food and transportation) incurred by the non-custodial parent during PAR Time periods. In determining if such an adjustment is appropriate, the court should consider whether the non-custodial parent has incurred variable expenses for the child during PAR Time and if PAR Time has reduced the other parent's variable expenses for the child. If the non-custodial parent exercises PAR Time for more than the substantial equivalent of two or more overnights per week, a shared-parenting award may be appropriate (see paragraph 14).

(1) The reduction in the award shall not exceed the parent's time share (percentage of overnight time with the child) of the variable costs -- food and transportation -- for the child. For example, if the sole-parenting basic support award is \$100 and the non-custodial parent spends 20% of the time with the child, the maximum PAR Time credit is \$7.40 calculated as: \$100 (basic award) x 0.37 (variable costs) x 0.20 (%time).

(2) Extended PAR Time in excess of five consecutive overnights that represents a single event or intermittent occurrence (e.g., vacation or holiday time) shall not be used to determine the non-custodial parent's annual percentage of overnight time for calculating a regular visitation (see paragraph 13(c)) or a shared-parenting adjustment. Extended PAR Time periods that are part of a regularly scheduled rotation of consecutive weeks between the parents that is set forth in a parenting plan or court order (e.g., a regular schedule that alternates weeks between parents during the year or entire summer) should be included in the calculation of the regular PAR Time adjustment (variable expenses), but shall not be included in the determination of qualifying time for a shared-parenting adjustment (fixed expenses) unless the parent shows and the court finds that marginal housing-related costs for the child were incurred in the PAR's household for the extended PAR Time period.

(3) If the custodial parent's household net income (CP net income from all sources including TANF and the net income of other adults in the household) plus the parenting PAR Time-adjusted child support order is less than two times the poverty guideline for the total number of persons in the household, the adjustment for PAR Time expenses shall not be presumptive but shall be subject to the discretion of the court.

c. Extended PAR Time (Vacation and Holiday Time) - If a child is in the care of a non-custodial parent for five or more consecutive overnights, that parent may request an abatement of the child support order for the extended-PAR Time period. Upon the filing of a motion by the parent seeking the extended-PAR Time abatement, the court shall decide whether the abatement is appropriate, its amount, and how it shall be applied. Alternatively, the amount of an extended-PAR Time abatement may be specified prospectively in an agreement between the parents. The amount of the abatement shall not exceed the variable expenses (food and transportation) incurred for the child during the extended-PAR Time period (i.e., the abatement should not be for the entire award during the vacation period since the custodial parent continues to have fixed and controlled expenses during that time). Variable expenses represent 37% of a basic child support award before any regular-PAR Time adjustments. If childcare or other special expenses are included in the order, an abatement for the non-custodial parent's share of those costs that are not incurred during extended-PAR Time shall be given unless such costs are paid in advance or must be paid during the extended-PAR Time. Extended vacation or holiday time used to calculate a visitation or shared adjustment as permitted in the discretion of the court under paragraph 13(b)(2) or 14(c)(2)(a) does not qualify for the extended-PAR Time abatement under this paragraph.

d. Non-Compliance with a Parenting Plan - If an award is adjusted prospectively for PAR Time and the non-custodial parent, over a reasonable period, does not conform with the PAR Time schedule included in a parenting plan or court order, the custodial parent may file an application with the Family Division requesting that the child support order be adjusted to reflect the level of PAR Time that is being exercised. A simple application for this purpose shall be made available to parents by the Family Division of the Superior Court to ensure that the affected children receive the financial support that is needed. If PAR Time was used to adjust the child support award and the court finds that the non-custodial parent, over a reasonable period, failed to comply with the PAR Time schedule specified in the parenting plan or court order, the child support award shall be recalculated to reflect the actual PAR Time that is being exercised. Alternatively, the court may adjust the award to a zero PAR Time level until the non-custodial parent shows that PAR Time is occurring on a regular basis. Where possible, the court shall hear and decide applications to recalculate child support due to a parent's failure to comply with a PAR Time schedule in a summary manner. The determination of the effective date of any modification shall be consistent with N.J.S.A. 2A:17-56.23a unless otherwise ordered by the court. If the court finds that a parent willfully failed to comply with a parenting time provision or entered into such a provision

merely to reduce the child support award, it may award counsel fees to a custodial parent in addition to adjusting the amount of child support as provided in this paragraph.

14. Shared-Parenting Arrangements

a. The Support Guidelines and Shared Parenting - The awards in the Appendix IX-F support schedules represent spending on children by intact families. In an intact family, the children reside in one household with both parents (i.e., there is no shifting of children between households as with non-intact families). Thus, the Appendix IX-F awards are appropriate only if the child resides in the custodial parent's household 100% of the time. In shared-parenting situations, each parent incurs expenses for the child while the child is with that parent. To accommodate shared-parenting situations, each parent's income share of the Appendix IX-F support award may be adjusted based on expenses assumed to be duplicated or shifted and the amount of time spent with the child. Although these guidelines are designed to accommodate shared-parenting arrangements when appropriate, shared-parenting adjustments or awards are not presumptive, but are subject to the discretion of the court in accordance with the factors listed in paragraphs 14(c) and 14(d).

b. Parties Defined. In shared-parenting situations, a parent's designation is related to the time the child spends in that parent's residence. The parents should be referred to as the Parent of Primary Residence (PPR) and the Parent of Alternate Residence (PAR). Either the PPR or the PAR may be the obligor of the support order depending on income and the time spent with the child. The designation of PPR and PAR is not related to the gender of either parent or the legal designation of custodial parent. The PPR and PAR are defined as follows:

(1) Parent of Primary Residence (PPR) - The parent with whom the child spends most of his or her overnight time. The primary residence is the home where the child resides for more than 50% of the overnights annually. If the time spent with each parent is equal (50% of overnights each), the PPR is the parent with whom the child resides while attending school. Overnight means the majority of a 24-hour day (i.e., more than 12 hours).

(2) Parent of Alternate Residence (PAR) - This is the parent with whom the child resides when not living in the primary residence.

c. Criteria for Determining a Shared-Parenting Award - The criteria listed below must be met before the shared-parenting worksheet and instructions are used to calculate a shared-parenting award. The existence of these criteria does not make a shared-parenting award presumptive but permit the calculation of the award so that the court can determine if it is appropriate for a particular family.

(1) A parenting plan that specifies parenting times and responsibilities must be filed with or ordered by the court.

(2) The PAR has or is expected to have the child for the substantial equivalent of two or more overnights per week over a year or more (at least 28% of the time) and the PAR can show that separate living accommodations for the child are provided during such times (i.e., evidence of separate living accommodations maintained specifically for the child during overnight stays).

(a) At the discretion of the court, the determination of qualifying shared-parenting time may include extended-PAR Time periods of five or more consecutive overnights that are part of a regularly scheduled rotation between the parents as set forth in a parenting plan or court order if the PAR shows that marginal housing-related costs were incurred for those periods. Qualifying shared-parenting time shall not include extended PAR Time periods of five or more overnights that represent vacations, holidays, or other periodic events (see Extended Visitation above).

(b) Although a PAR may not be eligible for the shared-parenting adjustment (both fixed and variable expenses) due to limited time with the child, a regular PAR Time credit (variable expenses only) may be appropriate (see paragraph 13).

d. Unless the parties otherwise agree, the final child support order shall not be based on a calculated shared-parenting award if:

(1) the PPR's weekly household net income (including means-tested income such as TANF and the net income of other adults living in the household) plus the shared-parenting child support award is less than two times the U.S. poverty guideline for the number of persons in the household (PPR household income thresholds are shown in table below);
or

(2) in any case, the court finds that the net income of the primary household remaining after the calculation of the shared-parenting award is not sufficient to maintain the household for the child. When evaluating the adequacy of the primary household's total income, the court shall consider the cost of living in the region where the child resides (e.g., the average cost of housing, food, and transportation).

When determining the PPR's household income to evaluate the primary household income threshold, the court may impute income to the PPR in accordance with Appendix IX-A, paragraph 12.

e. If a shared-parenting award is inappropriate due to the PPR's limited household income, a sole-custody award shall be calculated.

Shared-Parenting Primary Household Net Income Thresholds

(2.0 x 2021 Poverty Guideline)

Total Persons in Household	Weekly Net Income	Annual Net Income
2	\$670	\$34,840
3	\$845	\$43,920
4	\$1,019	\$53,000]
5	\$1,194	\$62,080
6	\$1,368	\$71,160
7	\$1,543	\$80,240
8	\$1,718	\$89,320

f. Relative Spending on Children and Shared-Parenting Situations - For the purpose of the application of these guidelines to shared-parenting situations, there are three broad categories of expenses incurred for children by their parents: fixed, variable and controlled.

Fixed costs are those incurred even when the child is not residing with the parent. Housing-related expenses (e.g., dwelling, utilities, household furnishings and household care items) are considered fixed costs.

Variable costs are incurred only when the child is with the parent (i.e., they follow the child). This category includes transportation and food.

Controlled costs over which the PPR, as the primary caretaker of the child, has direct control. This category includes clothing, personal care, entertainment, and miscellaneous expenses.

The Appendix IX-F support awards (which represent marginal child-rearing costs) are based on expenditures of intact families that reside in one household. In shared-parenting situations both parents incur fixed and variable expenses for the child while the child resides in their individual households (in a PAR Time situation, it is assumed that the non-custodial parent incurs only variable expenses for the child). It is assumed that controlled expenses for the child are incurred only by the PPR since, generally, that parent manages the day-to-day needs of and expenditures for the child. The Appendix IX-F awards may not be appropriate in shared-parenting situations since they assume that the PPR incurs all expenses for the child and that the PAR has no expenses related to the child. To arrive at a fair support award in shared-parenting situations, the Appendix IX-F awards may need to be adjusted to accommodate each parent's time-adjusted fixed and variable expenses for the child. Since it is assumed that only the PPR incurs controlled expenses, the adjustment formula provides that such costs are shared by the parents in proportion to their relative incomes only, not in proportion to time spent with the children (see note on controlled expenses at paragraph I).

g. Assumptions of the Shared-Parenting Adjustment - The shared-parenting adjustment assumes that:

(1) relative spending on children in the three broad consumption categories is as follows: 38% fixed expenses, 37% variable expenses, and 25% controlled expenses;

(2) the par's fixed expenses are equal to: 2 x PAR's percentage of overnights x PPR's fixed expenses. The PAR's fixed costs are pro-rated based on the time the child spends in the alternate household. For example, if the PAR spends 30% of overnights with the child, that parent is assumed to incur 60% of the PPR's fixed costs. The PPR's fixed costs remain static (i.e., the full 38% of the basic obligation; they are not reduced for the time the child is not in the household) since that parent must maintain the primary residence for the child at all times. The parents have equal fixed expenses only when time sharing is equal (i.e., fixed expenses are the same when the child spends the same amount of time in both households).

(3) variable costs are incurred only when the child is in the parent's household and, thus, are apportioned based on each parent's percentage of overnights with the child. For example, if the child spends 30% of overnights with the PAR, that parent incurs 30% of the variable expenses for the child and the PPR's variable expenses are reduced by an equal proportion;

(4) controlled expenses are incurred by the PPR only and, thus, are apportioned between the parents based on their income shares, not in relation to time spent with the children.

h. Calculating the Shared-Parenting Adjustment - Appendix IX-F sole parenting awards are adjusted for shared-parenting by calculating the PAR's income share of the total two-household expenses (the basic support obligation plus the PAR's time adjusted- fixed expenses) for the child and then deducting the PAR's time-adjusted fixed and variable expenses for the child. This mechanism adjusts the award to accommodate the PPAR's fixed and variable expenses incurred while the child is with that parent and the PPR's reduced variable expenses while the child is not in that parent's household. The PAR's income share of the net supplemental expenses (e.g., child care, court-approved special needs) is added to the PAR's adjusted basic obligation. Detailed instructions and a worksheet for calculating shared-parenting awards are provided in Appendices IX-B and IX-D respectively.

i. Note on Controlled Expenses - In shared-parenting situations, it is assumed that both parents incur fixed and variable costs. The shared-parenting adjustment formula allocates the total marginal fixed and variable costs between the parents based on their relative incomes and the time spent with the children. Controlled expenses

(e.g., clothing, entertainment, and personal care items) are assumed to be incurred by the PPR only (i.e., the PPR is responsible for the day-to-day needs of the child which includes the purchase of these items). Therefore, controlled expenses are shared in proportion to the parents' incomes only -- such expenses are not time adjusted. Thus, no adjustment is made for direct expenditures made by a PAR for controlled items whether they be duplicated in the PAR's household (e.g., clothing) or made only while the child is present (e.g., entertainment). In some family situations, the PAR may incur expenses for some controlled items either by agreement or on a voluntary basis. The adjustment formula does not accommodate these situations because there is either no empirical data that segregates the expense item into specific percentage of consumption (e.g., entertainment) or the expense item is presumed to be with the autonomy of the PPR (e.g., clothing).

Additionally, it is not always clear whether the duplication of these expenses is appropriate or necessary. If a PPR routinely incurs controlled expenses for the child either in addition to or as substitution for a controlled expense item assumed to be unilaterally provided by the PPR, the PAR may rebut the controlled expense assumption when the award is being determined. If such a rebuttal is made, the court must decide whether the dual expenses are appropriate and necessary and, if so, how each controlled expense category should be treated (i.e., how much of the 25% represents the item in contention and whether it should be treated as a variable or fixed expense).

j. Non-Compliance with Parenting Plan - If an award is adjusted prospectively for shared-parenting time and the PAR, over a reasonable period, does not conform with the shared-parenting schedule included in a parenting plan or court order, the PPR may file an application with the Family Division requesting that the child support order be adjusted to reflect the level of PAR Time that is being exercised. A simple application for this purpose shall be made available to parents by the Family Division of the Superior Court to ensure that the affected children receive the financial support that is needed. If shared-parenting time was used to adjust the child support award and the court finds that the PAR, over a reasonable period, failed to comply with the shared-parenting schedule, the child support award shall be recalculated to reflect the actual PAR Time that is being exercised. Alternatively, the court may adjust the award to a zero shared-parenting level until the PAR shows that shared-parenting time is actually being exercised. Where possible, the court shall hear and decide applications to recalculate child support due to a parent's failure to comply with a shared-parenting schedule in a summary manner. The determination of the effective date of any modification shall be consistent with N.J.S.A. 2A:17-56.23a unless otherwise ordered by the court. If the court finds that a parent willfully failed to comply with a parenting time provision or entered into such a provision merely to reduce the child support award, it may award counsel fees to a PPR in addition to adjusting the amount of support as provided in this paragraph.

15. Split-Parenting Arrangements

Split-parenting situations are those in which there are multiple children of the relationship and each parent has physical custody of at least one child. To determine the net support obligation in split-parenting situations, a separate sole-parenting award must be calculated considering each parent as the non-custodial parent (obligor) for the number of children in the custody of the other parent. Instead of transferring the calculated awards between parents, the two awards are subtracted. The difference of the two awards is the child support order to be paid by the parent with the higher soleparenting award. If both parents serve as a PPR for at least one child of the relationship and the children share time with the other parent, the court should adjust each parent's award to accommodate shared-parenting costs in accordance with the principles explained in the PAR Time sections of this Appendix before the two awards are subtracted.

16. Child in the Custody of a Third Party

If the child is in the custody of a third party (e.g., an aunt, uncle, or grandparent), the court shall order both parents to pay their income shares of the sole-parenting award to the third party for the benefit of the child. When a child has been placed in out-of-home care by a child protective services (CPS) agency, including the New Jersey Division of Child Protection and Permanency, on application or motion made at the request of the CPS agency as to one or both parents, the court may order the parent(s) to pay their income shares of the sole-parenting award to that agency.

17. Adjustments for the Age of the Children

The child support schedules are based on child-rearing expenditures averaged across the entire age range of zero through 17 years (total expenditures divided by 18 years). This averaging means that awards for younger children are slightly overstated due to the higher level of expenditures for older children. If an award is entered while the child is very young and continues through age 18, the net effect is negligible. However, initial awards for children in their teens are underestimated by the averaging and should be adjusted upward to compensate for this effect. Due to limitations of the CEX and the Rothbarth estimator, a separate marginal cost for teen-aged children could not be estimated. Based on Dr. Thomas Espenshade's 1980 CEX study, the cost of children aged 12 through 17 was 14.6% above the average expenditures. Therefore, if the initial child support order is entered when the child is 12 years of age or older, that order and all subsequent orders shall be adjusted upward by 14.6%. Whenever the 14.6% adjustment is made, it should be noted in the guideline's worksheet or in the support order. This will clarify the basis of the order for future modifications or appeals.

18. College or Other Post-Secondary Education Expenses

These child support guidelines are intended to apply to children who are less than 18 years of age or more than 18 years of age but still attending high school or a similar secondary educational institution. For the reasons set forth below, the Appendix IX-F support schedules shall not be used to determine parental contributions for college

or other post-secondary education (hereafter college) expenses nor the amount of support for a child attending college. The child support guidelines may be applied in the court's discretion to support for students over 18 years of age who commute to college.

Duplicate Expenditures - Many costs associated with college attendance (e.g., room, board, transportation) are included in the Appendix IX-F child support guidelines awards. Thus, a parent who is ordered to pay a guidelines-based child support award and part of the child's college expenses is forced to make duplicate expenditures for the child (i.e., the PAR would be paying a share of the cost of food for the child to the primary household as well as a share of the cost of a meal plan or food allowance while the child is attending college). As a result, the level of total spending on the child would exceed that of intact families in a similar economic situation and the PAR's share of the total spending on the child would increase beyond his or her income share. Requiring duplicate expenditures for a child is inconsistent with spending patterns of intact families and the economic theory of the child support guidelines.

Appendix IX-F Awards Represent Intact-Family Spending on Children up to Age 18 - The proposed Appendix IX-F support awards are based on the marginal cost of children who are less than 18 years of age and living in intact-family situations. The children on whom the support guidelines (average marginal expenditures) are based were minors who had not progressed beyond the high school level. Thus, the Appendix IX-F awards do not include any expenditures related to college attendance.

Guidelines Awards Are Based on Average Costs - The proposed Appendix IX-F child support schedules represent total average spending on children (birth through age 18) who are living in an intact-family residence. Since the cost of college attendance is a large, variable expenditure, it is inappropriate to incorporate such an expense in the total average marginal costs of children. Including college costs in the Appendix IX-F support schedules would increase the recommended support awards for all family situations regardless of whether a family has a child who is actually attending college.

Guidelines Awards Represent Basic Needs - The Appendix IX-F support schedules represent average marginal expenditures on children for food, housing, transportation, clothing, and miscellaneous items - basic items needed by every child and provided by their parents. Since college education is a discretionary expense, it is inappropriate to commingle such costs with basic needs of children.

When determining whether continued financial support for children attending college and/or parental contributions to college education are appropriate, the court shall consider relevant case law and statutes. In all cases, primary consideration shall be given to the continued support of minor children remaining in the primary residence by reapplying the child support guidelines for those children before determining parental obligations for the cost of post- secondary education and/or continued support for a child attending college.

19. Determining Child Support and Alimony or Spousal Support Simultaneously

If child support and alimony, maintenance, or spousal support are being determined simultaneously (for the same family), the court shall determine the amount of alimony, maintenance, or spousal support before applying the child support guidelines, except when the court establishes pendente lite support. When applying the guidelines, the amount of alimony, maintenance or spousal support shall be deducted from the paying parent's income (after adjusting for tax benefits, if any) and added to the recipient's income to determine each parent's gross income. This transfer method reflects the availability of income to each parent for the purpose of paying child support.

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 150% of the U.S. poverty guideline for one person (net income of \$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 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.** If the combined net income of the parents is more than \$187,200 per year, the court shall apply the guidelines up to \$187,200 and supplement the guidelines-based award with a discretionary amount based on the remaining family income (i.e., income in excess of \$187,200) and the factors specified in N.J.S.A. 2A:34-23. Thus, the maximum guidelines award in Appendix IX-F represents the minimum award for families with net incomes of more than \$187,200 per year. An award for a family with net income in excess of \$187,200 per year shall not be less than the amount for a family with a net income of \$187,200 per year. Because estimates on the marginal cost of children in intact families with net incomes of more than \$187,200 per year are either unreliable or

unavailable, the court shall not extrapolate the Appendix IX-F schedules (statistically or by adding amounts from different income ranges) beyond that dollar limit.

21. Other Factors that May Require an Adjustment to a Guidelines-Based Award

At the court's discretion, the following factors may require an adjustment to a guidelines-based child support award:

- a. equitable distribution of property;
- b. income taxes;
- c. fixed direct payments (e.g., mortgage payments);
- d. unreimbursed medical/dental expenses for either parent;
- e. tuition for children (i.e., for private, parochial, or trade schools, or other secondary schools, or post-secondary education);
- f. educational expenses for either parent to improve earning capacity;
- g. single family units (i.e., one household) having more than six children;
- h. cases involving the voluntary placement of children in foster care;
- i. special needs of gifted or disabled children;
- j. ages of the children;
- k. hidden costs of caring for children such as reduced income, decreased career opportunities, loss of time to shop economically, or loss of savings;
- l. extraordinarily high income of a child (e.g., actors, trusts);
- m. substantiated financial obligations for elder care;
- n. substantiated financial obligations for a disabled family member;
- o. the tax advantages of paying for a child's health insurance;
- p. one obligor owing support to more than one family (e.g., multiple prior support orders);
- q. a motor vehicle purchased or leased for the intended primary use of a child subject to the support order;

r. parties sharing equal parenting time; and

s. overnight adjustment for multiple children with varying parenting time schedules.

The court may consider other factors that could, in a particular case, cause the child support guidelines to be inapplicable or require an adjustment to the child support award. In all cases, the decision to deviate from the guidelines shall be based on the best interests of the child. All deviations from the guidelines-based award and the amount of the guidelines-based award must be stated in writing in the support order or on the guideline's worksheet.

22. Stipulated Agreements

In accordance with Rule 5:6A, if a child support amount in a stipulated or consent agreement differs from an award calculated using the support guidelines, the parties or their representatives shall state on a child support guidelines worksheet: (a) the amount of support that would have been awarded if calculated using the guidelines and (b) the reason that the stipulated amount differs from the guidelines-based award.

23. Modification of Support Awards

Before using these guidelines to modify a child support award, the court must find that the circumstances of the parties have changed since the date that the order was entered (see *Lepis v. Lepis*, 83 N.J. 139 (1980) and *Walton v. Visgil*, 248 N.J. Super. 642 (App. Div. 1991)). In applying the guidelines in modification actions, the court shall consider the interrelationship of alimony or other financial factors that may have influenced the original child support amount as well as the principles set forth in existing case law. The adoption of revised child support guidelines is not an automatic basis for the modification of a child support order. To qualify for a modification, a party must file a motion with the court and show a change in circumstances, other than the adoption of revised guidelines, as specified in *Lepis*, *supra*, and other relevant case law.

24. Effect of Emancipation of a Child

If the guidelines were used to calculate a child support award for two or more children, the emancipation of a child shall not result in a proportionate reduction of the support order (i.e., based on the economic evidence, it is not appropriate to reduce an order for two children by half if one child becomes emancipated). Instead, child support award should be recalculated based upon the current income of the parents and the number of unemancipated children.

25. Support for a Child Who has Reached Majority

These schedules are based on economic estimates of average intact-family expenditures on children from ages zero through 17. These guidelines shall not be used

to determine a support obligation for a child who has reached majority (18 years of age) and who is no longer enrolled in high school or other secondary education. After a child reaches majority and completes secondary education, a support obligation, if found by the court to be appropriate, shall be determined in accordance with N.J.S.A. 2A:34-23 and existing case law.

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% of the poverty guideline for one person (after paying the child support award) or the custodial parent's net household income below 200% 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 private or public 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 Healthcare In Excess of \$250 Per Child Per Year

As stated in paragraph 9, predictable and recurring unreimbursed health care expenses in excess of \$250 per child per year should be added to the basic support obligation. However, because the unreimbursed cost, duration, or incidence of some illnesses or health conditions are highly variable or unexpected, it may not be appropriate or practical to add them to the basic support obligation when the support award is being established. To acknowledge the possibility of unpredictable or nonrecurring unreimbursed health-care expenditures, the court should order that such expenses, if incurred, be shared in proportion to each parent's relative income (income shares). Such payments should be made directly to the parent who made or will make the health care expenditure or directly to the health care provider (i.e., not through Probation).

28. Distribution of Worksheets and Financial Affidavits

Immediately following the establishment or modification of a child support award, each party shall be provided with a copy of the support order and, if requested, a copy of the child support guidelines worksheet and any financial affidavits used to determine the obligation. The original order, guidelines worksheet, and all financial affidavits shall be maintained in the Family Division case file.

29. Background Reports and Publications

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

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

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

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

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

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

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

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

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

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

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

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

l. David M. Betson, Alternative Estimates of the Cost of Children from the 198086 Consumer Expenditure Survey, Report to the U.S. Department of Health and Human Services (Office of Assistant Secretary for Planning and Evaluation), University of Wisconsin Institute for Research on Poverty, September 1990.

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

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

Note: Adopted May 13, 1997 to be effective 9/1/1997; amended July 10, 1998 to be effective 9/1/1998; amended May 25, 1999 to be effective 7/1/1999; 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 9/5/2000; 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 3/12/2002; paragraphs 4, 7(0), 9(d), 13(b)-(d), 14(c), 14(f), 14(j), 15 amended July 12, 2002 to be effective 9/3/2002; paragraphs 7(h), 14(e), 20(a) amended March 17, 2003 to be effective immediately; amended March 15, 2004 to be effective 3/15/2004; March 14, 2005 to be effective 3/14/2005; 2/14/2006 to be effective immediately; July 27, 2006 to be effective 9/1/2006; September 11, 2006 to be effective 9/11/2006; February 13, 2007 to be effective 2/13/2007; June 15, 2007 to be effective 9/1/2007; March 11, 2008 to be effective 3/11/2008; March 24, 2009 to be effective 3/24/2009; July 16, 2009 to be effective 9/1/2009; June 14, 2011 to be effective 6/14/2011; April 24, 2012 to be effective 4/24/2012; June 4, 2013 to be effective 6/4/2013; July 9, 2013 to be effective 9/1/2013; amended April 8, 2014 to be effective 4/8/2014; amended April 21, 2015 to be effective 5/1/2015; Amended July 27, 2015 to be effective 9/1/2015; amended April 12, 2016 to be effective 5/1/2016; amended July 28, 2017 to be effective 9/1/2017; Last amended effective 5/1/2017; amended effective 6/1/2018; amended July 29, 2019 to be effective 9/1/2019; amended effective 6/1/2020; paragraphs 7(h), 14(e), and 20(a) amended May 18, 2021 to be effective, 6/1/2021; paragraphs 7(h), 20(a), and 26(a) amended July 30, 2021 to be effective 9/1/2021; paragraphs 7(h), 14(e), and 20(a), amended March 15, 2022 to be effective 6/1/2022; paragraphs 12 and 26 amended August 5, 2022 to be effective September 1, 2022.

Appendix IX-B
USE OF THE CHILD SUPPORT GUIDELINES – SOLE PARENTING
(Includes Amendments Through Those Effective June 1, 2022)

GENERAL INFORMATION

Completion and Filing of the Worksheet

A child support guidelines worksheet must be completed and made part of the permanent Family Division case file for each child support order established or modified using the child support guidelines.

Use of Weekly Amounts

All financial information entered on the worksheets must be based on weekly amounts. For monthly amounts, divide by 4.3. For annual amounts, divide by 52.

Rounding to Whole Dollars and Percentages

Dollars and percentages (ratios) should be rounded to whole numbers. Amounts less than 50 cents should be dropped. For example, \$ 340.35 is \$ 340. Increase amounts that are 50 cents or more to the next whole dollar. For example, \$ 540.58 is \$ 541. Percentages (ratios) should be rounded to two decimal places in the same manner. For example, 0.343 is 0.34 and 0.456 is 0.46.

Defining Parental Roles

Sole Parenting -- A Custodial Parent is a parent who has physical custody of the children and provides for their needs on a day-to-day basis. This parent is generally the obligee of the support order. *A Non-Custodial Parent* is a parent who does not have physical custody of the children on a regular basis but may exercise periodic PAR Time privileges (if time sharing exceeds the substantial equivalent of two or more overnights per week, a shared-parenting situation may exist). This parent is generally the obligor of the support order. See Appendix IX-A, paragraph 13.

Shared Parenting - A Parent of Primary Residence (PPR) is a parent who provides a residence for the child for more than 50% of overnights annually or, if sharing is equal, provides the residence for the child while he or she is attending school. The PPR may be either the obligee or obligor depending on the parents' income and amount of time spent with the child. *A Parent of Alternate Residence (PAR)* is a parent who provides an overnight residence for the child when he or she is not with the PPR. See Appendix IX-A, paragraphs 14(b) and 14(c).

Selection of a Worksheet

Sole Parenting - The Sole-Parenting Worksheet (Appendix IX-C) shall be used in the following cases: no time sharing (i.e., the child resides with a parent 100% of the time), shared parenting (PAR Time) below the substantial equivalent of two or more overnights per week (28% of overnights), split-parenting (i.e., multiple children; at least one child residing with each parent), and shared-parenting situations in which an adjusted award results in the PPR's net household income falling below the PPR household income reserve set forth in Appendix IX-A, paragraph 14(d).

Shared Parenting - The Shared-Parenting Worksheet (Appendix IX-D) shall be used if the Parent of Alternate Residence has the child for the substantial equivalent of two or more overnights per week, excluding extended PAR time (e.g., vacations) and has shown that separate living accommodations for the child are provided in the alternate household (see shared parenting standards in Appendix IX-A, paragraph 14(c)).

LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET

Caption

Enter the names of the parties, the county of venue, the docket number, and the number of children for whom support is being determined. Check-off whether the custodial parent is the plaintiff or defendant.

Lines 1 through 5 - Determining Income

Gross Income - For the purpose of these guidelines, gross income is all earned and unearned income that is recurring or will increase the income available to the recipient over an extended period of time. When determining whether an income source should be included in the child support guidelines calculation, the court should consider if it would have been available to pay expenses related to the child if the family would have remained intact or would have formed and how long that source would have been available to pay those expenses.

Sources of Income - Gross income, includes, but is not limited to, income from the following sources:

- a. compensation for services, including wages, fees, tips, and commissions;
- b. the operation of a business minus ordinary and necessary operating expenses (See IRS Schedule C);
- c. gains derived from dealings in property;
- d. interest and dividends (See IRS Schedule B);
- e. rents (minus ordinary and necessary expenses - See IRS Schedule E);
- f. bonuses and royalties;
- g. alimony and separate maintenance payments received from the current or past relationships;
- h. annuities or an interest in a trust;
- i. life insurance and endowment contracts;
- j. distributions from government and private retirement plans including Social Security, Veteran's Administration, Railroad Retirement Board, deferred compensation, Keoughs and IRA's;
- k. personal injury awards or other civil lawsuits;
- l. interest in a decedent's estate or a trust;
- m. disability grants or payments (including Social Security disability);
- n. profit sharing plans;
- o. worker's compensation;
- p. unemployment compensation benefits;
- q. overtime, part-time and severance pay;
- r. net gambling winnings;
- s. the sale of investments (net capital gain) or earnings from investments;
- t. income tax credits (excluding the federal and state Earned Income Credit and the N.J. homestead rebate);

- u. unreported cash payments (if identifiable);
- v. the value of in-kind benefits; and
- w. imputed income (See Appendix IX-A, paragraph 12).

Income from self-employment or operation of a business.

- a. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income is gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Personal income from the operation of a business includes all income sources listed above and potential cash flow resulting from loans taken from the business.
- b. Income and expenses from self-employment or the operation of a business should be carefully reviewed to determine gross income that is available to the parent to pay a child support obligation. In most cases, this amount will differ from the determination of business income for tax purposes.
- c. Specifically excluded from ordinary and necessary expenses, for the purposes of these guidelines, are expenses allowed by the IRS for:
 - (1) the accelerated component of depreciation expenses;
 - (2) first-year bonus depreciation;
 - (3) depreciation on appreciating real estate;
 - (4) investment tax credits;
 - (5) home offices;
 - (6) entertainment;
 - (7) travel in excess of the government rate;
 - (8) non-automobile travel that exceeds standard rates;
 - (9) automobile expenses;
 - (10) voluntary contributions to pension plans in excess of 7% of gross income; and
 - (11) any other business expenses that the court finds to be inappropriate for determining gross income for child support purposes.

Sporadic Income

- a. If income from any source is sporadic or fluctuates from year-to-year (e.g., seasonal work, dividends, bonuses, royalties, commissions), the amount of sporadic income to be included as gross income shall be determined by averaging the amount of income over the previous 36 months or from the first occurrence of its receipt whichever time is less.
- b. For overtime pay or income from a second job, the average is based on the prior 12 months or first receipt whichever time is greater.

- c. The court may exclude sporadic income if the party can prove that it will not be available in an equivalent amount in the future.

Military Pay - All military pay and allowances shall be included as gross income for determining child support (see *Rose vs. Rose*, 107 S.Ct. 2029 (1987)).

- a. All service members receive Basic Allowance for Quarters (BAQ) and Basic Allowance for Subsistence (BAS) or live in government accommodations and eat at mess halls for free. If BAQ and BAS are not received due to government-provided accommodations and food, the value of such in-kind income may be included in the service member's gross income.
- b. BAQ, BAS, and Variable Housing Allowances (VHS) are considered income for the purposes of determining child support. These forms of income are not subject to tax.

In-Kind Income - The fair-market value of goods, services, or benefits received in lieu of wages and in the course of employment shall be included as gross income if they reduce personal living expenses of the recipient regardless of whether they are derived from an employer, self-employment, or the operation of a business. Examples of in-kind goods, services and benefits include vehicles, automobile insurance, free housing, meals, benefits selected under a cafeteria plan, memberships, or vacations. Expense reimbursements are not considered income.

Alimony, Spousal Support, and/or Separate Maintenance - Alimony, spousal support, or separate maintenance payments received from a spouse or former spouse in accordance with a court order are considered income to the recipient. If child support and alimony, spousal support, or separate maintenance are being determined simultaneously (for the same family), the court should set the alimony, spousal support, or separate maintenance first and include that amount in the recipient's gross income (on Line 1c or Line 4b) before applying the child support guidelines, except in pendente lite situations. Alimony, spousal support, or maintenance payments that are being paid to former spouses or will be paid in the future (to the spouse in the current action) are deducted from the payor's income (on Line 1b or Line 4a).

The Tax Cut and Jobs Act of 2017 impacted the tax consequences of alimony, spousal support, or separate maintenance, resulting in significantly more cases in which alimony will not be taxable for the recipient or tax-deductible for the payor. There are other reasons that some alimony may not qualify as taxable and deductible under federal law. Alimony that is taxable and deductible will be entered on Lines 1b and 1c. Alimony that is non-taxable and non-deductible will be entered on Lines 4b and 4c.

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), 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. alimony, spousal support, or separate maintenance payments (the net amount after deducting the tax benefits, if any) to a current or former spouse;
 - c. child support received for children of another relationship;
 - d. non-income producing assets (e.g., undeveloped real estate, automobiles, jewelry, art, stocks and bonds) unless the court finds that the intent of the investment was to avoid the payment of child support;
 - e. income from children, unless the court determines that such income should be included because the child is a professional or has substantial income that reduces the family's living expenses;
 - f. income from other household members (e.g., step-parents, grandparents, current spouse) who are not legally responsible for the support of the child for whom support is being established except to determine the other-dependent credit (the income of the current spouse may be included if an other-dependent deduction is requested - see Appendix IX-A, paragraph 10);
 - g. for modifications involving retirement income, the pro-rated amount of contributions to a voluntary plan that were previously included in gross income when the current support order was established;
 - h. financial assistance for education including loans, grants, scholarships, veteran's education benefits, and awards provided under the National and Community Service Act of 1990 (except post-service benefits); and
 - i. federal earned income tax credits.

Collecting and Verifying Income Information

- a. Prior to the commencement of a hearing to establish or modify child support, the parties shall submit either a Case Information Statement (R. 5:5-2) or a Financial Statement in Summary Support Actions (R. 5:5-3) to the court.
- b. When possible, the court should determine gross income as follows:
 - (1) Prior to June 30 of the current year, use Federal and State income tax returns, W-2 statement(s) and IRS 1099's from the preceding year. If tax documentation is unavailable, use any other available evidence of current earnings (e.g., paystubs, employer wage verifications, or, for the self-employed, statements of business receipts and expenses). If a joint income tax return includes income of a person other than one of the parties involved in the support proceeding (e.g., a current spouse), the taxpayer or that person's attorney shall be responsible for the redaction of the tax return.

- (2) After June 30, use the year-to-date income figure from all documented sources listed above. Divide the total gross income from all sources by the number of employed weeks to determine the weekly gross income.
- (3) If no income documentation is available, income may be determined through testimony or imputed as set forth in Appendix IX-A, para. 10.

Note on Income Documentation: The review of a paystub, W-2 form, IRS-1099 form or tax return may not provide all necessary income information for a parent. The accurate determination of income may be dependent on a combination of these documents and testimony. Also, note that a parent may have more than one W-2 wage statement if that person worked for multiple employers during the year.

Taxable and Non-Taxable Income - Before determining Net Income, gross income must be separated into taxable and non-taxable portions to ensure that withholding taxes are deducted only from taxable gross income. Generally, the types of income listed below are not subject to tax. Other types of income may be non-taxable depending on the status of the taxpayer or the source of income. For more information on taxable and non-taxable income, refer to IRS Publication 525 (Taxable and Non-Taxable Income) or, for New Jersey income taxes, see N.J.S.A. 54A:6-1 and NJ-WT. The following items are considered income to the parents but should not be used to calculate withholding or income taxes when determining net income.

1. Income Not Subject to Federal Income Tax

- a. Accident and health insurance proceeds;
- b. Black-lung benefits;
- c. Child support payments;
- d. Federal Employees Compensation Act payments;
- e. Interest on state or local obligation;
- f. Scholarships and fellowships grants;
- g. Veteran's benefits;
- h. Worker's compensation;
- i. Life insurance proceeds paid due to death of the insured;
- j. Social Security benefits. However, if the taxpayer has income of more than \$ 25,000 if single or \$ 32,000 if married and filing a joint return some of the benefits may be taxable (see IRS Publication 915);
- k. Casualty insurance and other reimbursements; and
- l. Earnings from tax-free government bonds or securities.

2. Income Not Subject to New Jersey State Income Tax

- a. Federal Social Security benefits;
- b. Railroad Retirement benefits;
- c. Proceeds of life insurance contracts payable by reason of death;
- d. Employee's death benefits;
- e. The value of property acquired by gift, bequest, devise or inheritance

- except income from any such property or if the gift, bequest, devise or inheritance is income;
- f. Amounts received under worker's compensation including income from suits, agreements, accident or health insurance resulting from personal injuries or sickness;
 - g. Compensation paid by the United States for services in the Armed Forces performed by an individual not domiciled in New Jersey;
 - h. Grants or scholarships received from education institutions;
 - i. Payments of up to \$ 10,000 for a married couple filing jointly, \$ 5,000 for a married couple filing separately and \$ 7,500 for a single taxpayer from an annuity, endowment or life insurance contract or payments of any such amount received as pension, disability or retirement benefits for persons at least 62 years old or disabled under Social Security;
 - j. New Jersey Lottery winnings;
 - k. Permanent and total disability benefits under a public or private plan and certain accident/health insurance benefits including Veteran's benefits;
 - l. Unemployment Insurance and Temporary Disability benefits;
 - m. Interest on obligations issued by the State or any county, municipality, school or other governmental body of New Jersey and obligations statutorily free from tax under State or federal law;
 - n. Amounts contributed by an employer on behalf of an employee to a trust which meets the requirements of IRC section 401(K) are not taxable in the year when made;
 - o. Earnings from tax-free government bonds or securities; and
 - p. Income Tax Refunds (state or federal).

Note on Social Security Taxes: Social Security tax withholding (FICA) for high-income persons may vary during the year. In the early part of the year, 6.2% is withheld on the first \$147,000 of gross earnings (for wage earners in 2022). After the maximum \$9,114 is withheld, no additional FICA taxes are withheld. Thus, pay stubs issued early in the year may understate net income, while those issued later in the year may overstate it. To estimate weekly FICA taxes, amortize the annual FICA tax using the number of weeks employed or use the Appendix IX-H combined tax tables. Note that self-employed persons must pay the full FICA tax (12.4%) up to the \$147,000 limit on all earned income.

Note on Medicare Taxes: 1.45% of gross earnings is withheld for Medicare taxes. Note that self-employed persons must pay the full Medicare tax rate (2.9%) on all earned income. In addition to withholding Medicare tax at 1.45%, a 0.9% Additional Medicare Tax is withheld from wages in excess of \$ 200,000 in a calendar year. The 0.9% Additional Medicare Tax also applies to self-employed persons (there is no employer share of Additional Medicare Tax).

Analyzing Income Tax Returns - For assistance in analyzing income tax returns to determine parental income, see American Bar Association, Section of Family Law, The 1040 Handbook: A Guide to Income and Asset Discovery, Sixth Edition, 2014.

Government Benefits for the Child - Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

- a. Means-tested benefits - Benefits based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent).
- b. Derivative benefits - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. The derivative benefit is counted as income (on Line 5) for the parent whose contribution is the source of the benefit. If the benefit is based upon contribution of the Non-Custodial Parent, he or she will also receive a credit for the benefit (on Line 15).
- c. Other benefits - Benefits that are obtained without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a stepparent, grandparent, or deceased parent. This benefit is counted as income (on Line 5) for the parent who actually receives the financial benefit (usually the custodial parent).

Line 1 - Gross Taxable Income

Enter the weekly gross taxable income of each parent in the appropriate Line 1 column. Non-taxable income is entered on Line 4.

Line 1a - Mandatory Retirement Contributions

Enter the weekly mandatory retirement contributions for each parent in the appropriate Line 1a column.

Contributions to retirement or pension plans that are mandatory (i.e., required as a condition of employment) are not considered income for determining child support obligations. Since mandatory pension contributions are generally non-taxable, the amount of such payments must be deducted from gross income before withholding taxes and the Adjusted Gross Taxable Income are calculated. Voluntary payments to Deferred Compensation Plans (e.g., 401K, 414B), Keoughs, and IRA's should not be deducted from gross income. Calculate the weekly amount of mandatory retirement contributions by dividing the year-to-date contributions by the number of weeks employed or by using an average of the prior year's contributions.

Line 1b - Tax-Deductible Alimony Paid

If alimony is tax deductible for the payor of alimony enter the weekly amount of alimony or other form of spousal support that is paid or will be paid to a former spouse in the appropriate Line 1b column.

When established simultaneously with child support (for the same family), the amount of alimony, spousal support, or separate maintenance should be determined before the child support guidelines are applied, except in pendente lite applications. Once the amount of alimony, spousal support, or separate maintenance is set, it is deducted from the payor's gross income and added to the recipient parent's gross income for the purposes of calculating a child support award using the guidelines.

Line 1c - Taxable Alimony Received

If alimony is taxable for the recipient of alimony, enter the weekly amount of alimony or other spousal support that is received or will be received from a former spouse (i.e., includes payments from the current as well as any past relationships) in the appropriate Line 1c column. To determine whether a payment from a former spouse is considered alimony or separate maintenance, see 26 U.S.C. 71.

For non-tax-deductible alimony paid and non-taxable alimony received, see Line 4a and Line 4b.

To determine whether a payment from a former spouse is considered alimony or separate maintenance, see 26 U.S.C. 71.

Line 2 - Adjusted Gross Taxable Income

Subtract mandatory retirement contributions and tax-deductible alimony paid from the gross taxable income and add any taxable alimony received to the gross taxable income to obtain the adjusted gross taxable income. Enter each parent's adjusted gross taxable income in the appropriate Line 2 column. [Math: Line 1 - Line 1a - Line 1b + Line 1c]

Line 2a - Withholding Taxes

Enter each parent's combined weekly federal, state, and local withholding taxes in the appropriate Line 2a column.

Once the taxable portion of gross income is determined, the combined federal, state, city (if applicable), Social Security, and Medicare withholding taxes are deducted. As set forth below, four methods are available to determine the amount of combined income tax withholding to be deducted from gross income.

1. Combined Income Tax Withholding Tables (Appendix IX-H) - To use the combined tax withholding tables, the gross taxable income and the number of dependent children eligible for the federal income tax credit (eligible dependents) must be known.

(To determine eligibility, see IRS Form W-4 and 26 U.S.C.A. § 24).

NOTE: The combined tax withholding table may not result in the correct tax withholding amount if significant portions of the parent's income are not subject to FICA/Medicare tax (e.g., alimony, rents, dealings in property, interest income), if wages for federal income tax and the FICA/Medicare tax differ, or if the parent is self-employed (requires payment of the full FICA/Medicare tax rate on 92.35% of income - see IRS Pub. 533 or Schedule SE). Generally, unearned income is not subject to the FICA/Medicare tax. See the notes at the end of the Appendix IX-H combined tax withholding table.

2. End-of-Year Tax Obligations - If the award is being calculated before June 30 of the current year and the prior year's federal and state income tax return forms, and Forms W-2 are available, the tax obligation may be calculated as follows:

- a. add the end-of-year income tax obligation (i.e., total tax) from the federal and state tax return forms, the W-2 Social Security tax withheld, and the W-2 Medicare tax withheld.
- b. divide the sum of the taxes by 52.

3. Year-to-Date Calculation - If the award is being calculated after June 30 of the current year and a check stub (which represents the parent's only income source) is available, add the year-to-date federal, state, Social Security and Medicare withholding taxes and divide the sum by the number of weeks employed.

4. Self-Employed Persons - For persons whose income is derived from self-employment or the operation of a business, the court should carefully review personal and business income tax returns (State and federal) and IRS-1099 statements from the most recent tax year to determine the amount of taxes to be deducted from gross income.

Note: the method of determining withholding taxes and each parent's number of eligible dependents and marital status must be documented in the Comments section (Line 6) of the worksheet.

Line 2b - Mandatory Union Dues

Enter each parent's weekly mandatory union dues in the appropriate Line 2b column. Union dues must be mandatory (i.e., required as a condition of employment) to be eligible as a deduction from a parent's adjusted gross income. Calculate the weekly amount of mandatory union dues by dividing the year-to-date dues paid by the number of employed weeks or by using an average of the prior year's dues payments.

Line 2c - Child Support Orders for Other Dependents

Enter the weekly amount of court ordered child support of either parent for other legal dependents in the appropriate Line 2c column.

The child support orders for other dependents are part of an adjustment mechanism to apportion a parent's income to all legal dependents including those born before or after the children for whom support is being determined.

The adjustment requires that three support obligations be considered - (1) the court ordered support for the other dependents in the alternate family, (2) a support obligation that includes the court ordered support for the other dependents, and (3) a support obligation that does not include the court ordered support for the other dependents.

Line 2d - Other-Dependent Deduction

Enter the theoretical weekly child support obligation for other legal dependents (from Line 14 of the Sole-Parenting worksheet prepared for the alternate family) on Line 2d of the worksheet of the parent requesting the adjustment. The Line 14 amount represents the parent's income share of the total marginal costs for the children in the alternate family. The obligation amount for other legal dependents (the other-dependent deduction) should be calculated on a separate Sole-Parenting Worksheet.

The other-dependent deduction is part of an adjustment mechanism to apportion a parent's income to all legal dependents including those born before or after the children for whom support is being determined. Legal dependents include adopted or natural children of either parent who are under 18 years of age or over 18 years of age and still attending high school or other secondary school. No adjustment is provided for stepchildren. Generally, stepchildren are considered the legal responsibility of their natural parents unless the court determines that a stepparent has a legal obligation to support the child.

The adjustment requires that three support obligations be calculated - a theoretical support obligation for the other dependents in the alternate family, a support obligation that includes the other-dependent deduction, and a support obligation that does not include the other-dependent deduction. The deduction and the adjusted support obligation are calculated only if [requested by a serial family parent and] the income of the other parent in the alternate family is provided to the court.

1. The amount of the deduction is the serial parent's theoretical support obligation for the other legal dependents. It requires that a separate Sole-Parenting child support guidelines worksheet be completed (through Line 14) for the children in the alternate family with the serial parent being the theoretical obligor of those children. The deduction is calculated based on the income of the parent claiming the deduction and the income of that person's current spouse.

2. A parent must disclose the gross income of the other parent in the alternate family as a condition to the right to claim this deduction. If the other parent in the secondary family is voluntarily unemployed or underemployed, the court may impute income to that person to determine the parent's obligation to the children in the secondary family.
3. The amount of the deduction shall not be calculated for alternate families having more than six children. In such cases, the court may find that the guidelines are inapplicable and may establish the child support award based on the factors set forth in N.J.S.A. 2A:34-23 and existing case law.

Line 3 - Net Taxable Income

Subtract the combined withholding tax, child support orders for other dependents, mandatory union dues, and the other-dependent deduction*, if any, from the Adjusted Gross Taxable Income to obtain the Net Taxable Income. (Math: Line 2 - Line 2a - Line 2b - Line 2c - Line 2d). Enter each parent's Net Taxable Income in the appropriate Line 3 column.

***If the other-dependent adjustment is applied**, three worksheets must be prepared: (1) one calculating the parent's obligation for other dependents in the secondary family, (2) one calculating a support award after deducting the obligation from the parent's net income, and (3) one calculating the support award as if there were no other dependents (i.e., the obligation without consideration of other dependents). Thus, financial obligations for other dependents are not always deducted when figuring net income. The support award is adjusted for other dependents at the end of the worksheet (Lines 22 through 24).

Line 4 - Non-Taxable Income

Enter each parent's weekly gross non-taxable income in the appropriate Line 4 column. Enter the source or type of non-taxable income in the space provided on Line 4 or in the Comments section of the Worksheet.

Line 4a - Non-Taxable-Deductible Alimony Paid

If alimony is non-tax-deductible for the payor, enter the weekly amount of alimony or other form of spousal support that is paid or will be paid to a former spouse in the appropriate Line 4a column.

When established simultaneously with child support (for the same family), the amount of alimony, spousal support, or separate maintenance should be determined before the child support guidelines are applied, except in *pendente lite* situations. Once the amount of alimony, spousal support, or separate maintenance is set, it is deducted from the payor's gross income and added to the recipient parent's gross income for the purposes of calculating a child support award using the guidelines.

Line 4b - Non-Taxable Alimony Received

If alimony is non-taxable for the recipient, enter the weekly amount of alimony or other spousal support that is received or will be received from a former spouse (i.e., includes payments from the current as well as any past relationships) in the appropriate Line 4b column.

For tax-deductible alimony paid and taxable alimony received, see Line 1b and 1c. To determine whether a payment from a former spouse is considered alimony or separate maintenance, see 26 U.S.C. 71.

Line 5 - Government (Non-Means Tested) Benefit for the Child

Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

- a. Means-tested benefits - Benefits based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent). Leave blank Line 5.
- b. Derivative benefits - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. Enter the weekly amount of the derivative benefit on Line 5 of the parent whose contribution is the source of the benefit (i.e., if the Non-Custodial Parent's work history and disability qualify the child for Social Security benefits, the benefit for the child will be included on Line 5 Non-Custodial Parent). Note, if the benefit is based upon contribution of the Non-Custodial Parent, he or she will also receive a credit for the benefit on Line 15.
- c. Other benefits - Benefits that are given without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a stepparent, grandparent, or deceased parent. Enter the weekly amount of this benefit on Line 5 of the parent who actually receives the financial benefit (usually the custodial parent).

Line 6 - Net Income

Add the Net Taxable Income and the Non-Taxable Income to obtain the weekly Net Income. [Math: Line 3 + Line 4 + Line 5]. Enter each parent's Net Income in the appropriate Line 6 column. Add the net incomes of the parents to obtain the Combined Net Income [Math: Line 6 Custodial Parent + Line 6 Non-Custodial Parent = Line 6 Combined]. Enter the result on Line 6, Combined.

Line 7 - Each Parent's Share of Income

Divide each parent's net income by the combined net income to obtain each parent's percentage share of income. [Math: Line 6 Custodial Parent / Line 6 Combined = Custodial Parent Line 7 Share of Income; Line 6 Non-Custodial Parent / Line 6 Combined = Non-Custodial Parent Line 7 Share of Income]. The sum of the two percentages (ratios) must equal one (the decimal equivalent of 100%). Enter each parent's income share in the appropriate Line 7 column.

Line 8 - Basic Child Support Amount

Look up the Basic Child Support Amount from Appendix IX-F award schedule. Select the appropriate amount for the number of children for whom support is being determined and the Line 6 combined net income of the parents. Enter the Basic Child Support Amount on Line 8.

The parents' combined net income and the number of children for whom support is being determined are used to obtain the basic child support amount from the Appendix IX-F schedules. Appendix IX-F combined net incomes are provided in \$ 10 increments. For incomes that fall between income increments, go to the next higher income increment if the amount is \$ 5.00 or more (e.g., if the combined income is \$ 446, use the award for \$ 450 combined income; if it is \$ 444, use the award for \$ 440).

As explained in Appendix IX-A, the basic child support amount represents average spending on children by intact families (see Appendix IX-A for consumption items included and excluded in the Appendix IX-F basic child support amount).

Line 9 - Adding Net Work-Related Child Care Costs to the Basic Obligation

Calculate net work-related child-care costs using the Appendix IX-E Net Child Care Expense Worksheet. Enter the weekly net child-care cost (from Line 8 of Appendix IX-E Worksheet) on Line 9.

Since childcare expenses are excluded from the Appendix IX-F child support schedules, such costs, if incurred by either parent, must be added to the basic support amount.

1. *Qualified Child Care Expenses.* Qualified childcare expenses are those

incurred to care for a dependent who is under the age of 15 or is physically or mentally handicapped. These expenses must be necessary for the employment or job search of the parent. Childcare expenses should be reasonable and should not exceed the level required to provide quality care for the child(ren) from a licensed source. Only the net cost of childcare (after the federal tax credit is deducted) is added to the basic award. It is assumed that the parent paying for childcare will apply for and receive the federal childcare tax credit at the end of the tax year.

2. *Determining the Net Child Care Cost.*

- a. Calculate the Adjusted Gross Income (AGI) of the parent paying for childcare by deducting moving expenses, one-half of the self-employment tax, IRA and Keough contributions, penalties on early withdrawal of savings, self-employment health insurance cost, and tax-deductible alimony paid from that parent's gross income. If this information is not available, use the parent's gross income (Line 1 + Line 4).
- b. Determine the annual child-care cost.
- c. Complete the Net Child Care Expense Worksheet in Appendix IX-E to find the weekly net child-care cost to be added to the basic support amount.

Line 10 - Adding Health Insurance Costs for the Child to the Basic Obligation

Enter the parent's weekly cost of health insurance for the child for whom support is being determined on Line 10. If the parent's weekly marginal cost is unknown at the time of the hearing, use the per capita cost of a family policy at the parent's place of work. Do not include health insurance costs for adults or other dependents.

Since the cost of health insurance for children is excluded from the Appendix IX-F child support schedules, a parent's contributions to a health insurance policy which includes the child for whom support is being determined must be added to the basic support amount. Only the parent's cost of adding the child to the health insurance (medical and dental) policy is added to the basic support amount (i.e., the marginal premium cost to the parent to add the child to the policy). If the parent who is providing the health insurance has no proof of the cost of adding the child to the health insurance policy, the parent's total premium cost should be divided by the number of persons covered by the policy (per capita). The result is then multiplied by the number of children for whom support is being determined to obtain the child's estimated share of the health insurance cost. For example, if the parent's total health insurance cost is \$ 60 per week and there are four persons covered by the policy (the parent, the two children who are the subjects of the support order, and a new spouse), the per capita health insurance cost for the two children is \$ 30 ($\$ 60 / 4 \text{ persons} = \$ 15$) x 2 children = \$ 30). If both parents provide health insurance for the child, each parent's marginal cost of adding the child to the policy should be added together to determine the total health insurance cost for the child. If the cost of the health insurance policy is unknown at the time of the support

establishment hearing, the parent may apply for a modification of the support order when such information becomes available.

Line 11 - Adding Predictable and Recurring Unreimbursed Health Care to the Basic Obligation

Enter the weekly unreimbursed cost of any health care, if predictable and recurring, for the child that exceeds \$ 250 per child per year on Line 11.

Costs under \$ 250 per child per year - Unreimbursed health care expenses (medical and dental expenses not covered by insurance) up to and including \$ 250 per child per year are included in the Appendix IX-F child support schedules and are assumed to be paid by the custodial parent. Because they are part of the basic child support amount, these ordinary health care expenses are shared in proportion to the relative incomes of the parents.

Predictable, Recurring Costs above \$ 250 per child per year - Unreimbursed health care expenses in excess of \$ 250 per child per year are excluded from the child support schedules. If such expenses are predictable and recurring, they should be added to the basic support amount using Line 11. The court should consider the duration and recurring nature of unreimbursed health care expenses prior to adding them to the basic support amount. If both parents provide predictable, recurring unreimbursed health care for the child, the cost to each parent should be added together to determine the total unreimbursed health care costs. Each parent's direct health care expenses for the child above the \$ 250 per child annual threshold are credited against this or her share of the total support award on Line 18.

Unpredictable, Non-Recurring Costs above \$ 250 per child per year - Health-care expenses for a child that exceed \$ 250 per child per year that are not predictable and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.

Line 12 - Adding Court-Approved Predictable and Recurring Extraordinary Expenses to the Basic Support Amount

Enter court-approved predictable and recurring costs for the child on Line 12. If approved by the court, predictable and recurring extraordinary expenses for the child that are not included in the Appendix IX-F child support awards may be added to the basic support amount. Examples of extraordinary expenditures are PAR Time transportation expenses, special diets, and private education costs for gifted or handicapped children. See Appendix IX-A, paragraph 8, for a list of items that are included in the Appendix IX-F awards and an explanation of private education expenses that may be added to the basic support amount.

Extraordinary expenses for a child that are not predictable and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.

Each parent's direct spending on court-approved extraordinary expenses for the child are credited against his or her share of the total support award on Line 19.

Line 13 - Calculating the Total Child Support Amount

Add the basic child support amount, net child-care cost, health insurance cost for the child, predictable and recurring unreimbursed health-care costs above \$ 250 per child per year, and court-approved predictable and recurring extraordinary expenses. The result is the Total Child Support Amount. [Math: Line 8 + Line 9 + Line 10 + Line 11 + Line 12]. Enter the total support amount on Line 13.

Line 14 - Parental Share of the Total Child Support Obligation

Multiply each parent's percentage share of income by the total child support amount to find each parent's share of the total child support amount. [Math: Line 7 Custodial Parent x Line 13 Total Support; Line 7 Non-Custodial Parent x Line 13 Total Support]. Enter each parent's share of the total support amount in the appropriate Line 14 column.

Line 15 - Credit for Derivative Government Benefits for the Child Based on Contribution of the Non-Custodial Parent

Enter the weekly amount of the government benefits paid to the custodial parent for the child (if any) that are based on the contribution (work history, military service, disability, or retirement) of the non-custodial parent in the Line 15 NCP column.

NOTE: benefits amount should match the government benefits for the child on Line 5 NCP column.

Line 16 - Credit for Child-Care Payments

Enter payments (if any) for work-related child-care that are being paid by the non-custodial parent directly to the childcare provider in the Line 16 NCP column.

NOTE: payments cannot exceed the net work-related childcare cost on Line 9.

Line 17 - Credit for Payment of Child's Health Insurance Cost

Enter the non-custodial parent's direct payments (or payroll deductions) toward the marginal cost of adding the child to a health insurance policy in the Line 17 NCP column.

NOTE: payments cannot exceed the parent's cost of health insurance for the child added on Line 10.

Line 18 - Credit for Payment of Child's Predictable and Recurring Unreimbursed Health Care

Enter the non-custodial parent's direct payments (if any) for predictable and recurring unreimbursed health care above \$ 250 per child per year in the Line 18 NCP column.

NOTE: payments cannot exceed predictable and recurring unreimbursed health care expenses added on Line 11.

Line 19 - Credit for Payment of Court-Approved Extraordinary Expenses

Enter the non-custodial parent's direct payments (if any) for predictable and recurring extraordinary court-approved expenses in the Line 19 NCP column.

NOTE: payments cannot exceed predictable and recurring extraordinary court-approved expenses added on Line 12.

Line 20 - Adjustment for Parenting Time Variable Expenses

The court may grant the non-custodial parent an adjustment for parenting time equal to that parent's income share of the child's variable expenses for the percentage of time the child is with that parent. When determining if the adjustment is appropriate, the court should consider whether the non-custodial parent has incurred variable expenses for the child during the parenting time period and if parenting time reduced the other parent's variable expenses for the child. It is assumed that variable costs (food and transportation) for the child account for 37% of the total marginal child-rearing expenditures in intact families. The parenting time adjustment should not exceed the parent's time share of the variable costs for the child.

Complete Lines 20a and 20b before returning to Line 20. Then multiply the basic child support amount (Line 8) by the non-custodial parent's share of overnights with the child (NCP Line 20b). Multiply that product by 0.37 (the presumed variable costs). The result is the maximum NCP parenting time adjustment (the variable cost for the time spent with the child). Enter the amount on Line 20. [Math: Line 8 x NCP Line 20b x 0.37].

NOTE: If the custodial parent's total household net income (from all sources) plus the NCP parenting time-adjusted support award is less than 200% of the poverty guideline for the number of persons in the household, the NCP parenting time adjustment is not presumptive and shall be subject to the court's discretion.

Line 20a - Number of Overnights with Each Parent

Enter the number of overnights the child has with the custodial parent in the Line 20a CP column. Enter the number of overnights the child has with the non-custodial parent in the Line 20a NCP column. Add the total number of overnights to Enter in the Line 20a Combined column.

Line 20b – Each Parent’s Share of Overnights with the Child

Divide the CP Line 20a by the Combined Line 20a. Enter that number in the Line 20b CP column. Divide the NCP Line 20a by the Combined Line 20a. Enter that number in the Line 20b NCP column. The two Line 20a decimals should add up to 1.00.

Line 21 - Net Child Support Obligation

Subtract the non-custodial parent's direct payments for childcare, the child's share of the health insurance premium, predictable and recurring unreimbursed health care for the child above \$ 250 per year per child, and predictable and recurring extraordinary court-approved expenses from the paying parent's share of the total support amount. Then, subtract the Line 20 credit, if any, from the non-custodial parent's support amount and the Line 15 credit, if any, for government benefits for the child based on contribution of the NCP. The result is the net child support obligation. [Math: (Line 14 - (Line 15 + Line 16 + Line 17 + Line 18 + Line 19 + Line 20))]. Enter the net obligation on Line 21. Direct payments and credits are subtracted from the total child support amount to find the net child support obligation. Direct payments may be deducted only if the cost was included in the total child support amount. The net child support obligation for the non-custodial parent is the support order that will be paid for the benefit of the children.

IF THERE IS NO ADJUSTMENT FOR OTHER DEPENDENTS, GO TO LINE 25

LINES 22, 23 and 24 – Adjusting the Child Support Obligation for Other-Dependents

1. If either parent has court ordered child support obligations for other dependent children or an adjustment for other legal dependents is applicable, the following amounts must be considered:
 - a. The amount of court ordered child support for other dependents (Line 2c) and the other dependent deduction (Line 2d) (where no support order exists for the dependent) -- using the separate other dependent deduction worksheet;
 - b. A support obligation for the child for whom support is being determined calculated after deducting the total of the other dependent orders and deductions (L2c + L2d); and
 - c. A support order for the child for whom support is being determined

calculated without deducting the other dependent orders (Line 2c) and deductions (Line 2d) from the responsible parent's gross income.

2. To ensure that a fair share of the parent's income is available to all his or her legal dependents, the child support obligation for the child for whom support is being determined will be calculated WITH an income deduction for the court ordered or theoretical support obligations for other dependents. Then, the support for the subject child will be calculated WITHOUT consideration of the court ordered or theoretical support obligation for other dependents. These two calculations will be averaged.

Line 22 - Line 21 CS Obligation With Deduction for Other Dependents

Enter the amount of the net child support obligation (Line 21) from the worksheet that deducted the support obligation for the parent's other dependents from the parent's net income (i.e., with the Line 2c child support order for other dependents and Line 2d other dependent deduction). Note: The Line 2d other dependent deduction is calculated on a separate sole parenting worksheet.

Line 23 – Line 21 CS Obligation Without Deduction for Other Dependents

Enter the amount of the net child support obligation (Line 21) from the worksheet that did not deduct the support obligation for other dependents (Lines 2c and 2d) from the parent's net income. Note: The Line 2d other dependent deduction is calculated on a separate worksheet.

Line 24 - Obligation Adjusted for Other Dependents

Add the Line 22 support obligation that includes deductions for other dependents (Line 2c and Line 2d) and the Line 23 support obligation that does not include deductions for other dependents, then divide the sum by two to obtain the Adjusted Child Support Obligation for the non-custodial parent. (Math: $(\text{Line 22} + \text{Line 23}) / 2$). Enter the result on Line 24.

Lines 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 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 150% of the poverty guideline for one person (\$392 per week as of January 12, 2022), the self-support reserve is preserved and the obligor's support obligation is the child support order.
3. If the difference is less than 150% of the poverty guideline for one person and the custodial parent's net income is greater than 150% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and the 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 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 150% of the poverty guideline and the CP Line 25 minus the CP Line 14 is greater than 150% of the poverty guideline, Go To Line 26. If the NCP result is greater than 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 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 - 150% of the poverty guideline]. Enter the result on Lines 26 and 27.

Line 27 - Child Support Order

Line 27 is the amount to be paid by the non-custodial parent (the obligor) to the custodial parent (from either Line 25 or Line 26) for the benefit of the children.

Appendix IX-B
USE OF THE CHILD SUPPORT GUIDELINES – SHARED PARENTING
(Includes Amendments Through Those Effective June 1, 2022)

GENERAL INFORMATION

LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET

CAPTION

Enter the names of the parties, the county of venue, the docket number, and the number of children for whom support is being determined. Check-off whether the Parent of the Primary Residence is the plaintiff or defendant.

LINES 1 through 5 - Determining Income

Gross Income - For the purpose of these guidelines, *gross income* is all earned and unearned income that is recurring or will increase the income available to the recipient over an extended period of time. When determining whether an income source should be included in the child support guidelines calculation, the court should consider if it would have been available to pay expenses related to the child if the family would have remained intact or would have formed and how long that source would have been available to pay those expenses.

Sources of Income - *Gross income*, includes, but is not limited to, income from the following sources:

- a. compensation for services, including wages, fees, tips, and commissions;
- b. the operation of a business minus ordinary and necessary operating expenses (see IRS Schedule C);
- c. gains derived from dealings in property;
- d. interest and dividends (see IRS Schedule B);
- e. rents (minus ordinary and necessary expenses - see IRS Schedule E);
- f. bonuses and royalties;
- g. alimony and separate maintenance payments received from the current or past relationships;
- h. annuities or an interest in a trust;
- i. life insurance and endowment contracts;
- j. distributions from government and private retirement plans including Social Security, Veteran's Administration, Railroad Retirement, deferred compensation, Keoughs and IRA's;
- k. personal injury awards or other civil lawsuits;
- l. interest in a decedent's estate or a trust;
- m. disability grants or payments (including Social Security disability);
- n. profit sharing plans;
- o. worker's compensation;

- p. unemployment compensation benefits;
- q. overtime, part-time and severance pay;
- r. net gambling winnings;
- s. the sale of investments (net capital gain) or earnings from investments;
- t. income tax credits (excluding the federal and state Earned Income Credit and the N.J. homestead rebate);
- u. unreported cash payments (if identifiable);
- v. the value of in-kind benefits; and
- w. imputed income (see Appendix IX-A, paragraph 12).

Income from self-employment or operation of a business.

- a. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income is gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Personal income from the operation of a business includes all income sources listed above and *potential cash flow* resulting from loans taken from the business.
- b. In general, income and expenses from self-employment or the operation of a business should be carefully reviewed to determine an appropriate level of gross income that is available to the parent to pay a child support obligation. In most cases, this amount will differ from the determination of business income for tax purposes.
- c. Specifically excluded from ordinary and necessary expenses, for the purposes of these guidelines, are expenses allowed by the IRS for:
 - (1) the accelerated component of depreciation expenses;
 - (2) first-year bonus depreciation;
 - (3) depreciation on appreciating real estate;
 - (4) investment tax credits;
 - (5) home offices;
 - (6) entertainment;
 - (7) travel in excess of the government rate;
 - (8) non-automobile travel that exceeds standard rates;
 - (9) automobile expenses;
 - (10) voluntary contributions to pension plans in excess of 7% of gross income; and
 - (11) any other business expenses that the court finds to be inappropriate for determining gross income for child support purposes.

Sporadic Income

- a. If income from any source is sporadic or fluctuates from year to year (e.g., seasonal work, dividends, bonuses, royalties, commissions), the amount of sporadic income to be included as *gross income* shall be determined by averaging the amount of income over the previous 36 months or from the first occurrence of its receipt whichever time is less.
- b. For overtime pay or income from a second job, the average is based on the prior 12 months or first receipt whichever time is greater.

- c. The court may exclude sporadic income if the party can prove that it will not be available in an equivalent amount in the future.

Military Pay - All military pay and allowances shall be included as gross income for determining child support (see *Rose vs. Rose*, 107 S. Ct. 2029 (1987)).

- a. All service members receive Basic Allowance for Quarters (BAQ) and Basic Allowance for Subsistence (BAS) or live in government accommodations and eat at mess halls for free. If BAQ and BAS are not received due to government-provided accommodations and food, the value of such in-kind income may be included in the service member's gross income.
- b. BAQ, BAS, and Variable Housing Allowances (VHS) are considered income when determining child support. These forms of income are not subject to tax.

In-Kind Income - The fair-market value of goods, services or benefits received in lieu of wages and in the course of employment shall be included as gross income if they reduce personal living expenses of the recipient regardless of whether they are derived from an employer, self-employment, or the operation of a business. Examples of in-kind goods, services, and benefits include vehicles, automobile insurance, free housing, meals, benefits selected under a cafeteria plan, memberships, or vacations. Expense reimbursements are not considered income.

Alimony, Spousal Support, and/or Separate Maintenance - Alimony, spousal support, or separate maintenance payments received from a spouse or former spouse in accordance with a court order are considered income to the recipient. If child support and alimony, spousal support, or separate maintenance are being determined *simultaneously* (for the same family), the court should set the alimony, spousal support, or separate maintenance first and include that amount in the recipient's income (on Line 1c or 4b) before applying the child support guidelines, except in pendente lite situations. Alimony, spousal support, or maintenance payments being or to be paid to former spouses in the future (to the current spouse) are deducted from the payor's income (on Line 1b or 4a).

The Tax Cut and Jobs Act of 2017 impacted the tax consequences of alimony, spousal support, or separate maintenance, resulting in significantly more cases in which alimony will not be taxable for the recipient or tax-deductible for the payor. There are other reasons that some alimony may not qualify as taxable and deductible under federal law. Alimony that is taxable and deductible will be entered on Lines 1b and 1c. Alimony that is non-taxable and non-deductible will be entered on Lines 4b and 4c.

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), Supplemental Security Income for the Aged, Blind or Disabled, and Social Security concurrent SSI and Disability or SSI and retirement benefits (all of the concurrent benefit is excluded);

- b. alimony, spousal support, or separate maintenance payments (the net amount after deducting the tax benefits, if any) to a current or former spouse;
- c. child support received for children of another relationship;
- d. non-income producing assets (e.g., undeveloped real estate, automobiles, jewelry, art, stocks and bonds) *unless* the court finds that the intent of the investment was to avoid the payment of child support;
- e. income from children, unless the court determines that such income should be included because the child is a professional or has substantial income that reduces the family's living expenses;
- f. income from other household members (e.g., stepparents, grandparents, current spouse) who are not legally responsible for the support of the child for whom support is being established except to determine the other-dependent credit (the income of the current spouse may be included if an other-dependent deduction is requested - see Appendix IX-A, paragraph 10);
- g. for modifications involving retirement income, the pro-rated amount of contributions to a voluntary plan that were previously included in gross income when the current support order was established;
- h. financial assistance for education including loans, grants, scholarships, veteran's education benefits, and awards provided under the National and Community Service Act of 1990 (except post-service benefits); and
- i. federal earned income tax credits.

Collecting and Verifying Income Information

- a. Prior to a hearing to establish or modify child support, the parties shall submit either a Case Information Statement (R. 5:5-2) or a Financial Statement in Summary Support Actions (R. 5:5-3) to the court.
- b. When possible, the court should determine gross income as follows:
 - (1) Prior to June 30 of the current year, use Federal and State income tax returns, W-2 statement(s) and IRS 1099's from the preceding year. If tax documentation is unavailable, use any other available evidence of current earnings (e.g., paystubs, employer wage verifications, or, for the self-employed, statements of business receipts and expenses). If a joint income tax return includes income of a person other than one of the parties involved in the support proceeding (e.g., the current spouse), the taxpayer or that person's attorney shall be responsible for the redaction of the tax return.
 - (2) After June 30, use the year-to-date income figure from all documented sources listed above. Divide the total gross income from all sources by the number of employed weeks to determine the weekly gross income.

- (3) If no income documentation is available, income may be determined through testimony or imputed as set forth in Appendix IX-A, para. 10.

Note on Income Documentation: The review of a pay stub, W-2 form, IRS-1099 form or tax return may not provide all necessary income information for a parent. The accurate determination of income may be dependent on a combination of these documents and testimony. Also, note that a parent may have more than one W-2 wage statement if that person worked for multiple employers during the year.

Taxable and Non-Taxable Income - Before determining Net Income, gross income must be separated into taxable and non-taxable portions to ensure that withholding taxes are deducted only from taxable gross income. Generally, the types of income listed below are not subject to tax. Other types of income may be non-taxable depending on the status of the taxpayer or the source of income. For more information on taxable and non-taxable income, refer to IRS Publication 525 (Taxable and Non-Taxable Income) or, for New Jersey income taxes, see N.J.S.A. 54A:6-1 or NJ-WT. The following items are considered income to the parents but should not be used to calculate withholding or income taxes when determining net income.

1. *Income Not Subject to Federal Income Tax*

- a. Accident and health insurance proceeds;
- b. Black-lung benefits;
- c. Child support payments;
- d. Federal Employees Compensation Act payments;
- e. Interest on state or local obligation;
- f. Scholarships and fellowships grants;
- g. Veteran's benefits;
- h. Worker's compensation;
- i. Life insurance proceeds paid due to death of the insured;
- j. Social Security benefits. However, if the taxpayer has income of more than \$ 25,000 if single or \$ 32,000 if married and filing a joint return some of the benefits may be taxable (see IRS Publication 915);
- k. Casualty insurance and other reimbursements; and
- l. Earnings from tax-free government bonds or securities.

2. *Income Not Subject to New Jersey State Income Tax*

- a. Federal Social Security benefits;
- b. Railroad Retirement benefits;
- c. Proceeds of life insurance contracts payable by reason of death;
- d. Employee's death benefits;
- e. The value of property acquired by gift, bequest, devise or inheritance except income from any such property or if the gift, bequest, devise or inheritance is income;
- f. Amounts received under worker's compensation including income from suits,

- agreements, accident or health insurance resulting from personal injuries or sickness;
- g. Compensation paid by the United States for services in the Armed Forces performed by an individual not domiciled in New Jersey;
 - h. Grants or scholarships received from education institutions;
 - i. Payments of up to \$ 10,000 for a married couple filing jointly, \$ 5,000 for a married couple filing separately and \$ 7,500 for a single taxpayer from an annuity, endowment or life insurance contract or payments of any such amount received as pension, disability or retirement benefits for persons at least 62 years old or disabled under Social Security;
 - j. New Jersey Lottery winnings;
 - k. Permanent and total disability benefits under a public or private plan and certain accident and health insurance benefits including Veteran's benefits;
 - m. Unemployment Insurance benefits;
 - n. Interest on obligations issued by the State or any county, municipality, school or other governmental body of New Jersey and obligations statutorily free from tax under State or federal law;
 - o. Amounts contributed by an employer on behalf of an employee to a trust which meets the requirements of IRC section 401(K) are not taxable in the year when made; and
 - p. Earnings from tax-free government bonds or securities.

Note on Social Security Taxes: Social Security tax withholding (FICA) for high-income persons may vary during the year. In the early part of the year, 6.2% is withheld on the first \$147,000 of gross earnings (for wage earners in 2022). After the maximum \$9,114 is withheld, no additional FICA taxes are withheld. Thus, pay stubs issued early in the year may understate net income, while those issued later in the year may overstate it. To estimate weekly FICA taxes, amortize the annual FICA tax using the number of weeks employed or use the Appendix IX-H combined tax tables. Note that self-employed persons must pay the full FICA tax (12.4%) up to the \$147,000 limit of all earned income.

Note on Medicare Taxes: 1.45% of gross earnings is withheld for Medicare taxes. Note that self-employed persons must pay the full Medicare tax rate (2.9%) on all earned income. In addition to withholding Medicare tax at 1.45%, a 0.9% Additional Medicare Tax is withheld from wages in excess of \$ 200,000 in a calendar year. The 0.9% Additional Medicare Tax also applies to self-employed persons (there is no employer share of Additional Medicare Tax).

Analyzing Income Tax Returns: For assistance in analyzing income tax returns to determine parental income, see American Bar Association, Section of Family Law, *The 1040 Handbook: A Guide to Income and Asset Discovery*, Sixth Edition, 2014. Government Benefits for the Child - Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

- a. Means-tested benefits - Benefits based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent).
- b. Derivative benefits - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. The derivative benefit is counted as income (on Line 5) for the parent whose contribution is the source of the benefit. If the benefit is based upon contribution of the Parent of Alternate Residence (PAR), he or she will also receive a credit for the benefit (on Line 22).
- c. Other benefits - Benefits that are obtained without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a stepparent, grandparent, or deceased parent. This benefit is counted as income (on Line 5) for the parent who actually receives the financial benefit (usually the custodial parent).

LINE 1 - Gross Taxable Income

Enter the weekly gross taxable income of each parent in the appropriate Line 1 column. Non-taxable income is entered on Line 4.

LINE 1a - Mandatory Retirement Contributions

Enter weekly mandatory retirement contributions for each parent in the appropriate Line 1a column.

Contributions to retirement or pension plans that are mandatory (i.e., required as a condition of employment) are not considered income for determining child support obligations. Since mandatory pension contributions are generally non-taxable, the amount of such payments must be deducted from gross income before withholding taxes and the Adjusted Gross Taxable Income are calculated. Voluntary payments to Deferred Compensation Plans (e.g., 401K, 414B), Keoughs, and IRA's should not be deducted from gross income. Calculate the weekly amount of mandatory retirement contributions by dividing the year-to-date contributions by the number of weeks employed or by using an average of the prior year's contributions.

LINE 1b - Tax Deductible Alimony Paid

If alimony is tax deductible for the payor of alimony, enter the weekly amount of alimony or other form of spousal support that is paid or will be paid to a former spouse in the appropriate Line 1b column.

When established simultaneously with child support (for the same family), the amount of alimony, spousal support, or separate maintenance should be determined before the child support guidelines are applied, except in *pendente lite* applications. Once the amount of alimony, spousal support, or separate maintenance is set, it is deducted from the payor's gross income and added to the recipient parent's gross income for the purposes of calculating a child support award using the guidelines.

LINE 1c - Taxable Alimony Received

If alimony is taxable for the recipient of alimony enter the weekly amount of alimony or other form of spousal support that is received or will be received from a former spouse (i.e., includes payments from the current as well as any past relationships) in the appropriate Line 1c column.

For non-tax-deductible alimony paid and non-taxable alimony received, see Line 4a and Line 4b.

To determine whether a payment from a former spouse is considered alimony or separate maintenance, see 26 U.S.C. 71.

LINE 2 - Adjusted Gross Taxable Income

Subtract mandatory retirement contributions and tax-deductible alimony paid from the gross taxable income and add any taxable alimony received to the gross taxable income to obtain the adjusted gross taxable income. Enter each parent's adjusted gross taxable income in the appropriate Line 2 column. [Math: Line 1 - Line 1a - Line 1b + Line 1c]

LINE 2a - Withholding Taxes

Enter each parent's combined weekly federal, state, and local withholding taxes in the appropriate Line 2a column.

Once the taxable portion of gross income is determined, the combined federal, state, city (if applicable), Social Security, and Medicare withholding taxes are deducted. As set forth below, four methods are available to determine the amount of combined income tax withholding to be deducted from gross income.

1. Combined Income Tax Withholding Tables (Appendix IX-H) - To use the combined tax withholding tables, the gross taxable income and the number of dependent children eligible for the federal income tax credit (eligible dependents) must be known.

(To determine eligibility, see IRS Form W-4 and 26 U.S.C.A. § 24).

NOTE: The combined tax withholding table may not result in the correct tax withholding amount if significant portions of the parent's income are not subject to FICA/Medicare

tax (e.g., alimony, rents, dealings in property, interest), if wages for federal income tax and the FICA/Medicare tax differ, or if the parent is self-employed (requires payment of the full FICA/Medicare tax rate on 92.35% of income - see IRS Pub. 533 or Schedule SE). Generally, unearned income is not subject to the FICA/Medicare tax. See the notes at the end of the Appendix IX-H combined tax withholding table.

2. End-of-Year Tax Obligations - If the award is being calculated before June 30 of the current year and the prior year's federal and state income tax return forms, and Forms W-2 are available, the tax obligation may be calculated as follows:

- a. add the end-of-year income tax obligation (i.e., total tax) from the federal and state tax return forms, the W-2 Social Security tax withheld, and the W-2 Medicare tax withheld.
- b. divide the sum of the taxes by 52.

3. Year-to-Date Calculation - If the award is being calculated after June 30 of the current year and a check stub is available (which represents the parent's only income source), add the year-to-date federal, state, Social Security and Medicare withholding taxes and divide the sum by the number of weeks employed.

4. Self-Employed Persons - For persons whose income is derived from self-employment or the operation of a business, the court should carefully review personal and business income tax returns (State and federal) and IRS 1099 statements from the most recent tax year to determine the amount of taxes to be deducted from gross income.

Note: the method of determining withholding taxes and each parent's number of eligible dependents and marital status must be documented in the Comments section (Line 5) of the worksheet.

LINE 2b - Mandatory Union Dues

Enter each parent's weekly mandatory union dues in the appropriate Line 2b column. Union dues must be mandatory (i.e., required as a condition of employment) to be eligible as a deduction from a parent's adjusted gross income. Calculate the weekly amount of mandatory union dues by dividing the year-to-date dues paid by the number of employed weeks or by using an average of the prior year's dues payments.

LINE 2c - Child Support Orders for Other Dependents

Enter the weekly amount of court ordered child support of either parent for other legal dependents in the appropriate Line 2c column.

The child support orders for other dependents are part of an adjustment mechanism to apportion a parent's income to all legal dependents including those born before or after the children for whom support is being determined

The adjustment requires that three support obligations be considered - (1) the court ordered support for the other dependents in the alternate family, (2) a support obligation that includes the court ordered support for the other dependents, and (3) a support obligation that does not include the court ordered support for the other dependents.

LINE 2d - Other-Dependent Deduction

Enter the theoretical weekly child support obligation for other legal dependents (from Line 14 of the Sole-Parenting worksheet prepared for the alternate family) on Line 2d of the worksheet of the parent requesting the adjustment. The Line 14 amount represents the parent's income share of the total marginal costs for the children in the alternate family. The obligation amount for other legal dependents (the other-dependent deduction) should be calculated on a separate Sole-Parenting worksheet.

The other-dependent deduction is part of an adjustment mechanism to apportion a parent's income to all legal dependents including those born before or after the children for whom support is being determined. Legal dependents include adopted or natural children of either parent who are under 18 years of age or over 18 years of age and still attending high school or other secondary school. No adjustment is provided for stepchildren. Generally, stepchildren are considered the legal responsibility of their natural parents unless the court determines that a stepparent has a legal obligation to support the child.

The adjustment requires that three support obligations be calculated - a theoretical support obligation for the other dependents in the alternate family, a support obligation that includes the other-dependent deduction, and a support obligation that does not include the other-dependent deduction. The deduction and the adjusted support obligation are calculated only if the income of the other parent in the alternate family is provided to the court.

1. The amount of the deduction is the serial parent's theoretical support obligation for the children in the alternate family. It requires that a separate Sole-Parenting child support guidelines worksheet be completed (through Line 14) for the children in the alternate family with the parent claiming the deduction being the theoretical obligor of those children. The deduction is calculated based on the income of the parent claiming the deduction and the income of that person's current spouse.
2. A parent must disclose the gross income of the other parent in the alternate family as a condition to the right to claim this deduction. If the other parent in the alternate family is voluntarily unemployed or underemployed, the court may impute income to that person to determine the parent's obligation to the children in the alternate family.
3. The amount of the deduction shall not be calculated for alternate families

having more than six children. In such cases, the court may find that the guidelines are inapplicable and may establish the child support award based on the factors set forth in N.J.S.A. 2A:34-23 and existing case law.

LINE 3 - Net Taxable Income

Subtract the combined withholding tax, child support orders for other dependents, mandatory union dues, and the other-dependent deduction*, if any, from the Adjusted Gross Taxable Income to obtain the Net Taxable Income. (Math: Line 2 - Line 2a - Line 2b - Line 2c - Line 2d). Enter each parent's Net Taxable Income in the appropriate Line 3 column.

****If the other-dependent adjustment is applied***, three worksheets must be prepared: (1) one calculating the parent's obligation for other dependents in the secondary family, (2) one calculating a support award after deducting the obligation from the parent's net income, and (3) one calculating the support award as if there were no other dependents (i.e., the obligation without consideration of other dependents). Thus, financial obligations for other dependents are not always deducted when figuring net income. The support award is adjusted for other dependents using Lines 30 through 32.

LINE 4 - Non-Taxable Income

Enter each parent's weekly gross non-taxable income in the appropriate Line 4 column. Enter the source or type of non-taxable income in the space provided on Line 4 or in the Comments section of the Worksheet.

LINE 4a - Non-Taxable-Deductible Alimony Paid

If alimony is non-tax-deductible for the payor, enter the weekly amount of alimony or other form of spousal support that is paid or will be paid to a former spouse in the appropriate Line 4a column.

When established simultaneously with child support (for the same family), the amount of alimony, spousal support, or separate maintenance should be determined before the child support guidelines are applied, except in *pendente lite* situations. Once the amount of alimony, spousal support, or separate maintenance is set, it is deducted from the payor's gross income and added to the recipient parent's gross income for the purposes of calculating a child support award using the guidelines.

LINE 4b - Non-Taxable Alimony Received

If alimony is non-taxable for the recipient, enter the weekly amount of alimony or other spousal support that is received or will be received from a former spouse (i.e., includes payments from the current as well as any past relationships) in the appropriate Line 4b column.

For tax-deductible alimony paid and taxable alimony received, see Line 1b and 1c.

To determine whether a payment from a former spouse is considered alimony or separate maintenance, see 26 U.S.C. 71.

LINE 5 - Government (Non-Means Tested) Benefit for the Child

Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

- a. Means-tested benefits - Benefits based on the fact that the child or parent minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent). Leave blank Line 5.
- b. Derivative benefits - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. Enter the weekly amount of the derivative benefit on Line 5 of the parent whose contribution is the source of the benefit (i.e., if the Non-Custodial Parent's work history and disability qualify the child for Social Security benefits, the benefit for the child will be included on Line 5 Non-Custodial Parent). Note, if the benefit is based upon contribution of the Parent of Alternate Residence (PAR), he or she will also receive a credit for the benefit on Line 22.
- c. Other benefits - Benefits that are given without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a stepparent, grandparent, or deceased parent. Enter the weekly amount of this benefit on Line 5 of the parent who actually receives the financial benefit (usually the custodial parent).

LINE 6 - Net Income

Add the Net Taxable Income and the Non-Taxable Income to obtain the weekly Net Income. [Math: Line 3 + Line 4 + Line 5]. Enter each parent's Net Income in the appropriate Line 6 column.

Add the net incomes of the parents to obtain the Combined Net Income [Math: Line 6 PPR + Line 6 PAR = Line 6 Combined]. Enter the result on Line 6, Combined.

LINE 7 - Each Parent's Share of Income

Divide each parent's net income by the combined net income to obtain each parent's percentage share of income. [Math: Line 6 PPR / Line 6 Combined = PPR Line 7 Share of Income; Line 6 PAR / Line 6 Combined = PAR Line 7 Share of Income]. The sum of the two percentages (ratios) must equal one (the decimal equivalent of 100%). Enter each parent's income share in the appropriate Line 7 column.

LINE 8 - Basic Child Support Amount

Look up the Basic Child Support Amount from the Appendix IX-F award schedule. Select the appropriate amount for the number of children for whom support is being determined and the Line 6 combined net income of the parents. Enter the Basic Child Support Amount on Line 8.

The parents' combined net income and the number of children for whom support is being determined are used to obtain the basic child support amount from the Appendix IX-F schedules. Appendix IX-F combined net incomes are provided in \$ 10.00 increments. For incomes that fall between income increments, go to the next higher income increment if the amount is \$ 5.00 or more (e.g., if the combined income is \$ 446, use the award for \$ 450 combined income; if it is \$ 444, use the award for \$ 440).

As explained in Appendix IX-A, the basic support amount represents average spending on children by intact families (see Appendix IX-A for items included and excluded in the basic support amount).

LINE 9 - Number of Overnights with Each Parent

Enter the number of regular overnights that the child spends or is expected to spend with each parent during a one-year period in the appropriate Line 9 columns. Vacations and holidays with the PAR do not count towards the determination of overnight time. Add the number of overnights with each parent to obtain the total number of overnights. Enter the total overnights in the Line 9 Combined column.

Generally, the sum of the number of overnights with each parent will be 365. If, however, the child spends overnights with a third party (e.g., grandparents) on a predictable and recurring basis, each parent's and the total number of overnights should be adjusted accordingly so that neither parent receives credit for this time. For example, if a child stays with grandparents for 10 overnights each year, which would have normally been spent with the PPR, the PPR's number of overnights is reduced by 10 and the total number of overnights is reduced to 355 (365 minus 10). If the child would have spent half of the grandparent visitation time (5 of the 10 overnights) with the PAR, both parent's number of overnights is reduced by five. If a child attends summer camp or other overnight care, the parent paying for such care shall be entitled to the credit for the number of overnights.

LINE 10 - Each Parent's Share of Overnights with Child

Divide the number of overnights that the child spends with each parent by the total number of overnights. [Math: Line 9 PPR overnights / Line 9 total overnights; Line 9 PAR overnights / Line 9 total overnights]. Enter each parent's share of overnights in the appropriate Line 10 column. The sum of the shares (ratios) must equal one (the decimal equivalent of 100%).

NOTE: If the PAR's share of overnights with the child is less than the substantial equivalent of two or more overnights per week (28%), STOP! The sole parenting worksheet must be used.

LINE 11 - PAR Shared Parenting Fixed Expenses

In shared-parenting situations, each parent incurs fixed costs (housing expenses) for the child even though the child may not be residing with a particular parent at a given time. Fixed costs include expenses for the dwelling, utilities, household furnishings, and household care items (see Appendix IX-A for a full list of items included in this category). It is assumed that fixed costs represent 38% of the basic support amount.

The PPR's fixed costs remain static (i.e., the full 38% of the basic support amount; they are not reduced when the child is not in the household) since that parent must maintain the primary residence for the child at all times. The PPR's fixed costs are included in the basic support amount. The PAR's fixed expenses are pro-rated based on the amount of time the child spends in the alternate household. The PAR's fixed expenses are assumed to be equal to [2 x PAR's time with the child x PPR's fixed expenses]. For example, if the PAR spends 30% of overnights with the child, that parent is assumed to incur 60% of the PPR's fixed costs. The parents have equal fixed expenses only when time sharing is equal (50% each). The PAR's time-adjusted fixed expenses must be added to the basic support amount (i.e., the basic amount assumes that there is only one household for the child) to determine the total dual-household costs for the child.

To calculate the PAR's time-adjusted fixed expenses:

- (1) Multiply the basic support amount by 38% [Math: Line 8 x 0.38]. The result is the portion of the basic support amount that represents the PPR's fixed expenses.
- (2) Multiply the PPR's fixed expense by two times the PAR's percentage of overnights [Math: PPR fixed expense x PAR Line 10 x 2]. The result is the PAR's time-adjusted fixed expense for the child. Enter this amount on Line 11.

LINE 12 - Shared Parenting Basic Child Support Amount

Add the basic child support amount and the PAR's shared parenting fixed expenses, then, subtract any government benefits paid to or for the child. The result is the shared

parenting basic child support amount. [Math: Line 8 + Line 11]. Enter the shared parenting basic child support amount on Line 12.

The shared parenting basic child support amount includes the costs of the two households in which the child resides, total variable costs (food and transportation) for the child, and other child-rearing costs controlled by the PPR such as clothing, personal care, and entertainment (see Appendix IX-A, paragraph 14(d)).

LINE 13 - Each Parent's Share of Shared Parenting Basic Child Support Amount

Calculate the PAR's share of the shared parenting basic child support amount by multiplying the shared parenting basic child support amount by the PAR's income share. [Math: PAR Line 7 x Line 12].

Enter the PAR's share of the award on Line 13.

Calculate the PPR's share of the shared parenting basic child support amount by multiplying the shared custody basic child support amount by the PPR's income share. [Math: PPR Line 7 x Line 12].

Enter the PPR's share of the award on Line 13.

LINE 14 - PAR Shared Parenting Variable Expenses

Variable expenses are incurred only when the child is residing with a parent (i.e., costs that follow the child). This category includes transportation and food). It is assumed that variable costs account for 37% of total spending on a child in an intact family. Since the PPR has no variable expenses for the child while the child is with the PAR, the shared custody basic child support amount (which assumes that all variable expenses are incurred by the PAR household), must be reduced by the PAR's variable expenses for the child while the child is residing in the PAR's household.

To Calculate the PAR's share of variable expenses for the child:

- (1) Multiply the basic support amount by 37% [Math: Line 8 x 0.37]. This is the portion of the basic support amount that represents variable expenses for the child.
- (2) Multiply the variable expenses by the PAR's percentage of regular overnights with the child. [Math: variable expense x PAR Line 10]. The result is the PAR's variable expense for the child. Enter this amount on Line 14.

Note: Be careful to calculate variable expenses using the basic child support obligation (Line 8), not the shared parenting basic child support amount (Line 12).

LINE 15 - PAR Adjusted Shared Parenting Basic Child Support Amount

The PAR Adjusted Shared Parenting Basic Child Support Amount represents the PAR's income share of the net support obligation for the child while the child is residing in the primary household. To calculate this amount, subtract the PAR's fixed expenses and the PAR's variable expenses from the PAR's share of the Shared Parenting Basic Child Support Amount. [Math: Line 13 - Line 11 - Line 14]. Note: Line 15 may be a negative number. If so, carry it forward to the supplemental expense calculation.

LINES 16 through 20 - Figuring Supplemental Expenses to be Added to the Shared Parenting Basic Child Support Amount

Figure the amount of supplemental expenses (i.e., those not included in the basic support amount) that must be added to the PAR's basic child support amount.

Supplemental expenses include the net work-related childcare cost, the cost of health insurance for a child, unreimbursed predictable and recurring health care expenses above \$ 250 per child per year, and other court-approved predictable and recurring expenses. See Appendix IX-A for a list of child-related expenses that are included in the Appendix IX-F awards. When added to the basic child support amount, supplemental expenses are apportioned between the parents in proportion to their relative incomes (i.e., these expenses are not time shared).

LINE 16 - Adding Net Work-Related Child Care Costs

Calculate net work-related child-care costs using the Appendix IX-E Net Child Care Expense Worksheet. Enter the weekly net child-care cost (from Line 8 of the Appendix IX-E Worksheet) on Line 16. Since childcare expenses are excluded from the child support schedules, such costs, if incurred by either parent, must be added to the basic support amount.

1. *Qualified Child Care Expenses.* Qualified childcare expenses are those incurred to care for a dependent who is under the age of 15 or is physically or mentally handicapped. These expenses must be necessary for the employment or job search of the parent. Childcare expenses should be reasonable and should not exceed the level required to provide quality care for the child(ren) from a licensed source. Only the net cost of childcare (after the federal tax credit is deducted) is added to the basic award. It is assumed that the parent paying for childcare will apply for and receive the federal childcare tax credit at the end of the tax year.
2. *Determining the Net Child Care Cost.*
 - a. Calculate the Adjusted Gross Income (AGI) of the parent paying for childcare by deducting moving expenses, one-half of the self-employment tax, IRA and Keough contributions, penalties on early withdrawal of savings, self-employment health insurance cost, and tax-deductible alimony paid from that parent's gross income. If this information is not available, use the parent's gross income (Line 1 + Line 4).
 - b. Determine the annual child-care cost.

- c. Complete the Net Child Care Expense Worksheet in Appendix IX-E to find the net weekly child-care cost to be added to the basic amount.

LINE 17 - Adding Health Insurance Costs for the Child

Enter the parent's weekly cost of health insurance for the child for whom support is being determined on Line 17. If the parent's weekly marginal cost is unknown at the time of the hearing, use the per capita cost of a family policy at the parent's place of work. Do *not* include health insurance costs for adults or other dependents.

Since the cost of health insurance is excluded from the child support schedules, a parent's contributions to a health insurance policy which includes the child for whom support is being determined must be added to the basic support award. Only the parent's cost of adding the child to the health insurance (medical and dental) policy is added to the basic support amount (i.e., the marginal premium cost to the parent to add the child to the policy). If the parent who is providing the health insurance has no proof of the cost of adding the child to the policy, the parent's total premium cost should be divided by the number of persons covered by the policy (per capita). The result is then multiplied by the number of children for whom support is being determined to obtain the child's estimated share of the health insurance cost. For example, if the parent's total health insurance cost is \$ 60 per week and there are four persons covered by the policy (the parent, the two children who are the subjects of the support order, and a new spouse), the per capita health insurance cost for the two children is \$ 30 ($\$ 60 / 4$ persons = \$ 15) x 2 children = \$ 30). If both parents provide health insurance for the child, each parent's marginal cost of adding the child to the policy should be added together to determine the total health insurance cost for the child. If the cost of the health insurance policy is unknown at the time of the support establishment hearing, the parent may apply for a modification of the support order when such information becomes available.

LINE 18 - Adding Predictable and Recurring Unreimbursed Health Care

Enter the weekly unreimbursed cost of any health care, if predictable and recurring, for the child that exceeds \$ 250 per child per year on Line 18.

Costs under \$ 250 per child per year - Unreimbursed health care expenses (medical and dental expenses not covered by insurance) up to and including \$ 250 per child per year are included in the child support schedules and are assumed to be paid by the PPR. Because they are part of the basic child support order, these ordinary health care expenses are shared in proportion to the relative incomes of the parents.

Predictable, Recurring Costs above \$ 250 per child per year - Unreimbursed health care expenses in excess of \$ 250 per child per year are excluded from the child support schedules. If such expenses are predictable and recurring, they should be added to the basic support award using Line 18. The court should consider the duration and recurring

nature of unreimbursed health care expenses prior to adding them to the basic support amount. If both parents provide predictable, recurring unreimbursed health care for the child, the cost to each parent should be added together to determine the total unreimbursed health care costs. Each parent's direct health care expenses for the child above the \$ 250 per child annual threshold are credited against his or her share of the total support award on Line 24.

Unpredictable, Non-Recurring Costs above \$ 250 per child per year - Health-care expenses for a child that exceed \$ 250 per child per year that are not predictable and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.

LINE 19 - Adding Court-Approved Predictable and Recurring Extraordinary Expenses

Enter court-approved predictable and recurring costs for the child on Line 19.

If approved by the court, predictable and recurring extraordinary expenses for the child that are not included in the Appendix IX-F child support awards may be added to the basic support amount. Examples of such extraordinary expenditures are PAR transportation expenses, special diets, and private education costs for gifted or handicapped children. See Appendix IX-A, paragraph 8, for a list of items that are included in the Appendix IX-F awards and an explanation of private education expenses that may be added to the basic support amount.

Extraordinary expenses that are not predictable and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment. Each parent's direct spending on court-approved extraordinary expenses for the child are credited against his or her share of the total support award on Line 25.

LINE 20 - Total Supplemental Expenses

Add the net child-care cost, health insurance cost for the child, unreimbursed predictable and recurring health-care costs greater than \$ 250 per child per year, and court-approved predictable and recurring extraordinary expenses. [Math: (Line 16 + Line 17 + Line 18 + Line 19)]. Enter the total supplemental expenses on Line 20.

LINE 21 - PAR's Share of the Total Supplemental Expenses

Multiply the PAR's income share by the total supplemental expenses. [Math: PAR Line 6 x Line 20 total supplemental expenses]. Enter the PAR's share of the total supplemental expenses on Line 21.

LINE 22 - Credit for Derivative Government Benefits for the Child Based on Contribution of the Parent of Alternate Residence

Enter the weekly amount of the government benefits paid to the parent of primary residence for the child (if any) that are based on the contribution (work history, military service, disability, or retirement) of the parent of alternate residence (PAR) in the Line 22 PAR column.

NOTE: Benefits amount should match the government benefits for the child on Line 5 PAR column.

LINE 23 - Credit for PAR's Child Care Payments

Enter the PAR's direct payments for work-related childcare for the child for whom support is being determined on Line 23. NOTE: Payments cannot exceed the parent's net work-related childcare cost added on Line 16.

LINE 24 - Credit for PAR's Payment of Child's Health Insurance Cost

Enter the PAR's direct payments towards that parent's cost of adding the child to a health insurance policy on Line 24. NOTE: Payments cannot exceed the parent's cost of health insurance for the child added on Line 17.

LINE 25 - Credit for PAR's Payment of Unreimbursed Health Care

Enter the PAR's direct payments for predictable and recurring unreimbursed health care greater than \$ 250 per child per year on Line 25. NOTE: Payments cannot exceed predictable and recurring unreimbursed health care expenses added on Line 18.

LINE 26 - Credit for PAR's Payment of Court-Approved Extraordinary Expenses

Enter the PAR's direct payments for predictable and recurring extraordinary court-approved expenses on Line 26. NOTE: Payments cannot exceed predictable and recurring extraordinary court-approved expenses added on Line 19.

LINE 27 - PAR's Total Payments for Supplemental Expenses

Add the PAR's direct payments toward derivative government benefits for the child, work-related childcare, the cost of adding the child to a health insurance policy, the predictable and recurring unreimbursed health care above \$ 250 per child per year, and the predictable and recurring extraordinary court-approved expenses. [Math: Line 22 + Line 23 + Line 24 + Line 25 + Line 26]. Enter the sum of all payments added on Line 27.

LINE 28 - PAR's Net Supplemental Expenses

Subtract the PAR's direct payments for childcare, the child's share of the health insurance premium, predictable and recurring unreimbursed health care for the child above \$ 250 per year per child, and predictable and recurring extraordinary court-approved expenses from the PAR's share of the total supplemental expenses. The result is the PAR's net supplemental expenses for the child. [Math: Line 21 - Line 27].

Enter the PAR's share of net supplemental expenses on Line 28.

Direct payments for supplemental expenses are subtracted from the PAR's share of total supplemental expenses before those expenses are added to the PAR's share of the adjusted shared parenting child support amount. Direct payments may be deducted only if the cost was previously included as a supplemental expense.

LINE 29 - PAR's Net Child Support Obligation

Add the PAR's share of the adjusted shared parenting basic child support amount and the PAR's share of the net supplemental expenses to determine the PAR's net child support obligation. [Math: Line 15 + Line 28]. Enter the PAR's net support obligation on Line 29.

The PAR's net obligation is the child support order that will be paid for the benefit of the children while they are residing with the PPR. Theoretically, the PPR also has a support obligation (although not calculated on the shared-parenting worksheet) that is considered to be spent directly on the children during the course of providing for their daily needs.

NOTE: If the PAR's net obligation is a negative number, this amount must be paid by the PPR to the PAR to preserve each parent's income share of the total shared-parenting expenses. In this case, the PPR would be the obligor of the support order.

LINES 30, 31 and 32- Adjusting the Child Support Obligation for Other Dependents

1. If either parent has court ordered child support obligations for other dependent children or an adjustment for other legal dependents is applicable, the following amounts must be considered:
 - a. The amount of court ordered child support for other dependents (Line 2c) and the other dependent deduction Line 2d (where no support order exists for the dependent) - using the separate other dependent deduction worksheet;
 - b. A support obligation for the child for whom support is being determined calculated after the total of the other dependent orders and deductions (L2c + L2d); and

- c. A support obligation for the child for whom support is being determined calculated without deducting the other dependent orders (Line 2c) and deductions (Line 2d) from the responsible parent's gross income.
2. To ensure that a fair share of the parent's income is available to all his or her legal dependents, the child support obligation for the child for whom support is being determined will be calculated WITH an income deduction for the court ordered or theoretical support obligations for other dependents. Then, the support for the subject child will be calculated WITHOUT consideration of the court ordered or theoretical support obligation for other dependents. These two calculations will be averaged.

LINE 30 - Line 29 PAR CS Obligation WITH Deductions for Other Dependents

Enter the PAR's net child support obligation (Line 29) from the worksheet that deducted the support obligation for the parent's other dependents from the parent's net income (i.e., with the Line 2c child support order for other dependents and Line 2d other dependent deduction). Note: The Line 2d other dependent deduction is calculated on a separate worksheet.

LINE 31 - Line 29 PAR CS Obligation WITHOUT Deductions for Other Dependents

Enter the PAR's net child support obligation (Line 29) from the worksheet that does not deduct the support obligation for other dependents (Line 2c and 2d) from the parent's net income.

LINE 32 - Adjusted PAR CS Obligation

Add the Line 30 support obligation that includes the deductions for other dependents (Lines 2c and 2d) and the Line 31 support obligation that does not include the deductions for other dependents, then divide the sum by two to obtain the Adjusted Child Support Obligation for the paying parent. Math: $(\text{Line 30} + \text{Line 31}) / 2$. Enter the result on Line 32.

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 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 obligor's child support obligation from that person's net income.
2. If the difference is greater than 150% of the poverty guideline for one person (\$392 per week as of January 12, 2022), the self-support reserve is preserved and the obligor's support obligation is the child support order.
3. If the difference is less than 150% of the poverty guideline for one person and the PPR's net income is greater than 150% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and the 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, take into account a parent's actual living expenses, and/or consider the PPR's support obligation to the children (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 150% of the poverty guideline and the PPR's Line 33 is greater than 150% of the poverty guideline, Go to Line 34.

If the PAR's Line 33 is greater than 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 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 - PAR's Maximum Child Support Order

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

LINE 35 - Child Support Order

Enter the Line 29, 32 or 34 support amount to be paid by the obligor to the other parent for the benefit of the child. Generally, the obligor will be the PAR. However, in some family situations, the PPR may be the obligor (e.g., if the PAR's obligation is a negative number). In those cases, enter the absolute (positive) value of the PAR's negative obligation (or the self-support reserve maximum amount) in the PPR's Line 35 column. Otherwise, enter the Line 29 PAR's net support obligation, the Line 32 other dependent adjusted obligation (if any), or the Line 34 maximum child support obligation (if any) on the PAR's Line 35.

LINE 36 - PPR Household Income Test

Add the PPR's net income from all sources (including means-tested income such as TANF), the net income of other adults in the primary household, and the PAR shared parenting support 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 time, using the sole parenting worksheet. If Line 36 exceeds the PPR household income threshold, the Line 35 child support order is appropriate.

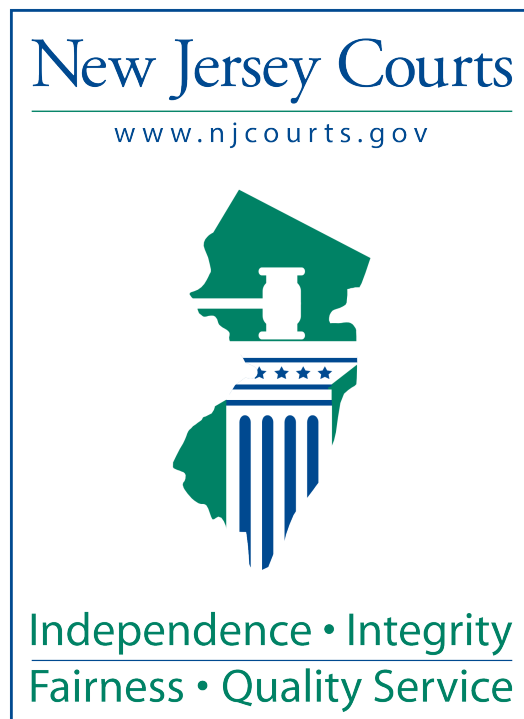
NOTE: A PAR may still receive an adjustment for variable expenses when the sole parenting worksheet is used to recalculate the support award. If, however, the PPR's household income plus a PAR time-adjusted support award is still below 200% of the poverty guideline, the application of the variable-expense 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 effective June 1, 2021; amended July 30, 2021, to be effective September 1, 2021; amended March 15, 2022 to be effective June 1, 2022.

New Jersey Judiciary

Child Support Hearing Officer Program



Family Practice Division
Administrative Office of the Courts
New Jersey Judiciary
Trenton, New Jersey 08625

What is the Child Support Hearing Officer Program?

The Child Support Hearing Officer Program, managed by the Family Practice Division of the Administrative Office of the New Jersey Courts, is composed of hearing officers who hear child support cases statewide. The authority and duties of child support hearing officers are stated in the *Rules Governing the Courts of the State of New Jersey, Rule 5:25-3*. The purpose of the program is to provide quick access and relief, called “expedited process,” from the court for families filing for financial support.

Who is the Child Support Hearing Officer?

Child support hearing officers are appointed by the chief justice of the New Jersey Supreme Court and are authorized to hear child support matters. They are professionals who are either attorneys and/or qualified in the area of child support.

What Do Child Support Hearing Officers Do?

Child support hearing officers take testimony, review documents, consider evidence, and make recommendations to a Superior Court judge to establish, modify, and enforce support obligations. A judge reviews the recommendation and signs it, making it a court order.

Establishment of Paternity

In many child support cases, child support hearing officers determine the paternity/legal father of the child. The person named as the father on the complaint has the right to request a genetic test to assist in determining paternity, or he could voluntarily admit paternity.

Establishment of Support

Once paternity is determined, the hearing officer recommends an amount of child support based on the New Jersey Child Support Guidelines. For further information on how support is calculated using the child support guidelines, see *Rule 5:6A* and Appendix IX-A at njcourts.gov. Both parents have a financial obligation to support the child(ren). Therefore, child support hearing officers look at both parent’s income and/or their ability to earn income. It is important that both parents bring proof of their income with them when they go to court so child support can be determined accurately. Parents could be ordered to pay child support, work-related day care expenses, and medical costs.

Modification/Change of a Support Order

Either parent can file an application to modify a child support order. The application must be filed in the county where the child support order was first entered, also called the county of venue. One reason an individual can file an application to modify the court order is if their circumstances have changed. For example, a parent might want to have the child support amount modified because he or she no longer has the ability to earn the same amount of money, is in prison, or expenses for the child(ren) have increased. The parent who files the application must be able to prove the change in circumstances. If a change in circumstances is established, the hearing officer will recalculate the child support amount using the child support guidelines.

All child support orders and judgments are subject to a cost-of-living increase. Support orders monitored by the probation division are reviewed every three years to determine if a cost-of-living increase applies pursuant to the law and court rules.

Participation by Telephone/Remote Hearings

In certain circumstances, parties may be permitted to participate in their court hearing by telephone. Cases considered for a telephonic hearing must meet certain criteria. Those who want to request permission to participate in the hearing remotely must first contact the family or probation division in the county where the case is scheduled. The family or probation division will send a form that must be completed and returned at least seven days before the hearing date. Remote hearings are granted at the discretion of the court by the judge or hearing officer who is hearing the case.

Enforcement of Support Order

If a parent is not paying child support, child support hearing officers could enforce the order by recommending certain enforcement remedies, such as taking child support directly from their pay, also called income withholding; imposing a lump sum payment of all or part of the child support owed (arrears); ordering a regular payment amount be made toward the arrears; suspending their driver's license; or incarceration. Child support hearing officers could recommend a bench warrant for the arrest of individuals who are summoned to court for failure to comply with a court order and do not appear for the hearing.

Your Rights if Your Case is Heard by a Child Support Hearing Officer

Right to Present Your Case

Parties to the case have the right to provide relevant testimony, submit documents, and cross-examine witnesses.

Right to Appeal a Child Support Hearing Officer Recommendation

Parties who agree with the recommendation of the hearing officer will be asked to sign the recommendation. They will receive a copy of the recommendation and the child support guidelines worksheet at the conclusion of the hearing. However, if there is disagreement with the recommendation of the hearing officer, the parties have a right to an immediate new hearing before a Superior Court judge. This is called an appeal or a hearing *de novo*. Either party can request an appeal and the parties will appear before a judge who will hear the matter.

Right to be Represented by an Attorney

Either party can represent him or herself, called self-representation or appearing *pro se*, or can hire an attorney. Attorneys are not provided for parents who have a court order to pay support. For information about getting an attorney, parties can contact Legal Services of New Jersey at lsnj.org or the New Jersey State Bar Association Lawyer Referral Service at njsba.com.

Right to an Interpreter

Individuals who are limited English proficient can ask for an interpreter. Interpreters are provided at no cost and are available for most languages, including sign language. Requests for an interpreter must be made as soon as possible and before the hearing date, either at the time the application is filed or when the notice to appear is received.

Non-Appearance

A complaint, motion, or application filed with the court can be dismissed if the person who filed it does not give proper notice and does not appear for the hearing.

If a party receives notice to appear in court and does not appear, the hearing officer could recommend a default order, which is an order in that person's absence, and/or a bench warrant for the arrest of the individual who did not appear for the hearing. Individuals who have bench warrants issued against them in child support matters could have their New Jersey driver's license denied, suspended or revoked.

Limited Authority

Child support hearing officers are not judges. They have the authority to hear certain cases, under certain conditions and make recommendations for the establishment, enforcement or modification of a support order.

Questions or comments concerning the Child Support Hearing Officer Program should be addressed to:

Administrative Office of the Courts
New Jersey Judiciary
PO Box 983
Trenton, NJ 08625
609-815-2900 ext. 55360

For more information about Child Support:

Child Support Customer Call Center
1-877-NJKIDS1
1-877-655-4371

New Jersey Judiciary
njcourts.gov

New Jersey Child Support Information
njchildsupport.org

Federal Office of Child Support Enforcement
acf.hhs.gov/programs/css

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Your Guide to the New Jersey Judiciary Child Support Enforcement Program



Probation Services Division
Administrative Office of the Courts
New Jersey Judiciary
Trenton, New Jersey 08625

WELCOME to the Child Support Enforcement Program of the New Jersey Judiciary. The purpose of this guide is to provide information to you about the child support program.

Each support case is identified with a unique number that begins with the letters **CS**. This number is very important and you will need it whenever you contact probation child support enforcement staff.

Write your case number here:

CS _____

You will also receive a pin that will allow you to access your account at njchildsupport.org. To access the information, you are required to enter your case number and your personal identification number. A variety of forms also are available on this site, including an online child support application for services.

Frequently Used Terms

Arrears – Past due, unpaid child support owed by the person ordered to pay support.

Assignment of Support Rights – People who receive public assistance agree to turn over their right to child support to the state in exchange for cash assistance and other benefits. In order to receive public assistance, you must agree to the assignment of your support.

Bench Warrant – An order from the court giving legal authority to law enforcement to arrest a person for failure to appear for a court hearing or failure to comply with a court order.

Child Support Number (also referred to as “CS Number”) – This is the identifying number assigned to your child support case.

Cost of Living Adjustment (COLA) – Any child support order entered on or after Sept. 1, 1998, is automatically adjusted every two years. The adjustment is based on the consumer price index.

Complaint – A formal document filed in court that starts a case. It typically includes the names of the parties, the issues and what you are asking the court to do.

Court Order – The written decision issued by a court of law. A child support court order sets forth how often, how much, and what kind of support is to be paid.

Docket Number – The identifying number assigned to every case filed in the court.

Emancipation- The age when a child reaches financial independence.

Genetic Testing (DNA Testing) – A test used to determine the genetic makeup of the mother, father and child to establish legal paternity.

Income Withholding/Wage Withholding/Garnishment – A process in which automatic deductions are made from wages or other income to pay a child support obligation. Income withholding has been mandatory since the enactment of the Family Support Act of 1988.

Jurisdiction – The legal authority which a court or administrative agency has over particular persons and types of cases, usually in a defined geographical area.

Modification of a Court Order – Any change or adjustment to a previous support order.

New Jersey Child Support Guidelines – A standard method for calculating child support based on the income of the parents and other factors. The full set of guidelines is contained in *Rule 5:6A* of the New Jersey Court Rules.

NJKiDS – The New Jersey Child Support Program automated computer system that tracks child support accounts.

Obligation – The amount of money to be paid as support and the frequency it is to be paid.

Obligee/Payee/CP – An individual or agency to whom support is owed. Also known as the custodial parent (CP) or payee.

Obligor/Payor/NCP – An individual who owes a financial and/or medical obligation. Also known as the non-custodial parent (NCP) or payor.

Offset – The amount of money taken from an obligor’s State or Federal income tax refund to satisfy a child support debt.

Public Assistance – See Temporary Assistance to Needy Families.

Temporary Assistance to Needy Families (TANF) – Time-limited public assistance, also known as welfare payments, made to low income families that provide parents with job preparation, work, and support services to help them become self-sufficient. It was formerly known as Aid to Families with Dependent Children (AFDC).

Termination of Support – New Jersey law establishes 19 as the age when a child support and/or medical support obligation will end. Support may continue beyond 19 due to certain circumstances, however cannot exceed the child’s 23rd birthday.

Triennial Review – Support orders are eligible for review and possible modification every three years by the county welfare agency.

Venue – The court in which the original case was brought.

Confidentiality

New Jersey follows strict laws that keep child support cases private and confidential. Personal information collected and kept by the Child Support Program is not public record. All child support staff is bound to keep the obligor and obligee matters confidential and to protect privacy.

Introduction

The New Jersey Child Support Enforcement Program locates obligors, also known as persons ordered to pay support, establishes paternity, establishes and enforces support and medical orders, and collects support payments.

There are a number of organizations that work together to maintain the child support program. Each serves a different function in the process. For example:

The New Jersey Department of Human Services, Division of Family Development, is the state agency responsible for state oversight of the child support program.

The family division of the Superior Court is responsible for the establishment of paternity, support, medical, and modification orders.

The county welfare agency locates obligors and files complaints with the family division when Temporary Assistance for Needy Families (TANF) is being provided.

The Probation Child Support Enforcement (PCSE) Unit monitors and enforces support orders. This unit is responsible for taking action when support is not being paid.

New Jersey Family Support Services Center 1-877-655-4371 (1-877-NJKIDS1)

Call this telephone number to access the Interactive Voice Response (IVR) system or speak to a representative and get answers to commonly asked questions as well as information about your case such as payment details, court hearings and account balances.

The IVR can be used by the custodial party, noncustodial party, or agencies and is available 24 hours a day, seven days a week. Customer service representatives are available to speak to you Monday through Friday 8am to 6:45pm.

To access the IVR, you must use a touch-tone telephone and have your case number available. If you would like help navigating the IVR, visit njchildsupport.org.

Paying Child Support

Income Withholding

Under *N.J.S.A. 2A:17-56.7a et seq.* all child support payments are subject to income withholding from the obligor's paycheck, unless the court order says otherwise. Income withholding can also be applied to unemployment benefits, Social Security disability, disability payments, and other income the obligor receives. This makes it easier for the obligee to receive timely, regular payments, and is more convenient for the obligor to pay support.

If the obligor changes employers, he/she must notify the probation division so that income withholding can be arranged with the new employer.

Other Payment Options:

Make check or money order payable to NJFSPC and mail to: NJFSPC, PO Box 4880, Trenton, NJ 08650-4880.

Cash payments are accepted at **all** county child support offices in New Jersey.

Payment options are available online. For more information, go to njchildsupport.org.

In accordance with *N.J.S.A. 2A:17-56.53*, if support is not paid, an additional amount may be added to the original amount of support to pay off the past due amount. This is commonly known as an arrears payback amount.

Receiving Child Support

Support payments are distributed either through the Direct Deposit Program or the New Jersey Debit Card. Both programs provide a safe,

easy and convenient way for obligees to receive payments.

Through direct deposit support payments are electronically deposited into the obligee's bank account. To be eligible for direct deposit, you must have a bank account. To sign up for direct deposit, an authorization form must be completed which is available at the local child support office or it can be downloaded at njchildsupport.org.

With a New Jersey Debit Card, obligees can obtain cash at banks and ATMs and make purchases at most stores. If the obligee does not wish to receive payments on the New Jersey Debit Card, they must sign up for direct deposit.

Change of Address

Obligors are required within 10 days to notify the probation division enforcing the case of any change in their address or employment status either through letter, telephone call or by logging into their online account at www.njchildsupport.org. Failure to comply constitutes a violation of the court order.

Obligees must notify the probation division within 10 days of any change of address. The obligee can update their address by submitting a notarized letter, contacting the New Jersey Family Support Services Center or logging into their online account at www.njchildsupport.org. A standard address change form, which can be obtained at njchildsupport.org or by contacting the local probation division, can also be used.

Address Change in Person

The obligee must present any one of the following forms of identification: a notarized letter to the court, or notarized Obligee Address Change Form certifying the change; passport; photo driver's license or any other government-issued photo identification card.

If the above forms of identification are not available, then the obligee must use two of the following: a non-photo driver's license; property lease; utility bill or any other government-issued non-photo identification card.

Address Change by Mail

Address changes received by mail may be in the form of a letter or an Address Change Form. If the written letter or form is not notarized, it must be accompanied by a photocopy of identification document(s), consistent with the requirements for in-person changes set forth above.

Address Change by Telephone or Web

Either party can contact the New Jersey Family Support Services Center for address changes by calling: 1-877-655-4371 or visiting njchildsupport.org.

Social Security Numbers

Social Security numbers are collected and used in accordance with section 205 of the Social Security Act (42 *U.S.C.* 405). Disclosure of the individual's Social Security number is mandatory. Social Security numbers are used to obtain income, employment and benefit information through computer matching programs with federal and state agencies. This information is used to establish and enforce child support under Title IV-D of the Social Security Act and to record child support judgments.

National Medical Support Notice (NMSN)

The National Medical Support Notice is a federally required form. It was designed to provide employers and plan administrators with a standardized set of forms, processes and timeframes to streamline the work to enroll dependent children in employer-sponsored health care plans. The NMSN is a Qualified Medical Child Support Order under section 609 (a) (3) and (4) of the Employee Retirement Income Security Act (ERISA), 29 *U.S.C.* 1169.

The NMSN form is issued at the same time a notice to withhold child support is sent to the employer. Employers who fail to respond to the NMSN in a timely manner could be subject to court action. The employer must comply with the NMSN requirements even if the obligor does not agree with the requirements. If the obligor wants to contest the issuance of a NMSN, he/she should contact the local probation division.

Enforcement of Child Support

The probation division is required to enforce court orders that call for the following:

- Collection of current child support
- Collection of past-due child support
- Court ordered health care coverage
- Collection of spousal support/alimony

Enforcement Hearings

Enforcement hearings are scheduled to address issues of non-payment of child support, failure to obtain health insurance coverage for dependent children, or other related issues. Enforcement hearings are scheduled by the probation division and are formal court hearings with sworn testimony before a judge or hearing officer.

Obligors must appear for enforcement hearings. Obligees could be required to appear based upon the nature of the case. At the hearing, probation division staff presents the facts of the case but do not represent either party. You can have an attorney at an enforcement hearing.

If the case is being heard by a hearing officer, he or she will make recommendations regarding the outcome of the hearing. Either party has the right to object to the recommendations. If either party objects, the matter will be referred to a judge. If there is no objection, the hearing officer's recommendations are referred to a judge for review. If the judge approves the recommendations, they become a binding court order.

Modifications of support orders should not occur during enforcement hearings. Instead, modification requests should be filed and heard in the family court.

Bench Warrants

Bench warrants may be issued in child support and spousal support cases. There are two types of support warrants:

1. **Failure to Appear** – When the person ordered to pay support fails to appear for a hearing.
2. **Failure to Pay** – When the person ordered to pay support does not pay and there is bench warrant status provision in the court order, a warrant could be issued for failure to comply with the court order.

Note: If a bench warrant is issued by the court, it will automatically result in a driver's license suspension. This does not apply in alimony only cases.

Tax Offset

If the amount of unpaid child support meets or exceeds a specific threshold and the obligor is entitled to a federal or state tax refund or homestead rebate, the refund(s) could be applied to pay unpaid child support.

Judgments

When child support is unpaid, a judgment is recorded by the clerk of the Superior Court. This creates a claim against the obligor and could appear on a credit report and prevent the sale or transfer of real property. Unpaid or past due amounts of child support are automatic judgments.

Credit Bureau Notification

Past due child support can be reported to credit agencies if the obligor owes \$1,000 or more in unpaid support. This could affect the obligor's credit rating when buying a home, car or applying for a credit card.

Financial Institution Data Match (FIDM)

The Financial Institution Data Match is a federally mandated program that enables states to freeze and seize money in accounts belonging to obligors who have not paid support in 35 days or owe three months' arrears (minimum \$200).

Child Support Lien Network (CSLN)

The Child Support Lien Network was developed to levy insurance claims such as personal injury and worker's compensation awarded to obligors.

Passport Denial

An obligor owing more than \$2,500 in past due child support will be denied the issuance or renewal of a United States passport.

License Suspension

Obligors who have not paid child support or provided court ordered health care coverage in six months or who have had a bench warrant issued for their arrest could have their driver's license suspended. Other professional or recreational licenses also could be suspended.

Lottery Intercept

The New Jersey Division of Family Development and the New Jersey State Lottery have initiated a process in which lottery winnings are seized if the winnings are at least \$600 and the obligor owes more than \$1,000 in past due child support.

Project Save Our Children (PSOC)

Project Save Our Children was passed by Congress to address the issue of obligors who flee to other states to avoid paying child support. PSOC provides for federal criminal misdemeanor and felony charges

for the willful nonpayment of child support. The U.S. Attorney's Office is responsible for prosecuting these cases.

For specific information about enforcement options, refer to *N.J.S.A. 2A:17*, *N.J.S.A. 2C:13*, *N.J.S.A. 5:9*, *R. 5:6B*, P.L. 102 AND 104, 42 *U.S.C. 405*, 408(7).

Uniform Interstate Family Support Act (UIFSA)

New Jersey adopted the federal Uniform Interstate Family Support Act (UIFSA) in March 1998. UIFSA applies in a case when the parties live in more than one state.

This law requires employers to comply with other states' income withholding orders and places limits on where orders can be changed. It also protects the obligor by making sure that only one order for support is in effect at a time and establishes rules for creating only one controlling order when there are multiple orders.

If an obligor moves out of state and stops paying child support, the probation division can send a UIFSA request to have the New Jersey child support order registered in the state where the obligor lives. As long as one party continues to live in New Jersey, New Jersey continues to have exclusive jurisdiction over the case.

If an obligee moves to New Jersey and has a child support order in another state under UIFSA, the New Jersey probation child support staff will monitor the case and request enforcement from the out-of-state court.

Note: New Jersey also will enforce alimony or spousal support obligations. Other states might not enforce alimony or spousal support. Depending on the state, the obligee could consider hiring an attorney to have the spousal support registered and enforced as a foreign judgment in the obligor's state of residence.

On March 23, 2016, the 2008 amendments to the Uniform Interstate Family Support Act (UIFSA), *N.J.S.A. 2A:4-30.124 et seq.* were approved and became law effective April 1, 2016. The "Instrument of Ratification for The Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance" became effective Jan. 1, 2017.

Two requirements under UIFSA and The Hague Convention result in a change to the following statewide practices in New Jersey: All child support orders must be translated into the language of the country where the order is being registered for enforcement and states shall permit litigants residing outside the state to participate by telephone, audiovisual or other electronic means.

Modification

Any modification or changes to a support order are processed through the family division of the Superior Court. Obligor and obligee are instructed to file with the family division in the county of venue.

Cost of Living Increase (COLA)

Rule 5:6B of the New Jersey Court Rules requires that all child support orders entered, modified or enforced on or after Sept. 1, 1998 be reviewed every two years to reflect changes in the cost of living. The Cost of Living Adjustment (COLA) is an automatic review and adjustment of child support orders enforced by probation. The COLA is based on the average monthly change in the consumer price index (CPI) for the New Jersey metropolitan area. The COLA is not considered a modification.

Note: If an order is modified, the next COLA date will be adjusted to two years from the date of the modification.

Triennial Review

States are required to have a process by which child support orders are reviewed and, if appropriate, adjusted at least once every three years. In cases where a family is receiving TANF, a triennial review must be conducted. States also are required to conduct triennial reviews in non-TANF cases if either parent so requests. There does not need to be a substantial change of circumstances, only the passage of three or more years since the order was last reviewed. The parties can request the triennial review through the county welfare agency (CWA).

The CWA will review the financial situation of both parties and determine if, based on the New Jersey child support guidelines, the order should be adjusted. The review also determines if a health care provision should be added to the order.

Emancipation

Under New Jersey law, 18 is the age of majority. *N.J.S.A. 9:17B-3* notwithstanding, there is no fixed age of emancipation. A child who attains the age of 18 or graduates from high school is not automatically emancipated. Emancipation of a child requires an order from the court. The party seeking emancipation of a child must file a modification motion with the family division of the Superior Court in the county of venue. The Court examines the facts of each case to determine if the age or circumstances allows for emancipation of the child. If the court enters an order of emancipation, the emancipation does not relieve the obligor from the payment of arrears or resolve any overpayments unless specifically addressed in the order.

Termination

Effective Feb. 1, 2017, New Jersey law establishes 19 as the age when a child support and or medical support obligation will end through probation. The new law allows for child and or medical support to continue up to age 23 through probation for cases in which the dependent is in high school, attending full-time college, vocational or graduate school, is disabled or if the parties reach a separate agreement or if continued support through probation was granted by the court. However, child support, except for arrearages, cannot be collected through probation beyond the child's 23rd birthday. Parties that want current child support to be collected beyond the 23rd birthday must file with the court for other financial maintenance or reimbursement. For specific information about enforcement options, refer to *N.J.S.A. 2A:17-56.67 et seq.*

Frequently Asked Questions

How is child support paid?

Your child support case has been assigned a case number that begins with "CS" followed by eight numbers and a letter. This number must be clearly indicated when making payments to ensure that your account is properly credited. Support is processed through the New Jersey Family Support Payment Center, P. O. Box 4880, Trenton, N.J. 08650.

What if either party moves?

Both parties must provide all address changes to PCSE staff within 10 days of the change.

What if the obligor changes employment?

The obligor is required to report any employment changes to the PCSE staff within 10 days of the change.

Can payments be made directly to the obligee?

No. The order requires that support payments be made through the New Jersey Family Support Payment Center (NJFSPC). Support payments made outside of the probation division cannot be credited without a court order. Additionally, the probation division records serve as documentation to both parties and the court of the amount of support paid. Purchase of goods such as clothing or disposable diapers do not count as child support.

Does child support automatically terminate when the child reaches 18?

In New Jersey, effective Feb. 1, 2017 *N.J.S.A. 2A:17-56.67 et seq.* establishes 19 as the age when a child support and or medical support obligation will end through probation. The law allows for child and or medical support to continue up to age 23 through probation for cases in which the dependent is in high school, attending full-time college, vocational or graduate school, is disabled if the parties reach a separate agreement, or if continued support through probation was granted by the court. However, child support, except for arrearages, cannot be collected through probation beyond the child's 23rd birthday. Parties that want current child support to be collected beyond the 23rd birthday must file with the court for other financial maintenance or reimbursement.

What can happen if support payments are not made?

An enforcement hearing, which is also called enforcement of litigant's rights, could be scheduled. The amount of support should not be changed at this hearing. In addition, all child support debts become judgments by operation of law and could adversely affect an obligor's credit rating and ability to buy or sell real property. Child support arrears also can be subject to income tax refund intercept, credit bureau reporting, seizure of assets and other enforcement actions. Additionally, failure to pay support as directed could result in professional and driver's license revocation, further court proceedings, and possible arrest and incarceration.

If an enforcement hearing is scheduled, who must attend?

The obligor must attend the hearing. It can be in the best interest of the obligee to attend, however the obligee is likely not required to attend. Failure of the obligor to appear can result in a default order being entered or a warrant for arrest being issued.

Is a lawyer needed for the enforcement hearing?

You can bring an attorney, although one is not required.

What does the obligor need to do to prepare for the court hearing?

Be prepared to document facts such as earnings and deductions from earnings by bringing current pay stubs, income tax returns and employer's address and telephone number. If there are child support arrears owed, you could be required to make a payment in court.

Can child support be deducted from wages and other sources of income?

Yes. Federal and state laws require that child support be deducted from wages and other forms of income for any new or modified support order. Income means, but is not limited to, the obligor's commissions; salaries; earnings; wages; rent monies; unemployment compensation; any legal or equitable interest or entitlement owed that was acquired by a cause of action; suit; claim or counterclaim; insurance benefits; claims for assets of estates; trusts; federal and state income tax refunds; homestead rebates; state lottery winnings; annuities; retirement benefits; veterans benefits; union benefits or other sources that could be deemed as income.

An employer could withhold only a certain percentage from wages. If an order exceeds the maximum amount the employer could deduct, the obligor is responsible for paying the difference to the NJFSPC. The obligor is responsible for verifying that the deduction is being made and is in the correct amount.

The obligor should retain all pay stubs for his/her records. The obligor also can call the New Jersey Family Support Services Center or login to the child support web site to ensure that the withholding payment is posted to the account. It is the obligor's responsibility to make sure the child support is paid.

Is there a way to check what support payments have posted to the account?

Yes. Call 1-877-655-4371. Payment and case information also can be accessed at njchildsupport.org.

If the obligor is unemployed, disabled or has other changes of circumstances, does child support have to be paid?

Yes. Child support payments must be made in accordance with the existing court order. The obligor is responsible for payments even during periods of unemployment and disability. The obligor can file a motion in the family division requesting that the court review the child

support order. Unless the court rules otherwise, enforcement actions will continue. Unemployment and some disability benefits are considered available income for supporting children. An order to withhold child support from unemployment benefits will be sent to the New Jersey Department of Labor and Industry, Division of Unemployment Insurance. Withheld support will then be sent to the NJFSPC for distribution.

What happens if either parent moves out of the county, state or the country?

The rules vary depending on the individual situation. Contact the PCSE staff that handles your case for more information.

What happens if support is collected through another state?

The other state is responsible for direct enforcement and forwards collections to New Jersey for disbursement. If you fall behind in your payments, PCSE staff will request that the other state enforce the order. The child support enforcement agency in the other state should not be contacted directly by the parties. Contact the PCSE staff currently handling the child support case.

Can the child support amount ever be changed?

Possibly, provided that the requesting party can demonstrate a valid reason to the court for an increase or decrease in support. A motion requesting a hearing must be filed with the family division of Superior Court. Motions must be filed in the county of venue, which is the county in which the support order was originally entered. The parties can obtain an attorney or represent themselves. Information about self-representation can be obtained at njcourts.gov or at the local family division.

What should the obligee bring to the court hearing?

Any and all information the obligee has regarding the obligor's finances would be helpful. The obligor's Social Security number, date of birth and address could be needed. Information about the obligor's source of income could be helpful to the case. Any information about the obligor's assets, such as property, bank accounts, and other assets, could help the judge or hearing officer determine enforcement of the case. Information about lawsuits, perhaps resulting from an accident, also could be important.

Before the court date, support is paid in full. Will a hearing still be held?

Yes. There will be a hearing unless it is cancelled in advance by PCSE staff. Generally, despite the pre-court payment, there could still be

issues that need to be addressed, such as making sure that regular payments are made in the future and that medical coverage is provided.

If the obligee receives public assistance for a child or children, is a hearing necessary?

Yes, the obligor still must pay child support. The money is collected from the obligor and disbursed to the county welfare agency to reimburse the monthly grant. A hearing could be necessary if the obligor is not paying support as ordered or has not provided medical coverage for the children.

The obligor was ordered to provide medical coverage for the child but has not. What can be done?

The obligee should contact the probation division that handles the case. The probation division could schedule a hearing to enforce the court order that deals with medical coverage.

What if an interpreter is needed in court?

If a party requires interpreting services, he or she must contact PCSE staff before the hearing to let them know that a court interpreter is needed. This will allow PCSE staff time to make arrangements in advance instead of rescheduling the hearing.

Online Resources

njcourts.gov

This site is maintained by the Judiciary and provides office locations, mailing addresses, fax numbers, office hours and services provided.

njchildsupport.org

This site is maintained by the New Jersey Department of Human Services and provides important information regarding the child support program as well as specific case information, such as account balance, court hearings and last payment information.

acf.hhs.gov/programs/cse

This site provides extensive information about the federal child support program and individual state information.

Contact Information - 1-877-655-4371 (1-877-NJKIDS1)

Family	Probation	Welfare
Atlantic		
Atlantic County Civil Court Building 1201 Bacharach Blvd Atlantic City, NJ 08401	Atlantic County Child Support 1201 Bacharach Blvd. PO Box 5129 Atlantic City, NJ 08401	Atlantic County Department of Family & Community Development 1333 Atlantic Ave, 3rd Floor PO Box 869 Atlantic City, NJ 08401
Bergen		
Bergen County Superior Court Family Part 10 Main St., Room 163 Bergen County Courthouse Hackensack, NJ 07601	Bergen County Child Support 10 Main St., Bldg. 39 Hackensack, NJ 07601	Bergen County Board of Social Services 218 Route 17 North Rochelle Park, NJ 07662
Burlington		
Burlington County Courts Facility 49 Rancocas Road, 3rd Floor Mount Holly, NJ 08060	Burlington County Child Support Enforcement Services 50 Rancocas Road, 2nd Floor PO Box 6555 Mount Holly, NJ 08060	Burlington County Board of Social Services Burlington County Human Services Facility 795 Woodlane Road Mount Holly, NJ 08060
Camden		
Camden County Hall of Justice 101 S.5th St. Camden, NJ 08103-4001	Camden County Child Support Probation 5 Executive Campus, Suite 200 PO Box 8107 Cherry Hill, NJ 08002	Camden County Board of Social Services County Administration Bldg. 600 Market St. Camden, NJ 08102-1255
Cape May		
Cape May County Family Division, Court Complex 4 Moore Road Cape May Courthouse, NJ 08210	Cape May County Probation Enforcement Court Complex 9 N.Main St., Cape May Courthouse, NJ 08210	Cape May County Board of Social Services Social Services Bldg. 4005 Route 9 South Rio Grande, NJ 08242-1911
Cumberland		
Cumberland County Family Division Courthouse Broad and Fayette streets PO Box 866 Bridgeton, NJ 08302	Cumberland County Child Support 60 W. Broad St. Bridgeton, NJ 08302	Cumberland County Board of Social Services 275 N. Delsea Drive Vineland, NJ 08360-3607
Essex		
Essex County Family Division Central Intake Unit 212 Washington St. Newark, NJ 07102	Essex County Child Support 212 Washington St., 11th Floor Newark, NJ 07102	Essex County Div. of Welfare 18 Rector St., 9th floor Newark, NJ 07102

Contact Information - 1-877-655-4371 (1-877-NJKIDS1)

Family	Probation	Welfare
Gloucester		
Gloucester County Family Div. 70 Hunter St. Woodbury, NJ 08096	Gloucester County Child Support 1893 Hurffville Road Sewell, NJ 08080	Gloucester County Board of Social Services 400 Hollydell Dr. Sewell, NJ 08080
Hudson		
Hudson County Family Division Administration Building 595 Newark Ave, Room 203 Jersey City, NJ 07306	Hudson County Child Support Child Support Enforcement Unit 595 Newark Ave, Room 301, 3rd floor Jersey City, NJ 07306	Hudson County Department of Social Services Division of Welfare JFK Office Bldg. 257 Cornelison Ave. Jersey City, NJ 07302
Hunterdon		
Hunterdon County Justice Center 65 Park Ave., PO Box 578 Flemington, NJ 08822	Hunterdon County Child Support 65 Park Ave. Flemington, NJ 08822	Hunterdon County Division of Social Services, Community Services Center 6 Gauntt Place PO Box 2900 Flemington, NJ 08822
Mercer		
Mercer County Family Court 175 S. Broad St. PO Box 8068 Trenton, NJ 08650	Mercer County Child Support 175 S. Broad St. PO Box 8068 Trenton, NJ 08650	Mercer County Board of Social Services 200 Woolverton St. PO Box 1450 Trenton, NJ 08650
Middlesex		
Middlesex County Family Courthouse 120 New St. PO Box 2691 New Brunswick, NJ 08903	Middlesex County Child Support 189 New St PO Box 789 New Brunswick, NJ 08901	Middlesex County Board of Social Services 181 How Lane PO Box 509 New Brunswick, NJ 08903
Monmouth		
Monmouth County Courthouse 71 Monument Park P.O. Box 1252 Freehold, NJ 07728-1252	Monmouth County Probation 30 Mechanic St. PO Box 1259 Freehold, NJ 07728-1259	Monmouth County Division of Social Services PO Box 3000 Kozlowski Road Freehold, NJ 07728
Morris		
Morris County Courthouse Washington Street PO Box 910 Morristown, NJ 07963-0910	Morris County Child Support Administration & Records Bldg. 10 Court St., PO Box 910 Morristown, NJ 07963-0910	Morris County Office of Temporary Assistance 340 W. Hanover St. PO Box 900 Morristown, NJ 07963-9904

Contact Information - 1-877-655-4371 (1-877-NJKIDS1)

Family	Probation	Welfare
Ocean		
Ocean County Justice Complex 120 Hooper Ave. PO Box 2191 Toms River, NJ 08754	Ocean County Child Support 213 Washington St., 2nd Floor PO Box 2191 Toms River, NJ 08754	Ocean County Board of Social Services 1027 Hooper Ave. PO Box 547 Toms River, NJ 08754
Passaic		
Passaic County Administration Bldg. 401 Grand St., 8th and 9th floors Paterson, NJ 07505	Passaic County Child Support 100 Hamilton St., 2nd floor Paterson, NJ 07505	Passaic County Board of Social Services 80 Hamilton St. Paterson, NJ 07505
Salem		
Salem County Courthouse 92 Market St. PO Box 223 Salem, NJ 08079	Salem County Child Support 85 Market St., Fenwick Bldg. PO Box 221 Salem, NJ 08079	Salem County Board of Social Services 147 S. Virginia Ave. Penns Grove, NJ 08069
Somerset		
Somerset County Courthouse North Bridge and High streets 2nd floor, P.O. Box 3000 Somerville, NJ 08876	Somerset County Child Support Somerset County Courthouse 20 N. Bridge St. PO Box 3000 Somerville, NJ 08876	Somerset County Board of Social Services 73 E. High St. PO Box 936 Somerville, NJ 08876
Sussex		
Family Intake Unit Judicial Complex 43-47 High St. Newton, NJ 07860	Sussex County Child Support Sussex County Courthouse 43-47 High St. Newton, NJ 07860	Sussex County Division of Social Services 83 Spring St PO Box 218 Newton, NJ 07860
Union		
Union County Courthouse Annex New Annex Building 2 Elizabeth Plaza, 2nd floor Elizabeth, NJ 07205	Union County Child Support 1143-1145 E. Jersey St. Elizabeth, NJ 07201	Union County Division of Social Services 342 Westminster Ave. Elizabeth, NJ 07208
Warren		
Warren County Family Case Management 413 Second St. Courthouse, PO Box 900 Belvidere, NJ 07823	Warren County Child Support 413 Second St. PO Box 900 Belvidere, NJ 07823	Warren County Division of Temporary Assistance and Social Services County House Annex 501 Second St (mail) Second and Hardwick streets Belvidere, NJ 07823

Administrative Office of the Courts (AOC)

Mailing Address

Family Division
P.O. Box 983
Trenton, NJ 08625
Child Support Hearing Officer Program

Mailing Address

Probation Child Support Enforcement
P.O. Box 976
Trenton, NJ 08625

Child Support Toll Free Numbers

Child Support Customer Service 1-877-655-4371

Child Support Websites

Federal Government	acf.hhs.gov/programs/cse
New Jersey Judiciary	njcourts.gov
Dept. of Human Services	njchildsupport.org

NEW JERSEY JUDICIARY

Stuart Rabner

Chief Justice

Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Revised 05/2017
CN: 10752

Supreme
Appellate
Tax
Superior
County
Municipal

Probation Services – Child Support Enforcement

Applying for Child Support

Customer Service Bureau

Customer Service Offices

Direct Deposit Form

Direct Deposit Program

FAQ about Child Support Enforcement

Your Guide to the NJ Judiciary Child Support Enforcement Program

Child Support Enforcement Home

Probation Services Home

Customer Service Bureau

The Judiciary has established a **Customer Service Bureau** to ensure that child support customers receive timely responses to questions and complaints. The first step for you to get help is to call the toll free hot line number, **1-877-NJKIDS-1 (1-877-655-4371)**. This number is available 24 hours a day and has information concerning payments, services available, tax offset, visitation, emancipation, custody, credit bureau reporting, termination, and how to apply for child support. Visit the New Jersey Child Support website at www.njchildsupport.org to view information and updates.

Complaints or inquiries may be submitted in writing to your local probation Customer Service Bureau. Your letter will help explain your problem, give you, the customer, a written record, and make it easier for the staff to follow developments on your case.

The following information should be included in your letter:

- Name, address and daytime phone number
- Case number
- A description of the nature of the complaint, issue or question to be answered
- The name or names of the individuals who are the subject of the complaint (if applicable)
- Any other information such as dates of prior communication or documentation that may assist probation staff

The Administrative Office of the Courts (AOC) Customer Service Bureau in Trenton may also be contacted for additional help or to receive answers to other concerns about the quality of service you have received.

For cases in which both parents reside in New Jersey, you may call **1-877-655-4371** or write to the AOC at:

Administrative Office of the Courts
Probation Child Support Enforcement
P.O. Box 976
Trenton, NJ 08625.

For cases involving other states, the number to call is **1-877-655-4371** or write to the AOC at:

Administrative Office of the Courts
Probation Child Support Enforcement
P.O. Box 960
Trenton, NJ 08625.

When you write to the Customer Service Bureau, please send copies, not originals, because the materials will not be returned. Items may be faxed to 609-984-3630.

You will be notified when your letter is received. If necessary, AOC staff will forward all documentation received to the appropriate office(s). Because each child support issue is different, the response times will vary from case to case. The goal, however, is to resolve all matters as quickly and efficiently as possible.

In some instances, you may need to be directed to an agency other than the AOC for a resolution. The Customer Service Bureau will then let you know the right office or location.

Specific information, such as Social Security numbers, cannot be released due to State and Federal regulations on confidentiality. Materials that are public record or general information, such as the services Probation offers or how to solve a problem, can be provided by the Customer Service Bureau representative.

Because certain information is confidential, child support staff are prevented from giving specific information to non-involved third parties such as a current spouse, family member or friend. Referrals received from your attorney or an elected official are processed the same as those we receive directly from you. While child support workers may provide case information to an attorney, they are prevented from giving case details to an elected representative. Therefore, a response will be sent to you with an acknowledgment letter to the officeholder that the matter is settled.

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For Judges
Quick Site Index
Citrix
eCATS
P-Synch Reset

SECTION 4:
Sample Client

Client Information

Name	George Miller
Date of Birth, Age	05/01/1990 32
What is your Gender Identity?	Male
What is your preferred Language?	English
Interpreter Needed	N/A
What is your Racial Identity?	Black/African American
Are you a veterans or current service member?	Yes

Contact information

Address	123 Main Street, Newark, New Jersey
Preferred Phone	Home Phone
Mobile Phone	973-123-4567
Email Address	g.miller@gmail.com

Adverse Party Information

Adverse Party Summary	Adverse Party Name: Nancy Smith Adverse Party Address: State: NJ Relationship Type: N/A
------------------------------	---

Case Information

Intake Date	02/28/2023
Legal Problem Code	38 Support

Part 1. Limited Scope Legal Services Acknowledgement and Understanding

This is an **Acknowledgment** between Volunteer Lawyers for Justice, its volunteers and staff and you. It contains the basic terms of our agreement to provide you with limited legal advice and assistance so that you can better represent yourself in your legal matter.

Scope of Legal Advice. You are representing yourself in your legal matter. Neither Volunteer Lawyers for Justice nor the volunteer you are meeting with today is representing you in any capacity. The volunteer agrees to provide you with legal advice based upon the information that you give him/her at the legal clinic. The volunteer is not agreeing to perform any outside investigation of the facts of your legal matter.

Duration of Legal Help. This arrangement to advise you will begin right now and will end at the completion of our meeting today. Unless agreed to in writing, neither Volunteer Lawyers for Justice nor the volunteer you are meeting with will help you in any capacity after the completion of today's appointment and or assume liability regarding the outcome of your legal matter.

Attorney's Fee and Costs. There is no cost for our meeting. You are responsible for all legal costs and fees outside of this legal clinic.

Declining to Advise. We may decline to advise you as follows:

- (1) If we have a conflict of interest – for example, if we have already advised or provided representation to the opposing party in your case, we have a legal conflict of interest and cannot provide you with any legal advice;
- (2) If your legal problems are too complicated and beyond the scope of this project; or
- (3) If for any other reason set forth in the New Jersey Rules of Professional Conduct.

CONSENT CONFIRMATION (must check one):

On _____, the LIMITED SCOPE LEGAL SERVICES

ACKNOWLEDGMENT AND UNDERSTANDING was reviewed with

"Client" (_____), **and Client provided verbal consent.**

On _____, the LIMITED SCOPE LEGAL SERVICES

ACKNOWLEDGMENT AND UNDERSTANDING was reviewed with

"Client" (_____), **and Client did not provide verbal consent.**

Volunteers:

Attorney 1

Attorney 2

Attorney 3

Part 2. Questionnaire

Appointment Date:

Veteran Client Name:

Attorney Name:

Attorney Name:

Attorney Name:

(if applicable) Non-Attorney Volunteer Name:

[Please read to veteran client after introductions, so they know what to expect from their meeting with you.]

I am a volunteer attorney partnering with Volunteer Lawyers for Justice. The purpose of today's appointment is to identify any areas where you might need additional legal advice or help. While we won't resolve the issues in our time today, you will get advice as to how to tackle the problems you face and get referrals to help you address these issues.

As we go through this interview, I will be asking some questions about legal issues you may be facing. They are not intended to embarrass you or make you feel uncomfortable. If you would rather not talk about a particular subject, let me/us know and we will move on. Before we start going through my questions:

- *Is there a particular issue that is bringing you in to see us today?*
- *Have you or anyone else in your home recently spoken to an attorney about any issues?*
- *Are there any upcoming court dates?*

Notes from initial discussion with veteran client:

Important reminders!

- VLJ provides assistance with certain civil legal issues (noted above).
- For issues not handled by VLJ/VLJ's pro bono panel, or for non-legal issues, VLJ works to provide meaningful referrals and connect veterans with other service options.
- Breaking bad news can be hard, but it is important for you as volunteers to set reasonable expectations for all veteran clients and be honest about what services we may/may not be able to provide.
- Today's goal is to identify any/all issues and help prioritize next steps.
- Provide advice on the spot whenever possible (i.e., if you know employment law and the veteran is experiencing an employment-related issues, advise appropriately).
- Provide detailed notes in right column if you have identified a legal issue.
- Complete additional questionnaires if applicable.
- **Part 3 "Volunteer Report Form" on pages 14 - 15 must be completed for each client.**

Initial Legal Issues Identified:

- Barriers to Employment (pg. 3) Driver's License Issues (pg. 3)
- Criminal Record Expungement (pg. 3) Child Support Modification (pg. 8) Financial Issues (pg. 10)
- Housing (pg. 11) Divorce (pg. 12) Children's Education (pg. 12) Estate Planning (pg. 13)
- Veterans' Issues (pg. 13) Other (pg. 13)

BARRIERS TO EMPLOYMENT	
<p>1) Are you currently employed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><u>ADVICE/NOTES</u></p>
<p>2) Have you had trouble finding a job (or the job that you want) due to any of the following? <input type="checkbox"/> Criminal record <input type="checkbox"/> Discrimination <input type="checkbox"/> Driver's license/other transportation problems <input type="checkbox"/> Other:</p> <p>NOTE TO ATTORNEY: If client has a criminal record, please go to Page 3 to make an assessment of expungement eligibility.</p>	
DRIVER'S LICENSE ISSUES	
<p>1) Is your driver's license currently suspended? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><u>ADVICE/NOTES</u></p>
<p>2) Is it suspended for New Jersey-related matters?</p> <p>3) Do you know the reason for the suspension? If so, what is it?</p> <p>NOTE TO ATTORNEY: If client has a suspended driver's license, ADVISE THE CLIENT NOT TO DRIVE WITH A SUSPENDED LICENSE. Also, note in the Volunteer Report Form that a MVC Consent Form should be sent to client.</p>	
CRIMINAL RECORD EXPUNGMENT	
<p>1) Does the client have a criminal record? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2) Please ask the client to list all convictions (not arrests). What was the date of each conviction and what was the conviction for? <i>If client is unsure, please run Promis Gavel and Municipal Court Case Search</i></p> <p>3) Is there a pending or open criminal Matter? <i>If yes, client is not currently eligible for expungement and needs to wait for a final disposition.</i></p> <p>Once the client has given you all of this information, please use the flowchart that begins on the following page in order to assess their eligibility for expungement of their New Jersey Record</p>	

4. How many indictable crime (Felony) convictions does the client have?

-If more than 1- are they from different dates, arising from different arrest?

- **YES** – Client may qualify for Clean Slate Expungement. See Question #7 below.
- **NO** – client may be eligible – **MOVE ON**

-If only 1- has it been 5 years from date of conviction, time served, payment of fine, and end of probation or parole, whoever is latest?

- **YES** – client may be eligible- **MOVE ON**
- **NO** - Has it been 4 years at least 4 years?

NO – Has it been 5 years since completion of sentence except for fine payment? If client has substantially complied with payment or could not do so for compelling reasons, client may still be eligible. Otherwise, client may be eligible for Clean Slate Expungement. See Question #7 below.

YES- Client may qualify for Lowered Time period if there are compelling reasons

5. Does the client have disorderly persons (misdemeanor) Convictions only?

- If more than 5 -client may be eligible for Clean Slate Expungement. See Question #7 below.

- If less than 5 - How Long has it been since date of Conviction, time served, payment of fine, and end of probation or parole, whichever is latest?

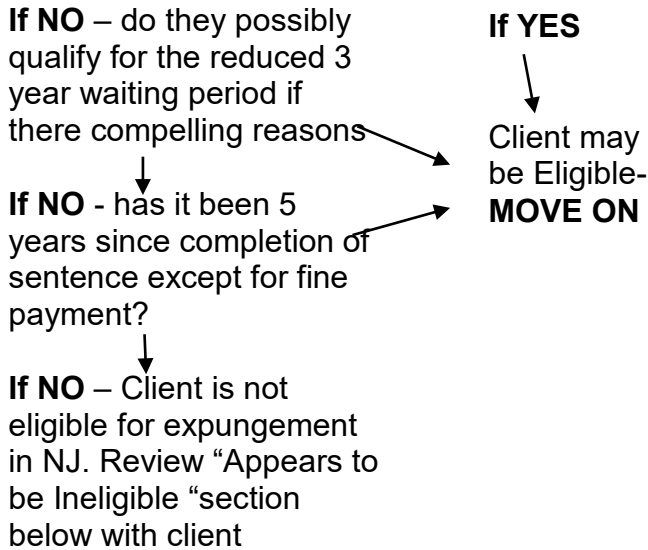
- **If more than 5 years** – Client may eligible for expungement in NJ
- **If less than 5 years but more than 3years** – Client may qualify for a reduced 3 year waiting period if there are compelling reasons
- **If less than 3 years-** Client not currently eligible for expungement.

Notes

6. Does Client have BOTH Indictable crime and disorderly person's convictions?

-If more than 1 Indictable crime or more than 3 disorderly persons – client may qualify for Clean Slate Expungement. See Question #7 below.

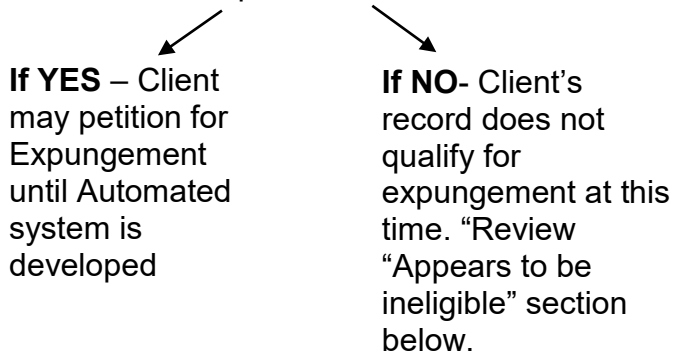
-If 1 Indictable and crime and up to 3 disorderly persons – Has it been at least 5 years since completion of sentence.



7. Does the Client Qualify for Clean Slate Expungement?

-Convictions for barred offenses?

- **If YES** – barred offenses are no eligible. Review “Appears to be ineligible” section below.
- **If NO-** has the waiting period of at least 10 years from date of conviction, payment of fine, and end of probation or parole, whichever is later, been completed?



Notes

8. Does the client have Dismissed or not guilty Charges ONLY?

Client may seek expungement of those immediately. VLJ will generally assist only if petition would result in clean record. **MOVE ON.**

9. Does Client have PTI Dismissal or conditional discharges?

Client may seek expungement of diversionary program records 6 months after successful completion of the program. **MOVE ON.**

10. Does the Client have a violation of Municipal Ordinance?

Client may seek expungement of their violation 2 years after sentence completion as long as they do not have an indictable offense conviction and only up to 2 disorderly person's convictions. **MOVE ON.**

11. Does the client have a Juvenile Record?

-If **YES**- it may be eligible for Expungement

12. Does the client have any out of state arrests or convictions? If yes, please note same.

<u>APPEARS TO BE ELIGIBLE</u>	<u>APPEARS TO BE INELIGIBLE</u>
<p>If client appears to be eligible for an expungement, ask them to obtain a full criminal case history (CCH), also known as a rap sheet, by getting fingerprinted.</p> <p>VLJ can give client directions on how to make an appointment to get fingerprinted.</p> <p>CLIENT TO NOTIFY VLJ ONCE THEY HAVE CCH.</p>	<p>If client does not appear eligible for an expungement, advise them accordingly. Ask their reasons for seeking an expungement, i.e. employment, housing, etc. Strategize with client on ways to achieve goals without an expungement, i.e. work/job readiness programs, employment programs offered through city, homeless prevention programs, etc. VLJ can give client relevant brochures.</p>

BARRED OFFENSES

- Robbery
- Criminal Homicide (except death by auto as specified in N.J.S.A. 2C:11-5)
- Kidnapping
- Human Trafficking
- Luring or Enticing
- Aggravated Sexual Assault
- Aggravated Criminal Sexual Contact
- Criminal Sexual Contact (if the victim is a minor)
- Criminal Restraint (if the victim is a minor and the offender is not the parent of the victim)
- False Imprisonment (if the victim is a minor and the offender is not the parent of the victim)
- Arson and related offenses
- Terrorism
- Endangering the Welfare of a Child by Engaging in Sexual Conduct that would Impair or Debauch the morals of the Child
- Endangering the Welfare of a Child by Photographing or Filming a Child in a Prohibited Sex Act or Simulated Sex Act, or
- Reproducing or Reconstructing such an Image Causing or Permitting a Child to Engage in a Prohibited Sexual Act
- Selling or Manufacturing Child Pornography
- Knowingly Promoting the Prostitution of the Actor's Child
- Perjury
- False Swearing Conspiracies or Attempts and to Attempt Such Crimes
- Producing or Possessing Chemical Weapons, Biological Agents, or Nuclear or Radiological Device

****Please note: this is not an exhaustive list***

ASSESSING ELIGIBILITY FOR CHILD SUPPORT MODIFICATION (DECREASE)

1) Is there an existing child support order?

YES → MOVE ON

NO → Continue discussion, but there is no order to modify.

2) Is the child support case in NJ?

YES → MOVE ON

NO → Continue discussion, but order would have to be domesticated in NJ (if that jurisdiction is now proper) before it can be modified. Alternatively provide legal services information for the appropriate state.

3) Does the client have one of the below changed circumstances?

The changed circumstance from the last child support order must be permanent and substantial to support making a request to reduce child support.

- Has the client experienced a change in income or employment status? Is the job loss permanent and involuntary?
 - When did this change take place and what caused it?
 - Has the client been unemployed for at least three months?
Note: each case is fact-sensitive and all judges rule differently, but most judges will require at least three months of unemployment.
 - Has the client had the opportunity to look for new employment in the same field? Different field?
 - Does the client have any other sources of income, such as personal savings or retirement savings? Most judges will require a parent to spend down these accounts before a child support reduction is ordered.
- Has the custodial parent inherited money, received a large raise or otherwise increased their ability to support the children since the order was put in place?
- Has the client become permanently disabled since the order was entered? Please note what, if any disability benefits are being received.
- Has the client had additional children since the order was entered?
- Does the client now have multiple support orders?
- Has the client increased parenting time since the order was put in place?
- Is the client experiencing work-related child care costs since the order was put in place?
- Has the client been paying for significant medical expenses for that child since the order was put in place?
- Has the client been paying educational costs for that child since the order was put in place?
- Has the client been incarcerated for 1 year or more since the order was put in place?
- Does the client not meet the self-support reserve test?

If **NONE** of these changes are relevant to client or his/her case, the client probably does not have grounds to file a motion.

If answer is **YES** to one or more of the above, the client may have grounds to file a motion for modification of support.

NOTES

ASSESSING ELIGIBILITY FOR CHILD SUPPORT MODIFICATION (DECREASE)

4) Should the dependent be emancipated? Has the dependent married? Was dependent's age of emancipation extended to 23 but circumstances have changed? For example, the dependent is not in school full-time as planned when emancipation extension was granted.

If **YES**, the dependent should likely be emancipated. MOVE ON.

If **NO**, dependent is not likely a candidate for emancipation.

IF CLIENT APPEARS ELIGIBLE:

1. Note in Volunteer Report Form that client appears to have grounds to request a modification of their child support order.
2. Complete child support intake questionnaire with client.
3. Ask client to gather copies of prior family court orders and forward to VLJ. If client requires assistance with obtaining copy of their orders from the court, please complete a [Record Request Form](#) with the client and forward same to VLJ to file on client's behalf.

NOTE: Docket Number is REQUIRED for a record request.

4. Ask client to gather copies of their recent tax returns, paystubs, disability letters etc.

IF CLIENT APPEARS TO BE INELIGIBLE:

Discuss other ways to meet child support payments, including employment opportunities, disability and other benefits.

Brainstorm other ways to help client's financial situation.

NOTES

FINANCIAL ISSUES

FINANCIAL ISSUES	
1) How would you describe your financial situation (i.e. ability to pay bills)?	<u>ADVICE/NOTES</u>
2) Do you have a lot of credit card/medical/student loan debt? <input type="checkbox"/> Yes <input type="checkbox"/> No (NOTE: If so, get more details and list same)	
3) Do you have any other debt (i.e. do you owe money to family or friends)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
4) Are you getting phone calls and/or letters about outstanding bills? <input type="checkbox"/> Yes <input type="checkbox"/> No	
5) Have you been sued by any of the people to whom you owe money? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6) Are your wages being garnished/has your bank account been levied? <input type="checkbox"/> Yes <input type="checkbox"/> No	
7) Do you ever have trouble making your rent/mortgage payments? <input type="checkbox"/> Yes <input type="checkbox"/> No	
8) If you are currently behind, how many months are you behind?	
9) Do you owe money for any parking or traffic tickets? <input type="checkbox"/> Yes <input type="checkbox"/> No	
10) If so, has your driver's license been suspended as a result? <input type="checkbox"/> Yes <input type="checkbox"/> No	
11) Do you file taxes each year? <input type="checkbox"/> Yes <input type="checkbox"/> No	
12) Have you had trouble filing/do you need assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No	
13) Do you owe any back taxes (state or federal)? <input type="checkbox"/> Yes <input type="checkbox"/> No	

<p>If SIGNIFICANT DEBT ISSUES:</p> <p>14) Have you ever filed or considered filing for bankruptcy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>15) If you have previously filed, in what year did you file?</p> <p>NOTE TO ATTORNEY: If the client has had a bankruptcy discharge in the past eight years, they are NOT currently eligible to file for Chapter 7 bankruptcy. Otherwise, please complete a bankruptcy questionnaire.</p>	
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HOUSING

<p>1) What is your living situation?</p> <p><input type="checkbox"/> Rent a home</p> <p><input type="checkbox"/> Own a home</p> <p><input type="checkbox"/> Homeless</p> <p><input type="checkbox"/> Live in a shelter</p> <p><input type="checkbox"/> Other: _____</p>	<p><u>ADVICE/NOTES</u></p>
---	-----------------------------------

If RENTER:	
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<p>2) Has your landlord filed an eviction proceeding against you in court or threatened to evict you?</p> <p>3) Are you behind on your rent? If yes, how far behind?</p> <p>4) Do you receive subsidized housing (Section 8, vouchers, etc)?</p> <p>5) Are you having any of the following problems?</p> <p><input type="checkbox"/> Repairs not being done</p> <p><input type="checkbox"/> Heat doesn't work</p> <p><input type="checkbox"/> Mold, bugs, or rodents</p> <p><input type="checkbox"/> Unsafe conditions</p> <p><input type="checkbox"/> Other: _____</p>	
---	--

<p>NOTE TO ATTORNEY: If the answer to 2 or 5 is yes, please complete the "Housing/Eviction Questionnaire" available for download on VLJ's Veterans Volunteer Resources webpage (https://www.vljj.org/veterans-volunteer-resources).</p>	
---	--

DIVORCE

1) Are you currently going through a divorce or separation?

Yes No

If YES:

2) Have you or has your spouse filed for divorce yet?

Yes No

3) Where are you in the process?

ADVICE/NOTES

CHILDREN'S EDUCATION

1) Are any of your children being bullied or harassed in school?

Yes No

2) Are any of your children being repeatedly suspended or disciplined in school?

Yes No

3) Do any of your children have an IEP or receive special education services?

Yes No

4) If no, do you believe your child is in need of them?

Yes No

5) Do you believe the services in your child's IEP are not appropriate?

Yes No

6) Do you believe your child's current school is not able to provide an appropriate education for your child?

Yes No

ADVICE/NOTES

ESTATE PLANNING

1) Do you currently have a will, medical directive, or power of attorney document?

Yes No

2) If not, do you want one?

Yes No

NOTE TO ATTORNEY: If client is interested in a will or other estate planning, please complete an Estate Planning Questionnaire with them.

ADVICE/NOTES

VETERANS' ISSUES

1) Have you enrolled with the VA?

Yes No

NOTE TO ATTORNEY: Encourage all veterans to enroll with the VA, even if they don't need healthcare or other services now. It becomes more difficult to enroll as the years progress after discharge.

2) Are you having trouble accessing benefits or other services from the VA?

Yes No

NOTE TO ATTORNEY: If yes, refer to VSO Contact Information Sheet on VLJ's Veterans Volunteer Resources webpage (<https://www.vljinj.org/veterans-volunteer-resources>).

OTHER ISSUES

NOTE TO ATTORNEY:

Please ask the client if they have any other issues they would like to discuss.

Part 3. Volunteer Report Form

Please complete the questions below based on your conversation with the veteran and what you learned through completion of the Veteran Legal Wellness Questionnaire. The goal is to report to VLJ what was completed during the appointment AND to help VLJ prioritize the next steps for the veteran.

VLJ staff will use this form to record pro bono time, note the advice given, and prepare actionable next steps for veterans to move forward with identified legal (and non-legal) issues. Upon completion submit packet via email to Veterans Legal Program (staff attorney and legal assistant).

Feedback on attorney/client meeting

Please provide detailed information about the following:

- Any action items for clients, including any upcoming deadlines.
- Any advice / information your team relayed to veteran during the course of the appointment.
- Which, if any, of the additional questionnaires were completed with veteran in addition to Wellness Questionnaire (for example, estate planning, housing/eviction, bankruptcy, child support).

Issues identified for/by veteran client

Please list the issues identified in order of priority. Example includes: facing eviction in New Jersey, unhoused/in need of stable housing, looking to appeal VA benefits decision, seeking to modify an existing NJ child support order, etc.

Note:

- If veteran client is seeking an expungement, please indicate whether your team found the client eligible to seek an expungement under the current statute and through completion of Wellness Questionnaire.
- If veteran is seeking to modify an existing NJ child support order, please indicate whether your team determined that the client is a good candidate to seek a modification presently.

Priority 1:

Priority 2:

Priority 3:

Priority 4:

Priority 5:

Priority 6:

Are you or are any volunteers from your team interested in continuing to assist this veteran client beyond today's clinic? If so, indicate which volunteer and which legal issue. Examples include being a "buddy" to help client obtain records, providing representation, etc.

Even if someone from today's team is unable to continue, please consider your law firm's / legal department's areas of expertise and whether a referral could be made to your office generally. It would be extremely beneficial for veteran to be able to obtain consistent, continued assistance with one (or more) of the issues identified.

Total time spent with veteran client:

Additional Notes:

Save and Submit via email to Veterans Legal Program staff (staff attorney and legal assistant).

Complaint Detail

[Back](#) [New Search](#)

Case: S 2009 849 Court: 2009 Type: Complaint Defendant: ██████████ Status: Disposed

Defendant Information

Name: ██████████ Gender: Female Eyes: Brown

Court Information

Court Date: 10/14/2009 Court Time: 05:30 PM Court Room: 0100

Complaint Information

Complaint Number: S 2009 849 Issue Date: 09/27/2009 Offense Date: 09/27/2009 01:45 AM Arrest Date: 09/27/2009
 Court: 2009 - LINDEN CITY MUNICIPAL COURT Agency & Officer ID: 2009 8116 Police Case No: 9038317
 Mun. Of Offense: 2009 Co-Def Count: 0
 Complainant: ██████████
 Transferred To: Transferred From:
 Reason:
 Status: Disposed Time Payment: Warrant: Bail:
 Last Action Date: 09/28/2009

Charge Information

[2C:12-1A](#)
 Description: SIMPLE ASSAULT
 Charge Status: Disposed Degree: Non-Indictable

Disposition Information

Plea: No Plea Plea Date: 10/14/2009 Disposition Date: 10/14/2009 Finding: Dism - Other
 Conditional Discharge Status: License Surrendered: No Modify Type:

Additional Information

[Involved Persons](#)

Person/Officer	Type	Attorney ID	Agency Name
██████████	Officer		

[Back](#) [New Search](#)



Criminal Cases: PROMIS/Gavel Public Access: Aggregate Sentence

Prior Fees Additional Fees

CASE NUMBER : 12003140	DEF SEQ NO: 002
DEFENDANT NAME: [REDACTED]	SENTENCE SEQ NO: 001
CHARGING DOC : INDICTMENT	CDR NO: 0000
CHARGE COUNT : 008 STATUTE : 2C:5-2	IND/ACC NO : 12-06-01604-I
STATUTE : CONSPIRACY	
STATUTE DEG : THIRD DEGREE	SENTENCE CONT : AGGREGATE SENTENCE
SENTENCE DISP : NON-CUSTODIAL	JAIL DAYS: 0021 INCAR LENGTH: 000Y00M000
PLACE SENTENCE: GAP: 0000 PRIOR SVC: 0000 ROSADO: 000	
PAROLE INELIG : 00Y00M000 PAROLE SUPERVISION: 00Y00M000	CSL/PSL :
PROBATION TIME: 02Y00M COMM SERV HR: 0100	LICENSE SUSP : 000
SENTENCE DATE : 11 09 2012	
JUDGE : [REDACTED]	RO-1 : RO-2 :

-----FEES AND FINES-----			
SNSF :	75.00	LETF :	30.00
		VCCA :	50.00
LAB :		DESI :	
		PROB :	5.00
:		:	
:		:	



Taking Cases. Changing Lives.

P.O. Box 32040 | Newark, NJ 07102
Telephone (973) 645-1955 | Fax (973) 645-1954

TO BE COMPLETED BY VLJ STAFF:
 VLJ staff reviewing: _____
 Legal Issue: _____
 Action taken: Advice only
 Case List
 Reject
 Documents due: _____

Child Support Questionnaire

Your name: _____

Date: _____

Do you want to:

- Modify your child support order (complete section A)
- End your child support order/emancipation (complete section A & B)

GENERAL QUESTIONS

1. Explain to client that quarterly child support clinics are for pro se litigants and is a self-help clinic. The attorney may assist you with writing your motion but you are responsible for serving and filing your motion and appearing in court. VLJ will not provide you with an attorney to represent you in court.
2. Explain to the client that completing this intake it not a guarantee of legal services from VLJ. The questionnaire completed will be reviewed by a staff attorney within one week. We will contact you by phone to advise if we are able to assist you. If you do not hear back from us within one week, you are free to contact the office to find out the status of your file.
3. How many children do you have? 1
4. Please list the name(s) and age(s) of your child(ren)

5. Please list the names(s) of the other parent(s) *(run conflicts if not already checked)*

6. What assistance are you seeking that prompted you to contact our office for help with your child support case?

7. Are there a pending court dates for this child support case? If yes, when?

8. Are there any other issues connected to this child support case? (*Parenting time enforcement, changes of custody, etc.*)

A. MODIFYING CHILD SUPPORT

1. Are you on active duty status or are you a veteran? _____

2. If a veteran, when did you leave the military? _____

3. What was your discharge status? _____

4. Were you ever incarcerated? Yes No

5. If yes, please provide dates and location of incarceration: _____

6. During your incarceration, did you ever file a motion to suspend or modify your child support obligation? Yes No

a. If yes, when did you file this motion: _____

b. What was the result of this motion: _____

7. When was the date of your last child support order? _____

8. County and state where order was issued? (*if unknown tell client to call back with information*) _____

(Stop the interview if the child support order was established outside of NJ. Provide the caller with the telephone number for their local county UIFSA (child support) office.)

9. What is the child support case number (“CS” Number used by Probation)?

(If client does not know, ask client to visit <https://caseinfo.njchildsupport.org/> or call NJ Kids at 1-877-655-4371 to set up their NJKIDS account where they can access their CS number and additional information regarding payments and arrears. Tell client to call back with information)

10. What is the docket number (“FM”, “FD”, or “FV” number used by court)?

FD - 12- 1234-20

(If unknown tell client to call back with information; see above note)

11. Do you need assistance requesting your file from the family court? Yes No

If yes, do we have your permission to order your file? Yes No

12. Are you paying or receiving child support? Paying Receiving

13. What is the amount of the child support obligation? \$_____per weekmonth

14. Is child support paid through probation? Yes No

15. Is the support up to date or is back support (arrears) owed in this case? If back support is owed, what is the amount? _____

16. Did the court order you to pay an additional amount of money towards the arrears?

Yes No

a. If yes, arrears repayment amount? \$_____ per week month

17. Is there a bench warrant for non-payment of child support? Yes No Unsure

18. Do you want to increase or decrease child support? Increase Decrease

19. Please list the children included in this order and if they are emancipated:

Name of Child	Date of Birth	Age	Child lives with? (Full name) (Emancipated?)	Is child in school full time? (Y/N) If no, list year school completed	Has this child resided in NJ for the past 6 months? (Y/N)	Is this child disabled? (Y/N)

20. Do you have any children who are not included in the order, but who should be? If so, please list the child's name and age: _____

21. Do any of the children receive Social Security Income (SSI) due to their own disability?

Yes No If yes, how much per month? \$_____

22. Do any of the children receive welfare benefits, cash assistance, Medicaid, or other public assistance? Yes No If yes, how much per month? \$_____

23. Is there an active DCP&P case (*formally known as DYFS*)? Yes No

24. Have you applied to modify your child support in the past? Yes No

25. If yes, when and what was the outcome of that application? _____

26. Are you employed? Yes No

27. If not employed, are you disabled? Yes No

28. If you are disabled,

a. What is your disability? _____

b. Are you receiving disability benefits? Yes No

c. If yes, what type of benefits (Veteran's, SSI, SSD, Worker's Comp, private disability)? _____

i. How much are the benefits? _____

ii. Are your children receiving separate benefits (derivative) due to your disability? If yes, please list the amount they receive. \$ _____

d. If no, why not (application pending, benefits denied, didn't apply, etc.)? _____

29. If employed:

a. Name of employer: _____

b. Occupation & title: _____

c. Are you employed? Full-time Part-time

d. If part-time, why not full-time employment? _____

e. Length of time with your current employer: _____

f. Hourly rate: \$ _____

30. If unemployed:

a. When did you stop working? _____

b. What was the reason you stopped working?

Terminated/fired

Moved out of area

Laid off

Medical reasons

Hours reduced

Care of small or disabled children

Other: _____

c. How much did you earn at your last job? \$ _____

d. What was your title? _____

e. How long were you working at your last job? _____

f. Are you looking for work? Yes No

- g. How long have you been actively seeking work? _____
- h. Are you working with an employment agency? Yes No
- i. How are you supporting yourself now? (*General assistance, family members or friends, etc.*) _____

31. What is your level of education?

- a. GED
- b. High school
- c. Trade school, list degree & date of completion: _____
- d. Associate degree, list degree & date of completion: _____
- e. College degree, list degree & date of completion: _____
- f. Graduate degree, list degree & date of completion: _____

32. Are you currently enrolled in school? Yes No

- a. If yes, what type of program and number of hours per week: _____

33. Is there anything else we should know about this child support case? _____

34. Do you have children with another person? Yes No

35. If yes, please list their names and ages of children and other parent: _____

36. Were you ordered to pay child support for these children? Yes No

- a. What is the amount of the child support obligation? \$_____per week month
- b. County and State where order was issued? _____
- c. What is the child support number? _____
- d. What is the docket number? _____
- e. How many children are included in the order? _____
- f. Is child support paid through probation? Yes No
- g. Is the support up to date or is back support (arrears) owed in this case? If back support is owed, what is the amount? _____
- h. Is there a bench warrant for non-payment of child support? Yes No Unsure

37. Do you want to modify this order? Yes No

38. Is there anything else we should know about this child support case? _____

B. ENDING CHILD SUPPORT (EMANCIPATION)

39. Please list the children included in this order that you want to emancipate:

Name of Child	Date of Birth	Age	Child lives with? (Full name)	Is child in school full time? (Y/N) If no, list year school completed	Is child married, employed full-time or enlisted in the armed forces? (Y/N)	Has this child resided in NJ for the past 6 months? (Y/N)	Is this child disabled? (Y/N)

40. Have you applied to emancipate any of these children in the past? Yes No

41. If yes, what was the outcome of that application? _____

42. Why do you believe the child should be emancipated? _____

43. Is there anything else we should know about this emancipation case? _____

Estate Plan Information Form for Unmarried Client

Please provide the following information about yourself:

Full Legal Name:

Date of Birth:

Home Address:

Telephone #s: Home:
 Cellular:

E-Mail Address:

Are you currently married, or have you ever been married (and if previously married, how did the marriage end – divorce, death of spouse)?

Please provide the full legal names, relationship and age for your immediate relatives (children, grandchildren, parents).

Please identify any other relatives, friends or charitable organization for whom you wish to make provisions at your death in your estate plan:

Goals for Disposing of Assets at Your Death. In general, how would you like your assets to pass upon your eventual death? Who should inherit, and in what percentages or dollar amounts? Are there particular assets you want to pass to one or more particular individuals? Please provide your overall thoughts and planning goals in the space below.

Are any of the people you wish to provide for at your death not US citizens or permanent residents (green card holders)? If yes, please identify those individuals:

Are there particular issues or situations concerning your intended beneficiary about which we should be aware (special needs beneficiaries, issues regarding one of your intended beneficiaries, family situation, creditor issues for you or a beneficiary)? If so, please note below with a brief explanation.

Management of Financial Affairs (Power of Attorney):

Please consider who you wish to authorize to manage your financial affairs for you if you become incapacitated during your life or are for any reason unable to manage your financial affairs for yourself. **Indicate the name, address and phone number of the individual you would designate** to hold this authority, and, if possible, a second individual to serve as the “back-up” if your first choice cannot serve in that role for any reason:

Primary choice: _____

Secondary choice: _____

Health Care Decision-Making (Health Care Directive):

Please consider who you wish to authorize to make medical decisions for you if you become incapacitated during your life or are for any reason unable to make or communicate your own wishes regarding medical care and treatment. **Indicate the name, address and phone number of the individual** you would designate to hold this authority, and, if possible, a second individual to serve as the “back-up” if your first choice cannot serve in that role for any reason:

Primary choice: _____

Secondary choice: _____

Schedule of Assets

Description	Approximate \$ value
(a) Real estate that you own,	
Address of property:	
(b) Tangible items	
Jewelry	
Furniture	
Vehicle(s)	
Other	
(c) Cash (including checking/savings accounts)	
Name of bank(s)	
(d) Stocks, bonds or other investments	
Name of institution where account(s) maintained:	
(e) Retirement savings (identify type of account)	
Name of company where account(s) maintained	
(f) Any money owed to you by others	
(g) Any other assets you own not included above	
<i>TOTALS</i>	

Please indicate if any of the assets you identified above are owned by you together with another individual or individuals (for example, a bank account or real property owned jointly with another individual) – if so, identify the co-owner(s).

Please indicate if any bank or investment account listed above has one or more beneficiaries identified to receive that account upon your death:

If you hold life insurance, please fill in the information below:

Name of insurer	Coverage amount	Type of insurance (term or life insurance)	Current cash surrender value (if any)	Policy Owner	Beneficiary of the policy and relationship to you
	\$		\$		

List any significant debts you have currently (mortgage, credit cards, other):

If you own a home, does anyone else live there with you and is dependent on you for their housing needs?

Do you support any other persons financially? If so, please provide details:

SECTION 5:

Non-Attorney Volunteer Guide

EXPUNGEMENT SEARCHES CHECK LIST

- Check MCCS for arrests that were addressed in municipal court – normally disorderly person’s offense
- Check Promis Gavel for arrests disposed of in Superior Court – normally Indictable offenses
- Capture/ screenshot any records found and forward to VLJ with Volunteer Report Form

Quick Guide to running MCCS and Promis Gavel Searches

Municipal Court Case Search (MCCS)

<https://portal.njcourts.gov/webe41/MPAWeb/>

Title 2C: is the New Jersey code for criminal matters

- Enter **name**, **date of birth** and/or **complaint number**, then enter the Captcha characters, and hit “submit.”
- **Case List** screen appears. Screenshot each page of the case list. (For an example, page 1 of the case list screen yielded a list of charges; screenshot the list of charges on page 1 and so on.
- Click the **clear bubble** on the left hand side and hit “**View Summary**”
- **Case Summary** screen appears and then hit “**View Additional Details**”
- Capture/ screenshot the “**Complaint Detail**” page
- Located at the bottom of the page where it states “**Charge Information**” – if multiple tabs then click on the additional tabs to view each tab and capture/screenshot that information.

Promis Gavel

<https://portal.njcourts.gov/webe41/ExternalPGPA/CaptchaServlet>

- Enter the Captcha characters and hit “**I Accept**”
(Note, if you have a “pop-up blocker” on your computer, you will not be able to access the additional screen for Promis Gavel)
- Enter the **name** or **complaint number** and hit “search”
- Review the “**Defendant Name List**”, search for the client’s birth year and click the clear bubble located on the left hand side.
- Hit “**Case List**” and screenshot the case list page then click on the clear bubble located on the left hand side.
- Capture the “**Defendant Detail**” page
- Go to “**Charges**” located at the right hand side
- Hit “**Accusation**”
- Capture “**Indictment/Accusation Detail**” page. Click the downward arrow next to “**Page: 1**” to ensure that you have captured all the pages.
- Once you have captured all of the charges under “**Indictment/Accusation Detail**” go back to the page of **Defendant detail** and hit the “**Sentence**” tab.
- Capture the “**Aggregate Sentence**” page. Click the downward arrow next to “**Page: 1**” to ensure that you have captured all the pages.



New Jersey Judiciary Records Request Form

Request Date

Preferred Delivery

- Pick Up
- US Mail
- On Site Inspection
- Fax
- Email

Request Needed By

Part A: Requestor Identification

Last Name		First Name		Middle Initial	
Address			Daytime Telephone (Include area code) ext.		
City		State	Zip Code	Fax/Email (optional)	

Part B: Records Request Processing Location

Please select one of the locations below to process your records request.

County _____	<input type="checkbox"/> Appellate Division Clerk's Office	<input type="checkbox"/> Office of the Administrative Director
Division _____	<input type="checkbox"/> Supreme Court Clerk's Office	<input type="checkbox"/> Municipal Court _____
<input type="checkbox"/> Superior Court Clerk's Office	<input type="checkbox"/> Tax Court Clerk's Office	<input type="checkbox"/> Other _____

Part C: Case Identification

Case Name			Docket/Complaint/Ticket Number*		
*In Criminal and Municipal Cases, if you do not know the docket number, please provide Defendant's information: Defendant Name and alias(es), if any			Defendant Birth Date	Last 4 digits of Defendant's Social Security Number	
Indictment/Arrest Date	Indictment/Accusation/ Complaint/Municipal Number	Appeal Number	Sentencing Date	Name of Sentencing Judge	

Part D: Records Requested by Division

Please describe records requested as completely as possible. Include any case numbers, dates and names of individuals involved. Attach additional pages if necessary.

Part E: Copy Fees

Copy Fees: 5¢ per page letter size 7¢ per page legal size	Special Copy Requests - Additional fees will be charged <input type="checkbox"/> Seal only <input type="checkbox"/> Certified without Seal <input type="checkbox"/> Certified with Seal <input type="checkbox"/> Exemplified (includes Seal)	Are you a named party or attorney in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No
---	---	---

For Judiciary Use Only

Disposition <input type="checkbox"/> Delivered <input type="checkbox"/> Denied <input type="checkbox"/> Unavailable	Disposition Date
--	------------------

If request is denied or records are unavailable, explain here. Attach additional pages if necessary.

For Tax Court Records return this form to: txctrecords.mailbox@njcourts.gov
For all other requests return this form to: [Judiciary Electronic Documents Submission system \(JEDS\)](#)

 <p>New Jersey Courts www.njcourts.gov</p> <p>Independence • Integrity Fairness • Quality Service</p>	<h2 style="margin:0;">New Jersey Judiciary Records Request Form</h2>	Request Date Request Needed By	Preferred Delivery <input type="checkbox"/> Pick Up <input type="checkbox"/> US Mail <input type="checkbox"/> On Site Inspection <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Email
--	--	---------------------------------------	--

Part A: Requestor Identification

Last Name	First Name	Middle Initial
Address		Daytime Telephone (Include area code) ext.
City	State	Zip Code
Fax/Email (optional) documents@vljnj.org		

Part B: Records Request Processing Location

Please select one of the locations below to process your records request.

County <u>Morris</u>	<input type="checkbox"/> Appellate Division Clerk's Office	<input type="checkbox"/> Office of the Administrative Director
Division <u>Family Part</u>	<input type="checkbox"/> Supreme Court Clerk's Office	<input type="checkbox"/> Municipal Court _____
<input checked="" type="checkbox"/> Superior Court Clerk's Office	<input type="checkbox"/> Tax Court Clerk's Office	<input type="checkbox"/> Other _____

Part C: Case Identification

Case Name	Docket/Complaint/Ticket Number*
*In Criminal and Municipal Cases, if you do not know the docket number, please provide Defendant's information:	
Defendant Name and alias(es), if any	Defendant Birth Date Last 4 digits of Defendant's Social Security Number
Indictment/Arrest Date	Indictment/Accusation/Complaint/Municipal Number
Appeal Number	Sentencing Date Name of Sentencing Judge

Part D: Records Requested by Division

Please describe records requested as completely as possible. Include any case numbers, dates and names of individuals involved. Attach additional pages if necessary.

Please include the complete case records for [Docket number] , including but not limited to:

- 1) all court orders for child support,
- 2) all court orders for enforcement,
- 3) child support guidelines/worksheets used to calculate child support amount, and
- 4) all accountings from probation regarding child support account.

Part E: Copy Fees

Copy Fees: 5¢ per page letter size 7¢ per page legal size	Special Copy Requests - Additional fees will be charged <input type="checkbox"/> Seal only <input type="checkbox"/> Certified without Seal <input type="checkbox"/> Certified with Seal <input type="checkbox"/> Exempted (includes Seal)	Are you a named party or attorney in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	--	--

For Judiciary Use Only

Disposition <input type="checkbox"/> Delivered <input type="checkbox"/> Denied <input type="checkbox"/> Unavailable	Disposition Date
--	------------------

If request is denied or records are unavailable, explain here. Attach additional pages if necessary.

For Tax Court Records return this form to: txctrecords.mailbox@njcourts.gov
For all other requests return this form to: Judiciary Electronic Documents Submission system (JEDS)

Referrals

VLJ can only assist with certain civil legal issues. If the veteran you are assisting needs help with any of the following issues, please provide the contact information for the applicable agency.

Civil Rights/ Civil Liberties/ Constitutional Law: American Civil Liberties Union at 973-642-2084

Criminal Defense: Local public defender at <https://www.state.nj.us/defender/structure/regions/>

DCP&P (formerly DYFS): Public Defender, Parental Representation at <https://www.state.nj.us/defender/regional/#3>

Discharge Upgrade: GI Go Fund at 973-802-1479, ext 703

Employment and Training:

- MOVES at 1-315-687-8387 or info@movesnj.com
- Goodwill HVRP at 973-481-2300 or <https://goodwillnynj.org/>

Health Care Issues

- Legal Services of NJ at 973-624-4500
- Community Health Law Project at 973-680-5599

Immigration: American Friends Service Committee 973-643-1924

Military/ Administrative Law: NJSBA Military Legal Assistance Program at 732-937-7514

Non-NJ Legal Issues : Applicable State's Local Lawyer Referral Service

Personal Injury: Local Lawyer Referral Service at <https://tcms.njsba.com/PersonifyEbusiness/Default.aspx?TabID=2011>

Veteran Benefits: Local County Veteran Service Officer. See list below for contact information

Veteran Housing Assistance: Soldier On at 413-427-924

****Additional Resources**: Catholic Charities 856-342-4100**

County Veterans Service Office (VSO) Contact Information

Atlantic County

Atlantic County Veteran Services

Robert L. Frolow, *Director*
Phone (609) 677-5700
Fax: (609) 677-5705

Bergen County

Bergen County Division of Veteran Services

Fred Hayo, *Director*
Phone: 201-336-6325
Fax: 201-336-6327

Burlington County

Burlington County Dept. of Military and Veterans' Services

Evelyn Rosado, *Division Head*
E-mail: Erosado@co.burlington.nj.us

Sonya Bulluck, *Assistant Veteran's Service Officer*
E-mail: Sbulluck@co.burlington.nj.us

Charlene Walker, *Veteran's Service Officer*
E-mail: Cwalker@co.burlington.nj.us

Jose Melendez, *Veteran's Service Officer*
E-mail: Jmelendez@co.burlington.nj.us

Phone: 609-265-5008
Fax: 609-265-3184
E-Mail: veterans@co.burlington.nj.us

Monday – Friday 8:00
AM – 5:00PM

Camden County

Camden County Office of Veterans Affairs

Ted Gallagher, *Director*

Phone: 856-374-5801
Fax: 856-374-5302

Melinda Kane, *Freeholder Liaison*
Phone: 856-225-5563
E-mail: melinda.kane@camdencounty.com

Cape May County

Cape May County Veterans' Bureau
David Louderback, *Director, Veteran's Service Officer*
E-mail: david.louderback@co.cape-may.nj.us

John Carlston, *Veteran's Service Officer*

Gerald M. Thornton, *Freeholder Liaison*
E-mail: thornton@co.cape-may.nj.us

Phone: 609-886-2762
Fax: 609-886-4161

Monday – Friday
8:30 AM - 4:30 PM

Cumberland County

Cumberland County Dept. of Veterans Affairs
Diana M. Pitman, *Director*
E-mail: dianapi@co.cumberland.nj.us

George Castellini, *Freeholder Liaison*

Carol Musso, *Alternate*

Phone: 856-238-6800
Fax: 856-238-6813

Monday – Friday
9:00 AM - 4:00 PM

Essex County

Essex County Veterans Bureau

Phone: 973-395-8375 (This is a general number for Senior Services)

Gloucester County

Gloucester County Office of Veterans' Affairs
Phone: 856-401-7660

Hudson County

Hudson County Veterans' Service Office

JoAnn Northgrave, *Coordinator, Veteran's Service Officer*

E-mail: jnorthgrave@hcnj.us

Fernando Colon, *Veteran's Service Officer*

E-mail: fcolon@hcnj.us

Phone: 201-369-3430

Fax: 201-395-5660

Hunterdon County

Hunterdon County Veteran Services Office

Richard Booth, *Veteran Services Officer*

Phone: 908-788-1361

E-mail: rbooth@co.hunterdon.nj.us

Monday – Friday

8:30 AM – 4:30 PM

Mercer County

Mercer County Veteran Services

Medina Wilson, *Divison Chief*

Phone: 609-989-6120

Fax: 609-396-5438

Middlesex County

Middlesex County Veterans Services

Doug Breen, *Coordinator*,

Phone: 732-745-4051

Monmouth County

Monmouth County Veterans Services Office

Debbie Bottomley, *Director, Veteran's Service Officer*

William Gardell, *Veteran's Service Officer*

Ken Brenzel, *Veteran's Service Officer*

Phone: 732-683-8675

Fax: 732-683-8676

Monday – Friday

8:30 AM – 4:30 PM

Morris County

Morris County Veteran Services Office

Michael H. Williams, *Veterans Service Officer*
Phone: 973-285-6866

Passaic County

Passaic County Veterans' Services

Wilfredo Rodriguez, *Veterans' Service Officer*
Phone: 973-569-4090
Fax: 973-256-5716
E-mail: wilfredor@passaiccountynj.org

Ocean County

Ocean County Veterans Service Bureau

Phone: 732-929-2096

Director retired so call in January (2022) once they have someone permanent.

Salem County

Salem County Veterans Service

Joe Hannagan

Phone: 856-339-8603

Cell: 609-774-7450

Fax: 856-878-4639

E-mail: veterans@salemcountynj.gov

E-mail: Joseph.Hannagan@salemcountynj.gov

Monday – Friday

8:30 AM – 3:30 PM

Somerset County

Somerset County Office of Veterans Services

Peter Niemiec

Jean O'Brien

Phone: 908-704-6329

Fax: 908-575-3910

E-mail: veterans@co.somerset.nj.us

Sussex County

Sussex County Veteran Services

Phone: 973-347-8333

E-mail: Bill.robinson@dmava.nj.gov

Thursday, Alternating Fridays

8:30 AM – 4:30 PM

Union County

Union County Office of Veteran Services

Janna Williams, *Coordinator*

Phone: 908-527-4918

Fax: 908-352-3980

E-mail: jwilliams@ucnj.org

Richard Zalinkanskas Phone: 908-527-4946

Kenneth M. Glick Phone: 908-527-4719

Monday – Friday

8:30 AM – 4:30 PM

Warren County

Warren County Veterans' Services Office

Phone: (908) 475-2413

DMAVA Veterans Service Offices (VSO) Contact Information

Atlantic / Cape May County

Alicia Kagan
Phone: 609-441-3060
Fax: 609-441-3899
E-mail: Alicia.Kagan@dmava.nj.gov

Monday – Friday
8:00 AM - 4:00 PM
Closed Alternate Fridays

Bergen / Passaic County

Joseph Restivo
Phone: 201-996-8050 / 8051
Fax: 201-996-8009
E-mail: Joseph.Restivo@dmava.nj.gov

Monday - Friday
8:00 AM - 4:00 PM

Burlington County

See Above for County VSOs

Camden / Gloucester County

Matthew Still
Phone: 856-853-4184 / 4185 / 4186
Fax: 856-384-3772
E-mail: Matthew.Still@dmava.nj.gov

Monday - Friday
8:00 AM - 4:00 PM
Closed Alternate Fridays

Essex / Union County

DeAndre Gurley
Phone: 973-297-3336
Fax: 973-642-0830
E-mail: DeAndre.Gurley@dmava.nj.gov

Monday - Friday
8:00 AM - 4:00 PM

Newark Liaison Office

Richard Mannes
E-mail: Richard.Mannes@dmava.nj.gov

Brad Christensen
E-mail: Bradley.Christensen@dmava.nj.gov

Phone: 973-297-3230
Fax: 973-648-2356

Monday - Friday
8:00 AM - 4:00 PM

Hudson County

Esther Chucaralao
Phone: 201-536-3401
Fax: 201-536-3404
E-mail: Esther.Chucaralao@dmava.gov

Monday - Friday
8:00 AM - 4:00 PM
Closed Alternate Fridays

Mercer County

Joseph Nyzio
Phone: 609-671-6697 / 6696
Fax: 609-671-6698
E-mail: Joseph.Nyzio@dmava.nj.gov

Monday - Friday
8:00 AM - 4:00 PM

Middlesex / Somerset County

Joseph Battito
Phone: 732-937-6347 / 6348
Fax: 732-937-6417
E-mail: Joseph.Battito@dmava.nj.gov

Monday - Friday
8:00 AM - 4:00 PM
Closed Alternate Fridays

Monmouth County

Peter Midgley
Phone: 732-775-7009 / 7005
Fax: 732-775-3612
E-mail: Peter.Midgley@dmava.nj.gov

Monday - Friday

8:00 AM - 4:00 PM

Ocean County

Danielle Cardoso

Phone: 732-840-3033 / 3034

Fax: 732-840-0399

E-mail: Danielle.Cardoso@dmava.nj.gov

Monday - Friday

8:00 AM - 4:00 PM

Salem / Cumberland County

Paul McIntyre

Phone: 856-405-4388 / 4390 / 4389

Fax: 856-696-6499

E-mail: Paul.McIntyre@dmava.nj.gov

Monday - Friday

8:00 AM - 4:00 PM

Sussex / Morris County

Monday, Tuesday, Wednesday:

William Robinson

Phone: 973-366-0245 / 8347

Fax: 973-366-0360

E-mail: Bill.Robinson@dmava.nj.gov

Monday-Friday

8:00 AM - 4:00 PM

Closed Alternate Fridays

Warren / Hunterdon County

Monday, Tuesday, Thursday, Friday:

Sibley Smith

Phone: 908-537-0831 / 0832

Fax: 908-537-0833

Wednesday Phone: 908-284-6146

E-mail: Sibley.Smith@dmava.nj.gov

Monday-Friday

8:00 AM - 4:00 PM

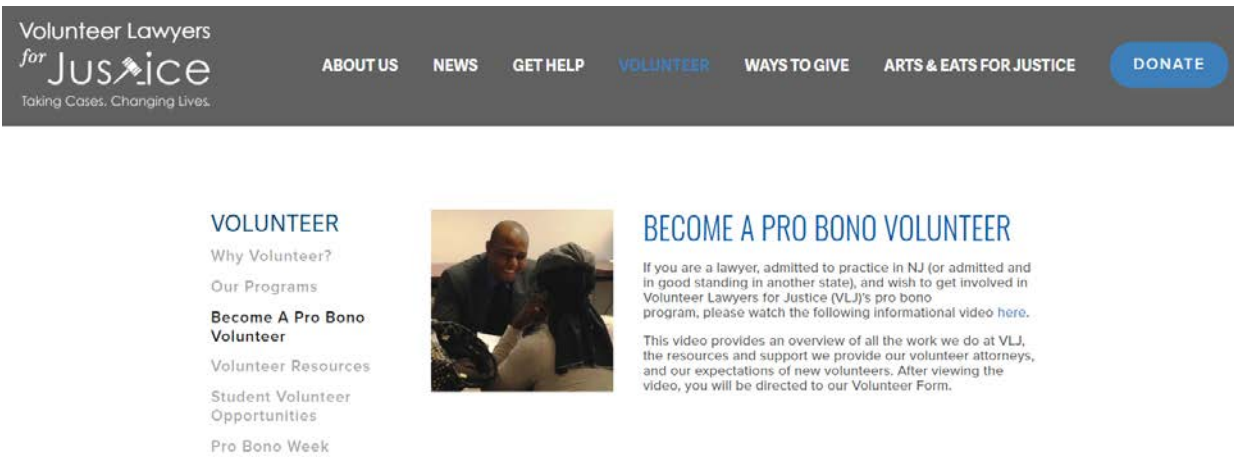
SECTION 6:

Volunteer with VLJ

VOLUNTEERING WITH VLJ

New volunteers should register online at <http://www.vljinj.org/become-a-pro-bono-volunteer/>.

Go to the “Volunteer” tab of the website and follow steps to view VLJ’s brief informational video. When complete, you will be directed to fill out VLJ’s **Volunteer Form**. Upon submission of the form, you will receive a link to VLJ’s **Volunteer Handbook** which should be reviewed, and you will be contacted by a VLJ representative within 2 weeks about your interests and how to get started.



As a registered volunteer, you will be able to access VLJ’s list of available volunteer opportunities, login to VLJ’s Volunteer Resources portal and added to our listserv to receive updates regarding trainings, events, and more.

Thank you for your support of VLJ and the clients we serve!

VLJ Contact Information & Additional Resources

Website: www.vljinj.org

Volunteer Form: <http://www.vljinj.org/become-a-pro-bono-volunteer/>

Staff contacts: Alexandra Bravo, Staff Attorney
abravo@vljinj.org or (973) 645-1951, ext.124

Katianna Guerrier, Legal Assistant
kgurrier@vljinj.org or (973) 645-1951, ext. 103

Additional Resources

VETERANS:

Veteran's Administration: <https://www.va.gov/>

To check a claim: <https://www.va.gov/claim-or-appeal-status/>

To check Post-9/11 GI Bill, education benefits: <https://www.va.gov/education/gi-bill/post-9-11/ch-33-benefit>

To access military discharge upgrade application portal: <https://www.va.gov/discharge-upgrade-instructions>

NJ COURTS:

New Jersey Courts: <http://www.judiciary.state.nj.us/>

EXPUNGEMENT:

NJ Courts, PROMISGavel search: <https://portal.njcourts.gov/webe4/ExternalPGPA/>

Municipal Court Case Search (MCCS):
<https://portal.njcourts.gov/webe5/MPAWeb/index.jsp>

CHILD SUPPORT:

NJ Child Support Enforcement: <http://www.judiciary.state.nj.us/probchild>

NJ Child Support, Department of Human Services, NJKIDS: <http://njchildsupport.org>

NJ Child Support Guidelines: <http://www.judiciary.state.nj.us/csguide>

NJ Department of Labor and Workforce Development, Occupational Employment
Statistics Wage Survey: http://lwd.state.nj.us/labor/lpa/employ/oeswage_index.html