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**To: Assignment Judges
Family Presiding Judges
Trial Court Administrators
Family Division Managers**

DIRECTIVE #17-23
(Supersedes Directive #06-20)
Questions may be directed to the Family Practice
Division at (609) 815-2900, ext. 55350.

From: Glenn A. Grant, Administrative Director

**Subject: Domestic Violence Economic Mediation (DVEM) Program:
Updated Operational Guidelines and Forms**

Date: September 11, 2023

This directive promulgates updated Operational Guidelines and forms for the Domestic Violence Economic Mediation (DVEM) Program. The updated Operational Guidelines and forms replace those promulgated by Directive #06-20, “Family – Domestic Violence Economic Mediation Program – Operational Guidelines; Forms,” which directive is superseded.

Put on pause because of the pandemic, the availability of DVEM will resume in the six pilot counties (Essex, Mercer, Middlesex, Morris, Ocean, Somerset) as of October 1, 2023, and will be available in all counties by January 1, 2024. See the [July 7 Notice to the Bar](#). These updated Operational Guidelines and forms must be used for all cases participating in the program.

History of the DVEM

The Supreme Court in its [May 8, 2015 Order](#) relaxed and supplemented Rule 1:40-5(b)(1) and provisions of the Domestic Violence Procedures Manual to establish a pilot program for economic mediation in certain family court dissolution (FM) matters in which a final restraining order is in effect between

the parties. After an extended design and development period, the DVEM pilot program became operational.

Following pilot exploration for three years in six counties (Essex, Mercer, Middlesex, Morris, Ocean, and Somerset), the Court authorized issuance of statewide operational guidelines and forms for the DVEM, as promulgated in Directive #06-20. At that time, the plan was to continue the program in the pilot counties and expeditiously expand statewide. However, as noted above, the Covid-19 pandemic in early 2020 interrupted both the continuation of DVEM in the pilot counties and its expansion statewide of the DVEM.

Resumption and Expansion of the DVEM; Related Court Rule Amendments

Following the conclusion of pandemic-related adjustments to court operations, the Supreme Court authorized resumption of the DVEM as set out in the Administrative Director's [July 7, 2023](#) Notice to the Bar. As authorized by the Court, the DVEM will be operational in the original six pilot counties as of October 1, 2023 and in all remaining counties by January 1, 2024.

The Court in its September 11, 2023 Order has amended Rules 1:40-5 ("Mediation in Family Part Matters") and 1:40-12 ("Mediators and Arbitrators in Court-Annexed Programs") to formalize the provisions of the DVEM. As amended, those Rules will now provide as follows:

- They permit referral to post-Early Settlement Panel (ESP) economic mediation when there is a final restraining order with the consent of the protected party. Parties with a temporary restraining order, as well as cases in which there is a pending contempt charge or prior conviction for violation of a final restraining order, cannot participate in the DVEM. All DVEM sessions focus only on economic issues and do not address custody or parenting time.
- They provide for approved economic mediators to participate in the DVEM program following completion of domestic violence mediation training. This mandatory training focuses on domestic violence topics

including but not limited to power and control; the progression of abuse; the cycle of violence; and issues related to victims and perpetrators.

Key Provisions of the Operational Guidelines

DVEM sessions must be conducted either in person at the courthouse or virtually. In either instance, the parties must not have any contact. The mediator instead uses a “shuttle diplomacy” process in which the parties are in separate physical or virtual rooms and the mediator travels (physically or virtually) between the parties to communicate separately with each party. Security requirements set forth in the Operational Guidelines must be followed for both in-person and virtual sessions. As updated, the Operational Guidelines clarify that before the first mediation session, designated court staff will facilitate the exchange of information and documents between the mediator and the parties, including self-represented parties. If the parties acquire additional financial information during the mediation process, the parties are required to submit the information to the mediator, and the mediator should exchange the information between the parties if they are self-represented.

Questions

Questions on this directive and the Domestic Violence Economic Mediation Program may be directed to the AOC Family Practice Division at (609) 815-2900 x55350.

Attachments

1. Domestic Violence Economic Mediation Operational Guidelines – Updated 2023
2. Protected Party Frequently Asked Questions (CN 12356)
3. Non-Protected Party Frequently Asked Questions (CN 12357)
4. Certification of Plaintiff in Support of Request to Amend Final Restraining Order to Permit Economic Mediation (CN 12358)
5. Judge’s Colloquy and Suggested Language for Amended Final

- Restraining Order (template)
6. Order of Referral to Domestic Violence Economic Mediation (CN 12359)
 7. Protective Order (CN 10485)
 8. Protected Party Post-Mediation Questionnaire (CN 11911)
 9. Non-Protected Party Post-Mediation Questionnaire (CN 12143)
 10. Economic Mediation Results Form (For Mediator) (CN 10491)

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
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Nancy L. Manuele, Chief, Family Practice
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Attachment 1

Domestic Violence Economic Mediation Operational Guidelines – Updated 2023

Domestic Violence Economic Mediation Operational Guidelines – Updated 2023

The Domestic Violence Economic Mediation (DVEM) program permits mediation of economic issues in certain dissolution (FM) matters where there is a domestic violence final restraining order (FRO) between the parties and the protected party consents to amend the FRO to permit participation in economic mediation. While the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17, et seq. expressly prohibits mediation of custody and parenting time issues, it does not expressly prohibit mediation of economic issues.

Rule 1:40-5 which governs referral to post-Early Settlement Panel (ESP) programs for the mediation of the economic aspects of FM actions was amended to enable litigants to mediate economic issues where there is an active domestic violence final restraining order (FRO). Parties with mutual FROs may also participate with mutual consent. Parties with a temporary restraining order are not eligible to participate in the program. Also excluded from the program are cases where there is a pending contempt charge or prior conviction for violation of the FRO. These mediation sessions address economic issues only, not custody and parenting time.

Rule 1:40-12 was also amended to permit mediators to participate in the DVEM program if they are an approved economic mediator and completed domestic violence mediation training. The curriculum focuses on domestic violence topics including power and control; the progression of abuse; the cycle of violence; and issues related to victims and perpetrators. Family judges and Judiciary staff involved in the DVEM program must also attend mandatory training.

DVEM sessions must be conducted either in person at the courthouse or virtually. In either instance, the parties may not have any contact. The mediator must utilize a technique called “shuttle diplomacy.” Shuttle diplomacy is a method of mediation where the parties are in separate physical or virtual meeting rooms and the mediator travels/electronically moves back and forth to communicate separately with each party. Security requirements set forth herein must be followed for both in-person and virtual sessions.

The following operational guidelines constitute minimum standards for the DVEM program.

1. Eligible Cases

- A. If there are outstanding economic issues following the Early Settlement Panel (ESP), the case may be referred to DVEM if:
- There is an active FRO between the parties.
 - There is no active TRO between the parties.
 - There is no pending contempt charge or prior contempt conviction for violation of a restraining order between the parties.

2. Case Screening

- A. Staff should screen the ESP calendar for cases that may be eligible for DVEM.
- B. If staff finds an existing FRO between the parties in another county, they should be prepared to contact the other county and request a transfer of venue for the FRO if the case is eligible for mediation.

3. Preparing the Parties

- A. Staff should notify the DV advocate if there are cases eligible for DVEM on the ESP calendar.
- B. Both parties must receive the appropriate Frequently Asked Questions document, either the “Protected Party Frequently Asked Questions” or “Non-Protected Party Frequently Asked Questions.” (Attachments 2 and 3)
- Staff should review these forms with both parties separately and answer questions.
- C. The DV advocate may review the “Protected Party Frequently Asked Questions” form with the victim and answer any questions related to the victim’s safety.
- D. Both parties should be advised that they may attend the mediation session(s) with their attorney or any other person of their choice pursuant to the Uniform Mediation Act, N.J.S. 2A:23C-1-13.
- E. If the protected party wants to participate in the DVEM program, court staff should give them the “Certification of Plaintiff in Support of Request to Amend Final Restraining

Order to Permit Economic Mediation.” (Attachment 4) The certification is the protected party’s formal request to amend the FRO and be permitted to participate in DVEM. Staff should explain the form and answer questions about what it means if they sign it.

4. Judge Review/Hearing

- A. The parties will appear before a judge. The judge should:
- Review the protected party’s certification,
 - Ask the protected party the questions outlined in the “Judge’s Colloquy and Suggested Language for Amended FRO” (Attachment 5), and
 - Make a finding that: (a) the protected party understands the parameters of the DVEM program and voluntarily consents to participate in the program; and (b) the case should be referred to mediation.
- B. The judge may ask the non-protected party if they consent to participate in economic mediation, but their consent is not necessary. The judge may refer the case to economic mediation despite their objection.
- C. If the judge does not refer the case to DVEM, it will be scheduled for the next appropriate court event which could be an intensive settlement conference or a trial.
- D. If the court grants the protected party’s request for mediation, the judge must assert jurisdiction over the FV case and amend the FRO. All other provisions of the FRO should stay the same. See suggested language for the amended FRO. (Attachment 5)
- E. The judge should bring the parties/attorneys back into court to complete the “Order of Referral to Domestic Violence Economic Mediation” (Attachment 6) after staff works with the parties to select a mediator and obtain tentative dates for the first mediation session. (See 5, Staff Responsibilities, below.)
- During this hearing the judge should also complete the “Protective Order.” (Attachment 7)

5. Staff Responsibilities

A. Before the judge can enter the Order of Referral to Domestic Violence Economic Mediation, staff must work with the parties to select a mediator. If the parties are unable to agree on a mediator, the court will select one.

- According to amended R. 1:40-12, only mediators on the court approved roster, who completed the required domestic violence training, are qualified to mediate these cases.

B. Staff should attempt to contact the mediator to get tentative dates for the first mediation session.

- If the mediation will be conducted in person at the courthouse, staff should ensure two separate rooms are available and stagger the parties' time of arrival.
- If the mediation will be conducted virtually, the mediator should provide details on how to connect to the session to the parties and attorneys when known.

C. Staff shall advise the judge of the selected mediator and the tentative dates for the first session. This information is necessary for the judge to complete the Order of Referral to Domestic Violence Economic Mediation.

- This order shall be entered in FACTS using code O205 (Economic Mediation Order).
- The signed Protected Party Certification shall be uploaded to the case jacket.
- The mediation session shall be scheduled in FACTS using code 2811 (Domestic Violence Economic Mediation).
- For sessions conducted in person at the courthouse, staff must enter in FACTS the location of the two separate rooms and stagger the parties' arrival/departure times.

D. Staff shall distribute necessary information to the parties before mediation as follows.

- Signed Order of Referral to DVEM (Attachment 6)
- Signed Protective Order (Attachment 7),
- Copy of the Domestic Violence Complaint, TRO, and amended FRO,
- Any other relevant documents between the parties that

have not already been exchanged. (e.g., Case Information Statements, tax returns and appraisals)

E. Staff shall deliver necessary information to the mediator before mediation as follows.

- Signed Order of Referral to DVEM (Attachment 6)
- Signed Protective Order (Attachment 7),
- Copy of the Domestic Violence Complaint, TRO, and amended FRO,
- Economic Mediation Results Form (For Mediator) (Attachment 10), and
- If the mediation is scheduled in person, the Protected Party Post-Mediation Questionnaire (Attachment 8) and the Non-Protected Party Post-Mediation Questionnaire (Attachment 9)
- If the mediation is scheduled virtually, staff should send the Protected Party Post-Mediation Questionnaire and the Non-Protected Party Post-Mediation Questionnaire to the parties with instructions to complete it and send it back to the court.
- Any other relevant documents between the parties. (e.g., Case Information Statements, tax returns and appraisals)

F. If any new documents/information becomes available during the mediation process the parties, or their attorneys, if applicable, must provide them to the mediator. (e.g., real estate, business, or pension appraisals)

- If the parties are self-represented, the mediator should exchange such information between the parties.

G. Handling New Violation of Restraining Order/Contempt (FO) Charges, Related Criminal Charges, or the Filing of a New Restraining Order

On the date of the first scheduled mediation and on the date of any additional mediation sessions, the mediator must contact the court and have staff research the parties in the case to ensure:

- there is no recent violation of restraining order/contempt (FO) charge filed against the non-protected party in the FM case, and
- there are no new related criminal charges by checking

available databases, and

- there are no new restraining orders between the parties.

If any of the above are found, the case is no longer eligible for DVEM and the mediator must immediately notify the parties and the attorneys to cancel the scheduled session. Staff must note this in FACTS and, if applicable, put a copy of any record found in the file.

H. Staff should handle adjournment requests according to the local adjournment policy.

- If granted, staff should advise the mediator as soon as possible and get a new date and time. If being conducted in person, staff must ensure room availability and staggered scheduling.
- The new date should be scheduled, and if the mediation is being conducted virtually notices as well as the Protected Party Post-Mediation Questionnaire and the Non-Protected Party Post-Mediation Questionnaire should be sent to the parties.
- The day before the rescheduled date, staff must again screen the matter for any FOs or FRO dismissal. If the FRO was dismissed or a contempt (FO) was filed, staff should cancel the mediation session and notify both parties and the mediator. The case should then be scheduled for the next court event.

6. In-Person Mediation Sessions

A. Each vicinage must coordinate with the county sheriffs' office/security to ensure the following security measures are in place so there is no contact between the parties at any time.

- In-person sessions may only take place at the courthouse where sheriffs' officers/security officers are available. DVEM is prohibited from taking place at a mediator's office, attorney's office, or any other location.
- On the date of the mediation session, staff must advise the appropriate sheriffs' officer(s) of the scheduled DVEM session.
- Each vicinage must have a method for staggering litigants' entering and exiting to/from the courthouse.
- The protected party and non-protected party should be

separately escorted to separate mediation rooms to prevent any contact from occurring. Sheriff officers should be readily available.

- The mediator assigned to the case must use shuttle diplomacy to facilitate the mediation.

7. Virtual Mediation Sessions

A. DVEM sessions may be conducted virtually according to the following.

- Virtual mediation sessions should be conducted using the mediator's videoconferencing application, such as Zoom or Microsoft Teams.
- The mediator must always keep the parties in separate virtual meeting rooms.
- It is important that the mediator can always see and hear the parties during mediation sessions. Therefore, the parties' cameras must always be on.

8. Parties with Mutual Final Restraining Orders

A. When identifying cases that may qualify for DVEM, staff may see that the parties both have FROs against each other. These parties are eligible to participate in DVEM if they both consent. The following should occur in these instances.

- If ESP does not result in a settlement, the domestic violence advocate and/or staff should follow the same steps identified in Preparing the Parties, number 3 above.
- Both parties should receive the Protected Party Frequently Asked Questions.
- Both parties must sign the Certification of Plaintiff in Support of Request to Amend Final Restraining Order to Permit Economic Mediation. (Attachment 4)
- The judge will question both parties to ensure consent and will amend both FROs to allow for DVEM.
- At the conclusion of the mediation session, both parties should complete the Protected Party Post-Mediation Questionnaire. (Attachment 8)

9. Conclusion of Mediation Session(s) – Required Forms

A. Staff should ensure the parties complete and submit the Protected Party Post-Mediation Questionnaire and the Non-Protected Party Post-Mediation Questionnaire. (Attachments 8

and 9)

- B. Staff should ensure the mediator completes and submits the Economic Mediation Results Form (For Mediator) at the conclusion of all sessions. (Attachment 10)
- C. Staff should review completed forms and address any concerns.
- D. These forms shall not be shared with the judge.

Attachment 2

Protected Party Frequently Asked Questions –

CN 12356



New Jersey Judiciary
Domestic Violence Economic Mediation Program
Protected Party Frequently Asked Questions (FAQs)

Q: What is economic mediation?

A: Economic mediation is a means of resolving financial issues with the help of a trained, impartial third party. It is designed to facilitate settlements in an informal, non-adversarial environment. Mediators do not represent either party and do not offer legal advice. Parties are encouraged to retain an attorney for the mediation process, but if they do not have an attorney, they may have someone of their choosing accompany them in mediation. Since a final restraining order exists between you and the other party, you will not be in the same physical (or virtual) room during mediation. The mediator will communicate back and forth with both parties separately and will identify issues, gather needed information, and assist you to reach an agreement. The court maintains a list of approved mediators with specialized domestic violence training.

Q: If I want the court to refer my case to economic mediation, is there something I need to do since I have a Final Restraining Order against the other party?

A: Yes. Before the court can refer your divorce case to economic mediation, you must: (1) read this document in its entirety; (2) meet with a domestic violence advocate or trained court staff; and (3) complete and sign a written request to amend your restraining order and allow your case to be referred to economic mediation. To make this formal request you must file a document titled, "Certification of Plaintiff in Support of Request to Amend Final Restraining Order to Permit Economic Mediation." By signing this document, you certify that you understand the economic mediation process and you agree to amend your Final Restraining Order so you and the other party can participate in economic mediation.

Q: Why do I need to file a certification with the court to request economic mediation?

A: Generally, the law prohibits mediation when there is an active Final Restraining Order between the parties. However, the Judiciary created the Domestic Violence Economic Mediation program to permit mediation **only** if the protected party (the person with the restraining order) requests it and consents to amending the Final Restraining Order. At any time and for any reason the protected party may terminate the mediation process.

Q: What does it mean to amend the Final Restraining Order to permit economic mediation?

A: Even though there will be no contact with the other party during the mediation process, your restraining order must include language that both parties are permitted to participate in the Domestic Violence Economic Mediation program. All other provisions of the Final Restraining Order will remain in effect. If the other party contacts you, it will be a violation of the Final Restraining Order.

Q: What happens after I complete the certification?

A: You, the other party, and your attorney's, if applicable, will appear before a judge who will review your certification and ask you questions. The judge will decide if your case should be referred to mediation and if your restraining order should be amended to permit mediation. The judge will also ask the other party if they want the case to be referred to economic mediation. If they do not agree, the judge can still refer the case to mediation. If the judge refers the case to mediation and amends your restraining order, you and the other party will be asked to agree on a mediator. Staff will assist you with this process so there is no contact between you and the other party. If you are unable to agree, the judge will assign a mediator.

Q: What happens if the case is not referred to economic mediation?

A: If the judge does not refer your case to economic mediation, the case will proceed through the regular court process, and the court will set a date for the next court event.

Q: What if, after reading this document and speaking to someone about economic mediation, I decide I do not want to go to economic mediation?

A: Your participation in mediation is completely voluntary. The court can only refer your case to economic mediation if you, the protected party, files the "Certification of Plaintiff in Support of Request to Amend Final Restraining Order to Permit Economic Mediation." If you do not want your case referred to economic mediation, then you should not complete the certification, and your case will be scheduled for the next regular court event.

According to the provisions of the Domestic Violence Economic Mediation program, the non-protected party cannot request economic mediation. If you do not want your case to go to economic mediation, your decision **will not** be held against you in any way.

Q: If the case is referred to economic mediation what safeguards are in place to protect me from the other party during the mediation?

A. Economic mediation will only take place in a secure room at the courthouse where security is onsite or in a virtual environment using videoconferencing. Economic mediation may not be conducted at the mediator's office or any other location.

The mediator assigned to your case will use a process called, "shuttle diplomacy" to facilitate the mediation. This means that you and the other party will be in separate rooms the entire time, and the mediator will communicate with each of you separately. This eliminates direct communication between you and the other party from occurring. Similarly, if the mediation is conducted virtually, you and the other party will be in separate virtual meeting rooms and will not have any contact.

Only mediators with domestic violence mediation training are eligible to mediate cases where there is a restraining order between the parties. If you have any questions or concerns about your safety, please immediately let your attorney and the mediator know.

Q: What can I do if I feel like the other party is intimidating or coercing me during the mediation process?

A. If you have an attorney, you should immediately tell them and the economic mediator. You may end mediation at any time and for any reason. The mediator will inform the judge that mediation was not successful. This will not be held against you in any way.

Q: What if the court refers the case to economic mediation, and I change my mind and do not want to attend?

A: It is completely acceptable to change your mind. This program was created to give victims of domestic violence the same opportunity to resolve their case as litigants who do not have a restraining order. If you do not feel comfortable about moving forward with economic mediation, let your attorney know or if you do not have an attorney, contact the court.

Q: Who pays for the economic mediator?

A. The first two hours of mediation are free. These two hours include the time it takes for the mediator to prepare for the first session and for the session itself. Travel time is not included in the first two hours and mediators are not allowed to charge for their travel.

During the mediation, the mediator will let you know when the two free hours have been reached. Either party can then choose to end the mediation. If the mediation goes beyond the free two hours, the court will later decide the amount each party will be responsible for to cover the mediator's fee.

Q: Can the mediator address other issues like custody and parenting time?

A: No, this is prohibited by law and violates provisions of the Domestic Violence Economic Mediation program.

Attachment 3

Non-Protected Party Frequently Asked Questions –

CN 12357



New Jersey Judiciary
Domestic Violence Economic Mediation Program
Non-Protected Party Frequently Asked Questions (FAQs)

Q: What is economic mediation?

A: Economic mediation is a means of resolving financial issues with the help of a trained, impartial third party. It is designed to facilitate settlements in an informal, non-adversarial environment. Mediators do not represent either party and do not offer legal advice. Parties are encouraged to retain an attorney for the mediation process, but if they do not have an attorney, they may have someone of their choosing accompany them in mediation. Since a final restraining order exists between you and the other party, you will not be in the same physical (or virtual) room during mediation. The mediator will communicate back and forth with both parties separately and will identify issues, gather needed information, and assist you to reach an agreement. The court maintains a list of approved mediators with specialized domestic violence training.

Q: Is economic mediation possible when there is a Final Restraining Order between the parties?

A: Generally, the law prohibits any kind of mediation when there is an active Final Restraining Order between the parties. However, the Judiciary created the Domestic Violence Economic Mediation program to permit mediation **only** if the protected party (the person with the restraining order) requests it and consents to amending the Final Restraining Order. At any time and for any reason the protected party may terminate the mediation process.

Q: If the protected party agrees to participate in economic mediation, what happens next?

A: The protected party must complete and file a certification which is their formal request to the court that the case be referred to economic mediation. It is also a request for the court to amend the Final Restraining Order to permit economic mediation. Filing the certification does not guarantee that the court will refer your case to the program.

After reviewing the certification and confirming that the protected party consents to economic mediation, the court will ask you if you want to participate in economic mediation. If you agree, the court will refer the case to economic mediation and will amend the Final Restraining Order to permit participation in the program.

If you disagree, you will be asked to provide an explanation. The court may still decide to refer your case to economic mediation.

If the court refers your case to economic mediation, you and the other party will work with staff to agree on the selection of a mediator. If you are unable to agree, the court will assign one for you.

Q: What happens if the case is not referred to economic mediation?

A: If the case is not referred to economic mediation, the case will proceed through the regular court process, and the court will set a date for the next court event.

Q: What does it mean to amend the Final Restraining Order to allow economic mediation?

A: Even though there will be no contact with the other party during the mediation process, your restraining order must include language that both parties are permitted to participate in the Domestic Violence Economic Mediation program. All other provisions of the Final Restraining

Order will remain in place. If you contact the protected party it will be a violation of the Final Restraining Order.

Q: If the protected party does not want to participate in economic mediation but I do, can the court refer the case to economic mediation?

A: No. Under the terms of the Domestic Violence Economic Mediation program, the non-protected party cannot request economic mediation. The protected party is the only party that can make the request.

Q: If the unresolved financial issues proceed to economic mediation how and where does the mediation occur?

A: Economic mediation takes place in a secure room at the courthouse where security is onsite or in a virtual environment using videoconferencing. Economic mediation may not be conducted at the mediator's office or any other location.

The mediator assigned to your case will use a process called, "shuttle diplomacy" to facilitate the mediation. This means that you and the other party will be in separate rooms the entire time, and the mediator will communicate with you separately. This eliminates direct communication between you and the other party from occurring. Similarly, if the mediation is conducted virtually, you and the other party will be in separate virtual meeting rooms and will not have any contact.

Only mediators who completed domestic violence mediation training are eligible to mediate cases where there is a restraining order between the parties. If you have any questions or concerns about the process, please immediately let your attorney and the mediator know.

Q: What if court refers the case to economic mediation, but the protected party changes their mind and does not want to attend?

A: According to the provisions of the Domestic Violence Economic Mediation program, at any time in the process, the protected party can decide not to participate in mediation.

Q: Who pays for the economic mediator?

A: The first two hours of mediation are free. These two hours include the time it takes for the mediator to prepare for the first session and for the session itself. Travel time is not included in the first two hours and mediators are not allowed to charge for their travel.

During the mediation, the mediator will let you know when the two free hours have been reached. Either party can then choose to end the mediation. If the mediation goes beyond the free two hours, the court will later decide the amount each party will be responsible for to cover the mediator's fee.

Q: Can the mediator address other issues like custody and parenting time?

A: No, this is prohibited by law and violates provisions of the Domestic Violence Economic Mediation program.

Attachment 4

Certification of Plaintiff in Support of Request to Amend Final Restraining Order to Permit Economic Mediation – CN 12358

Plaintiff,
v.

Defendant,

Superior Court of New Jersey
Chancery Division - Family Part
County of _____
Docket Number: FV - _____

**Certification of Plaintiff in Support of
Request to Amend
Final Restraining Order to
Permit Economic Mediation**

The Plaintiff _____ hereby certifies and says:

1. I am the Plaintiff in the above captioned matter.
2. I am married to the Defendant, _____.
3. There are ongoing divorce proceedings between the Defendant and I under docket number FM- _____.
4. I understand that the Final Restraining Order I have against the Defendant prohibits us from attending economic mediation for our pending divorce.
5. I request that the Court amend my Final Restraining Order to allow us to participate in economic mediation. I reviewed the materials provided to me regarding economic mediation and know what to expect. I met with a domestic violence advocate or trained court staff who answered my questions regarding the process.
6. I understand that as the Plaintiff in the Final Restraining Order I can choose to withdraw from the economic mediation process at any time for any reason. I understand I can attend economic mediation with my attorney or, if I am unrepresented, I can attend with anyone else that I choose.
7. I understand that if the Court grants my request and amends the Final Restraining Order to permit participation in economic mediation, all other provisions of the Final Restraining Order will remain in full force and effect. I understand that if the Defendant violates any of the Final Restraining Order provisions, I can call the police and/or file a criminal contempt complaint.
8. I am asking to amend the Final Restraining Order of my own free will and without coercion or interference from anyone.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date

Plaintiff Signature

Attachment 5

Judge's Colloquy and Suggested Language for Amended Final Restraining Order (template)

Domestic Violence Economic Mediation Program Judge’s Colloquy and Suggested Language for Amended Final Restraining Order

If the protected party agrees to participate in economic mediation, the judge will conduct a hearing for the parties and counsel. At that time, the judge should ask the protected party the following questions:

1. Have you met with a domestic violence advocate or court staff to discuss the economic mediation program?
2. Did that individual provide you with information and written materials about economic mediation?
3. Did you read and understand the information?
4. Do you understand that you are not required to participate in economic mediation and your participation is entirely voluntary?
5. Do you understand that you can terminate mediation for any reason and at any time?
6. Did you read and sign the “Certification of Plaintiff in Support of Request to Amend Final Restraining Order to Permit Economic Mediation?”
7. Do you want to participate in economic mediation?
8. Do you understand that mediation will either take place here at the courthouse or in a virtual format and that you and the other party will not come in contact at any time throughout the session(s)?
9. Do you understand that even though you expressed a willingness to participate in economic mediation, I will make the final decision?

If the judge is satisfied that the protected party wants to participate in economic mediation, the judge may ask the non-protected party if they are willing to participate. However, consent from the non-protected party is not required to refer the case to mediation.

If the judge decides to refer the case to mediation, they must assert jurisdiction over the FV, amend the final restraining order, and include language in the amended order that permits the parties to participate in economic mediation. The following is suggested language for the amended final restraining order:

“Notwithstanding any other provision of this Order, the parties are permitted to participate in economic mediation either in-person at the courthouse or virtually.”

Attachment 6

Order of Referral to Domestic Violence Economic Mediation – CN 12359

Superior Court of New Jersey
Chancery Division - Family Part
County of _____
Docket Number: FV - _____

Civil Action
Order of Referral to
Domestic Violence
Economic Mediation Program

Plaintiff,

v.

Defendant,

This matter having been opened to the court, and _____,
appearing for plaintiff, and _____, appearing for defendant; and
good cause having been shown;

It is on this ____ **day of** _____, **20**____, **Ordered as follows:**

1. This Order is entered pursuant to R. 1:40-5(b).
2. The above-captioned matter is hereby referred to the Domestic Violence Economic Mediation Program.
3. The first mediation will be:
 - a. Conducted in person at _____ County Courthouse on _____ at _____. Please report to _____.
 - b. Conducted virtually on _____ at _____.
4. _____ is designated as the mediator who was selected from the statewide approved list of approved mediators. There will be no cost to the parties for the initial two hours of service, which includes the mediator's reasonable preparation prior to the first session (one hour) and the first mediation session (one hour). After the first two hours, the mediator shall be compensated at the mediator's hourly rate, together with reasonable expenses. The mediator's fee shall be paid by the parties as follows: plaintiff ____% and defendant ____%. Payment shall be made as billed, unless other arrangements are made with the mediator. Any outstanding bills shall be paid within ____ days of receipt. Either party may opt out of the mediation process after the first two hours.
5. After the first session ordered herein, the date(s), time(s), and courthouse rooms for subsequent mediation session(s) shall be set in coordination with Judiciary staff and/or the mediator.

6. The parties may attend mediation sessions with their attorney or any other person of their choice as defined by the Uniform Mediation Act. The court expects and requires all parties and their attorneys (if applicable) to participate in mediation sessions in good faith. The parties shall cooperate in providing accurate and complete information to the mediator including, but not limited to, tax returns, Case Information Statements, and appraisal reports prior to the first mediation session.
7. Termination of mediation generally shall be governed by R. 1:40-4 (h).
8. Upon termination of mediation, the mediator shall promptly submit the Economic Mediation Results Form to the court regarding the outcome. If the case is not fully settled, the mediator shall, within fourteen days of the last mediation session, provide the court and the parties a summary of the issues that are settled and the issues that are unresolved.
9. Unless otherwise agreed by the parties, and subject to R. 1:40-4(c), all mediation proceedings shall be confidential and non-evidential. No verbatim record shall be made thereof.

Date _____, Judge, Superior Court of New Jersey

***Please provide mediator with parties' Case Information Statements (CIS) and Early Settlement Panel (ESP) Statements prior to the first mediation session.**

Mediator Name: _____

Mediator Address: _____

Mediator Telephone Number: _____

Attachment 7

Protective Order – CN 10485



New Jersey Judiciary
Notice - Family Court Protective Order

The Protective Order is used for all family court cases when a judge orders the release of records for a limited purpose. The Protective Order includes the following information:

1. The records that the judge is permitting to be released;
2. The parties within certain cases who are permitted to receive and view the records;
3. The records cannot be used for other reasons unless the judge permits that in writing;
4. Disclosing the records to an unauthorized person is a violation of the protective order and the court can sanction the person who violates the protective order;
5. Using the records in an unauthorized manner is a violation of the protective order and the court can sanction the person who violates the protective order; and
6. Instructions on destroying or returning the records.

Aviso - Orden de protección del Tribunal de Familia

La orden de protección se utiliza en todos los casos del tribunal de familias cuando un juez ordena la divulgación de registros para un propósito limitado. La Orden de Protección incluye la información siguiente:

1. Los registros que el juez permite que se divulguen;
2. En ciertos casos, las partes que están autorizadas a recibir y ver los registros;
3. Los registros no pueden ser utilizados por otras razones a menos que el juez lo permita por escrito;
4. La divulgación de los registros a una persona no autorizada es una violación de la orden de protección y el tribunal puede sancionar a la persona que viole la orden de protección;
5. El uso de los registros de manera no autorizada constituye una violación de la orden de protección y el tribunal puede sancionar a la persona que viole la orden de protección; y
6. Las instrucciones sobre la destrucción o devolución de los registros.

Avi - Lòd Pwoteksyon Tribinal Koze Familyal

Lòd Pwoteksyon itilize pou tout dosye nan Tribinal Koze Familyal lè yon jij òdone pou yo devwale tout dosye yo pou yon bi limite. Lòd Pwoteksyon a gen ladann swivan enfòmasyon sa yo:

1. Dosye Jij la pèmèt yo devwale a;
2. Pati ki parèt nan sèten dosye ke yo pèmèt ressevwa ak revize dosye yo;
3. Devwale dosye yo ba yon moun ki pa otorize oswa itilize dosye san otorizasyon se yon vyolasyon lòd pwoteksyon a. Tribinal la ta kab sanksyone moun ki vyole lòd pwoteksyon a;
4. Devwale Lòd la ba yon moun ki pa otorize se yon vyolasyon lòd pwoteksyon a. Tribinal la ta kab sanksyone moun ki vyole lòd pwoteksyon a;
5. Itilize dosye yo san otorizasyon se yon vyolasyon lòd pwoteksyon a. Tribinal la ta kab sanksyone moun ki vyole lòd pwoteksyon a; epi
6. Enstriksyon sou kijan pou detwi oswa remèt dosye yo.

إشعار – أمر حماية صادر عن محكمة العائلة

يستخدم أمر الحماية في جميع قضايا محاكم العائلة عندما يقوم القاضي بإصدار أمر بالكشف عن سجلات لأغراض محدودة. ويشمل أمر الحماية المعلومات التالية:

1. السجلات التي يسمح القاضي بالكشف عنها؛
2. الأطراف في قضايا معينة الذين تم السماح لهم باستلام السجلات والإطلاع عليها؛
3. لا يمكن استخدام السجلات لأي أغراض أخرى إلا إذا سمح القاضي بذلك كتابياً؛
4. يشكل الكشف عن السجلات لأشخاص غير مصرح لهم مخالفة لأمر الحماية ويمكن للمحكمة معاقبة الشخص المخالف لأمر الحماية؛
5. يشكل استخدام السجلات بطرق غير مصرح بها مخالفة لأمر الحماية ويمكن للمحكمة معاقبة الشخص المخالف لأمر الحماية؛ و
6. تعليمات حول تدمير أو إعادة السجلات.

고지 - 가정 법원 보호 명령

본 보호 명령은 판사가 제한된 목적으로 기록 공개를 명령할 때 모든 가정 법원 사건에 사용됩니다. 보호 명령은 다음과 같은 정보를 포함합니다:

1. 판사가 공개를 허가하는 기록;
2. 특정 사건에서 기록의 수령과 열람이 허가된 당사자들;
3. 판사의 서면 허가 없이 기록은 다른 이유로 사용될 수 없습니다;
4. 허가되지 않은 사람에게 기록을 공개하는 것은 보호 명령의 위반이며 법원은 보호 명령을 위반한 사람을 처벌할 수 있습니다;
5. 무단으로 기록을 사용하는 것은 보호 명령의 위반이며 법원은 보호 명령을 위반한 사람을 처벌할 수 있습니다; 그리고
6. 기록의 폐기 또는 반환 설명서.

Uwaga- Nakaz ochronny sądu rodzinnego

Nakaz ochrony jest stosowany we wszystkich sprawach w sądach rodzinnych, gdy sędzia nakazuje udostępnienie akt w ograniczonym celu. Nakaz ochrony zawiera następujące informacje:

1. Akta, na których ujawnienie zezwala sędzia;
2. Strony, które w niektórych przypadkach mogą otrzymywać i przeglądać akta;
3. Akta nie mogą być wykorzystywane do innych celów, chyba że sędzia wyrazi na to zgodę na piśmie;
4. Udostępnienie akt osobie nieupoważnionej stanowi naruszenie nakazu ochronnego; sąd może ukarać osobę, która narusza nakaz ochrony;
5. Wykorzystywanie akt w sposób nieuprawniony jest naruszeniem nakazu ochronnego; sąd może ukarać osobę, która narusza nakaz ochrony; i
6. Instrukcja zniszczenia lub zwrotu akt.

Aviso – Ordem de Proteção Tribunal de Família

A Ordem de Proteção é utilizada para todos os processos de varas de família quando o juiz ordena a liberação de informações para uma finalidade restrita. A Ordem de Proteção inclui as seguintes informações:

1. As informações que o juiz está permitindo sejam liberadas;
2. As partes em certos processos que têm permissão para receber e visualizar as informações;
3. As informações não podem ser utilizadas para outros fins, a menos que o juiz o permita por escrito;
4. A divulgação das informações a uma pessoa não autorizada é uma violação da ordem de proteção e o tribunal poderá sancionar a pessoa que violar a ordem de proteção;
5. O uso das informações de maneira não autorizada é uma violação da ordem de proteção e o tribunal poderá sancionar a pessoa que violar a ordem de proteção;
6. Instruções para a destruição ou devolução das informações.

Prepared By The Court

Superior Court of New Jersey
Chancery Division - Family Part
County of _____
Docket Number: _____

_____,
Plaintiff

v.

_____,
Defendant

**Civil Action
Protective Order**

THIS MATTER being opened to the Court, and it appearing that copies of the following confidential reports are being released to the attorneys and parties or the self-represented litigants:

- | | |
|--|---|
| <input type="checkbox"/> Home Inspection Report | <input type="checkbox"/> Psychiatric Report |
| <input type="checkbox"/> Social Investigation Report | <input type="checkbox"/> Risk Assessment |
| <input type="checkbox"/> Psychological Report | <input type="checkbox"/> _____ |

and for good cause shown;

It Is on This ____ day of _____ 20__ , Ordered that

- Copies of these documents will be released to the attorneys or self-represented litigants;
 - After in camera review or
 - With consent of _____
- Copies of these documents will be released with the understanding that the information contained in the documents is to be used only for distribution to experts, attorneys and self-represented litigants in the pending:
 - Custody/parent time case under Docket number(s)

 - Case under Docket number(s)

 - Extreme Risk Protective Order case (N.J.S.A. 2C:58-30(a)) under Docket number(s)

- The documents cannot be used in any other matter without the express written permission of the court;

4. This information cannot be disclosed to any other person for any reason, and cannot be given out or made public by any means, direct or indirect, without the express written permission of the court;
 The court has advised the parties on the record that they are prohibited from disclosing the records referenced in this order, and the parties acknowledged receiving the court's instructions;
5. The use of the information contained in the documents for any purpose other than stated by the court shall be a violation of this court order and might be subject to sanctions at the court's discretion. Any other use of the contents of the documents that are the subject of this protective order is strictly prohibited and will be enforced by the court;
6. Upon disposition of the matter referenced in paragraph 2 above, the documents will be
 destroyed / returned to _____; and

7. It Is Further Ordered

J.S.C.

Attachment 8

Protected Party Post-Mediation Questionnaire – CN 11911



New Jersey Judiciary
Domestic Violence Economic Mediation
Protected Party Post-Mediation Questionnaire
(To be completed after mediation.)

Name of Mediator	County	The mediator for this case was selected by: <input type="checkbox"/> parties/attorneys <input type="checkbox"/> court/judge				
How are we doing? Please tell us. (Please check one box on each line.)	Strongly Agree 1	Somewhat Agree 2	Neither Agree nor Disagree 3	Somewhat Disagree 4	Strongly Disagree 5	No Opinion 6
1. The mediator explained the process to me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The mediation was conducted fairly and impartially.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The mediator gave me the opportunity to express my thoughts and interests.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. The mediator was free from bias.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. The mediator understood the issues in my case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. I was not pressured to reach an agreement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. The mediator explained their fee structure to me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. I was satisfied with the mediation process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. The mediation saved me time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. The mediation saved me money.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly Agree	Somewhat Agree	Neither Agree nor Disagree	Somewhat Disagree	Strongly Disagree	No Opinion
	1	2	3	4	5	6
11.I felt safe during the process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.I felt free from fear during the process, including arriving at the courthouse.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.I felt comfortable throughout the mediation process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.The mediator respected my request for confidentiality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.I knew that I was able to leave the mediation at any time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.If you had the choice to do this again would you do it? <input type="checkbox"/> Yes <input type="checkbox"/> No						
17.Is there anything else that you would like to add to describe your experience with this program?						
18.Did your case settle? <input type="checkbox"/> Yes <input type="checkbox"/> No						
19.Do you have any other suggestions on how we can improve?						

Attachment 9

Non-Protected Party Post-Mediation Questionnaire – CN 12143



New Jersey Judiciary
Domestic Violence Economic Mediation
Non-Protected Party Post-Mediation Questionnaire
(To be completed after mediation.)

Name of Mediator	County	The mediator for this case was selected by: <input type="checkbox"/> parties/attorneys <input type="checkbox"/> court/judge				
How are we doing? Please tell us. (Please check one box on each line.)	Strongly Agree 1	Somewhat Agree 2	Neither Agree nor Disagree 3	Somewhat Disagree 4	Strongly Disagree 5	No Opinion 6
1. The mediator explained the process to me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The mediation was conducted fairly and impartially.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The mediator gave me the opportunity to express my thoughts and interests.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. The mediator was free from bias.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. The mediator understood the issues in my case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. I was not pressured to reach an agreement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. The mediator explained their fee structure to me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. I was satisfied with the mediation process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. The mediation saved me time.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly Agree	Somewhat Agree	Neither Agree nor Disagree	Somewhat Disagree	Strongly Disagree	No Opinion
	1	2	3	4	5	6
10.The mediation saved me money.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.Did your case settle?					<input type="checkbox"/> Yes <input type="checkbox"/> No	
12.Do you have any other suggestions on how we can improve?						

Attachment 10

**Economic Mediation Results Form (For Mediator) –
CN 10491**



New Jersey Judiciary
Economic Mediation Results Form
 For Mediation of Economic Aspects of Family Law Cases

For Office Use Only

Date Received:

Date Entered:

Directions: This form is to be completed by the mediator when economic mediation or domestic violence economic mediation is concluded, or the case is returned to court.

FM Docket Number	FM Case Caption/Name	Name of Mediator

Outcome

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

Date Case Assigned to Mediator	Date of Initial Mediation Session	Date of Final Mediation Session
Number of Mediation Sessions	Number of Hours for Preparation	Number of Mediation Hours

Please return to Family Division (staff person name): _____

Email Address:

Mailing Address:

Fax Number:

A copy of this form shall be returned to the parties upon completion.