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DIRECTIVE # 12-23

**TO: Assignment Judges
Trial Court Administrators**

(Supersedes Directive # 9-07)

FROM: Glenn A. Grant, Administrative Director



**SUBJ: Family – Updated Procedures and Forms for Registering and
Enforcing Out-of-State (“Foreign”) Custody/Parenting
Time/Visitation Orders pursuant to the Uniform Child Custody
Jurisdiction Enforcement Act (“UCCJEA”)**

DATE: July 10, 2023

This Directive, as approved by the Supreme Court, updates the procedures and forms for registering and enforcing an out-of-state custody/parenting time/visitation order pursuant to the Uniform Child Custody Jurisdiction Enforcement Act (“UCCJEA”), N.J.S.A. 2A:34-53 to -95. This includes custody determinations made in foreign countries (N.J.S.A. 2A:34-57). It supersedes Directive #9-07.

The UCCJEA, adopted in New Jersey in 2004, establishes uniform standards for states to determine jurisdiction over child custody disputes. It is intended to deter interstate and international parental kidnapping, avoid jurisdictional competition, and promote cooperation among the courts in the handling of child custody determinations. The UCCJEA defines a “child custody determination” as a judgment, decree, or other order of a court that provides for legal custody, physical custody, or visitation but does not include provisions relating to child support or other monetary obligations.

Pursuant to N.J.S.A. 2A:34-79, an out-of-state custody/parenting time/visitation order may be registered in New Jersey either with or without a simultaneous request for enforcement. Further, New Jersey courts have the authority to grant any relief normally available in New Jersey and to enforce a registered out-of-state custody/parenting time/visitation determination made by a

court of another state. (N.J.S.A. 2A:43-80) Once a New Jersey court makes a child custody determination, New Jersey has exclusive, continuing jurisdiction over the determination until specific contrary determinations are made by the court.

Through its temporary emergency jurisdiction provisions, the UCCJEA stresses the importance of protecting victims of abuse and their children (N.J.S.A. 2A:34-68) and allows for the issuance of a warrant to take physical custody of a child if there is an imminent likelihood that the child either would be removed from the state or would suffer serious physical harm (N.J.S.A. 2A:34-85).

The procedures for filing or enforcing an out-of-state custody/parenting time/visitation order have been streamlined and are attached to this Directive. Further, Judiciary forms have been updated to simplify the registration and enforcement process and are also attached.

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

Attachments:

1. Procedures for Filing and Enforcing Out-of-State Custody/Parenting Time/Visitation Orders Pursuant to the UCCJEA
2. Certification and Request to Register/Enforce Out-of-State Custody/Parenting Time/Visitation Order (CN: 11064)
3. Notice of Request to Register/Enforce Out-of-State Custody/Parenting Time/Visitation Order (CN: 11067)
4. Order for Registration/Enforcement of Out-of-State Custody/Parenting Time/Visitation Order (CN: 11066)
5. Order to Show Cause to Register/Enforce Out-of-State Custody/Parenting Time/Visitation Order (CN: 11063)

cc: Chief Justice Stuart Rabner
Hon. Thomas W. Sumners, Jr.
Family Presiding Judges
Hon. Mala Sundar
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Special Assistants to the Administrative Director
Family Division Managers
Nancy L. Manuele, Chief, Family Practice

**Procedures for Filing and Enforcing Out-of-State Custody/Parenting
Time/Visitation Orders Pursuant to the Uniform Child Custody Jurisdiction and
Enforcement Act (“UCCJEA”) – N.J.S.A. 2A:34-53 et seq. (Directive #12-23)**

A. Requests to Register an Out-of-State Child Custody Determination

Any person wishing to register an out-of-state order for custody/parenting time/visitation shall file the following.

1. A letter or document, submitted under oath, requesting registration.
(See Certification and Request to Register/Enforce Out-of-State
Custody/Parenting Time/Visitation Order (CN: 11064))
 - a. The certification must include:
 - i. The name and address of the applicant and the name and address of any parent or person acting as a parent who has been awarded custody/parenting time/visitation in the order sought to be registered.
 - ii. The child’s present address.
 - iii. Places where the child lived in the last five years and the names and present addresses of the people with whom the child lived during that period.
 - iv. A statement under penalty of perjury that to the best of the applicant’s knowledge, the order has not been modified.
2. One regular and one certified copy of the order to be registered.
3. The \$35.00 filing fee.

B. Notice and Opportunity to be Heard

Notice and any supporting documents must be given to applicable parties including any parent whose parental rights have not previously been terminated and any person having physical custody of the child.

(See Notice of Request to Register/Enforce of Out-of-State Custody/Parenting Time/Visitation Order (CN:11067)) The Notice shall state the following.

1. A registered out-of-state custody/parenting time/visitation order is enforceable as of the date of the registration in the same manner as a determination issued by a court of New Jersey,
2. They may request a hearing to contest the validity of the order within twenty (20) days of receipt of the Notice,
3. Failure to contest the registration within 20 days will result in confirmation of the registration of the custody/parenting time/visitation order and will preclude further contest of the determination.

C. Hearing to Contest the Validity of a Request to Register an Out-of-State Custody/Parenting Time/Visitation Order

If a timely request for a hearing to contest the validity of registration is made, a hearing will be conducted.

1. The court shall confirm the registered order unless the person contesting registration establishes that:
 - a. The issuing court did not have jurisdiction pursuant to the UCCJEA,
 - b. The out-of-state order sought to be registered has been vacated, stayed, or modified,
 - c. The person contesting registration was entitled to notice but was not given notice in accordance with the UCCJEA in the proceedings before the court that issued the order for which registration is sought. (N.J.S.A. 2A:34-79(d)(3))

D. Confirmation of Registration of the Out-of-State Custody/Parenting Time/Visitation Order

1. If there is no hearing to contest the validity of the registration, the registration is confirmed as a matter of law. (See Order for Registration/Enforcement of Out-of-State Custody/Parenting Time/Visitation Order (CN: 11066))
2. The person requesting registration and all applicable parties must be notified of the confirmation. (N.J.S.A. 2A:34-79)

E. Emergent Applications for Registration/Enforcement

Filing

Enforcement of an out-of-state order must be made by way of an order to show cause in the county where the order was previously registered, or if not previously registered, in the county of venue. The following shall be filed.

1. A proposed Order to Show Cause (See Order to Show Cause to Register/Enforce Out-of-State Custody/Parenting Time/Visitation Order (CN: 11063))
2. A copy of the order confirming registration of the order in New Jersey. If the order was not previously registered in New Jersey, the procedures outlined in “A” above must be followed.
3. A certified copy of the court order for which enforcement is sought and any other relevant documentation.
4. A certification containing the following information pursuant to N.J.S.A. 2A:34-82(b) (See Certification and Request to Register/Enforce of Out-of-State Custody/Parenting Time/Visitation Order (CN: 11064))
 - a. Whether the court that issued the order for which enforcement is sought identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was.
 - b. Whether the order to be enforced has been vacated, stayed, or modified by the court that issued the order or by another court in a subsequent order and, if so, identify the court, case number and nature of the proceedings.
 - c. Whether there currently is a proceeding in another court that may affect this proceeding, including any proceedings relating to domestic violence, other protective orders, termination of parental rights, abuse and neglect, or adoptions. For any such other proceedings, the name of the court and case number and the nature of the proceeding must be provided.
 - d. The present address of the child and the party against whom the order is being enforced, including the present location if different from the address. If the party’s address must be kept

Procedures for Filing and Enforcing Out-of-State Custody/Parenting Time/Visitation Orders Pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”) – N.J.S.A. 2A:34-53 et seq. (Directive #12-23)

confidential due to a domestic violence restraining order or other protective order, that fact must be so indicated.

- e. A clear statement of any other relief being sought in addition to the immediate physical custody of the child.
 - f. Whether the out-of-state custody order to be filed and/or enforced has been previously filed for entry on the New Jersey registry. If this or any other prior order has been previously registered in New Jersey, the date and place of such entry must be provided, and the party must indicate whether that order is the subject of the application for enforcement.
5. The applicable filing fees.

Court Proceedings

1. After review of the submitted material, the UCCJEA provides that the court shall issue an order directing the respondent to appear in person at an emergent hearing, with or without the child, and may enter any other order necessary to ensure the safety of the child and the parties. (N.J.S.A. 2A:34-82(c))
2. The court may direct the moving party to serve the signed order to show cause on the other party by any method authorized by statute and the Rules of Court. The order to show cause will set forth the return date and time for appearance of the parties.
3. An order issued directing respondent to appear at the emergent hearing shall advise the respondent that at the hearing the court may order that the petitioner take immediate physical custody of the child and be awarded costs and fees unless respondent appears and establishes that the order should not be enforced.
4. The case shall be scheduled to be heard on the next court business day after service of the order and/or petition or as soon thereafter as possible, as determined by the court.
5. The court shall hear the case on the scheduled return date and issue a final order in accordance with the UCCJEA and other laws of the State of New Jersey. (See Order for Registration/Enforcement of Out-of-State Custody/Parenting Time/Visitation Order (CN: 11066)) A copy

of the final order shall be distributed to all affected parties and to the out-of-state court.

F. Non-Emergent Applications for Enforcement

If the enforcement application is not emergent, the procedures set forth in Section E. above shall be followed except that the application shall be by way of notice of motion pursuant to Rule 5:5-4, rather than by order to show cause.

G. Warrant to Take Physical Custody of Child

1. Pursuant to N.J.S.A. 2A:34-85, a person seeking enforcement of an out-of-state custody/parenting time/visitation order may file for the issuance of a warrant to take physical custody of the child if the child is likely to suffer serious imminent physical harm or be removed from New Jersey.
2. Pursuant to N.J.S.A. 2A:34-85(b), the court may issue a warrant directing law enforcement officers to take physical custody of the child if it finds that the child is likely to suffer serious imminent physical harm or be removed from New Jersey.

H. Involvement of Prosecutors or Other Appropriate Public Officials

N.J.S.A. 2A:34-89 and N.J.S.A. 2A:34-90 authorize prosecutors and other appropriate public officials to take lawful action to locate a child, obtain the return of a child, or enforce a custody/parenting time/visitation order under certain circumstances.



New Jersey Judiciary
Family Practice Division
**Certification and Request to Register/Enforce
Out-of-State Custody/Parenting Time/Visitation Order**

Plaintiff's Name	Defendant's Name
Plaintiff's Address:	Defendant's Address:
City State Zip Code	City State Zip Code
Plaintiff's Phone	Defendant's Phone
Plaintiff's Email	Defendant's Email
Order Date	Expiration Date (if applicable)
Issuing State or Country	County/City of Venue
Issuing Court Docket/Case Number	Issuing Court Phone Number
Case Type	

I request the Custody/Parenting Time/Visitation Order be: (select all that apply)

- Registered in New Jersey
- Enforced in New Jersey

You *must* include one regular and one certified copy of the order and \$35.00 filing fee.

1. Has the order you are seeking to register or enforce been vacated, Yes No stayed, or modified in any court?

If so, give the name and location of the court (state and county), the name of the case, the case/docket number, the type of case and the date of the last proceeding.

2. Are there any other matters pending in any other court that may affect this matter, including proceedings for enforcement of an order, domestic violence, protective orders, termination of parental rights, abuse and neglect, or adoption? Yes No

If yes, give the name and location of the court (state and county), the name of the case, the case/docket number, the type of case, and the date of the last proceeding.

3. Have you previously filed to have this out-of-state order registered in New Jersey? Yes No

If yes, give the date it was registered and the county where it was registered.

4. If you are seeking enforcement of an order, did the court that issued the original order identify the reasons for exercising jurisdiction? Yes No

If yes, what reasons did the court give for having jurisdiction over the matter?

5. Have you participated, as a party or a witness, or in any other way, in any other matter concerning the custody/parenting time/visitation of the child(ren)? Yes No

If yes, give the name and location of the court (state and county), the name of the case(s), the case/docket number(s), the type(s) of case(s), and the date(s) of the last proceeding(s).

6. (a) Is the address for the child(ren) involved in this request confidential pursuant to a domestic violence restraining order or other protective order? Yes No

If yes, give the county and state where the restraining order was issued, the date of the order, and any other details about the order.

(b) Give the present address of the child(ren) involved in this request. Also give their permanent address, if different from their present location.

(c) Give the names and addresses of any person not a party to this matter who has physical custody of the child(ren) or claims rights of legal custody or physical custody or visitation.

(d) Give the places where the child(ren) lived during the last five years, and the names and present addresses of the people the child(ren) lived with during those periods.

7. Give the present address of the adverse party. Also give their permanent address, if different from their present location.

8. Were any other custody/visitation/parenting time orders involving you, Yes No
the child(ren) in this matter or the other party ever registered in New
Jersey?

If yes, give the date(s) and county(ies) it/they were registered.

9. Please list any other requests you want the court to consider in addition
to immediate custody of the child(ren).

10. Please include any facts about your case you want the court to
consider.

Certification

I _____ certify that representations made herein are accurate to the best of my knowledge and that the above identified order presented to the New Jersey Superior Court, Chancery Division, Family Part, County of _____ represents a true copy of the original order issued by _____ on _____ date. This order is the last order issued in this matter and has not been vacated or modified to the best of my knowledge.

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

Date

Signature

Plaintiff, Registering Party

vs.

Defendant, Non-Registering Party

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

Civil Action
**Notice of Request to
Register/Enforce
Out-of-State Custody/Parenting
Time/Visitation Order**

Take Notice

1. Please be advised that the above-named plaintiff presented a custody/parenting time/visitation order from another state or country to the New Jersey Superior Court, Chancery Division, Family Part, County of Select County for inclusion on the New Jersey out-of-state custody order registry. A copy of the order and any supporting documents are attached to this Notice.
2. The plaintiff requests the custody/parenting time/visitation order be:
 Registered in New Jersey
 Registered and enforced in New Jersey
3. A registered out-of-state custody/parenting time/visitation order is enforceable as of the date of the registration in the same manner as a determination issued by a court of New Jersey.

If you wish to request a hearing to contest the validity of the custody/parenting time/visitation order, **you must do so, in writing, within 20 Days** after you receive this Notice. Failure to contest the registration within 20 days will result in confirmation of the registration of the order and you will be precluded from further contest of that determination with respect to any matter that could have been asserted.

If you have any questions, you may call _____.

Date

Applicant Name: _____

Applicant's Address: _____

Applicant's Phone: _____

Plaintiff

vs.

Defendant

Superior Court of New Jersey
Chancery Division – Family Part
- Select County - _____ County

Docket Number _____

Civil Action
**Order for Registration/Enforcement of
Out-of-State Custody/Parenting
Time/Visitation Order**

Plaintiff's Email: _____

Defendant's Email: _____

This Matter being brought to the attention of the court by _____,
 plaintiff / defendant and it appearing upon a reading of the pleadings submitted, including
the certification(s) in support thereof, that the out-of-state order submitted is a true copy and
that there have been no intervening orders, and for good cause being shown,

It Is, on this ____ day of _____, 20__,

Ordered, as follows:

It is further **Ordered** that:

Date

, J.S.C.

Applicant Name: _____

Applicant's Address: _____

Applicant's Phone: _____

Plaintiff

vs.

Defendant

Superior Court of New Jersey
Chancery Division – Family Part
- Select County - _____ County

Docket Number _____

Civil Action
**Order to Show Cause to Register/Enforce
Out-of-State Custody/Parenting
Time/Visitation Order**

Plaintiff's Email: _____

Defendant's Email: _____

This matter being brought to the attention of the court by _____,
 plaintiff / defendant, and it appearing upon a reading of the pleadings submitted, including
the certification(s) in support thereof, that the out-of-state order submitted is a true copy and
that there have been no intervening orders, and for good cause being shown,

It Is, on this day of _____, 20____,

Ordered, that the plaintiff / defendant show cause before this court at the
Courthouse _____, New Jersey, on the ____ day
of _____, 20____ at ____ o'clock in the _____, or as soon thereafter as
counsel/litigant may be heard, as to why an order should not be entered as follows:

It is further **Ordered** that:

And it is further **Ordered** that pending the return date of this matter, the plaintiff/defendant is restrained from:

And it is further **Ordered** that pending the return date of this matter, the following temporary relief shall be granted to the moving party:

And it is further **Ordered** that the plaintiff/defendant may move to vacate the temporary relief in two days' notice to the moving party.

And it is further **Ordered** that:

1. A copy of this order to show cause, verified complaint or post-disposition application, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the
 plaintiff / defendant
[personally or alternate: describe form of substituted service]

_____ within days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

2. The plaintiff / defendant must file with the court their proof of service of the pleadings on the plaintiff/defendant no later than three (3) days before the return date. Proof of service shall include a certification which must state the method of service as well as proof of service as appropriate (For example, the certified mail number).
3. Plaintiff / Defendant shall file and serve a written response to this order to show cause and proof of service by _____, 20 _____. The original documents must be filed with the Family Division in the county listed above.

Date

, J.S.C.

The opposing party was / was not given Notice prior to entry of this Order to Show Cause.

If Notice was given to the opposing party, it was by: telephone, in person, in writing.

This order is for the enforcement of an out-of-state custody/parenting time/visitation order only. This court has not assumed jurisdiction of this out-of-state case.