



How to File a Non-Divorce Application for Custody, Child/Spousal Support or Parenting Time (Visitation) - Non-dissolution “FD” Case

Superior Court of New Jersey - Chancery Division - Family Part

Who Should Use This Packet?

This packet should only be used the **first time** you file for custody, parenting time, paternity, child support, medical coverage, spousal support or visitation with a minor (grandparent/adult sibling).

Use this packet if you are:

- a parent who is not married, or who is married but has not filed for divorce, and you want to establish paternity, custody, parenting time (visitation), child support, and/or medical support.
- married and requesting spousal and/or medical coverage.
- a grandparent or adult sibling and you want to file for custody, visitation, child support and/or medical support.
- filing a counterclaim or a response to a complaint filed by the other party.

Do NOT use this packet if:

- You have filed for divorce or are divorced from the other party.
- You have an active domestic violence restraining order with the other party.
- You already have a Family court case with the other party that you want to modify.
- You want to file an appeal of a court order that was already issued. To file an appeal use *10837- How to Appeal a Trial Court, Tax Court or State Agency Decision* found on our website at njcourts.gov.
- Your case is an emergency. You must file for an emergent hearing at the courthouse. **You cannot file for an emergent hearing through the mail.** Only a judge can determine if your case will qualify as an emergency. If you are denied an emergency hearing, your case will continue under the normal case process.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the forms will be available at the county courthouse or on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the Family Division where the case is filed. A list of Family Division Offices can be found on njcourts.gov

Things to Think About Before You Represent Yourself in Court

Try to Get a Lawyer

The law, the proofs necessary to present your case, and the procedural rules governing cases in the Family Division are complex. It is recommended that you make every effort to obtain the assistance of a lawyer. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found online under “Legal Aid” or “[Legal Services](#).”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Most county bar associations have a [Lawyer Referral Service](#).

The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and will sometimes consult with you at a reduced fee.

There are a variety of organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask the Family court staff in your county for a list of lawyer referral services that include these organizations.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.

- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

Make and keep copies for yourself, written agreements, Case Information Statements, and other important papers that relate to your case.

Definitions of Court Terms Used in FD Cases

Arrears - *Arrears* are unpaid or overdue child support, alimony, or spousal support payments.

Application - An *application* is a written request in which you ask the court to issue an order or to change an order that has already been issued.

Bench Warrant - A *bench warrant* is 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.

Certification - A *certification* is a written statement made to the court when you file papers with the court, swearing that the information contained in the filed papers is true.

Child Support Number (also referred to as “*CS Number*”) - The *Child Support Number* is the identifying number assigned to your child, spousal, or alimony support case.

Complaint - A *complaint* is a formal document filed in court that starts a case. It typically includes the names of the parties and the issues you are asking the court to decide.

Custodial Parent - the *custodial parent* is the person with whom the child(ren) live with and has the primary day-to-day responsibility.

Counterclaim - A *counterclaim* is a document in which the Defendant states their opposition to the original claim and may additionally relay to the court why you think you are entitled to relief in the case.

Court Order - A *court order* is the written decision issued by a court of law. For example, a child support court order sets forth how often, how much, and what kind of support is to be paid.

Custody - refers to the right to make decisions for the child. Joint, sole, physical *custody*, refers to where and by whom the child’s needs are met. Sole custody refers to one person and joint custody refers to sharing by the parties in the case.

Diligent Search - A *diligent search* means you made a serious effort to find information about the location of the other party named in your case, and that you have followed up on any information you have received about their whereabouts.

Docket Number - The *docket number* is the identifying number assigned to every case filed in the court.

Exhibits - *Exhibits* are documents or objects you provide to the court to support what you want the court to decide.

Definitions of Court Terms Used in FD Cases (continued)

FD - The letters the court uses to identify a non-dissolution case that involves parents who are not legally married or other adults filing for court relief on behalf of minor children. *FD* cases can also include married people who are separated but need financial support.

File - To *file* means to give the appropriate forms to the court to begin the court's consideration of your request.

Income Withholding/Wage Garnishment - *Income Withholding/Wage Garnishment* is a process where automatic deductions are made from wages or other income, to pay your support obligation. Income withholding has been mandatory since the enactment of the Family Support Act of 1988.

New Jersey Child Support Guidelines - Both parents are responsible for the financial and emotional support of their children. New Jersey has developed a standard method for calculating child support based on the income of both parents and other factors. The full set of *NJ Child Support Guidelines* is contained in *Rule 5:6A* of the New Jersey Court Rules.

NJKiDS (New Jersey Kids Deserve Support) - *NJKiDS* is the New Jersey Child Support automated computer system that tracks child support accounts.

Non-Custodial Parent - the *non-custodial parent* is the parent with whom the child(ren) do not live the majority of the time with.

Obligor/Payor - An *obligor/payor* is the person ordered by the court to pay support, also known as the non-custodial parent (NCP).

Obligee/Payee - An *obligee/payee* is the person, agency, or institution who receives support, also known as the custodial parent (CP).

Party - A *party* is a person, business, or governmental agency involved in a court action.

Petitioner - *Petitioner* is another name for the person starting the court action by filing the appropriate papers the court will consider.

Respondent - *Respondent* is the person who is named as the other party in the court action filed by the petitioner. This person can respond to the complaint or application filed by the petitioner by filing a cross application or written response with the court.

Relief - To ask for *relief* is to ask the court to grant something such as custody, parenting time, or support.

Support Obligation - *Support Obligation* is the amount of support that the court orders the obligor to pay. The court order includes how much and how often support has to be paid (i.e., per week, per month, bi-weekly, etc.).

Definitions of Court Terms Used in FD Cases (continued)

Child Support Enforcement - The *Child Support Enforcement* Division is required to enforce court orders that call for the payment of child support, health care coverage, and/or spousal support/alimony. If support is not being paid timely, the Child Support Enforcement has many state and federal tools available to enforce child support orders. These can include, but are not limited to:

- Income withholding
- Court hearing
- Bench warrant
- Tax offset - federal and state
- Judgment (liens attached to property & assets)
- Credit bureau notification
- Financial Institution Data Match (FIDM) - seizure of bank accounts
- Child Support Lien Network (CSLN) - seizure of proceeds from law suits
- Passport denial
- License suspension
- Lottery interception

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ "x 11" white paper only. Forms cannot be filed on a different size or color paper. Use only the forms included in this packet. Be sure to keep a copy for your records.

Steps for Filing a Complaint

STEP 1: Fill out the *Verified Complaint or Counterclaim* (Form A)

The *Verified Complaint* or *Counterclaim* is a written request in which you ask the court to establish a court order on your behalf concerning a minor child or spouse. The court will establish an order based on testimony of the parties and written documentation submitted.

STEP 2: Provide the court with the most recent address of the other party(ies)

The court will send a Notice to Appear to the plaintiff, defendant, all listed parties, and attorney(s) connected to your case when the case is scheduled for court. Your appearance is **mandatory**.

Note: The other party will receive copies of all of the papers you attach to your complaint with the Notice to Appear, unless court rules prohibit this information from being shared.

You must provide the court with the most current address (that you know of) for the other party and the name of their attorney (if you know it) when you file your complaint. Failure to do so may result in your case being dismissed by the court or delayed because the other party could not be served with a Notice to Appear.

STEP 3: Fill out the *Certification of Diligent Search* (if necessary)

Every person named in a court action must be given the opportunity to respond. They must be provided notice so that they can exercise their right to answer the complaint. If you are filing for custody or parenting time/visitation with a minor child, the court requires that you provide the address of the other legal parent/guardian, so they can be served with the complaint and have the opportunity to respond.

If you do not know the current address of the other party, you must complete the *Certification of Diligent Search* (CN 11490). This packet provides proof to the court of your efforts to find the other party. The packet must be completed in its entirety and mailed or delivered to the court. If you are unable to send a letter as directed, you must tell the court why by putting your reason on the letter and including it in the completed packet you mail or deliver to the court. Once you have mailed or delivered your packet to the court, your case will be filed and scheduled for a hearing. The judge will decide if your search was sufficient at the hearing.

This process must be completed before your case can proceed in court. You can find this kit on njcourts.gov.

Important Note: If you are filing to establish paternity or child support, a diligent search might not be required. You can go to your local County Welfare Office (CWA) and request locate services. Federal locate services are used only for the purpose of establishing paternity or child support.

STEP 4: Fill out the *Confidential Litigant Information Sheet*

The *Confidential Litigant Information Sheet* (CN 10486) is to ensure accuracy of court records and must be completed by the person filing this initial application. You must complete the entire form and submit it with your papers to the court. Do **NOT** leave any blank spaces. If something does not apply to you, enter "N/A". **This form is confidential and will not be shared with the other party.** Each party is required to complete their own Confidential Litigant Information Sheet and file it with the court. You can find this form on njcourts.gov.

Note: Failure to complete the Confidential Litigant Information Sheet will result in your papers being returned to you marked "deficient" and will cause a delay in your case being scheduled for court.

STEP 5: Fill out the *Financial Statement for Summary Support Actions* (if applicable)

The *Financial Statement for Summary Support Actions* (CN 11223) **must be completed if you are requesting a child support order in an FD case.** You must complete the entire form. Do **NOT** leave any blank spaces. If something does not apply to you, enter "N/A". This completed form must be included in your packet submitted to the court. **This form will be shared with the other party pursuant to Court Rule 5:5-3.** The other party must complete this same form and file it with the court. The court will share this information with the filing party at the court hearing. You can find this form on njcourts.gov.

STEP 6: Fill out the *Family Case Information Statement (CIS)* (if applicable)

The *Family Case Information Statement* (CN 10482) must be completed **only** if you are married but separated and want to establish spousal support. Spousal support can only be established under FD when there is no active divorce case.

Pursuant to Court Rule 5:5-2, a spousal support determination requires the parties to submit a Case Information Statement to the court. You must complete the entire form. Do **NOT** leave any blank spaces. If something does not apply to you, enter "N/A". This completed form must be included in your packet submitted to the court. **This form will be shared with the other party.** The other party must complete this same form, file it with the court and send a copy to you. The court will provide instructions to the other party about sharing this information with the filing party prior to the court hearing. This document is confidential pursuant to Court Rule 1:38-3 and is not available for review by any other people besides the two parties involved in the case, their attorneys, and the court. You can find this form on njcourts.gov.

STEP 7: Fill out the *Additional Information Sheet* (if needed)

Use this form if you need additional space to explain to the court what you want the court to consider or your position on a particular issue stated in the complaint. Type or write legibly and be as specific as possible.

STEP 8: Check your completed forms and make copies

Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed all the forms wherever necessary.

In Step 9 you will be directed to mail or deliver your documents to the court. The following checklist will help insure your package is complete:

Checklist

Make sure you have all the following items:

_____ *Verified Complaint or Counterclaim (Form A)*

_____ *Confidential Litigant Information Sheet*

Additional forms if applicable:

_____ *Certification of Diligent Search (CN 11490)*

_____ *Financial Statement for Summary Support Actions (CN 11223)*

_____ *Family Case Information Statement (CIS) (CN 10482)*

_____ *Federal Child Support Services Application
(IV-D Child Support Program)*

_____ *Certification in Support of Establishing Paternity*

_____ *Certificate of Parentage (COP)*

_____ *Additional Information Sheet*

STEP 9: Mail or deliver your completed paperwork

Mail or deliver your completed packet to the courthouse in the county where the child of the custodial parent resides. When mailing, make sure you specify the “Family Division” and “Non-dissolution Intake” in your address to insure your papers arrive at the correct department in the court.

Sample Address:

(Name of County) Courthouse Family Division
Non-Dissolution Intake 1234 Street
PO Box #
City, State, Zip code

All courthouse addresses can be found on njcourts.gov.

Additional Information on Child Support and Paternity

Note that if your case involves paternity, child support or spousal support, you might need to provide additional information to the court. Read the next section carefully and include any documents that apply to your case. Failure to complete certain required documents will result in your application being returned as “deficient” which will delay you getting your day in court.

Federal Child Support Services Application (IV-D Child Support Program)

You should complete this application if you are applying to establish paternity or child support. Applying for support services under the federal child support program insures your case will be enforced through the court’s Probation Division. Go to NJchilddsupport.org, fill out the application, print, sign and mail or deliver with your court papers. The Federal Child Support Program costs \$6.00. Include a money order or check for that amount along with the application with the papers you are filing with the court. This application is **in addition to the other court papers you must file** to establish your child support order.

Child support services include: locating the parent who has a duty to support your child(ren), legally determining if a person is the biological parent of your child, obtaining an order for child support and medical support services (if available at a reasonable cost), collecting support payments, keeping accurate records of payments and enforcing the support order.

Certification in Support of Establishing Paternity

This form must be completed if you are the unmarried biological mother of a child seeking paternity or child support and legal paternity of the father that has not been established by a Certificate of Parentage (COP) or a previous court order. This form must also be completed by the biological father filing for legal paternity or the legal caretaker of the child who wants child support, but where the legal father has not been identified by the court. Only answer the questions about which you have personal knowledge. Put “n/a” if the questions do not apply to you. This form will be shared with the alleged biological father/mother when they receive the notice to appear.

Certificate of Parentage (COP)

This is only required if you are filing to establish paternity for one or more of the children listed in the complaint. Include a copy of the “Certificate of Parentage”, if available, with the papers you file with the court. Check the box only if the form is attached. Make sure you keep a copy for your own records.

Instructions for Completing a Verified Complaint or Counterclaim

Important Notice: This form can be used to request multiple reliefs from the court. Make sure to check the boxes for **all** the reliefs you are requesting, as only the ones you check will be considered on the day of your hearing.

- A. If you are filing a Verified Complaint enter your name on the line marked "*Plaintiff*". If you are filing a Counterclaim enter your name on the line marked "*Defendant*".
- B. Enter the name of the other party in your case on the remaining line.
- C. On the right side of the form, enter the *County* where you are filing the application.
- D. Leave the *Docket Number* and *CS Number* lines blank. The court will provide these numbers for you.
- E. Select whether you are filing a Verified Complaint or Counterclaim.
- F. On the left side of the form, enter the Plaintiff's and Defendant's emails.
- G. Enter your name on the line between the words "*Iby way of verified complaint*".
- H. In item #1, select whether you are the *Plaintiff*, *Defendant* or the *Attorney* (for either the Plaintiff or Defendant) in the case. Enter your birth name (if different than what you entered for item A).
- I. In item #2, enter the address for the plaintiff. Make sure to include the apartment number or floor, if applicable. Enter the plaintiff's relationship to the child(ren) in this matter.
- J. In item #3, enter the address for the make sure to include the apartment number or floor, if applicable. Enter the defendant's relationship to the child(ren) in this matter.
- K. In item #4, enter the attorney's name, firm name, attorney ID number and firm address that is representing a party in this matter.
- L. In item #5, list the children that are part of your case. Enter each child's date of birth, gender and the relationship of the person with whom the child currently resides.
- M. In item #6, list any other interested parties and their address that should be noticed to appear in court regarding the children.
- N. For item #7, select whether you have had previous Family Court activity related to any of the parties listed in this complaint. If you select "Yes", enter the title of the case, the docket number and the state or country that has jurisdiction of that case.

- O. For item #8, select whether (to your knowledge) a child protection agency (i.e., DCPD or similar agency in another state) has been involved with the child(ren) or listed parties. Select whether (to your knowledge) the children are recipients of public assistance.
- P. For item #9, select the boxes for all the reliefs you want the court to consider in your case (you can select more than one). Note that **only those that are selected** will be considered during your court hearing.
- Q. Only fill out item #10 if the relief you are seeking is not contained in any of the numbered items in the form. Write in your own words the relief you are seeking for the court in the space provided. Be as specific as possible. Attach additional pages if needed.
- R. In the *Required Attachments* section, select the appropriate box(es) for those forms that you have attached to your packet.
- S. In the *Additional Attachments* section, select the box if you are attaching any additional information to your packet.
- T. Select whether you will need Interpreting services or ADA accommodations and list the language and/or accommodation.
- U. The form must have the signature of the party filing the complaint along with the signature of the attorney that is filing the complaint on behalf of the party.

County _____

Docket Number _____

CS Number _____

Plaintiff

vs.

Defendant

Civil Action

Verified Complaint

Counterclaim

Plaintiff Email: _____

Defendant Email: _____

I, _____ by way of verified complaint/ counterclaim, certify the following:

1. I am the Plaintiff Defendant Attorney for _____
in the above captioned matter.
Birth Name (if applicable) _____.

2. Plaintiff resides OR is incarcerated at:
Address _____ City/Town _____
County _____ State _____ Zip Code _____
Relationship to the child(ren) _____

Plaintiff resides OR is incarcerated at:
Address _____ City/Town _____
County _____ State _____ Zip Code _____
Relationship to the child(ren) _____

3. Defendant resides OR is incarcerated at:
Address _____ City/Town _____
County _____ State _____ Zip Code _____
Relationship to the child(ren) _____

Defendant resides OR is incarcerated at:
Address _____ City/Town _____
County _____ State _____ Zip Code _____
Relationship to the child(ren) _____

4. Attorney:
 Name _____ ID Number _____
 Firm Name _____
 Address _____
 City/Town _____ State _____ Zip Code _____

5. The child(ren) involved in this complaint are:
 Name _____ Date of Birth _____ Sex _____ Residing with (relationship) _____

6. Other interested parties' name(s) and address(es):

7. I have previously been involved in the following New Jersey family court actions or other State/Country litigation involving at least one of the parties or children listed above. (If yes, give the title of case and docket number.) Yes No

| Title of Case | Docket Number | State/Country |
|---------------|---------------|---------------|
| vs. | | |
| vs. | | |
| vs. | | |

8. A Child Protection Agency (*i.e.* the Division of Child Protection and Permanency or a similar agency in another State) has been involved or is currently involved with the with the child(ren) or listed parties. Yes No
 Is any party in this case currently receiving public assistance? Yes No
 (Governed by 41 U.S.C.A. 602 (A)(26), N.J.S.A. 44:10-1.1, *et seq.*)

9. I request the following:

Establish Paternity (**Certification in Support of Establishing Paternity is required** when requesting Paternity)

Were parents of the child married at the time of birth? Yes No

Disestablishment of Paternity

Were parents of the child married at the time of birth? Yes No

Establish Maternity

Child Support (A Certificate of Parentage is required if available)

(Pursuant to Court Rule 5:5-3, you are **required** to complete a **Financial Statement for Summary Support Actions** to serve on the other party. At the hearing you must have your most recent federal income tax return **or** your three most recent pay stubs.)

Spousal Support

(Pursuant to Court Rule 5:5-2, you are **required** to complete a **Case Information Statement** to serve on the other party. At the hearing you must have your most recent federal income tax return **or** your three most recent pay stubs.)

College Expenses

Custody

Establish visitation/parenting time arrangements

Parenting Time Grandparent Visitation Sibling Visitation

Other _____

Medical Support Requested

Health benefits for myself

Health benefits for the child(ren) named in this complaint

Reasons for your request: (explain in detail)

10. The relief I am requesting is not listed above. I am requesting the following from the court.
(Use additional information sheet if necessary.)

Required Attachments (Check all appropriate boxes)

- Confidential Litigant Information Statement.
- Certificate of Parentage (if available). (Please note that this is **not** the Birth Certificate.)
- Certification in Support of Establishing Paternity (when requesting establishment of paternity).
- Financial Statement for Summary Support Actions (when requesting child support only).
- Case Information Statement (when requesting spousal support only).

Additional Attachments

- Check this box if you are attaching any additional information (a certification, exhibits)

At the hearing:

Will you require an interpreter? Yes No

If yes, indicate language: _____

Will you require an accommodation for a disability? Yes No

If yes, indicate requested accommodation: _____

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

Date

Signature Plaintiff Defendant

Date

Signature Plaintiff Defendant

Date

Signature Plaintiff Attorney Defendant Attorney

Note that the signature of the party filing the complaint is required along with the signature of the attorney that is filing the complaint on behalf of the party

COURT APPEARANCE INFORMATION FOR THE PERSON FILING THIS APPLICATION:

Your appearance is mandatory. You should bring to court any other documentation or proof that supports your case. If you are filing for child or spousal support, bring any information about your finances with you to your court appearance such as your last three pay stubs and your most recent W-2 statement. You may bring an attorney, although an attorney is not required. If you require assistance in selecting an attorney, you may contact your County Bar Association. If you cannot afford an attorney, you may contact Legal Services of New Jersey at www.lsnj.org.

COURT APPEARANCE INFORMATION FOR THE PERSON RECEIVING THIS APPLICATION:

Your appearance is mandatory. If you fail to appear at the hearing an order granting the relief requested by the filing party may be granted. If the filing party's request is for child or spousal support, bring any information about your finances with you to your court appearance such as your last three pay stubs and your most recent W-2 statement. You may bring an attorney, although an attorney is not required. If you require assistance in selecting an attorney, you may contact your County Bar Association. If you cannot afford an attorney, you may contact Legal Services of New Jersey at www.lsnj.org.

