

RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
RULE 5:14. PROCEEDINGS TO DETERMINE PARENT-CHILD RELATIONSHIP

Rule 5:14-1. Complaint, parties

The person, official or agency authorized by law shall institute proceedings by a verified complaint. The natural mother, the man presumed by law to be the natural father, anyone whose name appears on the birth certificate and anyone who has attempted to file an acknowledgment of paternity as provided by law shall be made parties to the action, or, if not subject to the jurisdiction of the court, shall be given notice of the action in accordance with R. 4:4-5, or in a manner prescribed by the court, and an opportunity to be heard. The child may be made a party to the action and a guardian ad litem may be appointed by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. The complaint sent to the alleged father shall include a Certificate of Parentage as set forth in N.J.S.A. 26:8-28.1 and a statement of his rights and responsibilities to encourage the voluntary acknowledgment of paternity without the need for a trial.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; amended June 28, 1996, to be effective immediately; amended July 10, 1998 to be effective September 1, 1998; amended July 5, 2000 to be effective September 5, 2000.

Rule 5:14-2. Consent conference; trial

As soon as practicable after commencement of the action, an in camera consent conference shall be conducted as provided by law by the Family Part Intake Service. If the alleged father does not acknowledge paternity or fails to appear at the conference or the conference is terminated because it is unlikely that the parties will accept a recommendation, the Family Part Intake Service shall schedule the matter before a Child Support Hearing Officer. If there is an articulable reason for suspecting that the alleged father is the natural father, the Child Support Hearing Officer shall recommend to the court that the parties be ordered to participate in paternity tests. The tests shall be scheduled within 10 days of the date that the order for paternity testing is entered. Refusal to participate in paternity testing pursuant to an order of the court shall be admitted into evidence and shall give rise to the presumption that the results of the tests would have been unfavorable to the party who refused to submit to the tests. Refusal to participate in paternity testing pursuant to an order of the court is subject to the contempt power of the court. Upon receipt of the results of the paternity tests, the Family Part Intake Service or its designee shall send a copy of the paternity test results to the parties. The alleged father may contest the results of the paternity tests on the basis of fraud or inaccurate testing within 10 days of his receipt of the results by sending a written communication to the Family Part Intake Service. If the alleged father contests the results of the tests on the basis of fraud or inaccurate testing, the court shall order that additional paternity tests be

scheduled within 10 days of the order for supplemental paternity testing. If the results of the paternity tests meet or exceed the specific threshold of probability set by the State, a conclusive presumption of paternity is established without the need for foundation testimony or proof of authenticity and the court shall, upon the expiration of the time to contest the results of the paternity tests, enter a Judgment of Paternity. If the parties acknowledge paternity at a Family Part Intake Service consent conference or Child Support Hearing Officer proceeding, a Judgment of Paternity shall be prepared, signed by the parties, and submitted to the court for approval. If the establishment of paternity and child support are requested in the original complaint and paternity is subsequently adjudicated or acknowledged, the Family Part Intake Service shall schedule a conference with the parties or a hearing before a Child Support Hearing Officer to recommend to the court an appropriate child support award determined in accordance with the Appendix IX child support guidelines. If all parties accept the recommendation, a child support order shall be entered accordingly. If a party fails to participate in paternity testing as ordered by the court or the results of the paternity tests do not meet or exceed the specific probability threshold set by the State the action shall be listed for trial which shall be by the court unless a written request for a jury has been filed as required by law. If the alleged father fails to appear at the trial after being served in accordance with Rule 4:4-4, a judgment of paternity shall be entered by default in accordance with N.J.S.A. 9:17-52.1.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; amended June 28, 1996, to be effective immediately.

Rule 5:14-3. Judgment

The judgment or order shall determine the existence or non-existence of the parent-child relationship and may contain any other provisions concerning support, custody, guardianship, visitation, reasonable expenses of pregnancy, and any matter in the best interest of the child or as provided by law. In determining the amount of support to be paid and the period during which the duty of support is owed, the court shall apply the child support guidelines set forth in Rule 5:6A and Appendix IX of these Rules. The court may order reasonable fees of counsel, experts and the child's guardian ad litem and other costs of the action and pre-trial proceedings, including blood or genetic tests, to be paid by the parties in proportions and at times determined by the court. The adjudication of paternity is not required to establish a child support order if the parent-child relationship has been established by a court or administrative agency of another state, by the alleged father executing a voluntary acknowledgment of paternity in another state, or the alleged father executing a Certificate of Parentage in this State.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; amended June 28, 1996, to be effective immediately.

Rule 5:14-4. Gestational Carrier Matters; Orders of Parentage

(a) Complaint and Order to Show Cause. Prior to the birth of a child or thereafter, and prior to the issuance of a birth certificate pursuant to N.J.S.A. 26:8-28, a complaint and a proposed order to show cause may be filed requesting an order of parentage naming the petitioners, except when prohibited by law, as the child's legal parents. A gestational carrier is defined as a woman who is not the genetic mother of the child.

(b) Process. The complaint, proposed order to show cause, and proposed order of parentage shall be filed with the Surrogate in the county where either the petitioners or gestational carrier resides, or where the child is to be born. The executed order to show cause shall be entered by the court no later than three days after filing of the complaint and set forth a return date no later than seven days after the filing date of the complaint. The gestational carrier and her spouse or civil union partner, if applicable, shall be served with a copy of the complaint, executed order to show cause, and proposed order of parentage. A copy of the complaint, executed order to show cause and proposed order of parentage shall be served on the State registrar of vital statistics pursuant to R. 4:4-4(a)(7), and any other party in interest. Proof of service shall be filed with the court on or before the return date.

(c) Return on Order to Show Cause.

(1) If the gestational carrier, and her spouse or civil union partner, if applicable, the State registrar of vital statistics and any other party in interest, have not filed an objection with the Surrogate, or appeared in court, an order of parentage shall be signed on the return date. The order of parentage shall state: (A) the order of parentage shall be issued and become effective upon the filing of a relinquishment of parental rights executed and acknowledged by the gestational carrier, and spouse or civil union partner, if applicable, after seventy-two (72) hours from the birth of the child, and (B) the petitioners shall be the sole parents of the child born to the gestational carrier. Personal appearances of the parties on the return date shall not be required unless there is an objection to the relief requested.

(2) The order of parentage shall be effective on the date the relinquishment of parental rights is filed with the Surrogate. Upon the filing of the relinquishment of parental rights, the Surrogate shall provide the fully executed order of parentage immediately to the petitioners or their attorney who shall serve a copy of the order of parentage on the gestational carrier and her spouse or civil union partner, if applicable.

(d) Listing of Names of Petitioners on the Birth Record. Upon presentation of the fully executed order of parentage and relinquishment of parental rights to the hospital or health care facility in which the child was born, the names of the petitioners shall be listed as the parents of the child on the birth record pursuant to N.J.A.C. 8:2-1.5(d).

Note: Adopted July 27, 2015 to be effective September 1, 2015.