

# STAGES 2 AND 3 : CASE MANAGEMENT AND DISCOVERY

Motions may be filed for temporary relief at any point during the litigation to address interim financial support and also to establish temporary custody until final settlement.

Each party is expected to file a Case Information Statement (CIS) with the court within 20 days of the filed Answer or Appearance. The CIS is also provided to the other party.\*

The court schedules a **Case Management Conference (CMC)**, within **30 days** of the deadline for filing an Answer to the Complaint or an Answer to the Counterclaim

**IS A COURT APPEARANCE REQUIRED FOR THE CASE MANAGEMENT CONFERENCE?**

**YES**

**NO**

The conference may be by phone with the judge/court administrator and attorneys only (no client participation) or in person with the parties present with a judge. The court will identify the issues and set a timeline for the progress of the case.

The **CMC** may be bypassed if the attorneys agree on deadlines for discovery and the judge permits.

**HOW LONG WILL THE DISCOVERY PERIOD LAST?**

The court assigns the case to one of four **"tracks,"** based on complexity and type of issues. Discovery period ends within **90 days (Expedited Track)** or **120 days (Standard Track)** following service of the original Complaint, or on a date set forth in the order (**Priority or Complex Track**).

**WHAT IF THERE ARE KIDS?**

If the initial pleadings indicate that there are unresolved child custody and parenting time issues, the court will require that the parents attend mediation.

**WHAT KIND OF DISCOVERY OCCURS?**

In addition to exchanging CIS's, parties may exchange basic discovery such as Interrogatories (questions to be answered in written form), Notices to Produce Documents, Requests for Admission, and Deposition notices.

**WERE CHILD CUSTODY AND PARENTING TIME ISSUES RESOLVED THROUGH MEDIATION?**

**YES**

**NO**

If necessary, more complex discovery may be conducted. Experts may be appointed by the court or retained by either party for purposes such as appraising property, valuing a business or pension, or performing vocational, medical, or psychological examinations.

The mediator will prepare a memorandum of understanding (MOU) containing the settlement terms. Counsel for the parties will convert the MOU into a final consent order resolving the matter of custody and parenting time.

The court may appoint a mental health expert to complete a best interest evaluation and prepare a written recommendation for child custody and parenting time. Parents may also retain separate experts.

The parties may use the recommendations to prepare a final agreement regarding custody and parenting time or either party may challenge the recommendations at a final hearing or trial.

Any other outstanding issues? The case would either continue discovery or proceed to early settlement panel.

**The New Jersey Divorce Process has 7 Stages.**  
This is Stage 2 and 3. To get more information on all stages go to: <http://www.wlg.com/divorce-roadmap>



Divorce is never easy. Retaining the right legal representation can make a real difference. Weinberger Divorce & Family Law Group is solely focused on New Jersey divorce and family law, making us uniquely qualified to understand the challenges you are facing, as well as the intricate rules and protocols of family mediation.

For a consultation, call us at (888) 888-0919.