

CHAPTER 110**CHILD SUPPORT PROGRAM****Authority**

N.J.S.A. 44:10-3, Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Public Law 105-34, the Taxpayer Relief Act 1997; Public Law 105-149, the Balanced Budget Act of 1997; the Work First New Jersey Act, Public Law 1997, c.13, c.14, c.37 and c.38; and the New Jersey Child Support Program Improvement Act (NJCSPIA), P.L. 1998, c.1; and the Uniform Interstate Family Support Act (UIFSA), P.L. 1998, c.2.

Source and Effective Date

R.1998 d.506, effective September 22, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).

Executive Order No. 66(1978) Expiration Date

Chapter 110, Child Support Program, expires on September 22, 2003.

Chapter Historical Note

Chapter 110, Child Support Program, was adopted as R.1998 d.189, effective April 20, 1998 (to expire September 23, 1998). See: 30 N.J.R. 1404(a).

Chapter 110, Child Support Program, was readopted as R.1998 d.506, effective September 22, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS OF THE CHILD SUPPORT PROGRAM

10:110-1.1 Purpose and scope of the Child Support Program

Title IV-D of the Social Security Act, known as the Program for Child Support Enforcement and Establishment of Paternity, was established by Part B of P.L. 93-647 in 1975. Title IV-D charges the Child Support Program with locating alleged fathers and non-custodial parents, establishing paternity, and obtaining, enforcing and modifying support obligations (both monetary and health care coverage) owed by non-custodial parents to their children in both intrastate and interstate cases. As used herein, the terms "child support" and "Title IV-D" are interchangeable.

Amended by R.1998 d.506, effective October 19, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).

Inserted a reference to modifying support obligations, and added "in both intrastate and interstate cases" at the end of the second sentence.

10:110-1.2 Child Support Program administration

(a) Title IV-D of the Social Security Act delegates responsibility for the operation of the Child Support Program to state IV-D agencies. In New Jersey, the state IV-D agency is the Department of Human Services, Division of Family Development, Office of Child Support and Paternity Programs (OCSPP).

(b) The OCSPP shall be the single organizational unit responsible for the supervision of the Child Support Program.

(c) The OCSPP shall coordinate child support services involving:

1. County welfare agencies (CWA);
2. County child support units (CWA/CSP units);
3. The Administrative Office of the Courts;
4. County prosecutor's offices;
5. County sheriff's offices; and
6. The State Attorney General's Office.

(d) The OCSPP shall supervise and monitor the child support program.

Amended by R.1998 d.506, effective October 19, 1998.

See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).

In (b), deleted "located in the Division of Family Development (Division)," following "OCSPP".

10:110-1.3 Child support services

(a) Child support services shall be provided to the populations described in this chapter.

(b) Child support services shall include, but not be limited to, the following services:

1. Location of non-custodial parents or alleged fathers, their employers, or their sources of income;
2. Establishment of paternity or filiation proceedings;
3. Establishment or modification of child support obligations, including health care coverage support;
4. Enforcement of child support and health care coverage support obligations; and
5. Collection and disbursement of child support payments.

10:110-1.4 Eligibility for services

(a) Individuals residing in New Jersey who receive WFNJ/TANF, WFNJ/GA, Title XIX Medicaid assistance or who are referred as Title IV-E foster care cases are eligible for child support services.

1. WFNJ/TANF and WFNJ/GA applicants and recipients, Title XIX Medicaid applicants and recipients, and Title IV-E DYFS referrals shall accept child support services, including health care coverage support, as a condition of eligibility for public assistance, unless good cause is found in accordance with N.J.A.C. 10:90-16.2 through 16.5 for not providing these services.

2. WFNJ/TANF, WFNJ/GA, or Medicaid assistance shall be denied or terminated for noncooperation with child support, unless good cause is found in accordance with N.J.A.C. 10:90-16.2 through 16.5.

3. Child support services shall continue to be provided to a custodial parent when the WFNJ/TANF, Title IV-E foster care, or Title XIX Medicaid case closes, unless the closure is due to noncooperation with child support service requirements.

4. Child support services shall be provided without requiring a formal application for services.

10:110-6.2 Support payments

All support rights due the WFNJ/TANF applicant/recipient, which are assigned to the county, shall be paid through the probation division as ordered by the court. The first \$50.00 of any payments for a month received in that month which were made by the non-custodial parent in the month when due, shall be paid to the family.

Amended by R.1998 d.506, effective October 19, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).

Substituted a reference to the county for a reference to the State in the first sentence, and substituted a reference to noncustodial parents for a reference to absent parents in the second sentence.

10:110-6.3 (Reserved)**10:110-6.4 Authorization to seek or enforce a child support obligation**

An application for services by a nonpublic assistance recipient of child support services shall operate as authorization to seek or assist the party to establish, modify, or enforce child support as requested.

Amended by R.1998 d.506, effective October 19, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).

Substituted "or assist the party to establish, modify, or enforce child support as requested" for "modify, or enforce child support" at the end.

SUBCHAPTER 7. APPLICATION**10:110-7.1 Application fees**

(a) For public assistance recipients, there is no application fee for child support services.

1. If public assistance and child support services are terminated by the applicant/recipient, the CWA/CSP shall require that a IV-D application be filed and that the \$6.00 application fee be paid if it is requested that services be reinstated.

(b) For nonpublic assistance recipients, the application fee for child support services is \$6.00.

1. Where the custodial parent requests only payment disbursement and monitoring services, a \$25.00 annual fee shall be assessed.

2. Non IV-D income withholding cases shall be exempt from all application fees.

Amended by R.1998 d.506, effective October 19, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).
In (b), added 2.

10:110-7.2 Application process

(a) Applications shall be made accessible to the public. There shall be included with each application information describing child support services, the custodial and non-

custodial parent's rights and responsibilities, application fees or recovery of cost charged by an out-of-State IV-D agency, and payment distribution policies.

1. An application shall be provided on the day a request is made in person.

2. An application shall be sent within five working days of the date a written or telephone request for an application is received.

(b) An application shall not be required from a foreign reciprocating country or foreign obligee.

Amended by R.1998 d.506, effective October 19, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).

In (a), substituted "application fees or recovery of cost charged by an out-of-State IV-D agency," for "fees," following "responsibilities" in the introductory paragraph.

SUBCHAPTER 8. INTAKE AND CASE RECORD MAINTENANCE**10:110-8.1 Investigative interview/case action**

(a) An investigative interview shall be scheduled with the applicant/ recipient to obtain sufficient information to determine cooperation with child support requirements, in accordance with N.J.A.C. 10:90-16.2 through 16.5, for the receipt of WFNJ/TANF cash assistance and health care coverage and to assist in the provision of child support services.

(b) Case action procedures are as follows:

1. For a WFNJ/TANF applicant/recipient, if sufficient information is provided, action to establish paternity and/or support shall be taken.

i. If it is determined that the WFNJ/TANF applicant/recipient has not cooperated in accordance with N.J.A.C. 10:90-16.2 through 16.5:

(1) The applicant/recipient and the children in the assistance unit shall not be eligible for cash benefits under WFNJ.

(2) The applicant/recipient shall be ineligible for Medicaid. However, if an applicant/recipient is pregnant at denial or termination of WFNJ/TANF, Medicaid eligibility shall continue until pregnancy and the 60 day post-partum eligibility period are concluded.

(3) The children in the WFNJ/TANF unit shall continue to receive Medicaid, subject to the notice requirements pertaining to adverse action notices pursuant to N.J.A.C. 10:90-9.

2. For a nonpublic assistance applicant/recipient, if sufficient information as required by the court is provided, assistance in establishing paternity in accordance with

N.J.A.C. 10:110-12.2 shall be attempted or in filing a complaint for paternity and/or support shall be provided.

Amended by R.1998 d.506, effective October 19, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).
Rewrote (b)2.

10:110-8.2 Case records

(a) Automated case records shall be maintained for all cases receiving child support services.

(b) The case record shall be established within no more than 20 calendar days of the filing of a IV-D application.

(c) New information shall be added to the case record within no more than five working days of receipt.

Amended by R.1998 d.506, effective October 19, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).

In (b) and (c), inserted "no more than" following "within".

i. A certification documenting unsuccessful efforts to locate a party shall be documented and provided to the court when appropriate before any adverse action is taken based on failure of the party to respond to a notice.

Amended by R.1998 d.506, effective October 19, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).

In (a)2, inserted "by regular mail" following "notice" in the introductory paragraph, and substituted "documented and provided to the court when appropriate" for "provided to the court" following "shall be" in i.

10:110-10.3 Diligent efforts to serve process in enforcement actions

Diligent efforts to serve process in enforcement actions means making inquiries that may include, but are not limited to, the U.S. Postal Service, the Division of Motor Vehicles in the Department of Transportation, the Department of Labor, the Department of Corrections, and the Division of Taxation in the Department of Treasury.

SUBCHAPTER 9. COOPERATION

10:110-9.1 Cooperation with child support for WFNJ and Medicaid eligibility

Cooperation requirements with child support for WFNJ/TANF, WFNJ/GA and Medicaid eligibility are contained at N.J.A.C. 10:90-16.2 through 16.5.

SUBCHAPTER 11. LOCATION

10:110-11.1 General location statement

(a) Within no more than 75 calendar days of the determination that location is necessary, all appropriate location sources shall be accessed in an attempt to locate non-custodial parents or alleged fathers and/or their assets.

1. In these location investigations:

i. All appropriate local, State and Federal resources available shall be utilized;

ii. Location efforts in interstate cases (cases in which one party does not live in New Jersey) shall be coordinated; and

iii. Cases, when appropriate, shall be referred to the Federal Parent Locator Service (FPLS).

2. Where adequate identifying information exists but location attempts have failed, repeat location attempts shall be made quarterly, shall be limited to automated sources, and shall include State employment security files.

Amended by R.1998 d.506, effective October 19, 1998.
See: 30 N.J.R. 1956(a), 30 N.J.R. 3822(a).

In (a), substituted "all appropriate location sources shall be accessed in an attempt" for "investigations shall be conducted" following "necessary," in the introductory paragraph.

10:110-11.2 Location sources

(a) A New Hires directory shall be maintained, and all employers and labor organizations doing business in the State shall report to the Department or its designee:

SUBCHAPTER 10. SERVICE OF PROCESS

10:110-10.1 General statement

Service of process shall be required to establish child support obligations and, in some instances, when actions to enforce obligations are taken.

10:110-10.2 Methods of service

(a) The methods of service of process required by law shall vary with the action being taken.

1. When establishing or modifying the child support provision of a court order or judgment, service of process shall be consistent with court rules or applicable statutes.

2. When enforcing a support provision in an order or judgment, procedural due process requirements shall be deemed to have been met with respect to the party upon delivery of written notice by regular mail to that party's most recent residential or employer address on file with the probation division, if there is a sufficient showing that diligent efforts as defined in N.J.A.C. 10:110-10.3 have been made to locate the party.