

**CHAPTER 110
CHILD SUPPORT PROGRAM**

Authority

N.J.S.A. 30:1-12, 44:10-58 and 47:1A-1 et seq. as amended by P.L. 2001, c. 404, Public Access to Government Records; 42 U.S.C. §§601, 654, 654(22), 658, 666(a)(17) and (a)(19), and 669A, as amended in accordance with Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 45 CFR 260.50-59, and 301 through 310; Public Law 105-34, The Taxpayer Relief Act of 1997; Public Law 105-149, The Balanced Budget Act of 1997; Child Support Performance and Incentive Act of 1998, P.L. 105-200; P.L. 1998, c. 1, the New Jersey Child Support Program Improvement Act (NJCSPIA); P.L. 1998, c. 2, the New Jersey Uniform Interstate Family Support Act; 42 U.S.C. §§651 through 669B; the New Jersey Rules of Court (Rule 5:6A and Appendices IXA through IXH); and the Deficit Reduction Act of 2005 (P.L. 109-171).

Source and Effective Date

R.2009 d.135, effective March 26, 2009.
See: 40 N.J.R. 5501(a), 41 N.J.R. 1861(a).

Chapter Expiration Date

Chapter 110, Child Support Program, expires on March 26, 2014.

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

Subchapter 9, Cooperation, was repealed by R.2001 d.150, effective May 7, 2001. Subchapter 9, Child Support and Paternity, was adopted as new rules by R.2001 d.150, effective May 7, 2001, to expire September 22, 2003. See: 33 N.J.R. 182(a), 33 N.J.R. 1381(a).

Chapter 110, Child Support Program, was readopted as R.2004 d.88, effective January 29, 2004. See: 35 N.J.R. 3042(a), 36 N.J.R. 1207(a).

Chapter 110, Child Support Program, was readopted as R.2009 d.135, effective March 26, 2009. As a part of R.2009 d.135, Subchapter 7, Application, was renamed Application and Fees, effective April 20, 2009. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS OF THE CHILD SUPPORT PROGRAM

- 10:110-1.1 Purpose and scope of the Child Support Program
- 10:110-1.2 Child Support Program administration
- 10:110-1.3 Child support services
- 10:110-1.4 Eligibility for services
- 10:110-1.5 Delivery of service
- 10:110-1.6 Disclaimer of waiver
- 10:110-1.7 Confidentiality and privacy
- 10:110-1.8 Requests for information

SUBCHAPTER 1A. DEFINITIONS

- 10:110-1A.1 Definitions

SUBCHAPTER 2. CHILD SUPPORT ADMINISTRATION

- 10:110-2.1 Cooperative agreements and contracts for IV-D services

- 10:110-2.2 Reciprocal agreements with foreign reciprocating jurisdictions
- 10:110-2.3 Full faith and credit
- 10:110-2.4 Uniform Interstate Family Support Act (UIFSA), P.L. 1998, c.2
- 10:110-2.5 Publicizing child support services

SUBCHAPTER 3. RESPONSIBILITIES IN THE DELIVERY OF SERVICES

- 10:110-3.1 OCSS' responsibilities in IV-D cases as the IV-D Agency
- 10:110-3.2 County welfare agency's responsibilities
- 10:110-3.3 CWA/CSU's responsibilities
- 10:110-3.4 Monitoring of the Administrative Office of the Courts' (AOC) responsibilities

SUBCHAPTER 4. CUSTODIAL AND NON-CUSTODIAL PARENTS' RIGHTS AND RESPONSIBILITIES

- 10:110-4.1 Custodial parents' rights
- 10:110-4.2 Non-custodial parents' (NCPs') rights
- 10:110-4.3 Custodial parents' responsibilities in Title IV-D cases
- 10:110-4.4 Non-custodial parents' responsibilities in a Title IV-D case

SUBCHAPTER 5. DELIVERY OF CHILD SUPPORT SERVICES

- 10:110-5.1 Providing child support services
- 10:110-5.2 Administrative subpoena
- 10:110-5.3 Administrative enforcement
- 10:110-5.4 Work activities

SUBCHAPTER 6. CWA AS PAYEE

- 10:110-6.1 Assignment of rights
- 10:110-6.2 Support payments
- 10:110-6.3 (Reserved)
- 10:110-6.4 Authorization to seek or enforce a child support and/or medical support obligation

SUBCHAPTER 7. APPLICATION AND FEES

- 10:110-7.1 Application fees
- 10:110-7.2 Application process
- 10:110-7.3 Annual fee

SUBCHAPTER 8. CASE ACTION PROCEDURES AND CASE RECORD ESTABLISHMENT

- 10:110-8.1 Investigative interview/case action
- 10:110-8.2 Establishment of case records

SUBCHAPTER 9. CHILD SUPPORT AND PATERNITY

- 10:110-9.1 Introduction
- 10:110-9.2 Cooperation with child support for WFNJ eligibility
- 10:110-9.3 Cooperation in good faith in establishing paternity and support
- 10:110-9.4 Good faith effort requirement
- 10:110-9.5 Good cause exceptions to cooperation

SUBCHAPTER 10. SERVICE OF PROCESS

- 10:110-10.1 General statement
- 10:110-10.2 Methods of service
- 10:110-10.3 Diligent efforts to serve process in establishment and enforcement actions

SUBCHAPTER 11. LOCATION

- 10:110-11.1 General location statement
- 10:110-11.2 Location sources

SUBCHAPTER 12. PATERNITY ESTABLISHMENT

- 10:110-12.1 Identification of the alleged father

- 10:110-12.2 Voluntary acknowledgment of paternity
- 10:110-12.3 Contested paternity
- 10:110-12.4 Genetic testing
- 10:110-12.5 Establishing paternity in interstate cases
- 10:110-12.6 Adoptions and artificial insemination
- 10:110-12.7 Special circumstances

SUBCHAPTER 13. ESTABLISHING SUPPORT OBLIGATIONS

- 10:110-13.1 General statement
- 10:110-13.2 Determining the amount of child support obligations

SUBCHAPTER 14. TRIENNIAL REVIEWS

- 10:110-14.1 Case selection
- 10:110-14.2 Triennial review process
- 10:110-14.3 Triennial reviews in interstate cases

SUBCHAPTER 15. ENFORCING SUPPORT OBLIGATIONS

- 10:110-15.1 General statement
- 10:110-15.2 Child support enforcement remedies

SUBCHAPTER 16. PROCESSING SUPPORT PAYMENTS

- 10:110-16.1 Distribution of excess child support
- 10:110-16.2 Timeframes

SUBCHAPTER 17. DISTRIBUTION OF ARREARAGE PAYMENTS

- 10:110-17.1 Payments on arrearages

SUBCHAPTER 18. INCENTIVE PAYMENTS

- 10:110-18.1 Distribution of incentives
- 10:110-18.2 Incentives distribution methodology
- 10:110-18.3 Reduction in incentives
- 10:110-18.4 Reinvestment of incentives

SUBCHAPTER 19. STATE CASE REGISTRY

- 10:110-19.1 Maintaining the State Case Registry

SUBCHAPTER 20. CASE CLOSURE

- 10:110-20.1 Case closure criteria and the retention of case records
- 10:110-20.2 Retention of case records
- 10:110-20.3 Case closure criteria
- 10:110-20.4 Reopening a closed case

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 medical support) owed by non-custodial parents to their children in both, as defined herein, 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. Amended by R.2004 d.88, effective March 1, 2004.
See: 35 N.J.R. 3042(a), 36 N.J.R. 1207(a).

Substituted "medical support" for "health care coverage" preceding "owed by non-custodial parents" and inserted ", as defined herein," preceding "intrastate and interstate cases".

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 Services (OCSS).

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

(c) The OCSS shall oversee the delivery of child support services involving:

1. County welfare agencies (CWA);
2. County welfare agency child support units (CWA/CSU);
3. The Judiciary's Administrative Office of the Courts and the respective components of the judicial districts, namely, the Family Division, the Probation Division (Child Support) and the Finance Division;
4. County prosecutor's offices;
5. County sheriff's offices;
6. The State Attorney General's Office; and
7. Contracted service providers of the NJ Child Support Program.

(d) The OCSS shall supervise and monitor the Child Support Program.

(e) In the administration of child support services, there shall be no discrimination by reason of: race; creed, color; affectional or sexual orientation or sex; national origin; ancestry; marital status; familial status; liability for service in the Armed Forces of the United States; or disability or handicap by the Department, or any other entities or contractual agents under contract or agreement with the Department and involved in the provision of child support services, in accordance with Title VI of the Federal Civil Rights Act of 1964 (P.L. 88-352) and Section 504 of the Federal Rehabilitation Act of 1973 (P.L. 95-602), the Americans with Disabilities Act (P.L. 101-336), and the Law Against Discrimination, P.L. 1945, c.169 (C.10:5-1 et seq.).

(f) The OCSS shall operate the New Jersey Child Support Institute (NJCSI) to train staff of all entities providing IV-D child support services, in cooperation with such entities and