

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".

SUBCHAPTER 9. CHILD SUPPORT AND PATERNITY

Authority
N.J.S.A. 44:10-58.

Source and Effective Date

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.
See: 33 N.J.R. 182(a), 33 N.J.R. 1381(a).

10:110-9.1 Introduction

(a) P.L. 93-647 establishes Title IV-D of the Social Security Act, which mandates procedures for locating non-custodial parents, establishing paternity for children born out-of-wedlock and establishing, enforcing and/or modifying support obligations owed by noncustodial parents to their children. Title IV-D services with regard to paternity determinations and support collections shall be available to WFNJ individual, a Medicaid individual, a Title IV-E individual or any other individual not receiving WFNJ who files an application for child support services.

(b) The WFNJ program is designed to promote self-sufficiency. Support collections are a vital financial resource to all individuals attempting to attain and/or maintain self-sufficiency. Applicant/recipient cooperation with the county welfare agency child support (CWA/CSP) unit is a necessary step in obtaining support collections. Child support cooperation is an interactive ongoing process based on individual case circumstances. The applicant/recipient has a continuing responsibility to provide all necessary and new information available to them. The CWA/CSP unit is responsible for assisting the clients in obtaining information in its efforts to make paternity determinations and to obtain support collections from their responsible parent(s).

10:110-9.2 Cooperation with child support for WFNJ eligibility

(a) The first step in the WFNJ application process is cooperation with child support. In addition to the eligibility requirements contained in N.J.A.C. 10:90-2.2 and 3.2 or 3.4, requirements for WFNJ eligibility shall include the following:

1. The application process for WFNJ benefits for both WFNJ/TANF and WFNJ/GA individuals begins with the agency worker assigned to ascertain cooperation requirements of child support. For TANF purposes, at the time of the IV-D interview with the WFNJ/TANF applicant/recipient, the CSP worker shall explain the child support cooperation requirements set out in this section and N.J.A.C. 10:110-9.3, the good faith effort requirement set out in N.J.A.C. 10:110-9.4, and what constitutes a claim for good cause exceptions to cooperation, as outlined at N.J.A.C. 10:110-9.5. Except in extraordinary circumstances, the IV-D interview shall be conducted at the time of application.

i. For TANF purposes, the IV-D interview to establish cooperation shall begin with the applicant/recipient signing the affidavit of cooperation and completing the child support questionnaire which includes providing information related to the noncustodial parent in accordance with N.J.A.C. 10:110-9.4(b) and (c), unless a good cause exception to cooperate is established.

(1) The applicant/recipient is required to provide information related to the noncustodial parent at the time of the IV-D interview but no later than 30 calendar days from the date of the notice of initial cooperation with child support in accordance with N.J.A.C. 10:110-9.4(d).

(2) If at any time during the IV-D interview or case processing, the CWA/CSP unit determines, based on statements made by the individual, that the applicant/recipient is a victim of domestic violence, rape or incest and fears emotional or physical harm will result to him or herself or to his or her child(ren), the corroboration of the circumstances shall be met and a determination of good cause shall be made without further involvement of the individual in accordance with N.J.A.C. 10:110-9.5(b)iv.

ii. The CWA/CSP unit shall make the determination as to whether or not the applicant/recipient has initially cooperated in good faith in accordance with N.J.A.C. 10:110-9.3.

iii. During the period after initial cooperation has been determined, if the CWA/CSP unit finds that the information provided by the applicant/recipient is insufficient and additional information is necessary, the CWA/CSP unit shall make a determination as to whether or not the applicant/recipient has continued to cooperate in meeting the good faith effort requirement in accordance with N.J.A.C. 10:110-9.4.

iv. If later CWA/CSP unit efforts to verify an applicant's/recipient's information show that inaccurate information related to the non-custodial parent was deliberately provided, the applicant/recipient shall be found to have failed to cooperate.

v. At the point of initial intake, for WFNJ/GA applicants, initial cooperation in good faith with the child support requirements shall be established by the completion and signing of the affidavit of cooperation which shall include the identification of his or her child(ren) and their respective custodial parent(s).

vi. At the time of any adverse action, the applicant/recipient shall be advised of his or her rights to a fair hearing and to appeal any adverse action in accordance with N.J.A.C. 10:90-9.3.

2. At the time of application, it may not be possible to complete the IV-D interview due to extraordinary circumstances.

i. When the WFNJ/TANF applicant is applying for multiple benefits, for example, WFNJ, Medicaid and food stamps, the CWA shall determine if the IV-D interview and work registration requirement can be completed on the day of initial contact with the agency. Where the IV-D interview and/or work requirement cannot be completed on the day of application, the applicant shall be afforded the opportunity to file the application for food stamps and Medicaid if appropriate, that day. At a minimum, the applicant shall provide his or her name and signature, as well as the date of filing, on the application. The applicant shall also complete the questions on the application which are relevant in determining whether the household is entitled to food stamp expedited service and all questions relevant to determining Medicaid eligibility. In addition, the applicant shall be provided with an appointment to return to the agency to comply with the IV-D interview and/or the work registration requirement.

ii. When the WFNJ/TANF applicant is applying for multiple benefits, for example WFNJ, Medicaid and food stamps, and fails to cooperate with the CWA/CSP unit, the application process shall continue for food stamps and Medicaid for any eligible children and any applicant who meets the Medicaid exception requirement in accordance with N.J.A.C. 10:110-9.3(f)1.

iii. In cases of immediate need, where the IV-D interview and/or work registration requirement cannot be completed on the day of application, the application process is to continue and immediate need determined, with the WFNJ/TANF applicant being provided an appointment to return to the CWA to comply with the IV-D interview and/or the work registration requirement.

iv. All child support activities shall be coordinated with the WFNJ/TANF applicant's/recipient's work ac-

tivities as delineated in the individual responsibility plan (IRP) and/or the emergency assistance service plan.

v. A WFNJ/GA applicant's lack of cooperation with the child support requirement shall not delay a referral to the CWA to apply for the Food Stamp program or the Medicaid program for those individuals who meet the exception requirement in accordance with N.J.A.C. 10:110-9.3(f)1 or the processing of such application, if applicable.

vi. All child support activities shall be coordinated with the WFNJ/GA applicant's/recipient's work activities as delineated in the IRP and/or the emergency assistance service plan.

vii. In cases of immediate need, where the affidavit of cooperation and/or work registration requirement cannot be completed on the day of application, the application process is to continue and immediate need determined with the WFNJ/GA applicant being provided an appointment to return to the municipal or county agency to complete the affidavit of cooperation and/or the work registration requirement.

(b) WFNT/TANF applicants, as a condition of eligibility for WFNJ, automatically assign to the CWA all rights to support from the children's non-custodial parent(s) or any other support to which the eligible children, or the applicant when he or she is included in the eligible unit, may be entitled (see N.J.A.C. 10:90-16.6). An assignment of rights is also required for DYFS cases under Section 471(a)17 of the Social Security Act and as a condition of Medicaid under 42 C.F.R. 433.146.

(c) Title IV-D services with regard to paternity determinations and support collections shall be available to the Division of Youth and Family Services (DYFS) upon application and referral on behalf of the child(ren) for whom services are requested.

(d) Child support and paternity regulations contained in this subchapter are not required for the Refugee Resettlement Program (RRP). Although CWAs will not receive incentive payments for amounts collected for individuals in this program, there is no bar to providing child support services to this population.

10:110-9.3 Cooperation in good faith in establishing paternity and support

(a) The cooperation requirement herein is applicable pursuant to the Work First New Jersey Act, P.L. 1997, c.14.

(b) Applicants/recipients of WFNJ/TANF are required to cooperate in good faith as defined at N.J.A.C. 10:110-9.4 with the CWA/CSP unit to establish parentage and establish, modify and enforce child support orders, subject to good cause exceptions as set forth at N.J.A.C. 10:110-9.5.

(c) Cooperation in good faith for WFNJ/TANF applicants/recipients shall include, but is not limited to, providing the CWA/CSP unit with information related to the non-custodial parent as specified at N.J.A.C. 10:110-9.4(b) and (c). The CWA/CSP unit shall conduct an investigation based upon the information provided in an effort to identify and locate non-custodial parents, establish parentage and establish, modify and/or enforce child support orders. If an applicant/recipient of WFNJ/TANF fails to cooperate by not providing the necessary information as outlined at N.J.A.C. 10:110-9.4(b) and fails to make good faith effort as outlined at N.J.A.C. 10:110-9.4(c), or fails to meet the criteria for continuing cooperation as outlined at N.J.A.C. 10:110-9.4(e), and good cause for failure to cooperate is not established, the CWA/CSP unit shall notify the applicant/recipient that a determination of non-cooperation shall be made unless he or she takes certain specified actions to cooperate.

(d) A WFNJ/GA applicant/recipient shall be required to cooperate in good faith with the child support requirements by identifying his or her children and their respective custodial parent(s) and by providing the custodial parent's address, date of birth and social security number or by providing all of the requested information he or she reasonably can through the completion and the signing of the affidavit of cooperation.

1. If an applicant/recipient refuses to provide information or sign the affidavit of cooperation, a determination of non-cooperation with the WFNJ/GA agency shall be made. See N.J.A.C. 10:110-9.2(a)2v regarding eligibility for other programs.

(e) An applicant/recipient of Medicaid benefits shall be required to cooperate in good faith in obtaining support and health care coverage to which members of the eligible unit are entitled (see N.J.A.C. 10:90-16.6(d)).

(f) Once a determination of non-cooperation is made, the WFNJ/TANF applicant/recipient and the children in the assistance unit shall be ineligible for cash benefits under WFNJ and the applicant/recipient shall be ineligible for Medicaid. The exception to this Medicaid ineligibility requirement is listed in (f)1 below. The applicant/recipient shall have the opportunity to challenge a determination of non-cooperation by requesting a fair hearing.

1. The exception to this Medicaid ineligibility requirement is that Medicaid does not sanction pregnant women and children. If a client is pregnant at the time a determination of non-cooperation with child support is made, Medicaid eligibility shall continue until pregnancy and the 60-day post-partum eligibility period are concluded.

(g) WFNJ applicants/recipients shall be required to cooperate fully with the CWA/CSP unit by:

1. Appearing at the appropriate child support agency, as necessary, to provide oral or written information, additional information or documentary evidence relevant to obtaining support health care coverage, which is known to, possessed by, or reasonably obtainable by the applicant/recipient and to provide information to establish parentage and establish, modify and/or enforce a child support order. A WFNJ/GA individual will have his or her case reviewed for appropriate action;

2. Appearing as a witness at judicial or administrative hearings necessary to obtain a support order(s);

3. Appearing for and submitting appropriate samples for scheduled genetic tests, along with the respective child(ren) of the alleged father to determine paternity;

4. Providing information, or attesting to the lack of information, under penalty of perjury;

5. Permitting the CWA/CSP unit to obtain pertinent information not otherwise obtainable from third parties, as appropriate; and

6. Remitting any child support payments which are received, upon receipt of cash assistance, to the CWA.

10:110-9.4 Good faith effort requirement

(a) To cooperate, a WFNJ/TANF applicant/recipient shall make a good faith effort to provide information as outlined in (b) and (c) below. The child support worker shall explain the child support cooperation requirements, the good faith standard set out in (b) and (c) below, and what constitutes a good cause claim as outlined at N.J.A.C. 10:110-9.5. An applicant or recipient shall be deemed to be making a good faith effort if he or she has provided all the information he or she has or can reasonably obtain as required by (b) or (c) below. Initial cooperation shall begin with the applicant/recipient signing the affidavit of cooperation.

1. The child support worker shall access both the Automated Child Support Enforcement System (ACSES) for an existing order and the Paternity Opportunity Program Imaging Data Base to determine if a Certificate of Parentage (COP) was executed on any of the children for which assistance is being sought.

(b) A WFNJ/TANF applicant/recipient shall provide sufficient information related to the non-custodial parent for each child for whom the applicant/recipient seeks assistance.

1. Information is considered sufficient if it meets the requirements of (b)1i or ii below:

i. The non-custodial parent's full name and three of the following:

(1) Date of birth;

(2) Social Security number;

(3) Address (current or last known);

(4) Employer (current or last known) or other sources of income;

(5) Manufacturer, model and license plate number of automobile; or

(6) Motor vehicle driver's license number.

ii. The non-custodial parent's full name and additional information that the CWA/CSP unit determines to be reasonably equivalent to the information listed in (b)1i above which may lead to the location of the named individual.

2. Information related to the non-custodial parent is sufficient if that information is enough to support the truthfulness of the statements, as presented by the applicant/recipient to the best of his or her ability.

i. The child support worker shall evaluate with the applicant/recipient whether or not the information provided is sufficient enough to support the truthfulness of the statements as well as the circumstances concerning his or her efforts to provide the information.

(c) If it is determined that the information provided to date is insufficient, and the applicant/recipient states that he or she is unable to obtain the information without assistance, the child support worker shall identify the additional information needed and assist the individual in securing that information. A WFNJ/TANF applicant/recipient who has not provided sufficient information as specified in (b)1i above or reasonably equivalent information as specified in (b)1ii above, shall be deemed to be cooperating in good faith if he or she provides all of the following information he or she can reasonably obtain: the non-custodial parent's name and any of the information in (b)1i or (b)1ii above or any of the following information, such as, but not limited to:

1. A statement(s) as to the name or location of the non-custodial parent from individuals other than the WFNJ/TANF applicant/recipient who have personal knowledge of such information;

2. Records, or information as to the whereabouts of records, from law enforcement, social service or other agencies, courts or offices substantiating the name and possible location of the non-custodial parent. The applicant may request the CWA/CSP unit's assistance in obtaining the required documentation in accordance with N.J.A.C. 10:110-9.3(g)5;

3. Utility bills, parking tickets, credit card receipts or other personal records or effects that contain information regarding the name or location of the non-custodial parent;

4. Telephone numbers or addresses of individuals who, if contacted, may be able to provide information as to the name or location of the non-custodial parent;

5. Other information which may lead to the name or location of the non-custodial parent;

i. As determined by the CWA/CSP unit such information shall include, but is not limited to, a credit card number, or where his or her parents and/or any other relatives live; or

6. After the IV-D interview when the WFNJ applicant/recipient has provided all the information in good faith he or she can reasonably obtain and all avenues to obtain information have been exhausted, then the applicant/recipient shall be allowed to complete an affidavit with the child support worker which establishes that the individual provided all the information he or she can reasonably obtain in accordance with (b) and (c) above. The affidavit shall detail the steps taken and any obstacles encountered by the applicant/recipient in trying to provide sufficient information related to the non-custodial parent. The applicant/recipient shall then have met the cooperation requirement unless additional or contrary information becomes known to the CWA/CSP unit.

(d) If the WFNJ/TANF and/or Medicaid applicant/recipient does not have the information outlined in (b) or (c) above at the time of the IV-D interview or the redetermination but claims he or she can provide it, initial cooperation shall be granted and the WFNJ application process continued. The applicant shall receive the notice of initial cooperation with child support advising that he or she has 30 days from the date of the notice to provide the required information. The applicant/recipient who fails to make a good faith effort or who does not provide the requested information within the required 30 days, shall be sent a notice to meet ongoing child support requirements advising him or her that if the requested information is not provided within the next 30 days, the family shall be ineligible for cash benefits under WFNJ and the case shall be terminated or the application denied, as applicable, subject to timely and adequate notice in accordance with N.J.A.C. 10:90-9.1(a) and (b), as appropriate. The applicant/recipient shall also be ineligible for Medicaid, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:110-9.3(f)1. The applicant/recipient who has been denied or terminated due to non-cooperation with child support has a right to reapply for WFNJ benefits at any time in accordance with the WFNJ application requirements and procedures. When a case is closed for non-cooperation and the applicant/recipient reapplies for cash assistance, the individual shall provide the previously requested information or sufficient new and/or additional information, in good faith, regarding the non-custodial parent.

1. If at the time of the IV-D interview or the redetermination, the WFNJ/TANF and/or Medicaid applicant/recipient claims not to have any of the required information at that time and refuses to provide it within 30 calendar days, the applicant/recipient shall receive a timely and adequate notice of non-cooperation status, initial IV-D interview informing the applicant/recipient that the family is ineligible for cash benefits under WFNJ and that the applicant/recipient shall be ineligible for Medicaid for

failure to cooperate with child support, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:110-9.3(f)1.

2. If at the time of the IV-D interview or the redetermination, the WFNJ/TANF and/or Medicaid applicant/recipient claims not to have any of the required information at that time and states that he or she is unable to provide it within 30 calendar days, the child support worker shall proceed in accordance with (c) above and shall assist the applicant/recipient in obtaining any required information which is not otherwise obtainable by the individual in accordance with N.J.A.C. 10:110-9.3(g)5.

(e) A WFNJ/TANF and/or Medicaid applicant/recipient who has satisfied the requirements of (b) or (c) above is required to continue to make a good faith effort to cooperate (at time of redetermination, subject to the good cause exception as set forth at N.J.A.C. 10:110-9.5) with the CWA/CSP unit to:

1. Establish paternity; and
2. Establish, modify and enforce child support orders.

(f) Continuing cooperation may include, but is not limited to, the requirements in N.J.A.C. 10:110-9.3(g)1 through 6.

(g) If at the time of WFNJ/TANF and/or Medicaid application or redetermination, or at the request of the CWA/CSP unit, the applicant/recipient is uncertain as to which of two or more individuals might be the non-custodial parent of a single child, the applicant/recipient shall be asked to provide the information required for all individuals who may be the non-custodial parent. However, information for at least one possible non-custodial parent must be provided in order to be determined cooperating in good faith.

1. If the WFNJ/TANF and/or Medicaid applicant/recipient has more than one child, the applicant/recipient shall provide the information required for at least one possible non-custodial parent for each child at the time of application or redetermination of WFNJ eligibility or upon the request of the CWA/CSP unit.

i. If a WFNJ recipient has a child while receiving assistance, the recipient is required to meet the cooperation requirement for the additional child in order for the family/individual to remain eligible for cash benefits under WFNJ and for the recipient to be eligible for Medicaid, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:110-9.3(f)1.

(1) The child support worker shall access both the Automated Child Support Enforcement System (ACSES) and the Paternity Opportunity Program Imaging Data Base to determine if a Certificate of Parentage was executed for the child.

2. If the CWA/CSP unit finds that the WFNJ/TANF and/or Medicaid recipient deliberately provided inaccurate information regarding the non-custodial parent of a child, or if the non-custodial parent named is found not to be the father by court order or genetic testing, the applicant/recipient shall be sent a notice of noncompliance advising him or her that if specific information is not provided within the next 30 days, the family shall be ineligible for cash benefits under WFNJ and the case shall be terminated, subject to timely and adequate notice requirements. The recipient shall also be ineligible for Medicaid, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:110-9.3(f)1.

i. If on two occasions the WFNJ/TANF recipient claimed to have provided all the information he or she could reasonably obtain, and the information provided was found to be deliberately inaccurate, the recipient shall be sent a notice of termination, subject to timely and adequate notice requirements, informing the recipient that cash assistance to the family shall be terminated and the recipient shall be ineligible for Medicaid unless the exception requirement is met for Medicaid eligibility in accordance with N.J.A.C. 10:110-9.3(f)1.

ii. The individual has a right to reapply for WFNJ benefits at any time, and to comply with child support cooperation requirements, in accordance with the WFNJ application requirements and procedures. When a case is closed for non-cooperation and the applicant/recipient reapplies for cash assistance, the individual shall provide information in accordance with (d) above.

3. If a WFNJ/TANF recipient fails to meet the ongoing requirements for continuing cooperation, as outlined in (e) above, the recipient shall receive a notice of failure to comply with continuing cooperation requirements advising him or her that if the requested information is not provided or required action taken within the next 30 days, cash assistance to the family shall be terminated, as well as Medicaid to the recipient unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:110-9.3(f)1, subject to timely and adequate notice requirements.

i. When trying to meet the continued cooperation requirements, if the WFNJ/TANF recipient deliberately provides inaccurate information on two occasions, the recipient shall be sent a notice of termination, subject to timely and adequate notice requirements, informing the recipient that cash assistance to the family shall be terminated and the recipient shall be ineligible for Medicaid unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:110-9.3(f)1.

ii. The individual has the right to reapply for WFNJ benefits at any time, and to comply with the child support cooperation requirements and procedures. When a case is closed for non-cooperation and the applicant/recipient reapplies for cash assistance, the individual shall provide information in accordance with (d) above.

4. If the WFNJ/TANF recipient fails to meet the continuing cooperation requirements for failure to appear for a scheduled appointment or hearing, a notice of failure to appear at appointment or hearing shall be sent to the recipient requiring the individual to contact the CWA/CSP unit within 10 days of receipt of the notice. If the recipient fails to respond to the notice the recipient shall be sent a notice of termination, subject to timely and adequate notice requirements, informing the recipient that cash assistance to the family shall be terminated and the recipient shall be ineligible for Medicaid unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:110-9.3(f)1.

i. Upon contacting the CWA/CSP unit, the WFNJ/TANF recipient shall be required to reschedule the appointment or hearing and provide documentation of the unavoidable circumstance which prevented him or her from appearing for the appointment or hearing. Unavoidable circumstances shall include, but are not limited to, the following:

(1) Health related issues: documentation includes medical or hospital records, or an affidavit attesting to the applicant's/recipient's health problem;

(2) Employment related issues: documentation includes a letter from the recipient's employer or work activity site supervisor;

(3) Other court related issues: documentation includes an accident report or verification that the recipient had to appear in court for another matter;

(4) Death of family member or close friend: documentation includes medical or funeral records or an affidavit from the applicant/recipient or a family member; or

(5) Other emergency or unavoidable circumstances proved by relevant documentation or affidavit.

ii. If the recipient misses two consecutive scheduled appointments or hearings without documentation of an unavoidable circumstance, the recipient shall be deemed to be non-cooperative and sent a notice of termination subject to timely and adequate notice requirements. Cash assistance to the family as well as Medicaid to the recipient shall be terminated, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:110-9.3(f)1.

iii. The individual has the right to reapply for WFNJ benefits at any time, and to comply with the child support cooperation requirements and proce-

dures. When a case is closed for non-cooperation and the applicant/recipient reapplies for cash assistance, the individual shall provide information in accordance with (d) above.

10:110-9.5 Good cause exceptions to cooperation

(a) A WFNJ/TANF or Medicaid applicant/recipient has the right to claim a good cause exception for non-cooperation with child support at any time during the process when such cooperation is against the best interests of the individual and/or his or her child(ren). A good cause claim for non-cooperation is limited to domestic violence claims and rape or incest claims when the individual has or fears emotional or physical harm to him or herself and/or his or her child(ren), the initiation of adoption proceedings, nonparent person situations, certain instances involving artificial insemination and in other unusual circumstances in accordance with these regulations.

1. Paternity determinations and support collections shall be pursued in cases involving domestic violence unless the applicant/recipient claims good cause because the victim fears emotional or physical harm will result to him or her and/or his or her child(ren). Domestic violence good cause claims are handled as outlined at (b) through (d) below unless the circumstances in (b)iv below apply.

2. An applicant/recipient who claims a good cause exception to cooperation due to the circumstance in which the child was conceived as a result of rape or incest shall provide corroborative evidence unless the circumstances in (b)iv below apply.

i. One of the following corroborating types of evidence shall be provided by the applicant/recipient to substantiate good cause for non-cooperation:

(1) A health or law enforcement record that indicates the child was conceived as the result of incest or rape.

(2) Documentation from a community group or religious organization verifying that rape, or incest has occurred. Documentation can include verification that the applicant received counseling from the specific organization.

(3) An affidavit from the applicant/recipient attesting that the child was conceived as a result of rape or incest.

ii. If the applicant requests assistance in obtaining the required documentation, the CWA/CSP unit shall assist the applicant/recipient in accordance with N.J.A.C. 10:110-9.3(g)5.

3. The applicant/recipient who claims a good cause exception to cooperation for children for whom adoption proceedings have been initiated shall provide corroboration in accordance with (c)1ii, v and vi below.

4. A non-parent person may claim a good cause exception in accordance with (e) below.

5. The applicant/recipient who claims a good cause exception to cooperation due to artificial insemination shall provide proof of artificial insemination with anonymous donor sperm, by a physician.

6. In other unusual circumstances, as determined on a case by case basis, a good cause determination for non-cooperation may be granted by the CWA/CSP unit.

(b) A WFNJ/TANF applicant/recipient who claims good cause for non-cooperation shall be required to establish the existence of a good cause circumstance.

1. To establish the existence of a good cause claim, the applicant/recipient shall be required to:

i. Specify the circumstances which he or she believes provide sufficient good cause for non-cooperation;

ii. If appropriate, corroborate the good cause circumstance in accordance with these rules;

iii. At the request of the CWA/CSP unit provide sufficient information such as name and address, if known, of the non-custodial parent to permit an investigation to corroborate the good cause circumstance.

(1) The CWA/CSP unit shall conduct the investigation without the involvement of the individual, affording a guarantee of confidentiality and the safeguarding of substantiating information, by the CWA/CSP unit, that pertains to the individual applicant/recipient and his or her child(ren);

iv. If at any time during the IV-D interview or case processing, the CWA/CSP unit determines, based on statements made by the individual, that the applicant/recipient is a victim of domestic violence, rape or incest and fears emotional or physical harm will result to him or herself or to his or her child(ren), the corroboration of the circumstance shall be met and a determination of good cause shall be made without further involvement of the individual. The individual shall sign an affidavit stating the reasons for the good cause claim. However, if it is requested and the applicant/recipient is in agreement, sufficient information (such as name and address, if known, of the non-custodial parent) shall be provided by the individual to permit the continued pursuit of child support efforts by the CWA/CSP unit, without the applicant's/recipient's involvement.

(1) The individual and/or his or her child(ren) shall be afforded a guarantee of confidentiality and a safeguarding of substantiating information in such circumstances by the CWA/CSP unit.

2. Only when at least one of the following circumstances exists will the CWA/CSP unit determine that the WFNJ/TANF applicant/recipient's cooperation is against the best interests of the child and there is good cause for non-cooperation:

i. The WFNJ/TANF applicant/recipient's cooperation is reasonably anticipated to result in physical or emotional harm to the child for whom support is to be sought;

ii. The WFNJ/TANF applicant/recipient's cooperation is reasonably anticipated to result in physical or emotional harm to the parent or parent-person of such nature or degree that it reduces such person's capacity to care adequately for the child; or

iii. Proceeding to establish paternity or collect support and health care coverage in the particular case would be detrimental to the child because:

(1) The child was conceived as a result of incest or forcible rape;

(2) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or

(3) The WFNJ/TANF applicant/recipient is currently (for a period of not more than three months) being assisted by a public or licensed private social agency to decide whether to keep the child or relinquish him or her for adoption.

(c) The WFNJ/TANF and/or Medicaid applicant/recipient who claims good cause shall provide corroborative evidence, if appropriate in accordance with these rules to substantiate the good cause claim, within 20 days from the day the claim was made. In exceptional situations, the CWA/CSP unit may allow a reasonable additional period of time if it determines the applicant/recipient requires additional time because of the difficulty of obtaining the evidence.

1. The CWA/CSP unit shall make a good cause determination within 45 days of the date of the claim by the WFNJ/TANF and/or Medicaid applicant/recipient, based on the corroborative evidence supplied by the WFNJ/TANF and/or Medicaid applicant/recipient, but only after it has examined the evidence and finds that it actually verifies the good cause claim. During the CWA/CSP unit's 45 day review of the good cause determination, the applicant/recipient, if otherwise eligible for WFNJ, shall receive WFNJ benefits pending the outcome of this determination. The CWA/CSP unit will make an entry in the case record regarding the decision and will document the basis of its decision. The claim may be corroborated by the following types of evidence:

i. For a good cause claim for rape or incest, birth certificates or documentation of the date of birth of the child can be used in conjunction with medical, law enforcement or court records that indicate the date of the assault to determine a possible period of conception;

ii. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

iii. Court, medical, criminal, child protective services, social services, psychological or law enforcement records which indicate that the non-custodial parent might inflict physical or emotional harm on the child, parent, or parent-person;

iv. Medical records which indicate emotional health history and present emotional health status of the child for whom support would be sought; or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent, parent-person or the child for whom support would be sought;

v. A written statement from a public or licensed private social agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him or her for adoption; and

vi. Sworn statements from individuals other than the applicant/recipient with knowledge of the circumstances which provide the basis for the good cause claim.

2. If, after examining the corroborative evidence, the CWA/CSP unit finds additional information is necessary in order to make a good cause determination, it shall promptly notify the applicant/recipient, specifying the type of document which is needed.

i. Upon request by the WFNJ/TANF applicant/recipient, the CWA/CSP unit shall assist the individual in accordance with N.J.A.C. 10:110-9.3(g)5.

3. When corroborative evidence, if required to substantiate the good cause claim, is not submitted or is inadequate:

i. For a claim based on WFNJ/TANF applicant/recipient's anticipation of physical harm, the CWA/CSP unit shall evaluate the good cause claim when the agency believes the claim is credible without corroborative evidence and such evidence is not available. A decision will be made based on the client's statement and the results of the investigation. This determination will be approved or disapproved by supervisory personnel and the findings recorded in the case record.

ii. The CWA/CSP unit may further verify the good cause claim and, where necessary for a final determination, conduct an investigation. The investigation may

include contact of the non-custodial parent if such contact is determined to be necessary to establish the good cause claim. Prior to such contact, however, the applicant/recipient will be notified so that he or she may:

(1) Present additional corroborative evidence to make the contact unnecessary;

(2) Withdraw the application for assistance or have the case closed; or

(3) Have the good cause claim denied.

iii. When the applicant/recipient indicates that an investigation to substantiate the good cause claim which includes contact with the alleged perpetrator will, or fears that it will result in physical and/or emotional harm to the individual and/or his or her children, there shall be no investigation in cases of domestic violence, rape and incest.

(d) When the CWA/CSP unit makes a determination that good cause for non-cooperation exists, it will also determine whether or not child support enforcement and/or establishment of paternity and health care coverage can proceed without risk of harm to the child or parent with whom he or she lives if the enforcement or collection activities do not involve their participation, unless the provisions of (b)1iv and (c)3iii above apply. This decision, with the basis for the determination, will be recorded in the case record.

(e) If a WFNJ/TANF applicant/recipient is someone other than the parent of the child(ren), that individual shall be asked to provide the information outlined at N.J.A.C. 10:110-9.4(b) or (c) for both parents. However, if that individual claims that he or she cannot provide the required information, the applicant/recipient may be exempt from providing information as outlined below:

1. If the WFNJ/TANF applicant/recipient is a blood relative of one of the non-custodial parents, he or she shall provide the information outlined at N.J.A.C. 10:110-9.4(b) or (c) for that parent. The applicant/recipient shall be deemed to be cooperating upon providing a sworn statement, documenting with specificity, efforts undertaken and obstacles encountered in pursuit of information regarding the parent. If available, the applicant/recipient shall provide documentation.

2. If the WFNJ/TANF applicant/recipient is not a blood relative of either non-custodial parent, he or she shall provide the information outlined in N.J.A.C. 10:110-9.4(b) or (c) for at least one of the parents of the child(ren). The applicant/recipient shall be deemed cooperating upon providing a sworn statement, documenting with specificity, efforts undertaken and obstacles encountered in pursuit of information regarding the parent for which information was not provided. If available, the applicant/recipient shall provide documentation.

(f) The WFNJ/TANF applicant/recipient unless granted a good cause exception under (b)iv above under this subchapter shall comply with the continued cooperation requirements as outlined at N.J.A.C. 10:110-9.4(e).

(g) The deletion of the WFNJ/TANF parent or parent-person from the eligible unit shall not be construed as a bar to continuing effort by the CWA/CSP unit to establish paternity or obtain support and health care coverage for the WFNJ/TANF children.

(h) The CWA/CSP unit shall maintain records of activities relative to good cause claims on the ACSES. Records will thereby be available for Federal or State review.

(i) Any information obtained by the CWA/CSP unit pertaining to any applicant or recipient who claims to be a past or present victim of domestic violence or an individual at risk of violence, rape or incest will remain confidential. When child support is sought in a case involving domestic violence, rape or incest, the CWA/CSP unit shall ensure that the applicant's whereabouts are not disclosed.

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.

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 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: