

# Child Support Case Closure Criteria and Procedures

Directive #1-91  
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Administrative Director

New Jersey courts, with the assistance of the probation departments, have been establishing and enforcing child support orders for more than 50 years. There are now over 260,000 child support cases under the supervision of Probation Child Support Enforcement Units. Because of the circumstances of the parties, some of these cases have no collection potential. Unfortunately, they remain in Title IV-D child support caseload since there is no method of terminating probation supervision. Even though a collection may be impossible, these cases still require monitoring and continuously appear on ACSES case management and tracking reports. As such, they reduce probation's ability to effectively monitor and enforce support orders that have collection potential. Furthermore, they inflate State and local caseload figures which adversely affect local performance indicators such as cost benefit ratios and collections per case. This, in turn, can reduce federal incentive payments to the counties.

To improve the effectiveness of the State's child support enforcement program and protect the rights of single-parent families in case closure actions, we have established case closure criteria and procedures. Case closure does not affect the support order or arrearages. It is a method to terminate the court's continuing supervision (*i.e.*, Title IV-D services provided by Probation or Family Division Case Management) and make the support order and arrearages payable directly to the obligee. Although the case is closed for the purpose of the court's supervision, the order remains in effect and arrearages continue to accrue. If circumstances change in the future, the obligee may reapply for Title IV-D services.

Case closure criteria and procedures for child support cases that are under the supervision of Probation Child Support Enforcement Units or are being processed by Family Division Case Management Units are outlined below.

## CASE CLOSURE - COURT ACTION

Under certain circumstances, the court will dismiss a support complaint or order in response to a motion filed by one of the parties or on its own behalf. If this occurs and there are no longer any support arrearages that must be collected, Probation or Family Division Case Management must (1) close the case on ACSES and (2) terminate Title IV-D services. Case closure criteria that require a court order before action is taken to close a case are described below. Because they are not a party to the action, neither Probation nor Family Division Case Management can file a motion to dismiss a complaint or order if any of these circumstances occur. The court must dismiss the order or complaint before Probation or Family Division Case Management can close the case.

Occurrence of Specific Events - A parent claims that the child is emancipated or adopted, the parties have reconciled or custody has changed.

Interstate Petitions - There is an incoming interstate support petition (RURESA) and there is no personal jurisdiction over the obligor (*i.e.*, obligor is not located in New Jersey).

Paternity Actions - There is a complaint to establish paternity and:

?blood or genetic tests, testimony or other evidence has excluded the alleged father;

?the child is more than 23 years of age; or

?the county welfare agency, the mother or guardian of the child requests dismissal.

Request of the Obligee - The obligee requests that the case be closed, the order be dismissed or that direct payments be permitted.

### CASE CLOSURE - PROBATION ACTION

Probation may take action to close a case if any one of the case closure criteria are present. Even if one of these criteria is present, Probation may continue to work the case if it believes that there is the potential for collection in the future. Case closure does not affect the support order or arrearages. By filing a motion with the court, Probation is requesting that (1) its supervision be terminated, (2) the order be made payable directly to the obligee and (3) a judgment be entered for the amount of the arrearage.

Minimum Arrearages - In arrears-only cases (*i.e.*, no current support order exists):

? the arrearages are \$150 or less; and  
? no collection has been received within the past 18 months; and  
? court enforcement was attempted within the past six months with notice to the obligor's last known address; and  
? despite quarterly locate attempts, no locate information was received in the past year;

OR

? the arrearages are \$150 or less;  
? no collection has been received within the past 18 months; and  
? the support order was entered by another state (*i.e.*, orders on RURESAs initiated by New Jersey) and locate or enforcement attempts by the responding state have been unsuccessful.

Obligee Refuses to Cooperate - In non-AFDC cases, the obligee refuses to cooperate in establishing and enforcing the support order or locating the absent parent and:

? cooperation is essential for moving to the next step in the child support process; and  
? non-cooperation is documented over a six-month period; and  
? there is no support order or no payment has been received for at least 18 months.

Non-cooperation includes: failure to sign appropriate forms (*e.g.*, RURESAs petitions), continued receipt of direct payments from the obligor, failure to attend hearings or perform acts as ordered by the court, and failure to respond to written requests for the necessary information. All requests for case closure due to non-cooperation must be supported by appropriate documentation and a certification stating how the obligee's non-cooperation prevented continued action to establish or enforce the support order.

Obligor Institutionalized - The support order cannot be paid for the duration of the child's minority (at least 18 years of age) because the obligor:

? is institutionalized in a psychiatric facility; or

- ? is incarcerated with no chance of parole; or
- ? has a verified total and permanent disability with no support potential;
- AND
- ? there has been no support collection for at least 18 months.

Prior to initiating case closure, the director of the institution, warden, the last employer, pension plan administrator, the Social Security Administration or other probable source of income must be contacted to verify that no income or assets are available. For incarcerated obligors, the warden of the correctional facility or the local Criminal Case Manager must be contacted to verify that there is no opportunity for parole. The Criminal Case Manager can obtain information on the obligor's sentence from the Warrant of Conviction.

Obligor Resides in a Foreign Country - The obligor is a citizen of a foreign country and has lived in that country for at least two years and:

- ? does not work for the federal government or a business/corporation with offices in the United States; and
- ? does not have income or assets in the United States; and
- ? there is no reciprocity with the country in which the obligor resides; and
- ? there has been no support collection for at least 18 months.

Death of the Obligor - The obligor is deceased and:

- ? a copy of the death certificate has been obtained;
- ? there has been no support collection for at least 18 months since the death of the obligor; and
- ? no further action, including levy against the estate, can be taken.

Actions to establish paternity must be continued regardless of the death of the alleged father. The establishment of paternity may result in the child receiving monetary benefits (*i.e.*, Social Security survivor's benefits, veteran's survivor's benefits, insurance, estate proceeds, etc.) from the deceased parent.

Unable to Locate Obligor - The obligor's location is unknown for at least four years and:

- ? no payment was received during that period; and
- ? quarterly locate attempts using, at a minimum, the wage reporting system and the State and Federal Parent Locator Systems, have been unsuccessful.

During the four-year period, the case must be reviewed at least annually to determine if a payment or new identifying or locate information was received.

Unable to Locate Obligor - In non-AFDC cases:

- ? there has been no contact with the obligor for at least six months; and
- ? correspondence and payments are being returned with no forwarding address; and
- ? attempts to contact the obligor include repeat telephone calls and at least one certified or registered letter; and
- ? an effort has been made to determine the location of the obligor including, at a minimum, postal verification and a letter to the obligor.

Interstate Income Withholding - Obligor Not In New Jersey - New Jersey is the responding jurisdiction to an interstate income withholding and repeat attempts to locate the obligor, including postal verification, wage reporting, credit reporting, Division of Motor Vehicle searches and the State and Federal Parent Locator Services, have failed or resulted in location in another state. The initiating state and the New Jersey central

registry must be advised of the closing and the obligor's new state of residence, if known.

Death of the Child - The child who is the beneficiary of the support order is deceased and

- ? there are no support arrearages; and
- ? a copy of the death certificate has been obtained.

#### CASE CLOSURE - FORMAL ACTION NOT REQUIRED

These case closure criteria require no formal action by the court or the probation department. If any of the first three criteria are present, Probation should close the case on ACSES as described in the Procedures for Case Closure section of this memorandum. The closing of non-dissolution cases in lieu of subsequent matrimonial orders requires special procedures as noted below. Appropriate documentation (*i.e.*, court orders, notices, certificates, letters) must be included in the file prior to initiating case closure action.

Pre-Determined Specific Events - A previous order or judgment states that the support obligation terminates on a specific date or when the child reaches a specific age (Note: there must be proof of the child's date of birth such as the obligee's statement on the application for services, a statement in the prior order, a birth certificate, etc.).

Arrears Paid in Full - The support order has been terminated and arrears are paid in full.

Interstate Income Withholding - Where New Jersey is the responding jurisdiction to an interstate income withholding request and:

- ? the withholding request was not docketed (*i.e.*, not contested by the obligor); and
- ? the obligor is not employed in New Jersey (as verified through the Department of Labor Wage Reporting System and/or contact with the employer named in the withholding request).

Subsequent Matrimonial Orders - A divorce judgment (FM docket number) is entered and there is an existing non-dissolution case for the same parties. The non-dissolution case should be closed and all existing arrearages transferred to the dissolution case. For cases on ACSES, this is accomplished by changing the docket number using the UOBL screen. Non-dissolution case files should be closed and retained for a minimum of 10 years.

#### CIRCUMSTANCES NOT ELIGIBLE FOR PROBATION CASE CLOSURE ACTION

If any of the following circumstances are present, probation may not initiate action to close a case. These criteria require that one of the parties file a motion with the court or take other action as indicated.

? **either party requests closure** - a motion must be filed by the requesting party to close the case, dismiss the order or to authorize direct payments.

? **the death of the obligee** - motion for dismissal must be filed by the obligor; establishment or enforcement should be continued. Place any collections in an escrow account until the court dismisses the order or changes the beneficiary (*i.e.*, makes the current guardian of the child(ren) the obligee). If the obligor fails to file the motion or fails to pay as ordered, the case should be scheduled for enforcement and the court advised of the status of the child(ren). If appropriate, the court will order a change in

beneficiary and release the held funds to the new obligee;

**?the obligor fails to file a motion for emancipation, reconciliation, death of the child, etc.** - if the obligor must file a motion to modify or terminate the order and fails to do so, establishment or enforcement should be continued until the court orders otherwise;

**?the obligor moves out of the county that is supervising payments** - the case should be transferred to the county of the obligor's new residence;

**?the obligee moves out of New Jersey** - establishment or enforcement should be continued unless the obligee requests that the case be closed or the court dismisses the complaint or order;

**?another state dismisses an interstate (RURESA) petition or interstate income withholding request that was initiated by New Jersey** - efforts to locate the obligor must be continued for at least five years in accordance with the above closure criteria. If the obligor is located in another state, Probation should immediately initiate an interstate income withholding or request that the obligee file an interstate petition to that state; or

**?the child is residing with the obligor and there is no order changing custody or amending the support order** - establishment or enforcement should be continued until the court orders otherwise. In this case, the obligor must file a motion to dismiss the support order.

## **PROCEDURES FOR CASE CLOSURE**

Case closure action may be initiated if any of the eligible criteria are present. In all cases, extreme care must be taken not to initiate case closure if there is collection potential. A case must not be closed merely because it is difficult to work. If a case is eligible for closure and documentation is complete, Probation may proceed with its action to close the case and terminate services. The case closure procedures listed below must be used to ensure due process to the parties.

**1. Documentation** - Certain case closure criteria require reasonable attempts to locate the obligor, the obligor's income source or assets or to verify case circumstances (e.g., death, incarceration, etc.). All location and verification attempts must be documented in the case file prior to filing a motion for case closure. If the case closure criteria requires a record of actions over a specific period (e.g., non-cooperation for a six-month period), such actions must be documented in the case file. Additionally, all documents (i.e., certificates, notices, correspondence) that pertain to case closure must be maintained in the case file.

**2. Supervisory Review** - Requests for case closure must be approved by an immediate supervisor. All case circumstances and documentation must be carefully reviewed before approval is given to proceed with case closure.

**3. Notice to the Obligee** - The obligee must be notified, in writing, of the intended case closure at least 60 calendar days before the motion for case closure is filed. The notice must be sent to the obligee's last known address by certified and regular mail. A Notice of Intent to Terminate Child Support Services is provided in Attachment A.

**4. New Information from Obligee** - The case must be kept open if the obligee provides any new information that could lead to the establishment or enforcement of the support order or re-establishes contact in response to the Notice.

**5. Notice of Motion and Verified Statement** - If there is no contact from the obligee within the 60-day period, a Notice of Motion and Verified Statement must be sent to the obligor and obligee at their last known address by certified and regular mail or the approved method of service in the county. The Notice of Motion (Attachment B), Verified Statement (Attachment C), and the form of Order (Attachment D) must be filed with the court at the same time as the notice is sent to the parties.

**6. Closure** - If the court orders the termination of services and enters a judgment for the arrearages, Probation must (1) close the case on ACSES and (2) send a copy of the order to the Clerk of the Superior Court, Judgment Section, CN-971, Trenton NJ, 08625 for filing of the judgment. To close a case on ACSES:

- ? zero-out all balances using the ARCB screen. Enter code "B07" (Arrears Vacated/Dismiss Obligation Amount) in the Adjustment Reason Type field and complete the appropriate fields on ARCB. Note: A judgment order must be filed with the Clerk of the Superior Court before deleting the arrearage.
- ? enter an asterisk (*i.e.*, representing zero) for the obligation amount(s) in fields 13 and 14 of the UOBL screen;
- ? enter a "60" (Close IV-D Case) and the effective date of the closing (MM/DD/YY) in field 18 of the UCAS screen;
- ? enter code "125" (All Arrears Satisfied or Vacated) or code "126" (Interstate Income Withholding; Obligor Not Employed in NJ) in field 19 of the UCAS screen.

Closed cases remain available for inquiry even after these actions are taken. They are not, however, included on subsequent ACSES tracking reports.

**7. Retention of Closed Case Files** - Case files, including the Order to Terminate Child Support Services and a recent account history, must be retained for at least 10 years after the effective date of closure.

**8. Reopening the Case** - If new information becomes available after the case is closed, the obligee may request that the case be reopened by filing a Title IV-D application and an Application by a Direct Pay Obligor for Payment Through Probation.

The Title IV-D application process outlined in Administrative Directive 13-89 (AOC Child Support Policy Memorandum 89-09) must be used to reinstitute child support services and redirect payments through the probation department. The Affidavit to Reinstitute Child Support Services (Attachment E) must be used in place of Affidavit for Future Payments to be Made through the Probation Department of those procedures. No application fee should be assessed to reinstitute child support services.

Your cooperation in administering these procedures will result in a more effective child support enforcement program and, even more importantly, will protect the rights of single parent families in potential case closure actions. Please direct all questions on child support case closure to 609-292-4634.

## EDITOR-S NOTE

These child support case closure procedures were approved by the Conference of Family Division Presiding Judges on February 3, 1991 and before that endorsed by the Conference of Chief Probation Officers on January 16, 1991. The procedures were developed in accordance with the standards set forth in the federal Family Support Act of 1988 and Title IV-D regulations.

The procedures are to be used by Child Support Enforcement and by the Family Division to close cases that have no collection potential. The purpose is to permit more effective monitoring and

processing of the remaining cases.

Case closure does not affect the support order or the arrearage. It merely closes the interest of the Probation or Family Division and makes the support order payable to the obligee directly. If additional information is discovered at a later date, the obligee may request that the case be reopened and Title IV - D services resumed by completing an affidavit.

In 1997, the mailing address for the Administrative Office of the Courts was changed from ACN® to AP.O. Box.”

The final paragraph has been edited to delete the contact person's name.

**ATTACHMENT A**

County Probation Department  
Address  
City, State, Zip  
Telephone Number

**NOTICE OF INTENT TO TERMINATE CHILD SUPPORT SERVICES**

Re: [obligor name] vs. [obligee name]  
Docket No.:  
ACSES No.:

Dear [obligee name]:

Within sixty calendar days of this Notice, the \_\_\_\_\_ County Probation Department will request that the court enter an order to:

(1) Relieve the Probation Department of the monitoring and collection of support payments in the above-captioned case for the following reason(s):

- G Minimum Arrearages; No Collection Potential
- G Death of Obligor; No Collection Potential
- G Unable to Locate Obligor for Five Years; No Collection Potential
- G Obligor Institutionalized; No Collection Potential
- G Obligor in a Foreign Country; No Collection Potential
- G Unable to Locate or Contact Obligor for Six Months (non-welfare case)
- G Obligor Refuses to Cooperate; Cannot Proceed with Enforcement
- G Death of the Child (Death Certificate Attached)
- G Other:

(2) Enter a judgment for the arrearages due the obligee and/or the \_\_\_\_\_ County Welfare Agency as of the date of the hearing.

(3) Require that all future child support payments be paid directly to the obligee.

Child support services will be continued if you provide the Probation Department with new information that would lead to the establishment or enforcement of the support order or if you re-establish contact with the Probation Department. If services are terminated and new information becomes available at a later date, you may reapply for child support services at that time.

If you have questions on this Notice or any information that would affect the termination of child support services, please contact \_\_\_\_\_, at \_\_\_\_\_.

Dated: \_\_\_\_\_

Chief Probation Officer



**ATTACHMENT B**

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - FAMILY PART

COUNTY OF \_\_\_\_\_

DOCKET NO. \_\_\_\_\_

Plaintiff/Oblig

vs.

**NOTICE OF MOTION TO  
TERMINATE CHILD SUPPORT SERVICES**

Defendant/Oblig

TAKE NOTICE that on \_\_\_\_, 19\_\_, at \_\_\_\_, the  
County Probation Department shall apply to the court based on the attached certification to the Superior  
Court of New Jersey, Chancery Division, Family Part located at Room \_\_\_\_,  
[address], for the entry of an order to:

(1) Relieve the \_\_\_\_ County Probation Department of its child support monitoring and  
enforcement responsibilities in the above captioned case; and

(2) Enter a judgment in the amount of \$ \_\_\_\_ [amount of arrearage on the date the notice is  
prepared] for past-due child support payments due the obligee as of \_\_\_\_ [date notice is  
prepared].

(3) Require that all future support payments be made directly to the obligee.

You may appear in person or through an attorney to contest this application. If you fail to appear  
at the hearing, a default order may be entered for the relief requested in this notice.

Dated:

Chief Probation Officer

**ATTACHMENT C**

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - FAMILY PART  
COUNTY OF \_\_\_\_\_  
DOCKET NO. \_\_\_\_\_

Plaintiff/Oblig

CIVIL ACTION

vs.

VERIFIED STATEMENT

Defendant/Oblig

I, \_\_\_\_\_, Chief Probation Officer of the County of \_\_\_\_\_, do hereby certify that the record of the above captioned matter maintained by the \_\_\_\_\_ County Probation Department shows that:

(1) the obligor was directed by Order of the Superior Court, dated \_\_\_\_\_ to pay the sum of \$\_\_\_\_\_ per \_\_\_\_\_ for child support;

(2) the obligee G is, G is not receiving an AFDC grant;

(3) there are arrears in the amount of \$ \_\_\_\_\_ due the obligee and \$ \_\_\_\_\_ due the County Welfare Agency.

(4) The Probation Department is requesting that its monitoring and enforcement responsibilities be terminated because:

G Minimum Arrearages; No Collection Potential

G Death of Obligor; No Collection Potential

G Unable to Locate Obligor for Five Years; No Collection Potential

G Obligor Institutionalized; No Collection Potential

G Obligor in a Foreign Country; No Collection Potential

G Unable to Locate or Contact Obligee for Six Months (non-welfare case)

G Obligee Refuses to Cooperate; Cannot Proceed with Enforcement

G Death of the Child (Death Certificate Attached)

G Other: \_\_\_\_\_

(5) The Probation Department also requests a judgment for \$ \_\_\_\_\_ be entered in favor of the obligee and \$ \_\_\_\_\_ in favor of the \_\_\_\_\_ County Welfare Agency.

(6) The Probation Department further requests that all future support payments be paid directly to the obligee.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chief Probation Officer

**ATTACHMENT D**

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - FAMILY PART

COUNTY OF \_\_\_\_\_

DOCKET NO. \_\_\_\_\_

Plaintiff/Oblig

vs.

Defendant/Oblig

CIVIL ACTION  
ORDER TERMINATING  
CHILD SUPPORT SERVICES

This matter, came before the Court on \_\_\_\_\_, 19\_\_\_\_, on the motion of the County Probation Department; and it was represented to the Court that, on \_\_\_\_\_, 19\_\_\_\_, the obligor was ordered by the Superior Court, Chancery Division, Family Part to pay \$ \_\_\_\_\_ per \_\_\_\_ for child support and/or alimony; and that the obligor owes \$ \_\_\_\_\_ in past-due support to the obligee and \$ \_\_\_\_\_ to the \_\_\_\_\_ County Welfare Agency as of \_\_\_\_\_, 19\_\_\_\_ and it was further represented one or more of the following circumstances are present in this matter:

- G Minimum Arrearages; No Collection Potential
- G Death of Obligor; No Collection Potential
- G Unable to Locate Obligor for Five Years; No Collection Potential
- G Obligor Institutionalized; No Collection Potential
- G Obligor Resides in a Foreign Country; No Collection Potential
- G Unable to Locate or Contact Obligee for Six Months (non-welfare case)
- G Obligee Refuses to Cooperate; Cannot Proceed with Enforcement
- G Death of the Child (Death Certificate Attached)
- G Other: \_\_\_\_\_

Now, therefore, it is ordered that the \_\_\_\_\_ County Probation Department is relieved of its monitoring and enforcement responsibilities in this matter and that all future support payments are to be paid directly to the obligee.

It is further ordered that a judgment be entered by the Clerk of this Court in favor of the obligee for \$ \_\_\_\_\_ and a separate judgment in favor of the \_\_\_\_\_ County Welfare Agency for \$ \_\_\_\_\_ .

Dated: \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Judge, Superior Court

ATTACHMENT E

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - FAMILY PART

COUNTY OF \_\_\_\_\_  
DOCKET NO. \_\_\_\_\_

Plaintiff/Oblig

vs.

AFFIDAVIT TO REINSTITUTE

CHILD SUPPORT SERVICES

\_\_\_\_\_  
Defendant/Oblig

I, \_\_\_\_\_, being of full age and duly sworn according to law do depose and say:

(1) I am the obligee in the above-captioned matter.

(2) On \_\_\_\_\_, 19\_\_, the Superior Court, Chancery Division, Family Part, entered a spousal support order for \$\_\_\_\_\_ per \_\_\_\_ and/or a child support order for \$\_\_\_\_\_ per \_\_\_\_\_. These payments were to be paid through the \_\_\_\_\_ County Probation Department.

(3) On \_\_\_\_\_, 19\_\_, the Superior Court, Chancery Division, Family Part, entered an order relieving the probation department of its monitoring and enforcement responsibilities and entered a judgment for \$\_\_\_\_\_ due me as of \_\_\_\_\_.

(4) Since that time, the following information has been discovered that may result in the enforcement of the support order

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(5) Since the date the judgment for past due child support was entered, I have received a total of \$\_\_\_\_\_ in child/spousal support from the obligor. As of this date, \$\_\_\_\_\_ in past-due support is owed in addition to the judgment amount.

(6) I am requesting that an order be entered to reinstitute monitoring and enforcement by the \_\_\_\_\_ County Probation Department and directing the obligor to make all support payments through that agency.

Sworn and subscribed before  
me on this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Obligee

Address: \_\_\_\_\_