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DIRECTIVE #12-17
[Supersedes Directive #03-05]
[Questions or comments may be directed to 609-815-3810]

To: **Assignment Judges**
Trial Court Administrators

From: **Glenn A. Grant, J.A.D.**

Date: **June 23, 2017**

Subject: **Intercounty Child Support Case Management Policy**

Summary

This Directive establishes uniform standards regarding the transfer of child support cases among the vicinages. The standards provide that upon establishment of a child support order in the Family Division, that case will presumptively be assigned to the Probation Child Support Enforcement (PCSE) unit in that county, regardless of the residence of the obligor. If at some point the obligor moves to another county, the case will not ordinarily be transferred to the new county of residence. Except in limited circumstances described herein, monitoring and enforcement of the support obligation will remain with the PCSE unit to which the case was originally assigned.

Initial Procedures – Family Division

Enforcement of new child support orders will presumptively remain in the county in which the child support order is first established (county of venue) unless the court orders the case transferred for cause. Enforcement will remain the responsibility of the Probation Child Support Enforcement (PCSE) Unit in the county of venue. This will be true even if there are one or more other existing child support orders against the same obligor currently being enforced by a PCSE Unit in another county.

When a court order for child support is issued, Family Division staff will enter the new obligation into the NJKiDS with the load number (county identifier) for the county of venue. The judgment or order and supporting documents should then be forwarded to the PCSE Unit in their county.

If for some special reason the court orders that the enforcement take place outside of the county of venue, the new obligation will be entered into NJKiDS by Family Division staff in the county of venue with the load number of the county in which the order will be enforced. The judgment or order and supporting documents should then be forwarded to the PCSE Unit in the identified county of enforcement. A case shall be transferred to a PCSE Unit in another county only for cause.

Enforcement Procedures and Consolidations for Transfer - Probation Division

Cases should rarely be transferred outside the county of venue. Transfers may be made only in the following two sets of circumstances:

1. Conflict of Interest

In the event an employee in the county of venue has a real or apparent conflict of interest arising from a personal interest or a relationship to a party with an interest in a child support case, Vicinage management shall consider the necessity of transferring the case to another county. Such determinations to transfer shall be guided by the Code of Conduct for Judiciary Employees, particularly Canon 3 ("Avoiding actual or apparent impropriety") and Canon 4 ("Avoiding actual or apparent conflicts of interest").

When considering whether it is necessary to transfer a particular case, the canons should be interpreted as though they applied to all persons working in the New Jersey child support enforcement program, including, for example, employees of the Board of Social Services or the Sheriff's Office. If a potential conflict of interest situation arises, the Assignment Judge, in consultation with the Family Presiding Judge, the Trial Court Administrator and/or the Chief Probation Officer or their designees should determine the appropriate action. Reassignment of a case to a different staff member or team in the original county or vicinage may be an adequate response to a conflict of interest situation in some circumstances.

2. Effective Enforcement

The court may order a case transferred to another county if it finds the transfer necessary to properly enforce or monitor the matter. The PCSE Unit shall not, however, request the court to transfer a case without first scheduling the matter for hearing before a judge or child support hearing officer. In the event the PCSE Unit believes such a transfer is necessary, it should schedule the matter for an Enforcement of Litigant's Rights hearing, providing notice to the parties and an opportunity for them to be heard on the transfer as well as on the enforcement issues.

The criteria for the PCSE Unit to initiate a request to transfer a case would be limited to a showing of good cause to the court. Generally, this would involve a demonstration that existing enforcement efforts have been thorough, but still not effective, and that transfer to the obligor's county of residence shows promise of yielding better results. Transfers for this

reason will most commonly be sought in conjunction with issuance of a bench warrant to compel immediate appearance before the court. In such instances, the PCSE Unit should consider recommending a transfer of enforcement where past experience suggests that execution of an out-of- county warrant in the county of the obligor's residence is unlikely or in those cases where such a warrant exists, but has not yet been executed.

If the transfer is approved by the court, the PCSE Unit would take steps to discharge any outstanding support warrants and transfer enforcement of the case to the county of the obligor's residence. Upon receipt of the transferred case, the new enforcing county would then be able to recommend issuance of a bench warrant promptly and coordinate execution with its local sheriff.

Factors that may be considered in determining whether it is appropriate to transfer a case may include, but are not limited to, the following:

- Residence of the obligor;
- Length of residence of the obligor;
- Appropriateness of bench warrant issuance;
- Ability to have a warrant executed in the enforcing county;
- Payment history; and
- Possession by obligor of a professional license.

On those occasions when a county asks a judge or hearing officer to transfer a case to another vicinage for enforcement, the sending county must provide complete information about enforcement efforts to the receiving county. Only in this way can the receiving county understand why the sending county was unable to achieve compliance with the court order and avoid duplication of efforts.

Pending Cases

With respect to child support cases currently monitored and enforced by PCSE Units, the following points are to be observed:

- Cases in Compliance

No case in which the obligor is in compliance with the order shall be transferred except if there is a conflict of interest as discussed above.

- Multiple Cases

The PCSE Unit will enforce the order in the county of venue even if there is already another existing case against the same obligor in another county. When a case needs to be scheduled for an enforcement hearing and the obligor has other cases pending in one or more additional counties, the PCSE Unit scheduling the case for enforcement should notify the other PCSE Units in writing of the intended

enforcement action. This written notification, transmitted by e-mail or facsimile, will allow coordination and consolidation of enforcement efforts, if necessary. As all PCSE Units have access to all case information through NJKiDS, only the name of the obligor, the case number, and the date of the hearing need be provided in this communication.

- Bench Warrant

Whenever practical, the court should utilize available technology such as telephone and video conferencing to enable obligors and other parties to participate in remote hearings to Enforce Litigant's Rights (ELR) without unnecessary travel. These are useful resources available to all courts and the vicinages should use them to the maximum extent possible.

- Domestic Violence

For purposes of case transfer, enforcement of the child support provisions of orders in domestic violence cases may be handled in the same manner as any other child support case.

- Uniform Interstate Family Support Act (UIFSA)

A case should not be transferred out of the county of venue merely because the obligee resides in another county and a Registration for Enforcement is necessary because the obligor lives in another state.

- Change of Beneficiary of Child Support Orders

Any change of beneficiary order shall be processed and continue to be enforced by the PCSE Unit that currently has the case, even if venue lies in another county. This administrative process, defined by Directive # 02-11, essentially continues an existing child support order. It shall not be viewed as a newly established child support order subject to the requirements of R. 5:7-4(b).

Please share and review these procedures with the appropriate staff in your Vicinage.

EDITOR'S NOTE

*2017 Update - This Superseding Directive deletes outdated policy and procedures as well as modifies references from the former automated child support system, "ASCES," to the current automated child support system, "NJKiDS." The caption was revised to indicate that this Directive supersedes Directive #03-05. Any references to superseded Directives have been removed. Because this Directive was promulgated in 2005, references to implementation plans have been removed.

1/31/2005 - Directive #03-05 supersedes Directive #08-90. Directive #03-05 eliminated the requirement to transfer a child support case when a child support obligor moved to another county except in limited circumstances.

11/8/1989 - Directive #08-90 -- Originally issued by Phillip S. Carchman, J.A.D. Acting Administrative Director.

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