

Change of Beneficiary of Child Support Orders C Foster Care Cases

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Administrative Director

An issue has been raised in child support cases where the child is the beneficiary of an existing order and is later placed in foster care. When this situation occurs, district offices of the Division of Youth and Family Services (DYFS) will either (1) file a motion with the Superior Court, Family Division requesting that DYFS be named as beneficiary of the court order, (2) informally request that the probation department change the beneficiary to DYFS, or (3) take no action. In instances where DYFS formally requests a change of beneficiary by filing a motion with the court, probation departments change the beneficiary once an appropriate court order has been entered. Up to now probation departments have been unclear as to the proper response to informal requests made by DYFS.

The Conference of Family Division Presiding Judges recommended that in all cases a motion should be filed with the court for a change of beneficiary of a support order when a child is placed in foster care. The Conference's recommendation provides for a uniform procedure, satisfies due process on behalf of the original beneficiary, and ensures that support be distributed only to a litigant in the action. Therefore, a probation department should only change the beneficiary of a support order in a foster care case after DYFS files a motion with the court, and a court order has been entered.

Should you have any questions regarding this matter, please contact the Administrative Office of the Courts, Child Support Enforcement Services.

EDITOR-S NOTE

No change has been made to the original text.