

How to apply for IV-D services:

Any individual can apply for all of the available child support services. This application is used to process support under the Title IV-D Child Support Program, funded through the Federal and State governments and managed in New Jersey by the Department of Human Services, Division of Family Development in partnership with the Superior Court Family and Probation Divisions.

Before we can help you collect support or provide you with the appropriate service for you and your child or children, you should read the program information on the following pages which should answer any questions that you may have about child support services in New Jersey and your responsibilities as a client of the Child Support Agency (CSA).

You must complete and sign the Child Support Services Application and the Child Support Case Information form and return both documents to us at your earliest convenience. The sooner you give us permission to work on your case and provide us with the required information, the faster the Child Support Agency starts to take steps to collect support for your children.

After you have read and completed the application, you should take the application to the following places for processing:

The Family Division, in your residence to have a court order established. You must know where the other parent or party lives.

or

The County Welfare Agency, in your residence, if you don't know where the other parent or party lives or works, and you need help in locating them for court purposes.

We look forward to working with you to help get the child support your family deserves.

For location-only services:

Division of Social Services

To establish paternity or a support order:

Family Division

For support enforcement:

Probation Division

Part A – HOW THE CHILD SUPPORT PROGRAM WORKS

Part A answers some questions you might have about the child support program.

What are child support services? Child support services include: locating the parent who has a duty to support your child(ren), legally determining if a person is the biological parent of your child, obtaining an order for child support and medical support services (if available at a reasonable cost), collecting support payments, keeping accurate records of payments and enforcing the support order.

Who provides these services? In New Jersey, the Department of Human Services (DHS) - Division of Family Development (DFD) - Office of Child Support Services (OCSS) (the State Title IV-D agency), County Welfare Agencies (CWA), the Administrative Office of the Courts (AOC), the County Family Divisions of the Superior Court, and County Probation Division work together to provide support services to your family.

What does the Office of Child Support Services do? The DFD/OCSS is responsible for ensuring that the state's child support program is operated properly, efficiently and effectively, and that all of its agents are in compliance with all aspects of the Federal Law.

What does the County Welfare Agency Child Support Unit do? The CWA locates obligors and files non-support complaints on active *Temporary Assistance for Needy Families (TANF)* with the Family Division.

What does the Family Division do? The Family Division is responsible for the establishment of paternity, support and medical orders.

What does the Probation Division do? The Probation Division monitors and enforces court orders, including those for child support, medical support and alimony. The Probation Division may become involved in the case after a support order is entered. All support orders are payable through the New Jersey Family Support Payment Center (NJFSPC), unless the court orders otherwise.

Does Probation represent me in court? No. Probation does not represent you. It is the part of the court system that sees that the court's orders are obeyed. Probation does not side with either parent. If you have to come to court, you can either represent yourself or hire an attorney.

Who can apply for these services? Any parent or person with custody of a child who needs help to establish a child support or medical support order or to collect support payments can apply for child support enforcement services. People who have received assistance under the *Temporary Assistance for Needy Families (TANF)*, *Medicaid* and *Federally assisted Foster Care* programs are automatically referred for child support enforcement services.

- Although the majority of custodial parents are mothers, keep in mind that either the mother or father may have primary custody of the child.
- Either parent can get help to have a child support order reviewed at least every three years, or whenever there is a substantial change of circumstances, to ensure that the order remains fair.
- An unmarried father can apply for services to establish paternity – a legal relationship with his child.

A *non-custodial parent* whose case is not in the CSE Program can apply for services and make payments through the Program. Doing so ensures that there is a record of payments made.

- Location services are available for non-custodial parents whose children have been hidden from them in violation of a custody or visitation order.

Is there a fee for this service? Yes. There may be a nominal fee. Please see Part D of the application.

Who is the obligee? The obligee is the person who receives the court ordered support.

Who is the obligor? The obligor is the person who is ordered to pay the court ordered support.

What is NJKiDS? NJKiDS (New Jersey Kids Deserve Support) is the computer system used by Child Support Staff, to monitor, track and store information about your case.

How do I establish paternity? Paternity can be established in the following ways:

- If the child is born during a marriage the husband is presumed to be the father and paternity does not have to be established.
- If the child is born outside of a marriage a Certificate of Parentage can be signed by both parents.
- A complaint can be filed with the Family Division to get a legal determination of paternity. Paternity can be established either by consent or genetic testing.

How does the court set the amount of my child support and medical support? Generally, the court sets the amount of support using the New Jersey child support guidelines. The support amount is based on the income of both parents and the average amount that intact families spend on their children. The support guidelines are in Appendix IX-A of the New Jersey Court Rules. The Court Rules can be found in either the law library at the county courthouse or the county's public library. The Court Rules are also on the New Jersey Judiciary website, www.njcourts.gov.

How are payments received? In almost all cases, the obligor must make payments through the New Jersey Family Support Payment center (NJFSPC). Once payment is received the obligor's account is credited and payment is sent by direct deposit, debit card or check to the obligee. **The obligee should not accept payments directly from the obligor without the court's prior approval.** If the obligee is on public assistance, the check goes to the agency that provides the assistance. However, the obligee will receive the first \$100 of each month's current child support payment.

What if the obligor doesn't pay? If the obligor doesn't pay, the Probation Division will take steps to enforce the order. These steps will include: requiring the obligor's employer to take the support amount out of his or her income, having the past-due amount taken out of the obligor's tax refund or lottery winnings, returning the case to court, reporting the delinquency to a credit reporting agency, or executing on the obligor's property such as bank accounts, insurance proceeds or real estate.

What if the obligor moves to another state? If the obligor moves out of New Jersey, the Probation Division may be able to get an out of state employer to withhold the support amount from the obligor's income. If this doesn't work, you may have to file a petition asking the other state to enforce your support order through its courts. The Probation Division will inform you if this is necessary and will help you file the papers. Although there is no cost for filing the petition, some states charge a small fee for processing payments and may deduct the fee from the collection before it is sent to you.

How long will it take for a support order to be established? That depends on the circumstances of your case and the services you request. After you file the application for services it takes time to notify all parties of the hearing. The establishment of a support order through the Family Division usually takes 90 days or less if both parties live in New Jersey. If either party resides out of state this process may take longer.

How long will it be before I start to receive payments? Once the order is established, the obligor is responsible for sending in payments directly to the NJFSPC. As soon as a payment is received it will be processed by the payment center and sent within 2 business days to the obligee. If income withholding has been ordered it may take up to 4 weeks for payment to be remitted by the employer.

YOU WILL NOT RECEIVE A SUPPORT PAYMENT IF THE OBLIGOR DOES NOT PAY

How can I find out if a payment has been made? To access any child support information you will need to provide your child support case ID (it begins with "CS").

There are two options to obtain information on a 24 hour basis:

1. Call the toll-free Child Support Hotline at **1-877-NJKIDS1 (655-4371)** for payment information.
2. Visit the Child Support website at www.njchildsupport.org for payment and case information.

Information about your case is updated every night.

When will my support order end?

- A child who turns 18 is not automatically emancipated. A party must file an application with the family court if they are seeking to emancipate a child **and** be relieved of their obligation to pay child support if it has not been previously ordered. Only the court may enter an order of emancipation after reviewing the facts of the case.
- Pursuant to the Termination of Obligation to Pay Child Support Law at N.J.S.A. 2A:17-56.67 et seq., all child support and/or medical support obligations established in New Jersey shall automatically terminate upon the child's 19th birthday unless another termination date is specified in a court order. The court may extend the child support and/or medical support obligation no later than the child's 23rd birthday if the child is enrolled in high school, is attending college or other postsecondary institution on a full-time basis or is disabled as determined by a federal or state government agency.
- The child support and/or medical support obligation shall also automatically terminate on the date that a child who is less than 19 years of age marries, enters the military service or passes away.

What if I need an increase in my child support order or medical support for my children? Anytime there is a substantial change of circumstances, a motion can be filed with the Family Division to modify the terms of the court order. You may also request a review of the amount of your child support order at least once every 3 years from the date the order was entered or modified by the court. Reviews are completed by your local County Welfare Agency Child Support Unit (CWA/CSU). This service is available to you even if you have never been a recipient of Temporary Assistance to Needy Families (TANF). Additionally you can ask for assistance in obtaining medical support for your child if it is not included in your current order. The phone numbers for the CWA are listed on pages 1-4 of the application.

PLEASE NOTE: The law also requires that all child support orders entered, modified, or enforced on or after September 1, 1998 be reviewed every two years to reflect changes in the cost of living. Cost of Living Adjustment (COLA) is an automatic review and adjustment of child support orders being enforced under Title IV-D. COLA is not a modification of the order.

Who can I call for more information? Prior to the entry of a support order, contact either the Family Division or the local County Welfare Agency. After the order is entered, contact the local Probation Division in your county. The phone numbers for all three agencies are listed on the cover of this application.

PART B – YOUR RESPONSIBILITIES AS THE OBLIGEE

Part B tells you what your responsibilities are as an applicant for child support services. Please read it carefully. If you don't understand your responsibilities, please ask the Child Support Agency's staff to explain them to you. Your cooperation is needed for us to be able to provide prompt, effective child support services.

For the Child Support Agency (CSA) to help you properly, you must:

- Provide all available information and documentation when you file the application to assist us in handling your case and immediately inform the CSA of any new or changed information.
- Supply accurate identifying and location information on the obligor.
- As requested, complete all documents needed for the CSA to establish and/or enforce a support order.
- Appear for genetic tests (if you have requested that paternity be established) or court hearings as notified.
- Upon request, appear at the designated CSA office to provide written or verbal information.
- Notify the CSA immediately if there is a change in your address, telephone number or custody of a child.

Additionally, you should understand that:

- You may hire an attorney to represent you or you may represent yourself at any time. If you retain an attorney, you agree to inform the CSA of the name and address of your attorney. If a court action is started by you or your attorney, you agree to provide the CSA with a copy of any court order resulting from that action.
- The quality of information you provide affects the priority assigned to your case and the success of providing the requested services.
- The information provided by you or collected by the CSA is confidential and subject to state and federal safeguarding requirements. It will not be released to third parties without your authorization.
- Any record, correspondence, memorandum or other document not required to be maintained by law is not public information and is not available for public inspection.

PART B – YOUR RESPONSIBILITIES AS THE OBLIGEE (continued)

If you receive any support payments that have not been processed through the New Jersey Family Support Payment Center, such as direct payments from the obligor, another state CSA, as satisfaction of a lien or from any other legal mechanism, that you agree to send such payment to NJFSPC immediately upon receipt so that it can be applied to the obligor's account.

- The CSA will assist you in establishing a court order for the obligor to provide health insurance for your child(ren). If you or your child(ren) is/are recipients of Medicaid benefits under Title XIX of the Social Security Act, the CSA will report the health insurance information to the State Division of Medical Assistance and Health Services.
- The CSA may request that the State or Federal government intercept the obligor's tax refund to recover past-due support owed to you or to the State. Regulations of the Tax Offset Program require that:
 - Intercepted tax refunds be used to pay-off debts owed to the State for public assistance before past-due support owed to your child(ren).
 - If the tax refund involves a joint return, the money may not be distributed for six months; and

If the obligor and the obligor's spouse file a joint return, the spouse may file an amended tax return requesting a share of the tax refund. If the IRS determines that the spouse is due a share of the refund that you received, you must reimburse the State for the amount owed the spouse.

PART C – OTHER INFORMATION ON SERVICES

Part C lists other information about child support services that you should know. Again, read it carefully. If you don't understand something in this section, ask the Child Support Agency's staff to explain it to you.

Selection of Enforcement Method – The Child Support Agency selects the enforcement technique based on the quality and availability of case information and state law. **An obligee cannot choose how the order will be enforced.**

Termination of Services – Child support services **may** be terminated if:

- The Obligee fails to cooperate and that cooperation is needed to establish or enforce the order;
- The Obligee cannot be contacted for sixty days and mail sent to that person's address is being returned;
- Paternity cannot be established;
- The obligor dies, is institutionalized, moves to a foreign country without reciprocity, or cannot be located; or
- A support obligation is no longer owed to the family and no past-due support is owed.

The obligee will be notified, in writing 60 days before action is taken to terminate child support services.

Limitations of the Child Support Agency – The Child Support Agency **is not authorized to:**

- Act as your legal representative or assign an attorney to your case;
- Handle matters involving visitation, custody or property settlements (court action required);
- Arrest the obligor or issue a warrant (court action required); or
- Sign papers on your behalf (for example, bankruptcy claims, a Warrant of Satisfaction or Release of Lien for judgments, or request to emancipate a child).

PART D – DESCRIPTION OF AVAILABLE CHILD SUPPORT SERVICES

Part D explains the services that are available. Later, you will have a chance to select the services you want. We recommend Full Child Support Services since it includes all services and has the lowest applicant fee. .

The applicant may request one of the following service categories from the Child Support Agency (CSA):

Full IV-D Child Support Services – Services provided by the CSA under this category include: paternity establishment, location of the obligor, establishment of the support order, collection of past-due support from tax refunds, collection and monitoring of support payment, income withholding (automatic deduction from an income source such as wages, unemployment, etc), judgment processing, credit reporting, medical support services, court enforcement of support orders, and periodic review and adjustment of the support award. Not all applications require all services. The CSA will provide all appropriate IV-D services (defined below) There is a **\$6.00** fee for full IV-D Child Support Services. **NOTE: THIS OPTION INCLUDES ALL SERVICES LISTED BELOW AND HAS THE LOWEST FEE.**

- **Location Services** – The CSA will try to find the obligor using the State Parent Locator Service (SPLS) and Federal Parent Locator Service (FPLS). The SPLS checks the records of the other State agencies such as the Division of Motor Vehicles, the Division of Taxation, the Department of Labor and the Department of Corrections. FPLS searches the records of the Internal Revenue Service, the Department of Defense, the National Personnel Records Center, the Social Security Administration and the Veterans Administration.
- **Paternity Services** – The CSA will file a complaint with the court or utilize other resources to legally determine the father of your child. To assist in determining who the father is, the court may order a blood or a genetic test. Additionally, the court may require that you pay for the genetic testing if the person that you name is not the biological father.
- **Support Services** – The CSA will file a complaint and schedule a hearing with the court for purposes of establishing a support order against the non-custodial parent.
- **Medical Support Services** – The CSA will pursue a court order requiring the obligor to provide health insurance coverage for your child(ren).

Monitoring Services Only – Services provided by the CSA under this category include: establishment of the support order, collection and monitoring of payments, and use of income withholding. **Monitoring only services do not include the following:** location of obligors using the State and Federal Parent Locator Service, payment of the costs to establish paternity and enforcement of the support obligation using the tax intercept programs. An annual fee of **\$25** will be charged for these services.