

NEW JERSEY JUDICIARY  
FAMILY DIVISION

**NON-DISSOLUTION OPERATIONS MANUAL**



Approved by the Judicial Council  
Revised Edition, December 2007

ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY

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M E M O R A N D U M

[Questions or comments  
may be addressed to  
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TO: Assignment Judges  
Trial Court Administrators

FROM: Philip S. Carchman, J.A.D. 

SUBJECT: Family Non-Dissolution Operations Manual –  
Revisions

DATE: December 12, 2007

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Enclosed are the new and revised sections of the Family Division's Non-Dissolution Operations Manual, the revised edition of which was issued on January 5, 2004. The new and revised sections, endorsed by the Conferences of Family Presiding Judges and Family Division Managers, reflect changes in the New Jersey Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA, N.J.S.A. 2A:34-53 et seq.), clarifications with respect to the New Jersey Parentage Act (N.J.S.A. 9:17-38 et seq.), and various other technical clarifications. The attached sections and appendices should be inserted in any hard copy of the Manual replacing the corresponding sections. These sections and appendices also will be substituted for the earlier versions posted on the Infonet.

The new and revised sections are as follows:

- **Section 11, New Subsection 1104.1 – Standing/Pre-Existing FD Order Prior to an FV Case**

This subsection clarifies the status of a non-dissolution (FD) order related to custody, visitation or child support when a subsequent domestic violence (FV) action is filed. These clarifications were needed to avoid conflicting provisions in FV and FD orders involving the same parties. A pre-existing FD order should be transferred to the judge hearing the FV case for review and any needed adjustment of the order based on new facts elicited in the course of the FV case. The judge hearing the FV case would also hear all FD matters as long as the FV case is active.

- **Section 11, New Subsection 1105.2 – Certification In Support of Establishing Paternity**

Pursuant to the New Jersey Parentage Act, N.J.S.A. 9:17-52.1, the plaintiff must complete a sworn statement attesting to the possibility of parentage before a default order is entered. **Appendix X** (new) is the new model form for this sworn statement. This model sworn statement may also be used by a father or caretaker (e.g., grandparent) seeking to establish paternity. It has been reviewed and endorsed by the Division of Family Development as a means of providing guidance to county welfare agencies when filing for paternity and support in non-dissolution matters.

- **Section 12, New Subsection 1205 – Reopening a Closed Probation Child Support Enforcement Case**

This new subsection describes the procedure to reopen a closed child support case. This process was previously handled in the Probation Division but was reassigned to the Family Division as part of the implementation of recommendations of the Interdivisional Working Group on Child Support Enforcement as approved by the Judicial Council. **Appendix IX** (new) includes various direct pay conversion forms, including the *Certification to Reinstitute Child Support Services*, which should be used for reopening closed Probation child support enforcement cases.

- **Section 18, New Subsection 1807.1 – Processing Requests for Genetic Testing for Incoming UIFSA Cases**

This subsection, relating to Uniform Interstate Family Support Act (UIFSA) cases, clarifies the procedures for processing out-of-state orders for genetic testing of New Jersey residents. It also clarifies when a case can be inactivated or dismissed for non-cooperation with an out-of-state genetic testing order. Federal Title IV-D child support regulations require that, on request, a state conduct genetic testing on residents involved in a child support case in another state. Sometimes, however, the resident does not cooperate. In that situation, the responding state (New Jersey) may close the matter after giving the initiating state 60 days notice of that non-cooperation. Attached are two new model letters. The first is the initial notification to the New Jersey resident that he has been ordered to undergo genetic testing and that the order has been forwarded to the County Board of Social Service for further processing. The second letter, sent to the out-of-state court, is the 60 day notice of intent to dismiss the New Jersey matter due to the non-cooperation of the resident ordered to be tested. These model letters should be inserted in the Manual at the end of **Appendix V - UIFSA Forms and Instructions**.

- **Section 20 (revised) – Registration and Enforcement of Out-of-State Custody/Parenting Time Orders.**

Pursuant to Directive #9-07, approved by the Supreme Court and issued on September 28, 2007, this entire section and corresponding appendices (**Appendix VI-C and Appendix VIII**) have been revised to reflect updates to filing and enforcement procedures for out-of-state custody, parenting time, and visitation orders resulting from the revised Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), N.J.S.A. 2A:34-53 to -95, effective in New Jersey on December 13, 2004.

- **Appendix II-B (Revised) – Rules of Court, Appendix XVI, Uniform Summary Support Order (R. 5:7-4)**

The Uniform Summary Support Order (Appendix XVI to the Court Rules) was revised by order of the Supreme Court effective September 1, 2006.

- **Appendix V (Revised) – UIFSA Forms and Instructions, Notice of Intent to Close Case, UIFSA Genetic Testing Notification**

In addition to the UIFSA Forms and Instructions, this appendix now includes two new model letters, as described above in new Subsection 1807.1. The appendix header page has been updated to reflect the addition.

- **Appendix VI-C (Revised) – UCCJEA**

This appendix now contains the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) of 2004, which supersedes the Uniform Child Custody Jurisdiction Act (UCCJA.)

- **Appendix VIII (Revised) – Directive #9-07**

Directive #09-07, which supersedes Directive #7-02, promulgated procedural changes for filing and enforcement of out-of-state custody/parenting/visitation orders that resulted from New Jersey's adoption of UCCJEA.

- **Appendix IX (New) – Direct Pay Conversion Forms**

This new appendix includes five forms, previously used by Probation, relating to direct pay conversions and the reopening of closed probation child support enforcement cases (See new subsection 1205, above).

- **Appendix X (New) – Certification In Support of Establishing Paternity**

This appendix provides a new model form to support a paternity claim. This form was approved by the Conference of Presiding Judges and Family Division Managers. Pursuant to N.J.S.A. 9:17-52.1 a sworn statement attesting to the child's parentage must be completed prior to a default order being entered (see new subsection 1105.2, above). The affidavit or certification of paternity is a person's

sworn statement supporting the allegation that the defendant is the biological father of the child. S.S. v. E.S., 124 N.J. 391 (1991).

Questions or comments concerning these revisions to the Non-Dissolution Operations Manual may be addressed to Assistant Director Harry T. Cassidy at (609) 984-4228 or Chief Geraldine Washington at (609) 984-0066.

P.S.C.

Encl.

c: Chief Justice Stuart Rabner  
Family Presiding Judges  
Theodore J. Fetter, Deputy Administrative Director  
John P. McCarthy, Jr., Director  
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**NOTICE**

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This manual is intended to provide procedural and operational guidance for New Jersey Judiciary staff in the management of cases within their area of responsibility. The Manual was prepared under the supervision of the Conference of Family Presiding Judges, along with the Conference of Family Division Managers and the Family Practice Division of the Administrative Office of the Courts (AOC). It is intended to embody the policies adopted by the New Jersey Supreme Court, the Judicial Council and the Administrative Director of the Courts, but does not itself establish case management policy. It has been approved by the Judicial Council, on the recommendation of the Conference of Presiding Judges, in order to promote uniform case management statewide and, as such, court staff are required to adhere to its provisions.

While the Manual reflects court policies existing as of the date of its preparation, in the event there is a conflict between the Manual and any statement of policy issued by the Supreme Court, the Judicial Council, or the Administrative Director of the Courts, that statement of policy, rather than the Manual, will be controlling. Other than in that circumstance, however, this manual is binding on court staff.

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**1000 Purpose and Mission of Family Court**

The Administrative Office of the Court's Strategic Planning Committee has submitted to the Supreme Court a Mission Statement of the New Jersey Court System, a Vision Statement and a Statement of Core Values:

Mission Statement of the New Jersey Court System

**We are an independent branch of government constitutionally entrusted with the fair and just resolution of disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution and laws of the United States and this State.**

Vision Statement of the New Jersey Court System

We will be a court system, characterized by excellence that strives to attain justice for the individual and society through the rule of law. We will:

- ! Provide equal access to a fair and effective system of justice for all without excess cost, inconvenience, or delay, with sensitivity to an increasingly diverse society.
- ! Offer complementary methods of dispute resolution while preserving the constitutional right to trial by an impartial judge or jury and ensuring compliance with the results achieved through effective enforcement of court orders.
- ! Provide quality service that continuously improves, meets or exceeds public expectations, and that ensures that all are treated with courtesy, dignity, and respect.
- ! Maintain the independence of the Judiciary while strengthening relations with the public, the Bar, and other branches of government.

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- ! Acknowledge and enhance the potential of every person in our organization to contribute to the administration of justice through participation, training, and technology.
- ! Share a sense of common identity and purpose as a statewide Judiciary.
- ! Earn the respect and confidence of an informed public.

Statement of Core Values of the New Jersey Court System

Required to accomplish our mission are four paramount values respecting the core of what we stand for as an organization:

- ! Independence
- ! Integrity
- ! Fairness
- ! Quality Service

**1001 Services Provided by Family Division**

The Family Division hears all family matters including, but not limited to:

- ! Annulment
- ! Adoption
- ! Child Abuse and Neglect
- ! Child Placement Review
- ! Child Support
- ! Custody
- ! Divorce
- ! Domestic Violence
- ! Juvenile Delinquency

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- ! Juvenile/Family Crisis
- ! Mental Health Commitments of Minors
- ! Palimony
- ! Paternity
- ! Separate Maintenance
- ! Spousal Support
- ! Termination of Parental Rights
- ! Visitation
- ! Willful Non-Support

**1002 Non-Dissolution Case Responsibilities**

Family Division has assigned the responsibility of the following case types to Non-Dissolution:

- ! Child Custody
- ! Grandparent & Sibling Visitation
- ! Parenting Time
- ! Child Support (Establishment/Modification)
- ! Paternity
- ! Spousal Support/Separate Maintenance (when there is no divorce/nullity action)
- ! Medical Support

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**1003 Establishing State Jurisdiction and County Venue**

Rule 5:2-1. Venue, where laid in family actions shall be laid in accordance with the applicable provision of R. 3:14-1 and R. 4:3-2. except as follows:

*(a) In actions primarily involving the welfare, support, protection and status of children (except actions for adoption or termination of parental rights and except actions in which issues of custody, visitation and support are joined with claims for divorce or nullity) shall be laid in the county in which the child is domiciled. In actions involving custody of children where one party or the child does not presently reside in New Jersey, venue shall be laid in the county designated by the courts of the child's home state, which is defined as the state where the child, immediately preceding the time involved, lived with his or her parents, a parent, or person acting as parent, for at least six (6) consecutive months, unless it is found to be in the best interest of the child for another state to accept jurisdiction.*

For general Non-Dissolution case processing purposes, screening for state jurisdiction should be done by intake staff. During the interview process, if staff determine: (1) the child has recently moved to New Jersey from another state and has not been a resident for the past consecutive 6 months or; (2) the child is here on an extended visit but the other parent/guardian has an existing custody order from another state, the following should occur:

- ! If any of these circumstances exist, staff should take the complaint and advise the party that New Jersey may or may not have jurisdiction and the judge will make that determination. Staff should inform the applicant that the court may determine that the other state has jurisdiction of the case and that he or she may have to go to that state to make an application to establish custody or have custody modified. Cases, which may pose jurisdictional issues, should not be scheduled for a consent conference or mediation. Determination of jurisdiction can only be made by a judge.

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- ! If an emergent matter involving the welfare and/or safety of a child is presented to the Court, and state jurisdiction is a question, Family Division staff should: (1) refer the case to the proper authority (DYFS), (2) confer with the judge to determine if New Jersey should intervene and establish a case if directed by the judge.
  
- ! In determining county venue, during the initial interview, if it is discovered that neither the child nor the plaintiff resides in your county, Family Division staff should direct the client to file in their county of residence.
  
- ! If a case resulting in a court order was previously processed in your county, and both the plaintiff and the child have since moved to another county, Family Division staff should first determine if modification of the existing court order is being requested. If the petitioner wants to modify the existing court order, the case should be scheduled in your county and a change of venue should be requested by the petitioner at the time of the court hearing. The decision to transfer venue rests with the Presiding Judge or designee.
  
- ! If the petitioner does not wish to modify the court order, but wants venue changed, they may petition the court through a change of venue application motion, which should accompany a substantive underlying reason why a change of venue is sought. If a judge approves, the change in venue can be done administratively with a signed court order. A copy of the order should be mailed to all parties and the other court. If an emergent matter involving the welfare of a child is presented to the court, Family Division staff should address the emergent matter through established procedures. The judge will decide whether venue should be transferred.

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**1004 Confidentiality of Party Information**

The Family Division receives and maintains confidential information about litigants from many sources. In accordance with the present laws and court rules, it is important that confidential information and documents are safeguarded from unlawful inspection, use and disclosure.

In an effort to provide quality customer service, Family Staff should assist litigants with requests for information, to which they are entitled concerning their own cases. However, public inspection of records are guided by New Jersey laws and Court Rules. Refer public requests for inspection of court records to the Division Manager's Office for further processing.

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**1100 Non-Dissolution Initial Case Establishment**

**1101 Initial Reception /Pre-Screening**

At the initial greeting of all applicants applying for Family Division Services, Family Division Staff should screen all requests by asking appropriate questions, such as the type of relief sought and whether proper jurisdiction and venue lies within your county. Only when it has been determined that the client is in the proper state, county and Judicial Division should Family Division staff continue the process of establishing the case.

**1101.1 Redirecting Clients When Family Division is not the Proper Division for Services Requested**

Family Division staff should make every effort to assist clients by redirecting them to the proper Judicial Division or outside agency for resolution of their problem. Family Division staff should provide clients with all available information at their disposal including names, addresses, and phone numbers, whenever possible.

**1102 Checking Previous Case Activity**

Family Division staff are required to check for previous case activity in order to avoid creating duplicate cases within Non-Dissolution for the same parties. All systems available including FACTS (statewide search), ACSES, and all manual record systems prior to FACTS should be searched. Only upon completion of a thorough search for previous case activity should a new case be established.

**1103 When a New Case Should *Not* Be Established**

A new Family Case should **not** be established when the following circumstances exist:

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- 1) If the client filing has an active FV (Domestic Violence) case, (TRO, extended TRO, or FRO) the party should be referred to the Domestic Violence Team/Unit for further service. (If parties have been involved in a Domestic Violence action, Non-Dissolution is prohibited from taking a complaint for custody, visitation or child support unless all Domestic Violence complaints and/or reliefs have been **dismissed**).

**Note:** If all complaints and reliefs of an FV action have been dismissed, Non-Dissolution complaint may be taken.

- 2) If the client has a pending FM (Dissolution) case or a Final Judgment of Divorce, the party should be referred to Dissolution Team/Unit for further service.

**1104 FV/FD Conversion Process**

When a client wishes to dismiss a Domestic Violence complaint and request to preserve reliefs previously granted in the Domestic Violence Restraining Order, such as custody, child support and parenting time, Family Division staff should follow the established procedure for a Domestic Violence dismissal first. A Non-Dissolution complaint should be established on FACTS for transferring the reliefs from a Domestic Violence matter to a Non-Dissolution matter. The new complaint and new court order should be submitted to the Judge. Upon dismissal of the Domestic Violence case, a new Non-Dissolution Order should be entered by the Judge. If support is one of the provisions being transferred, the *Uniform Child Support Order* should be used. In cases not including support, the county Non-Dissolution Order should be used.

In the event that the request to preserve reliefs granted under a Domestic Violence action arises during the court hearing, the Judge vacating a Domestic Violence Restraining Order and the Court, on its own motion, should enter a new order transferring the reliefs from a Domestic Violence action to a Non-Dissolution matter.

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*The Uniform Child Support Order* should be used if support is involved or the county Non-Dissolution order for other reliefs (i.e., custody/parenting time). The case should then be established on FACTS as a new Non-Dissolution case.

**Important:** In the order dismissing the Domestic Violence case, the Judge should write on the dismissal order that the reliefs of support, custody and/or parenting time are being continued under a new Non-Dissolution Order. The new Non-Dissolution Order should contain language that advises the defendant that the order is being entered without prejudice and the defendant has the right to make application for a rehearing if he/she wishes to do so.

**1104.1 Standing FD Order Prior to an FV Case**

If an FD order exists addressing custody/parenting time and/or child support, prior to the filing of a domestic violence action, that order shall be preserved under the FD docket. The FD file must be forwarded to the judge hearing the FV case for review to insure conflicting orders do not exist. The FD order should be referenced in the FV order to insure all affected parties, divisions and agencies are aware of the multiple orders. The FD file shall remain attached to the FV file for as long as the FV case is active.

When a party files for a modification of the FD order during the life of the domestic violence restraining order, that case must be heard by the judge hearing FV matters. Parties should be referred to the FV team for processing of their FD case while their restraining order is active. A reference to the FV restraining order should be visible on any revised FD order and provided to all entities that might be affected by the revision (i.e., parties, child support enforcement, supervised visitation). The FD file shall remain attached to the FV file with the FV team.

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If the FV action is dismissed the judge will determine the continued status of the FD order and note that determination on the FV dismissal order, and on a new FD order if necessary. At that time the jacket shall be returned to the FD team.

**NOTE: Normal FACTS/ACSES data entry procedures must be completed.**

**1105 Interviewing Clients/Gathering Information**

When it has been determined through screening that: the case is appropriate for Family (proper state jurisdiction and venue belongs in your county) and the search for previous case activity has been completed; and no other case exists, Family Division staff shall:

- 1) Interview the client and provide the appropriate application forms for reliefs sought, (Custody, Parenting Time, Paternity, Child Support, Spousal Support, Counter Complaint);
- 2) Have the applicant complete the required IV-D application or other applicable Intake forms containing all pertinent identifying information of all parties involved for custody, visitation, child support, spousal support or medical support.
- 3) Insure payment of the required IV-D application fee, if applicable.

**1105.1 Certificate of Parentage Program N.J.S.A. 9:17-38, et. seq.** provides for voluntary acknowledgment of parentage prior to court intervention. During the screening process, Family Division staff should inquire whether either party participated in the Paternity Opportunity Program (POP) by signing a “Certificate of Parentage” at the time of a child’s birth. This procedure establishes paternity without court intervention. If a party indicates he/she has signed such

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a document (or knows the document was signed by the other party), Family Division staff should contact the POP office at 1-800-767-6607 to determine if a certificate was filed and ask for a copy (or request a copy from your County Welfare agency, if appropriate). Upon request, the POP office will fax a copy to the Court. Upon verification, paternity need not be established through the court. The Certificate of Parentage becomes part of the court file.

**1105.2      Certification In Support of Establishing Paternity**

Pursuant to N.J.S.A. 9:17-52.1, if Paternity has not been previously established through the court or the POP Program, all parties requesting paternity and /or child support must complete the Certification in Support of Establishing Paternity (Appendix X). This includes all non-biological caretakers applying for child support as well. The form is comprehensive and addresses various circumstances as it relates to knowledge about a child’s parentage.

**1106      DYFS Referrals**

Family Division staff makes appropriate referrals to The Division of Youth and Family Services (DYFS) when issues of child safety are brought to the attention of the court. If during the course of an interview for a new case (not previously known to the Court), an allegation of abuse or neglect is made by a complainant, Family Division staff shall make a referral to DYFS in the most expeditious manner available to them (phone, in-person, fax). The complaint for custody and/or parenting time is established. DYFS is notified of the pending hearing and has the responsibility to report its findings or recommendations to the Court. Family Division staff shall follow their established vicinage policy for referring cases to DYFS.

When it is revealed during an interview that DYFS is already involved with a family, Family Division staff shall take the appropriate steps to inform DYFS of the pending

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action by listing them as an interested party to the case (in FACTS) and notifying them when the case is scheduled for judicial review. It is the responsibility of DYFS to submit reports and/or appear to provide information to the Court as to the status of their investigation or recommendations regarding the safety of the child. **Family Division staff shall follow their established vicinage policy for securing information and reports from DYFS.**

**1106.1      Referrals From DYFS**

When a person comes to Family to apply for custody and indicates that DYFS has referred them, the complaint for custody shall be established but not treated as an emergent matter, unless extenuating circumstances are satisfactorily presented to the Court.

**1107      Abuse & Neglect Cases**

If the search for previous case activity reveals a current abuse & neglect litigation case involving the child for whom custody/parenting time is being sought, Family Division staff should take the complaint and refer the case to the Judge handling the FN matter. The FN Judge will determine the next action to be taken regarding the custody complaint.

If after searching FACTS it is determined that the litigation case is closed, Family Division staff should secure the final disposition order to determine who has custody and notify DYFS to report to the court regarding their current involvement with the family. If the petitioner has a letter from DYFS stating that the case has been closed, DYFS should be contacted for verification and the result of that contact should be placed in the file.

**1108      Termination of Parental Rights**

If the search for previous case activity reveals the child for whom custody/parenting time is being sought is involved in Termination of Parental Rights proceedings,

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Family Division staff should take the complaint and refer the matter to the Judge hearing the FG matter. The Judge will determine the next action to be taken on the custody complaint.

If the search in FACTS reveals that the parental rights of the plaintiff have previously been terminated by the Court, Family Division staff should not establish a Non-Dissolution custody case. Parties should be referred to DYFS for clarification of any issues.

***ALL THE ABOVE STEPS MUST BE COMPLETED BEFORE ESTABLISHING A NEW CASE IN FACTS.***

**1109 Kinship Legal Guardianship (FL)**

Pursuant to N.J.S.A. 3B:12A-1, caregivers of children for 12 or more consecutive months may apply to the court for Kinship Legal Guardianship. These cases will be processed by the Children-in-Court Team. When litigants come to the Non-Dissolution Team seeking information about Kinship Legal Guardianship (FL), Family Intake staff should refer them to the Kinship Navigator Program (1-877-816-3211) or the CIC Team for more information.

When a person has been awarded Kinship Legal Guardianship (FL) and wishes to seek child support, FD intake staff should process their request for child support according to the approved procedures for establishment of child support in an FD docket number.

**1110 Docketing a Non-Dissolution Case in FACTS**

***The correct FACTS case establishment procedures must be followed. Refer to the FACTS User Guide for correct data entry standards.*** When the correct data entry is completed, print the complaint and have the client verify all information, read the certification, and sign the complaint. Family staff should witness the complaint by signing and dating it.

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**1110.1      Application for IV-D Child Support Services**

When an applicant is applying for Child Support, the IV-D child support application must be completed. The application comes in eight parts (A-H). The first four parts (A-D) provides information to the client regarding what things the client should know when applying for child support services. The remaining parts (E-H) contain the blank forms that request identifying information for the client and the absent parent. Clients should be instructed and assisted in thoroughly completing this application. The information gathered is crucial in locating the absent parent. The completed IV-D application should be reviewed, and the authorization (Part F) signed and dated by the client. A non-refundable, one-time fee (\$6.00) is required when applying for Title IV-D services. Appropriate county collection and receipt procedures should be followed.

**1110.2      Establishing a Companion (Non-Welfare) Child Support Case in ACSES**

The Family Division has the responsibility for establishing the corresponding ACSES case for all new support cases for future enforcement. The appropriate ACSES data entry standards must be followed. Refer to the **ACSES Case Initiation Manual** for correct procedures. The correct Child Support Number generated by ACSES must be entered in FACTS under the correct Family docket number in the case cross reference field. The parties' names, family docket number and CS# must be displayed on the family court file in plain view.

**1111      Establishing New Cases with Multiple Reliefs in FACTS**

The Family Division supports quality customer service by providing the opportunity

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for clients to address all available reliefs at the same time. Family Division staff should inform clients of all reliefs available and encourage them to request all appropriate reliefs at the time of application (i.e., paternity, custody, parenting time, financial support, and medical support). In doing so, the client diminishes the need for multiple appearances and the court saves time by reducing the number of times the same case requires processing.

**1112 Counterclaim (New Cases)**

A counterclaim is an action filed by an opposing party in response to the first party's filing. A counterclaim may be filed **before** a hearing has already been held on the original complaint. Once it has been verified that an order has not been issued on the case, the same procedures are followed for filing a counter-complaint. Original or additional reliefs may be added as requested by the counter-complainant.

**1112.1 Processing the Counterclaim**

If the original case has been scheduled and notices mailed, the counter complainant receives a copy of the notice with a copy of the original complaint at time of application. The file copy of the notice should be signed by the counter-complainant and placed in the court file (which is proof of service). The counter-complainant is given a copy of the notice that he/she signed. A copy of the signed counterclaim with a notation that the counter-complainant has been served with the hearing notice is forwarded by mail to the original filer. If a hearing has already been held, and an order has been issued, the opposing party must make application for a Post Dispositional Hearing.

**1113 Establishing an Order to Show Cause (New)**

When an Order to Show Cause is presented to the court for emergent relief, staff should first determine that the relief(s) being sought are appropriate for the Family

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Division. Once this has been determined, the case is docketed according to the established FACTS procedures for new cases. Family Division staff should stamp the complaint “filed” (with the current date), docket the case and refer the case to a Judge for review. The Judge will review and decide the merits of the case circumstances and issue an order with a return date or deny the emergent relief. If the Judge denies emergent relief, but the case is still appropriate for the Family Division, the case may be scheduled through regular channels.

**1114 Establishing Welfare/Board of Social Services Complaints**

Applications for paternity, child support and medical coverage for plaintiffs receiving welfare are initiated by the County Board of Social Services or the County Welfare Department. Complaints are forwarded to the Family Division for case processing. Welfare complaints are stamped “filed” (with the current date) upon receipt by the Family Court. Welfare complaints are processed in the following manner:

- 1) All parties are checked in FACTS, ACSES, and all manual systems to ensure that a support case for the same parties does not exist;
- 2) The case is established in FACTS following the correct FACTS data entry standards for welfare support cases. Refer to the **FACTS User Guide** for correct data entry standards;
- 3) The FACTS generated docket number should be written on the original complaint and court file; and,
- 4) The parties are scheduled and noticed according to court approved noticing procedures for child support cases.

**1115 Establishing Welfare/Board of Social Services Consents**

Consent Orders for child support generated by the Board of Social Services/County

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Welfare Department are forwarded to Family Court for docketing, judicial review and signature. Parties are searched in FACTS, ACSES and all other manual systems maintained by the Court to insure there is not an existing Non-Dissolution support case with the same parties. Once it has been determined that such a case does not exist, a new docket number is generated using the correct FACTS data entry procedures for Welfare support cases. Welfare Consents are processed in the following manner:

- 1) The FACTS generated docket number is written on the original complaint, the proposed consent order, and the court file;
- 2) The court file is forwarded to the judge for review and signature;
- 3) The signed court order results are entered in FACTS and the case is disposed according to established data entry procedures for Consent Orders;
- 4) The original court order is placed in the file;
- 5) Copies are forwarded to Welfare, Probation and the defendant.

**1116 Minor Parents**

When a minor parent wishes to file a complaint for custody or support and is not accompanied by their legal parent or guardian, Family staff should first inform the minor parent that their parent or legal guardian is required to file this action on their behalf because they are still a minor under the law. If the minor parent indicates that there is no legal parent or guardian available to file on their behalf, Family staff should take the complaint and refer the matter to a judge to consider whether a guardian should be appointed.

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These cases should be referred to the Hearing Officer or Judge and not to Consent Conferencing. The court will determine the competency of the minor parents to understand the legal proceedings and respond accordingly to their individual circumstances.

**1117 Change in Beneficiary in Child Support Cases**

When a person is awarded legal custody or guardianship of a child through the court and wishes to obtain child support, that person must file a child support action of their own even if there currently exists a child support order for the child payable to another party. In order to ensure that the “one order per child” rule is maintained, the current beneficiary of the child support payments should be terminated and the new beneficiary must be established through court order. Family staff should take the child support complaint from the new custodial parent/guardian, following the approved procedures for establishing child support actions under the FD docket type. The following steps should be taken:

- 1) A new FD case is established or, if the party has an existing custody case for the same child, that case is reopened to address the support issue.
- 2) The new beneficiary (person seeking child support) should complete a IV-D application and pay the \$6 fee. Family staff should establish a new ACSES account for the new beneficiary. In addition, ACSES should be searched to ascertain the case information on the current child support (appropriate screens printed and placed in the court jacket).
- 3) The new beneficiary, the current obligee and obligor should be noticed to appear for the change in beneficiary hearing.
- 4) A new order should be entered terminating the current child support order and addressing the arrears, if any. Then a new child support

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order may be entered payable to the new beneficiary.

- 5) At the conclusion of the hearing, when a current order is terminated, approved disposition procedures for FD child support cases should be followed.

**Note:** Change of beneficiaries of Welfare support cases are handled administratively by Welfare and the Probation Division and do not require Family Court action.

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**1200 Reopened Cases**

**1201 Application for Post Dispositional Hearing (Modification/Enforcement/Additional Reliefs)**

If a person wishes to reopen a Non-Dissolution case for modification, additional reliefs, or enforcement of reliefs stipulated in a court order, a post-dispositional complaint is taken. **The same docket number is used if the parties of the case are the same.** Applications for post dispositional hearings are processed in the following manner:

- 1) Interview client to determine continuing county venue or state jurisdiction. Ascertain the nature and merit of the request for modification;
- 2) Search FACTS and pre-FACTS systems for the correct docket number;
- 3) Backload pre-FACTS case following correct FACTS procedures. Refer to FACTS User Manual;
- 4) Reactivate/reopen cases already in FACTS;
- 5) Update all pertinent identifying information in FACTS;
- 6) Print from FACTS the Application for Post Dispositional Hearing, and,
- 7) Have complainant verify the information; read and sign the certification. Family Division staff witnesses the certification by signing and dating the complaint.

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**1202 Modification of a Support Order**

When a person requests modification of a support order, the above procedures in Section 1200 are followed. In addition, the complainant must complete a Child Support Obligation Worksheet as completely as possible at the time of filing for modification. Family Division staff should mail a copy of the completed worksheet to the other party with copy of the complaint and notification to appear.

**1203 Using the Same Docket Numbers**

Same docket numbers shall be used under the following conditions:

- 1) When a complaint for child support has been filed by the Board of Social Services, and the parties involved in the support action wish to have custody and parenting time addressed by the Court, the same docket number shall be used. The Board of Social Services is not noticed to appear for custody and/or parenting time matters.
- 2) When a complaint has been previously dismissed without prejudice, and plaintiff and defendant are the same people listed on the dismissed complaint, the same docket number should be used even if the filing status of the parties has changed in the new application (i.e., original defendant is now filing as the plaintiff).
- 3) When children belonging to the filing parties are added or deleted from the case.

**1204 Application for Change in Custody When DYFS is Involved**

Reopened cases for changes in custody where DYFS is currently involved should be processed in the county, which issued the original custody order, regardless of relocation of the child. If the child's DYFS case is closed, but fewer than 6 months have elapsed, the complaint should be taken. Division staff should contact the DYFS

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Liaison Office to ascertain the status of the case. The case status should be noted on the complaint. DYFS should be notified and provide the Court with an updated status as to their continued involvement. The decision to change venue rests with the Judge. An order changing venue must be signed by the Presiding Judge or his/her designee.

**1205 Reopening a Closed Probation Child Support Enforcement Case**

When an obligee wishes to reopen a closed child support case that was previously handled through Probation, Family staff shall interview the client and have them complete a **Certification to Reconstitute Child Support Services** (see Appendix IX) and a new IV-D application.

The certification shall contain the date and amount of the original order, the date of the support judgment, any payments received from the obligor not paid through Probation, a certification of the amount of arrears owed, and any new information about the obligor that would facilitate enforcement of the case. The \$6 application fee or the \$25 monitoring fee is collected through the Finance Division.

When these documents are completed, Family staff shall mail to the obligor the “Notice to Oblige/Obligor of Support Order to be Administered Through Probation and Payments to be Made to New Jersey Family Support Payment Center” and a copy of the certification at the last known address of record by certified, return receipt requested, and regular mail.

If the obligor does not file a written objection within 20 days of the postmark date, Family staff shall complete a certification stating that fact (see Appendix IX) and prepare an administrative order for judicial review and signature directing Probation to reopen the case for enforcement services.

If the obligor submits a written objection within the allowable time frame, Family staff shall schedule the matter for court.

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FACTS is updated with current party information but the case is not reopened in FACTS unless other reliefs are requested. The signed court order is forwarded to Probation and copy is mailed to the Obligee and Obligor

**Note:** If other reliefs are requested, the normal procedure for modification of an order is followed and the request to have the case reopened in Probation is addressed in the court order.

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**1300 Non-Dissolution Judicial Reviews & Diversionary Programs**

**1301 Hearing Before a Judge**

All litigants who file complaints in Non-Dissolution have the opportunity to be heard by a judge. However, Family Division staff should follow established vicinage policies for diversionary programs to the fullest extent possible. When a hearing before a judge has been determined to be the appropriate course of action, the case is scheduled through FACTS using the correct court official and proceeding codes for accurate case tracking. Once a case is heard by the judge and an order is entered, (or an order from a diversionary program is signed by a judge), that order becomes the disposition of the court.

**1302 Consent Conference**

Consent Conferences provide a forum where litigants seeking relief for custody, visitation, paternity, and/or child support are given the opportunity to resolve their issues themselves. Parties are assisted through the process by trained professionals acting as facilitators. The goal of the consent conference is to reach an agreement resolving the issues brought before the court. Each relief is discussed. If an agreement is reached on all, or part of the reliefs, an order is completed by the facilitator. All reliefs should be addressed in the court order whether resolved or not and noted. Litigants sign the consent order and it is forwarded to the judge for signature. Copies of the signed court order are distributed to all parties. Once the judge signs the court order it becomes a binding agreement and enforceable. All unresolved reliefs are treated as pending issues and have to be addressed either through further mediation attempts or a future court hearing, unless a court order specifically dismisses the reliefs.

**1303 Mediation Services**

Mediation through the courts is governed by R. 1:40-2[3][4][5]. The use of mediation services for resolving custody and visitation issues are processed based on

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established vicinage policy and available resources. Implementation of mediation services are guided by the established referral and reporting process approved in your county. Family Division staff should follow those guidelines when referring cases for mediation. All court ordered mediation referrals are documented in FACTS as a court event (refer to the FACTS user guide for correct proceeding type code for mediation).

All successful mediation attempts are documented through a signed agreement by the parties or a court order indicating that an agreement has been reached. If mediation was conducted by an out-of-court agency, the agreement is forwarded to the court, a court order is generated and signed by a judge. Successful mediation does not close a case if other reliefs are pending. All other pending reliefs have to be addressed before a case can be closed. All agreements and court orders are entered in FACTS for case tracking purposes. The flow of appropriate paperwork will be dictated by established procedures in your county.

**1304 Hearing Before a Hearing Officer**

The use of hearing officers, as an alternate forum to a judge hearing, is guided by R. 25:3. All appropriate cases should be referred to the Hearing Officer Program as provided by Court Rule. The same care in preparing a Judges calendar should be extended to the preparation of a hearing officer's calendar. Hearing officers are empowered to make recommendations to the court which are reviewed by a Judge for final determination. A review by the Judge may result in a court order upholding the recommendation of the hearing officer or the Judge may make adjustments to the recommendation, issue a bench warrant or order another hearing. Parties heard by a hearing officer have the right to appeal the hearing officer's recommendations to a judge. Appeals to hearing officers' recommendations are granted the same day.

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**1305 Appeals of Court Decisions/Orders**

After a judge signs a court order, all subsequent proceedings objecting to the entry of the order are formal proceedings. If a litigant believes that the court has made an error in the matter of how it arrived at its decision, the party may file a formal Notice of Motion for reconsideration pursuant to R. 4:49-2, within 20 days of the order entry date. This rule requires that the motion state specific and detailed reasons why the Court's order was in error. The party may also file a formal Notice of Appeal of the Superior Court's decision with the Appellate Court within 45 days of the entry of the final order.

**1306 Motions filed for Non-Dissolution Cases**

Non-Dissolution Motions can be processed by either reopening the case in FACTS using the Application for Post Dispositional Hearing or litigants may file motions according to Court Rule 5:5-4.

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**1400 Non-Dissolution Case Processing**

**1401 Scheduling Non-Dissolution Cases**

When a complaint has been properly established, reopened or reactivated in FACTS, the case is then scheduled for a judicial determination. Cases may be scheduled for a variety of case treatments within the Family Division. Family Division staff should schedule cases according to the proceeding type the case will be subject to at the time of scheduling. Because proceeding types may vary during the life cycle of a case, Family Division staff should follow instructions in the FACTS User Guide for correct proceeding type codes whenever a case is scheduled.

**1402 Use of FACTS Judicial Codes for Scheduling Cases**

FACTS provide specific judicial codes for the various court officials assigned to different types of hearings conducted by the Family Division. Judges, hearing officers, mediators, and persons conducting consent conference proceedings have different judicial codes. Family Division staff must utilize the correct codes when scheduling cases in FACTS. Refer to the FACTS batch report (FMF0406) for correct court official codes when necessary.

**1403 Hearing Notification Complaints for only Custody/Parenting Time**

When a custody/parenting time case has been scheduled through FACTS, Family Division staff shall request notices to be printed either on-line or in batch the next day (a manual notice may also be used when necessary). The following notification procedures shall apply:

- 1) Notices are printed through FACTS (the number of duplicate notices printed may vary depending on vicinage mailing policies). At least one copy of the notice must be placed in the court file for each individual party attached to a case;

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- 2) Notices are sent via regular mail unless otherwise dictated by the court or vicinage policy.

**1404 Hearing Notification for Paternity/ Support Complaints**

Court Rule 5:4-4 sets forth revised guidelines for service to defendants in paternity and support proceedings....

*(a) Manner of service. Service of process within this State for paternity and support complaints shall be made in accordance with R. 4:4-4 or paragraph (b) of this rule. Substituted or constructive service of process outside this state may be made pursuant to the applicable provisions in R. 4:4-4 or R. 4:4-5*

*(b) Establishment of a Paternity or Support Order Service by mail Program. Service of process for initial paternity and support complaints may be effected as follows:*

*(1) Initial Service by Mail. The Family Part shall mail process simultaneously by both certified and ordinary mail to the mailing address of the defendant provided by the party filing the complaint.*

*(2) Effective Service. Consistent with due process of law, service by mail pursuant to this rule shall have the same effect as personal service, and the simultaneous mailing shall constitute effective service unless there is no proof that the certified mail was received, or either the certified or regular mail is returned the postal service marked as "moved, unable to forward", "addressee not known", "no such number/street", insufficient address", "forwarding order expired", or the court has other reason to believe that service was not effected. Process served by mail may be addressed to a post office box. Where process is addressed to the defendant at that person's place of business or employment, with postal instructions to deliver to addressee only, service will be deemed effective only if the signature on the return receipt appears to be that of the defendant to whom process was mailed.*

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*(3) Ineffective Service. If service cannot be effected by mail, the court shall inactivate the complaint and attempt to verify the address by contacting the plaintiff or attorney filing the complaint or the postal service and thereafter shall attempt to re-serve the defendant by mail. If service of process cannot be effectuated by mail, the court shall order that the defendant be served personally or as otherwise provided in R. 4:4-4 or R. 4:4-5.*

*(d) General Appearance. Acknowledgment of Service. A general appearance or an acceptance of the service of a summons, signed by the defendant's attorney, or signed and acknowledged by the defendant or a competent adult in the defendant's household or as otherwise provided in R. 4:4-4, shall have the same effect as if the defendant had been properly served.*

For purposes of service by mail for paternity or support cases, regular and certified mail should be attempted in all cases. Additional efforts such as personal service by authorized court agents or local Sheriff=s Departments should be utilized whenever mail service is ineffective. All attempts of service through mail (i.e., returned mail, green cards, etc.) becomes part of the court record and should be filed in the court jacket.

**1405 Certified & Regular Mail**

When Certified and Regular mail is required by Court Rule 5.4-4 for all Child Support cases the following procedures shall:

- 1) Print notices utilizing FACTS certified mailers or complete the post office registered mail card (PS Form 3811);
- 2) Place **notice and complaint** in envelope and secure green card and receipt. For reference, print case docket number and hearing date on green card & receipt;

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- 3) Place notice and complaint in regular envelope;
- 4) Place a copy of notice(s) in court file;
- 5) Place all returned mail in court file including signed green card, returned regular mail, unclaimed certified mail, etc. It becomes part of the court record and is used to determine proof of service.

**1406 Personal Service**

The court may order personal service at anytime during the life of a case. Once personal service has been ordered, the following procedures apply:

- 1) Follow the established procedures in each county for personal service with regard to forms and the number of copies of required notices;
- 2) Forward all required forms to the entity authorized to do personal service in your county;
- 3) Upon receipt of returned documents from the entity doing personal service, place returned service documents. In the file; and
- 4) If the party could not be served, follow your county procedures for additional information, additional attempts at service or final disposition procedures.

**Note: County Welfare Department/Board of Social Services is responsible for personal service of all Welfare support cases.**

**1407 Calendar Preparation**

Calendars are used to organize court activity and track the processing of cases through the court. All cases brought before the court for review should be placed on

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a calendar indicating the parties' names, docket number, type of proceeding, and court official hearing the case. Calendar preparation also includes preparing each case for efficient and expedient processing. The following standards for case preparation shall apply to all cases:

- 1) All documentation provided to the court prior to the hearing should be maintained in the case file and, if appropriate, shared with parties prior to the hearing;
- 2) Ensure that proof of service or other service information received prior to the hearing is compiled, and placed in the court file prior to the hearing;
- 3) For support modification cases, research ACSES for other cases in which the parties may be involved, include copies of obligation screen, payment summaries and any other pertinent case information available that may affect support determination in the court file. ACSES case summaries may be requested for this purpose;
- 4) Prepare sufficient copies of calendar for distribution to all affected personnel, including Hearing Officer, Court Clerk, Sheriff's Officer or as your county procedures dictate;
- 5) Confirm that arrangements have been made to transport any defendant who is incarcerated and scheduled for court;

**1408 Case Dismissal Prior to Court Hearing**

If the plaintiff wishes to withdraw a complaint prior to a hearing or other court action being scheduled (and notices have not been mailed), they must complete a withdrawal of complaint form. FACTS must be updated and the case closed. Any counterclaim filed prior to an initial hearing becomes null and void. If the counter complainant wishes to pursue a relief, a new complaint must be filed.

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**1409 Rescheduling a Hearing**

Rescheduling may occur as a result of changes in the court calendar, individual case circumstances, or scheduling conflicts, etc. When parties have been notified of a scheduled Family Division event or hearing and circumstances dictate that the matter be rescheduled, the FACTS Adjournment/Dismissal notice must be printed and mailed to all parties. Every effort should be made to include a new date for the rescheduled hearing in the notice. For Welfare cases, the Welfare attorney must concur with the rescheduled date to insure their appearance.

**1410 Case Special Circumstances**

There are times when a case may require special handling by staff due to the special circumstances the case may present.

**1410.1 Court Interpreting**

Court Rule 1:34-7 provides for formal court interpreting services for all official court proceedings. When it is determined that interpreting services will be needed for a litigant, staff should make sure that the appropriate documentation is entered in FACTS and the court jacket. Staff should also insure notification to the court interpreting staff or those responsible for coordinating the delivery of court interpreting services. Staff should refer to the established court interpreting policies in their county.

**1410.2 Telephonic Hearing Requests by Parties**

When a telephone conference is requested by parties involved in a court action, staff should first ascertain the reason for the request and

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confer with a Team Leader, AFDM or FDM. When it is determined that the request will be honored, staff should forward the request to the designated person in the county who has the responsibility to process such requests. Staff should coordinate with that person for proper notification of parties.

**1410.3      Video Technology**

When video technology is available in the county it should be used whenever the Court determines it is appropriate. Staff should follow the established procedures in the county regarding the use of video as a court resource.

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**1500 Case Disposition Processing (After Judicial Review)**

**1501 Disposition Processing (All Case Types)**

A disposition is the result of any hearing type that disposes of the case or forces a future action to take place. Once a case has been established and scheduled for Court, Hearing Officer, Consent Conference or Mediation, a disposition must be entered on a court order and the case must be updated in FACTS.

**1502 Completed Calendars**

All cases subject to a judicial process following intake (i.e., hearing before a Judge, Hearing Officer, Consent Conference, etc.) should be listed on a court calendar. The disposition of the case should be noted on calendar for the purpose of written documentation that a hearing has occurred. Each case requiring a hearing should be accompanied by a court order which may be prepared at the conclusion of the hearing by any person empowered to write court orders. However, the court order must be reviewed and signed by a judge before it becomes valid and enforceable.

**1503 FACTS Case Disposition Procedures**

All scheduled cases should be updated in FACTS according to the FACTS User Guide procedures for dispositions. Each case is handled according to the disposition reflected in the court order. The following steps are required on each case:

- 1) Update the proceedings on Facts using the appropriate codes;
- 2) Enter the court order on FACTS, using appropriate document codes, and use case comments for more detail about the court order;
- 3) Reschedule the case in FACTS if indicated;
- 4) Update the legal referral and legal status codes on ACSES (when no

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support order is issued but support is listed as a relief);

- 5) Disseminate copies of the court orders as required by case type:

**Original:** case file (all case types)  
**Copy:** to parties (in person or by mail)  
**Copy:** to Probation (child support orders, a copy of the IV-D application and Certificate of Parentage should be forwarded to Probation.)  
**Copy:** to Welfare (child support orders when Welfare is the plaintiff)

**1504 FACTS Disposition Update for Custody/Parenting Times Cases**

There are a variety of possible dispositions for custody/parenting time cases. Refer to FACTS User's Guide for appropriate codes for disposing of custody/parenting time complaints based on the disposition reflected in the court order. Possible dispositions include:

- 1) Hearings may be adjourned by or with the consent of the court only. Another hearing date should accompany all adjournments;
- 2) Interim Orders are temporary orders that reflect a temporary disposition for some or all of the reliefs until further review by the court. Interim orders may also order other services (i.e., Best Interest Report [out of state] Drug Screening, Supervised Parenting Time/Visitation, agency referral, etc.);
- 3) Temporary Orders are time specified orders with a return date for review by the Court;
- 4) Dismissal Orders are orders that terminate the case with or without prejudice. When a case is dismissed without prejudice an application

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for a post dispositional hearing must be filed to reopen the case and the same docket number should be used. If a complaint is dismissed with prejudice a new complaint must be filed.

5) Inactivation orders are orders that temporarily suspend activity on a case without disposing of the case. Cases may be inactivated only under the following circumstances:

- Bench warrant issued for defendant.
- Another case is pending in another division of the court system involving the litigant.
- Paternity cases pending the birth of the child.
- Defendant unavailable due to military service.
- Cases referred for genetic testing.
- Party to the case is unavailable for more than 30 days due to hospitalization or incapacitation.

**Note:** Not all reasons listed are appropriate for Non-Dissolution cases. Use only inactivation codes appropriate for Non-Dissolution cases.

6) Transfer orders are court orders that either transfer venue of a case to another county, effectively disposing of a case in one county and opening the case in another county; or the court in one county can transfer the collection and enforcement portion of a child support award while still retaining venue of the case.

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When an order is entered for paternity, child/spousal support and medical coverage, Family Division staff should review the order carefully. There are many possible dispositions including:

- 1) Final orders reflecting paternity, child/spousal support amount, and medical coverage;
- 2) Temporary orders with a reschedule date for review;
- 3) Dismissal orders (including referral to Parent Locate Service);
- 4) Inactivation orders (genetic tests ordered or bench warrant issued for cases not yet established).
- 5) Transfer orders (change of venue for entire case or collection & enforcement transferred to another county);
- 6) Referral orders (court ordered referral to other agencies);
- 7) Adjournment orders with a reschedule date.

**1505.1 Updating ACSES**

Family staff should follow established county procedures between Probation and Family Division regarding updating ACSES after a support order has been entered in a support case. When a case has been dismissed without establishing paternity, child support or medical support, Family Division is to be responsible to close the case on ACSES. The legal referral code must be changed to reflect non-activity of the case. Refer to the ACSES Case Initiation Manual for correct data entry procedures.

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**1505.2      Bench Warrants**

A judge may enter an order for a bench warrant to be issued for the arrest of an individual for non-payment in child support enforcement actions. All bench warrants require:

- 1) Judge ' s signed court order for warrant;
- 2) A completed bench warrant form with case name; docket number; reason for warrant (non-appearance, non-payment of support), date of failure to appear; amount of bail or purge amount (child support);
- 3) All available identifying information must be completed on the warrant form attached to warrant:
  - Date of birth
  - Race
  - Gender
  - SS #
  - Last known address
  - Color of eyes & hair
  - Distinguishing marks and tattoos
  - Make, year, model, and color of car
  - License plate number
  - Photo, if available
  - Height and weight
- 4) Court official signature on warrant;
- 5) Forward sufficient copies to Sheriff ' s Department (follow established county procedures for number of required copies).

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**1600 Court Ordered Services**

**1601 Child Custody and Parenting Time Investigation Reports**

The Court may order a Child Custody/Parenting Time Investigation Report whenever a more detailed assessment of the welfare of a child, fitness of the parties, and economic condition of the family is required prior to a final disposition. Child Custody/Parenting Time Investigations are completed by professional staff assigned to Family Court or certified/licensed professionals outside of the court. Completion of the Best Interest Report may require the assistance of Family Court staff in a county other than the county where the ordered was entered.

Directive # 01-02 “Standards for Child Custody and Parenting Time Investigation Reports” issued April 2, 2002, specifically outlines the model for Custody and Parenting Time Investigation Reports (Appendix VII):

- Any alternate dispute resolution resources should first be used in all custody/parenting time cases unless otherwise directed by the court.
- The appropriate report type should be selected based on the extent of information the court needs to make an informed decision.
- Duplication of effort between the court and other agencies should be avoided if possible. When other social agencies have collected pertinent information the court requires, the court should first access those records through court order prior to ordering a new investigation.
- Requisite qualifications for those conducting visits, investigations or psychological and psychiatric reports must be observed. (See Appendix VII).
- Reports are viewed as a mechanism to gather factual data for the Court through observations and verification. Recommendations

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about who should gain/retain custody, or have the right to parenting time, should be avoided by report writers unless they are certified or licensed to make such recommendations. Decisions regarding custody and parenting time are made by a judge.

- Written reports are furnished to the Court and to the parties or their attorneys, and are not regarded as confidential court documents. However, distribution of sensitive data such as arrest records, drug testing results, or copies of psychological assessments should only be by direction of the Court.
- The Court will prohibit the distribution of the report to third parties by issuing a protective order, which staff should attach to all reports when the reports are distributed. (See Appendix VI-B).
- Upon the receipt of the report by the court, and its distribution to all parties, a hearing is held by a judge regarding the best interest of the child.

**1602 Genetic Testing**

The Court uses genetic testing to determine paternity when paternity is questioned or denied by a defendant or plaintiff in a paternity or paternity/child support establishment or modification case.

If there is already an order establishing paternity or a Certificate of Parentage and a defendant files a motion requesting genetic testing, the matter must be scheduled before a judge not a Child Support Hearing Officer. In such cases, once genetic testing has been completed and the results received by the court, the case must be scheduled before a judge (not a Child Support Hearing Officer) for final disposition.

When a child support case has been inactivated awaiting genetic testing, Family staff must insure that the case is carefully tracked to avoid any unnecessary delays in the disposition of the case. Case status reviews should be conducted regularly to track

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the readiness of the case to return to court. For example, if no test results are received because the obligor or obligee failed to appear for testing or the foreign state failed to schedule the genetic testing; the matter should be reactivated and scheduled for court review.

**1603 Drug/Alcohol Testing**

Drug screening or testing may be ordered at the discretion of the court whenever a question of safety and well-being of a child, has been raised during a custody/visitation proceeding. Screenings may be ordered in combination with other court order services or by itself. All screenings are ordered through a court order. Probation Services or outside agencies can supply screening and testing services. Family Division staff should follow the established procedures in your county to access such services. Established county procedures should be followed upon receipt of test results. Test results are forwarded to the court for review and further case disposition.

**1604 Psychological Assessments**

Psychological Assessments are services ordered by the Court for various reasons. Psychological Assessments must be court ordered. Client access to such services is guided by established policies, procedures, and available resources in your county. Family Division staff should follow those referral and follow-up procedures when referring clients for psychological services. Psychological reports are treated as confidential information for court purposes. Refer to Court Rule 1:38(d) for confidentiality of court records. Confidentiality of such reports should be carefully protected during routine case processing procedures. Distribution of psychological reports to non-court personnel shall be guided by the direction of the Presiding Judge in each county.

**1605 Supervised Parenting Time (formerly Supervised Visitation)**

Supervised Parenting Time is a court ordered program that provides for the protection of the right of the non-custodial parent to visit with his/her child in a

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neutral setting without interference from the custodial parent during custodial disputes or other child safety concerns. It also provides the child the opportunity to develop and maintain a relationship with the non-custodial parent. Supervised Parenting Time is a temporary solution to parenting time rights for the non-custodial parent. Specific time frames as to the length of stay for each family in the program are guided by status reports and judicial review. Each case is relisted for review, according to established procedures or as indicated by a court order, to determine termination or extension of time. Referral procedures for Supervised Parenting Time are guided by established county policies. Family staff should follow those procedures when referring clients to the program.

**1606 Appointment of Counsel for Child**

Pursuant to Rule 5: 8A, in all cases where custody or visitation is an issue, the court may, on application of either party or child(ren) involved in a custody visitation dispute, or upon its own motion, appoint counsel on behalf of the child(ren). Counsel shall be an attorney licensed to practice in the courts of the State of New Jersey and shall serve as the child's lawyer. The appointment of counsel should occur when the trial court concludes that a child's best interest is not being sufficiently protected by the attorneys for the parties. Counsel may, on an interim basis or at the conclusion of the litigation, apply for an award of fees and costs with an appropriate affidavit of services, and the trial court may award fees and costs, assessing fees against either or both of the parties. In appointing an attorney to represent a child, the following procedures apply:

- 1) Secure a court order from the judge;
- 2) Select the next pro bono attorney on the list; if available.
- 3) Forward letter (with court order) to attorney informing them of case assignment;
- 4) Update FACTS attaching the attorney to case;

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5) Reschedule case for next hearing date when counsel is available.

**1607 Appointment of Counsel Based Upon Indigency Determination**

The Court may assign counsel to any party based upon an indigency determination under Rule 5:3-4a. If the Court orders appointment of counsel due to indigency, the same procedures as in 1606 shall apply.

**1608 Parent Education Seminar**

The Court may require any person involved in a custody or visitation dispute to attend a parent education seminar. Family Division staff should be guided by the availability of this service in their county and follow established county procedures when referring parties to a parent education seminar.

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**1700 UIFSA (Uniform Interstate Family Support Act) -General**

The Uniform Interstate Family Support Act (UIFSA) is the operational mechanism approved by the Federal and State Governments for the processing of complaints for establishment of paternity, child support, spousal support, medical coverage and the enforcement and/modification of existing support orders in situations where the two parties do not reside in the same state. New Jersey became a UIFSA state effective March 5, 1998.

Types of cases that can be addressed by UIFSA:

- Establishment Paternity
- Establishment and/or Enforcement of Child or Spousal Support Orders
- Establishment and/or Enforcement of Medical Coverage Orders
- Enforcement of Support Arrears
- Registration for Enforcement and/or Modification of Orders Entered by another Tribunal (under certain circumstances)
- Emancipation/Termination of Child Support
- Wage Execution
- Redirect payment

**1701 Tribunal**

Under UIFSA a tribunal can be any agency having the authority to establish paternity, establish child/spousal support, and enforce or modify a child support order. In New Jersey, the tribunal is defined as the Superior Court, Chancery Division, Family Part [N.J.S.A. 2A:4-30.66]. The Family Division is the authorized agent for processing out-of-state petitions for the establishment of paternity, child support, and spousal support. The Family Division is also responsible for the processing in-coming registrations of out-of-state orders for enforcement, modification, or combined requests of enforcement and modification. The Administrative Office of the Courts,

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Probation Services Division, Child Support Enforcement Unit is New Jersey’s designated entity for processing all out-going registrations for enforcement of support orders.

**1702 Duty of Support**

*N.J.S.A. 2:4-30.65 defines support duty as “an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.” N.J.S.A. 2:-4-30.65 defines “a child as any person, whether over or under the age of majority, who is alleged to be owed a duty of support by the person’s parent or who is or is alleged to be the beneficiary of a support order directed to the parent.”*

**1703 Types of Orders Rendered Under UIFSA**

UIFSA provides for the establishment, enforcement and modification of child support orders only. **Custody and Parenting Time (visitation) issues cannot be addressed through UIFSA.**

**1704 One Order in Time**

The goal of UIFSA is that there be only one support order per family enforceable in all states and provinces of the United States. The elimination of multiple orders for the same family is intended to streamline the enforcement of support obligations to insure that families receive financial support in a timely fashion without unnecessary delay caused by multiple state laws with different enforcement procedures. Under UIFSA, there is only one recognized controlling order that sets the amount of support to be paid. If a tribunal has entered a support order and that is the only order in existence, a petitioner may seek enforcement of their child support order in several states, but may not seek to establish a new support order in a different state, even if all parties relocate to another state.

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**1705 Availability to Either Party**

UIFSA does not limit service to obligees only [N.J.S.A. 2A:4-30.83]. Both the Obligor and Obligee may be serviced as petitioners to establish paternity, support (child or spousal) or modify support orders.

**1706 Continuing Exclusive Jurisdiction (CEJ)**

Under UIFSA, the state that issued the original child support order, or has been determined to have CEJ, maintains jurisdiction over that order as long as an individual party or the child lives within the boundaries of that state, or all parties agree, in writing, that another state may exercise jurisdiction over child support. [N.J.S.A. 2A:4-30.72]. If there are multiple orders in states with CEJ, UIFSA sets a priority for determining the state with authority to modify (see Multiple Orders, Section 1716). [N.J.S.A. 2A: 4-30.74]. If the parties no longer reside in the issuing state, UIFSA establishes a procedure for registering an order for modification purposes in a new state (see modification of support orders under UIFSA, Section 1723).

- What a state must do to claim CEJ:
  - 1) Enter an order while a child or party resides in that state; or,
  - 2) Parties consent in writing to a non-resident state to retain CEJ and there is some nexus to that state.
- What it means to have CEJ:
  - 1) No other state can modify the order of a CEJ state;
  - 2) No other state can establish a new child support order;
  - 3) Another state can only enforce an order from a state that has

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CEJ; and,

- 4) If another state modifies an order from a CEJ state based on UIFSA guidelines, the new state assumes CEJ.
- When a state loses CEJ it is now restricted to:
    - 1) Enforce the arrears of the order prior to any new modification;
    - 2) Enforce non-modifiable aspects of the old order;
    - 3) Enforce the new modified order if it is registered for enforcement in New Jersey;
    - 4) Provide relief for violation, according to New Jersey law, for any aspect of the order prior to the effective date of modification, (if any).

**1707 Controlling Order**

Under UIFSA, the **controlling order** is the only order recognized for enforcement purposes. UIFSA sets forth specific rules as to what order controls the payment of support. The following rules apply in determining controlling orders for:

- 1) If there is only one order, that order controls the payment of child support.
- 2) If more than one tribunal entered a child support order, but only one from a CEJ (Continuing Exclusive Jurisdiction) state, that order controls the payment of child support.
- 3) If more than one tribunal entered a child support order and more than

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one from a CEJ state, the order from the child's home state controls the payment of child support.

- 4) If more than one tribunal entered a child support order and there are multiple orders from a CEJ state, but there is no order from a child's home state, the most recent order controls payment of child support.
- 5) If more than one tribunal entered a child support order and there are multiple orders but there is no order from a CEJ state, a tribunal may issue a new order if it has jurisdiction over the parties and assume CEJ. This order becomes the controlling order for prospective support. The petitioner may register the existing orders for arrears enforcement.

**1708 One State Remedy -Extended Personal Jurisdiction-(Long-Arm)**

Under UIFSA, Extended Personal Jurisdiction (long-arm) permits a tribunal in the petitioner's state to exercise control over the nonresident parent to the fullest extent allowed by the Constitution but must adhere to the safeguards of due process. [N.J.S.A. 2A:4-30.68]

This means that New Jersey can establish jurisdiction for paternity, child support, spousal support or medical support over a party residing in another state if a complaint has been filed and one of the following conditions apply to the non-resident:

- The non-resident is personally served within New Jersey;
- The non-resident consents to New Jersey jurisdiction by appearing or written consent;
- The non-resident resided with the child in New Jersey;

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- The individual resided in this state and provided prenatal expenses or support for the child while here;
- The child resides in New Jersey as a result of the acts or directives of the non-resident defendant;
- The non-resident defendant engaged in sexual intercourse in New Jersey which may have resulted in conception of the child; or
- There is any basis of long-arm jurisdiction consistent with the New Jersey or U.S. Constitutions.

**IMPORTANT:** Service to the nonresident parent to appear in New Jersey is guided by R. 5:4-4. If proof of service cannot be effected through mail, New Jersey, may request assistance in service by submitting a Transmittal #3 to the defendant's state. If assistance with service is not forthcoming, New Jersey then forwards a UIFSA complaint to the foreign jurisdiction for establishment. If the foreign state is successful in establishing a paternity/child support order, that order becomes the controlling order and that state assumes CEJ. All future modifications must be made by that state as long as one party continues to reside in that state.

**1709 Determination of Support Duty**

- 1) Under UIFSA, when a petition to establish paternity/support in another state is filed, the laws of the responding state apply. Whatever support amount determined to be appropriate by that state is honored by the initiating state.
- 2) In all cases processed under UIFSA, if a state has already determined paternity, the defendant who resides in another state may not raise paternity as a defense during a proceeding to establish support.

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**1710 Direct Income Withholding**

UIFSA authorizes a state to enter and serve an income withholding order and requires the employer to comply with that order. UIFSA provides for the mailing of an income withholding order issued in one state directly to an employer in another state and requires the order be implemented by the employer. *When a person or entity in New Jersey initiates direct income withholding to an employer in another state, the court in New Jersey will not be involved.* Direct income withholding orders eliminate the need for registration through UIFSA. Obligees or Obligors have the option of direct withholding through employers. In New Jersey, requests for assistance for direct income withholding (for New Jersey orders) are processed through the Probation Division.

**1710.1 Appeals to Direct Income Withholding for Out-of State Support Orders**

If a person wishes to contest a Direct Income Withholding Order being executed in New Jersey, Family Division staff should first ascertain whether the person wishing to contest the order has attempted to communicate with the tribunal that issued the order. If this is unsuccessful and the person comes to the Family Court seeking assistance, Family Division Staff should contact the state directly to Gather and verify information about the court order and seek to administratively resolve the issues between the customer and the initiating state. If that is not possible, Family Division staff should instruct the foreign jurisdiction to file the appropriate UIFSA forms to register the order for enforcement so that a administrative review can be held. The party seeking to appeal the direct withholding order follows the same procedures to contest a registration of a support order (see Section 1717).

**1711 When Paternity Has Not been Established**

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Under UIFSA, if parentage has not been legally determined under the law of the initiating state, the responding state applies its laws to establish paternity and the alleged parent **may** raise non-parentage as a valid defense during the proceeding.

**1712 Establishing Paternity Only**

UIFSA authorizes the establishment of parentage in an interstate proceeding **without** requiring the establishment of a child support award. Either parent may seek to establish paternity in another state under UIFSA. Therefore, a UIFSA complaint may be filed for a mother or father wishing to establish paternity. When a petitioner requests that **only** paternity be established, the correct UIFSA forms should be completed and forwarded to the appropriate tribunal.

Transmittal #1, Uniform Support Petition, Affidavit and General Testimony (see Appendix V for appropriate forms and complete instructions).

**1713 Determination of Support Amount**

The responding state will apply its applicable child support laws and/or guidelines for determining child support awards for out-of-state petitions.

**1714 Temporary Support**

UIFSA provides for temporary support orders based on paternity acknowledgment, paternity determined by law, or by other clear and convincing evidence (i.e., genetic test results) that respondent is child's parent. [N.J.S.A. 2A:4-30]

**1715 Registration of Out-of State Support Orders for Enforcement**

Registration for enforcement under UIFSA is the method used for requesting that one state enforce a support order issued by another state. Two-state enforcement activity begins with registration of a support order in a responding state. Full range of the responding state's enforcement remedies are available. However, a registered order

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continues to be the order of the issuing state. The role of the responding state is only to enforce the order.

An order issued by another state’s tribunal (**CEJ already determined and belongs to the issuing state**) may be registered for enforcement in New Jersey. Once registered, the order becomes enforceable in the same manner as if it were issued by New Jersey. The order may not be modified when registered for enforcement only.

The Family Division is responsible for processing requests for registration received from other states. Incoming UIFSA registrations must be filed with the Family Division for docketing and processing in accordance with the UIFSA Act. Under UIFSA, the registration process is administrative only and prohibits New Jersey from applying any discretionary actions with regard to the petition for registration. New Jersey may not reject the registration of a support order issued by another state, dissuade a party from registering a support order, nor move to vacate or otherwise alter a registered order [See N.J.S.A. 2A:4-30.81]. When the Family Division receives a petition or registration for a support order from another state, the following procedures shall apply:

- 1) The petition is stamped and filed with the current date. Registration becomes enforceable the day it is filed with the Family Division;
- 2) Family Division staff should first make sure the defendant is a resident of the receiving county. If the defendant does not reside in your county based on the address provided, the case should immediately be forwarded to the proper county for processing (ACSES should be updated to reflect change, if applicable);
- 3) The case is screened for all appropriate forms and documents. Cases are not rejected for missing forms. Foreign jurisdictions are contacted for remittance of missing forms. Family Division staff should process the case as far as the information provided allows;

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- 4) The case is established in FACTS (for registration purposes only) based on the current FACTS procedures for UIFSA/URESA cases. Refer to the FACTS User Guide for correct procedures;
- 5) Notice to the non-registering party of the registration (with all accompanying documentation) is effectuated by regular mail (or specific vicinage mail policy). See Appendix V for sample notice.
- 6) A copy of the notice of registration, order, transmittal letter, and supporting documentation are forwarded to Probation (unless multiple orders are received, see Section 1716).
- 7) The Non-registering party has the right to contest the registration of the support order (see Section 1717). If no contest to registration is forwarded to the Family Court within 20 days of the mailing date by the Non-registering party, and service was effected, the order becomes confirmed by operation of law and Family staff disposes of the case on FACTS using correct dispositional codes.
- 8) If no objection is received, the order is confirmed by operation of law (with arrears, if applicable) and is forwarded to Probation, Board of Social Services, and the initiating state.

**1716 Determining a Controlling Order (When Multiple Orders Exist) for Incoming Registration for Enforcement (Only)**

If New Jersey receives a request for registration for enforcement only and there are multiple orders for the same parties, the Family Division shall implement the following procedures:

- 1) Register all orders separately. Each order must be registered with its own separate registration package.

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**Important Note:** Multiple orders issued from other states for the same family should not be forwarded to Probation before a controlling order is determined by the court.

- 2) Schedule a hearing to determine the controlling order;
- 3) Notify all parties of the hearing including the initiating tribunal; and County Board of Social Services attorney (IV-D cases);
- 4) At the hearing, the court will review all orders and determine the controlling order. All arrears which accrued under those orders will be determined or reaffirmed and stipulated in the new controlling order.
- 5) Once the controlling order is determined, the court should vacate the registration of the non-controlling orders. The controlling order nullifies current support due under the non-controlling orders.
- 6) Family Division staff must notify all tribunals that issued the previous orders of the court's action by providing a copy of the determination for the controlling order with arrears, if applicable, and any court order entered as a result of that determination.
- 7) A copy of the determination, the new controlling order, and a copy of the UIFSA petition is forwarded to Probation for enforcement.

**1717 Contesting the Registration**

The Non-registering party may contest the registration of a support order on the following grounds:

- 1) Party alleges that the issuing tribunal lacked jurisdiction;

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- 2) Party alleges the order was obtained by fraud;
- 3) Party alleges that the order is invalid;
- 4) Party alleges the order being registered is superseded by another valid order and **produces** that order;
- 5) Party alleges tribunal has stayed the order;
- 6) Party alleges that the order being registered is no longer in effect;
- 7) Party alleges that he/she has complied in full or in part with the order and arrears are incorrect;
- 8) Party opposes an enforcement remedy sought by the support enforcement agency.

**Important Note:** When contesting registration, the Non-registering party may not contest fundamental provisions of the support order such as the amount of support or paternity. Those issues must be litigated in the state that issued the support order.

The Non-registering party may file a contest to the registration by filing a request for a hearing with the Family Division within 20 days of the date that the Family Division mails the Notice of Registration. **The request for a hearing must be in writing and must state the reason for the contest.**

Within five days of receiving the contest, the Family Division must schedule a hearing and send notice of the hearing to the registering party, non-registering party, the tribunal in the initiating state, Probation Division, and in IV-D cases, the county Board of Social Services. Once notified, Probation shall place a hold on the support account until the contest is resolved. A copy of the registered order and all accompanying documents must be forwarded to the attorney for the County Board of

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Social Services/Welfare (in Title IV-D cases, the Board of Social Service's or CWA attorney represents the registering party).

**1718 Failure to Contest Registration**

If the Non-registering party fails to contest the registration within 20 days of the mailing of the Notice of Registration, the order is confirmed by operation of law. No hearing is required to confirm an uncontested registration. Once service is effected and the non registering party fails to notify the court within the required 20 days of an objection, the non-registering party may not contest the registration at a later date.

**1719 Unconfirmed Orders**

The registered order is not confirmed if the Notice of Registration is not served on the Non-registering party. If the mailed notice was returned from the Post Office marked undeliverable, the registration is not confirmed. Enforcement of support and arrears may proceed. The Non-registering party may assert contest of the registration at a later date. The same procedures to contest a registration would then apply (see Section 1717).

**1720 Registration of a New Jersey Order for Enforcement (Outgoing UIFSA Registration)**

The Probation Division is responsible for registering New Jersey orders in other states for enforcement. When a New Jersey order, payable through Probation, needs to be registered in another state for enforcement purposes, the case is processed through the Probation Division as an enforcement action. The Probation Division is responsible for preparing the documents required for registration and forwarding them to the central registry in the state where the obligor resides or owns property. An order should be registered for enforcement only after one-state enforcement remedies (e.g., direct withholding) are exhausted. The consent of the obligee is not required to register a New Jersey support order to another state for enforcement. The Probation Division must assist individuals who wish to register a New Jersey order

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to another state for enforcement if that person requests such assistance. N.J.S.A. 2A:-4-30.83 outlines the duties of the Probation Division, the support enforcement agency in New Jersey.

**1720.1      Contesting Registration of a New Jersey Order in Another State**

If a party wishes to contest registration of a New Jersey support order in another state, the party must comply with the procedures of the registering state to contest a registration.

**1721      Enforcement of Arrears**

Under UIFSA, arrears, as stated by a tribunal, are deemed valid on its face and is given full faith and credit in another state unless specifically addressed in a revised court order. New controlling orders or modified UIFSA orders do not nullify previous judgments of arrears unless specifically provided for in a revised court order.

**1722      Modification of An Existing Out-of-State Order as a UIFSA Action**

When there is only one order, New Jersey may initiate a request for modification on behalf of a petitioner by forwarding the appropriate forms to the state that has CEJ. Another state may assist a petitioner with a request to modify a New Jersey order by forwarding the appropriate UIFSA forms to New Jersey. New Jersey will schedule a hearing and consider the request for modification. New Jersey retains exclusive jurisdiction to modify its own order.

**1723      Modification Rules Under the UIFSA Act**

*The following rules apply for modification of support orders under UIFSA:*

- 1)      **One CEJ state:** If there is one state with continuing exclusive jurisdiction (CEJ), only that state can modify its own order.

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CEJ exists for that state as long as an individual party or the child resides within the boundaries of that state, or all parties agree in writing that another state may exercise jurisdiction. As long as there is a state with CEJ, no other state can modify the order.

- 2) **Multiple CEJ states:** If there is more than one CEJ state, the Child's home state is the state with the controlling order. If no CEJ state can be considered the child's home state, then the most recent order is the controlling order.
- 3) **No CEJ state: One Order:** When there is only one order, the person seeking modification must register the order in a state other than his or her own state, with personal jurisdiction over the other party. If there is only one order, all parties reside in the same state, and there is no CEJ state, a party may register the order in the state where the parties reside to seek modification.

**No CEJ state: Multiple Orders:** If there is no controlling order, the party seeking modification should file a petition to establish a support order in the state with personal jurisdiction over the respondent. The petitioner may also register the existing orders for enforcement of arrears, if applicable.

- 4) When long-arm is used with success and paternity/support is established over the non-resident party, the petitioner's state retains CEJ and that state has jurisdiction and modification powers.
- 5) The state modifying the order becomes the new CEJ state.

**Note:** It is not necessary for the petitioner to physically travel to the state with CEJ for a hearing. The petitioner may participate by

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telephone, facsimile, or other available electronic means.

**1724 Exceptions to Rules for Modification**

Modification may be sought in another state if all of the individuals in the case file written consent in the issuing state for another state to exercise modification jurisdiction and assume CEJ. However, parties must have some connection (Anexus) with the state they wish to assume CEJ.

**1725 Registration for Modification-New Jersey as the Registering State (Incoming Registrations)**

The Family Division has the responsibility of docketing incoming Registrations for Modification, obtaining additional information from the initiating state (if necessary), sending a notice of registration to the Non registering party, updating ACSES and FACTS as appropriate, distributing registration documents to Probation when request for enforcement is indicated, and scheduling the matter for a hearing regarding the motion to modify. The hearing will address any issues as to the appropriateness of the registration and modification of the order.

**1726 Registration for Modification-New Jersey as the Initiating State (Outgoing Registrations)**

If a party requests the assistance of the courts to register an order for modification to another state, Family Division staff has the responsibility for assisting the party in completing the necessary UIFSA forms for requesting a modification. Additionally, Family Division staff must then send the required registration documents to the central registry of the registering state.

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**1800 Processing UIFSA Cases**

**1801 Initial Screening Outgoing UIFSA Cases**

At initial screening and intake, Family Division staff should determine if another child support order exists in any other state by asking appropriate questions of the petitioner. ACSES and FACTS should also be searched for this purpose. UIFSA prohibits tribunals from establishing new child support orders for the same parties if one has already been established in another state.

**1802 Case Processing Steps for Extended Personal Jurisdiction (Long-Arm)**

UIFSA requires that states attempt to implement Extended Personal Jurisdiction prior to seeking relief under the UIFSA law. Therefore, when a petitioner requests an out-of state child support action, Family Division staff must first determine whether long-arm criteria is met for each case (see 1708). For purposes of processing a long-arm case, when it has been determined that defendant lives in another state and long arm criteria has been met, Family Division staff should have the petitioner complete the regular IV-D application for child support services, then:

- 1) Schedule the case as you would a local child support case and notice the defendant of their required appearance. If defendant appears, and a child/paternity support order is entered, the order is processed as a local child support action and a copy is forwarded to Probation, plaintiff and defendant. All local laws, guidelines and enforcement mechanisms apply.

**Note:** When attempting long-arm the court notice must include basis for asserting extended personal jurisdiction over defendant.

- 2) If service to defendant was effected (as defined by R. 5:4-4(a)(b)(d)), but the defendant did not appear, a default order may be entered. If income withholding is ordered, the case is referred to Probation for

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further processing.

- 3) If service could not be effected, and New Jersey has reason to believe the defendant resides within the foreign state (unclaimed mail/regular mail not returned), Family Division staff may request the defendant's state to assist in service of the notice to appear (see Appendix V- Enforcement Transmittal #3 "Request for Assistance/Discovery"). The court order reflecting New Jersey's long arm attempt should be attached to the request. The request for assistance/discovery is designed to provide limited assistance to the local jurisdiction attempting long-arm jurisdiction. The limited assistance does not compel the foreign state to open a UIFSA case. Therefore, New Jersey retains jurisdiction of the case until further action is taken (i.e., support order established in New Jersey, or submittal of a complete UIFSA packet to the foreign state for processing).

**1803 Processing Incoming Registrations for Enforcement Only**

Under UIFSA, a party or support enforcement agency may register a support order directly with the tribunal [N.J.S.A. 2A:4-30.105]. In New Jersey, the tribunal is the Family Division of the Superior Court. Federal regulations require that state IV-D agencies (support enforcement agencies) refer interstate petitions to the responding state's central registry. New Jersey's central registry is located in the Probation Services of the Administrative Office of the Courts.

Family Division must register all orders received from individual parties or New Jersey's central registry. Registrations filed directly with the Family Division should not be forwarded to the central registry. When a request for registration of a support order is received from another state, Family Division staff must establish the case in FACTS and ACSES and complete all case related tasks. If the central registry forwards a case to the Family Division for processing, follow the same procedures except establishing the case on ACSES.

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Once the case has been received, the Family Division is responsible for reviewing documents, docketing the case, obtaining additional information, sending notice of the registration to the non-registering party, scheduling hearings (if necessary), maintaining records of registration, and distributing registration documents and orders to appropriate parties.

**Note:** Outgoing registration of New Jersey orders are processed by the Probation Division. Other than providing certified copies of court orders, the Family Division has no role in the registration of a New Jersey support order to another state for enforcement.

**1804 Forwarding a UIFSA Complaint to Another Jurisdiction**

When Family Division staff is satisfied that it is appropriate to establish a UIFSA paternity/support action or request modification of an existing out-of-state order, the case is established on FACTS and ACSES using the current URESA/UIFSA codes and forwarded to the appropriate jurisdiction for processing.

**1805 Case Inquiry or Update on a Previously Referred Case**

When additional information or a status is requested on a previously referred case, the Enforcement Transmittal #2 form is forwarded to the foreign jurisdiction for this purpose. If an Enforcement Transmittal #2 is received from a foreign jurisdiction, Family Division staff should respond within the appropriate time frame.

**1806 Assistance/Discovery on a Local Case**

The UIFSA law provides for requesting and receiving assistance from a foreign jurisdiction as it relates to information needed to process a local case. If a foreign jurisdiction request assistance and/or discovery from New Jersey, Family Division staff should make every effort to respond to simple inquiries from other states and provide the documentation requested. If the request for discovery involves complex

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issues or lengthy litigation records, refer the written request to the Board of Social Services/Welfare attorney for response.

**1807 Incoming UIFSA Petitions to Establish Paternity/Support from Other States**

When New Jersey is the receiving/responding state for a request to establish paternity and or support or to register/modify an existing child support order, Family Division staff should first make sure the receiving county is the proper venue for the action. If the matter does not belong in your county, the case should be immediately forwarded to the proper county for processing. Family staff should make every effort to correct obvious address errors (i.e., wrong spelling of street names, wrong zip codes) before docketing a case or rejecting the case for a bad address. The following procedures are followed when processing a UIFSA case:

- 1) Case is screened for all appropriate forms (cases may not be rejected for missing forms. Foreign jurisdictions are contacted for remittance of missing forms). The ACSES legal status code for the case is updated to reflect additional information is required;
- 2) Parties are searched on FACTS, ACSES, and all manual systems for previous case activity in our state. If an existing support order exists, do not establish the case as a new UIFSA action. Contact the foreign jurisdiction informing them of the existing court order and the need to request enforcement and/or modification of the existing order.
- 3) Duplicate UIFSA cases for the same parties in the same state should not exist. If a petitioner has already established a case in New Jersey, and relocates to another state before a paternity/support order is established, and that petitioner files a new application from his/her new state of residence, Family Division staff should dismiss the original complaint.
- 4) Case is established based on the current FACTS procedures for

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UIFSA/URESA cases.

**1807.1      Processing Requests for Genetic Testing For Incoming UIFSA Cases**

When the court orders a genetic test for an incoming UIFSA case, a future date for return to court should be written on the order. A copy of the order is provided to the defendant, the Board of Social Services in the county of venue, and a copy is forwarded to the initiating state.

The county Board of Social Services has the responsibility of contacting the initiating state to arrange payment for the test. Under federal law 45 C.F.R. 303.7 (d) (2), the initiating state is responsible for the cost of the genetic test. The Family Court and the county Board of Social Services, (who represents the plaintiff) must communicate and coordinate the testing of the New Jersey resident to expedite the testing process as much as possible.

The UIFSA court staff shall inform the initiating state of the court action by sending the court order. Attached to the court order will be a cover letter explaining New Jersey’s process for handling UIFSA cases that require genetic testing. The cover letter serves to provide the other state with early notification of New Jersey’s intention to monitor the progress of securing cooperation from all entities involved in the case. If no communication about the progress of genetic testing is received by New Jersey within 90 days, a 60 day advance notice of case closure will be forwarded to the out-of-state court (see Appendix V). Early notification of case closure complies with federal regulation 45 C.F.R. 303.11 that requires the responding state to provide the initiating state 60 days notice of its intention to close the case (prior to closing) for non-cooperation. This notice will inform the initiating state that the case will be dismissed without prejudice but case can be reopened upon receipt of genetic testing

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results or a new petition.

If the initiating state responds prior to the 60 day deadline for case closure with a appointment date for testing or proof that testing has occurred but the results have not been received, Family staff should report that status to the court on the return court date. The court will determine the next course of action.

**Note: These cases cannot be inactivated**

**1808 FACTS Disposition Update for UIFSA Cases**

The disposition process for UIFSA cases are the same for in-state child support cases with the exception of certain codes used to reflect out-of-state support cases. Refer to FACTS User Guide for appropriate codes.

**1808.1 Distribution of UIFSA Court Orders**

Outgoing UIFSA cases:

- 1) Original in case file;
- 2) One copy to Petitioner by mail;
- 3) One copy to Probation with copy of Complaint;
- 4) One copy to Welfare (Welfare Cases);

Incoming UIFSA cases:

- 1) Original in case file;
- 2) One copy to Defendant by mail;
- 3) Two copies to foreign jurisdiction (one copy will be forwarded to petitioner by initiating state);
- 4) One copy to Probation with a copy of the UIFSA Complaint.

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**1900 UIFSA Operational Definitions**

**1901 Private Attorney Access**

UIFSA explicitly authorizes the use of attorneys by choice of parties and attorney fees may be attached to support orders.

**1902 Evidentiary Provisions**

UIFSA provides that a verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state, [N.J.S.A. 2A:4-30.92(b)].

**1903 Communication Between Tribunals**

Pursuant to N.J.S.A. 2A:4-30.92(f), in a proceeding under this act, a tribunal of this State may permit a party or witness residing in another state to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with tribunals of other states in designating an appropriate location for the deposition of testimony.

**1904 Electronic Information Transfer**

Documentary evidence transmitted from another state to a tribunal of this State by telephone, telecopier, or other means that does not provide an original writing may not be excluded from evidence on an objection based on the means of transmission, N.J.S.A. 2A:4-30.92[e].

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**1905 Records**

A copy of the record of child support payments, certified as true copy of the original, may be forwarded to a responding tribunal. This copy is evidence of facts asserted in it, and is admissible to show whether payments were made, N.J.S.A. 2A: 4-30.92[c].

**1906 Availability of Remedies**

UIFSA provides for case processing services for both obligees and Obligors under the act.

**1907 Case Information Access**

A Tribunal and or appropriate agency must keep parties informed about all important case developments. All appropriate telephone communication and correspondence should be made available to parties as movement of a case dictates.

**1908 Criminal Rendition**

Under certain conditions, foreign jurisdictions may demand return of an obligor who has been charged criminally in an initiating state with failure to provide for support.

**1909 Safeguarding Information**

Nondisclosure of information is authorized when the health, safety, or liberty of a party of child is at risk. State laws prevail regarding procedures for disclosure.

**1910 Parenting Time (formerly Visitation)**

UIFSA does not allow visitation issues to be raised in proceedings, nor can it be used as a defense for non-payment of support.

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**2000 Registration and Enforcement of Out-of-State Custody Orders**

The Uniform Child Custody Jurisdiction and Enforcement Act (hereinafter, “UCCJEA”) is codified at N.J.S.A. 2A:34-53 to 95 and went in to effect in New Jersey on December 13, 2004 (see Appendix VI-C). The UCCJEA defines a “child custody determination” as a judgment, decree or other order of a court providing for the legal custody, physical custody or visitation but does not include provisions relating to child support or other monetary obligation of an individual.

NJ Courts have a duty to enforce custody/parenting time/visitations orders of another state. N.J.S.A. 2A:34-77a. Pursuant to N.J.S.A. 2A:34-79, an out-of-state custody/parenting time/visitation order may be registered in New Jersey with or without a simultaneous request for enforcement.

New Jersey courts have the authority to enforce a registered out-of-state custody order pursuant to NJSA 2A:34-80 and shall accord full faith and credit to an order made consistent with UCCJEA which enforces an out of state custody/parenting time/visitation order. N.J.S.A. 2A:34-87.

The UCCJEA provides a procedure for the expedited enforcement of foreign custody/parenting time/visitation orders (N.J.S.A 2A:34-82; Pursuant to N.J.S.A. 2A:34-79 the Superior Court must maintain a registry of custody and/or parenting time orders of other states filed for full faith and credit in New Jersey. These orders are registered for enforcement only unless the court deems otherwise.

The following procedures for Registration and Enforcement of out-of-state custody orders will enable litigants to more easily file and register their out-of-state custody and parenting time orders in the State of New Jersey for the purpose of inclusion in the registry and processing requests for enforcement. Direct filing will take place in the county where the child is physically located and/or where either parent or guardian resides or, if venue has been previously established, in that county. These cases are filed under the FD docket.

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**2001 Procedures for Filing Out-of-State Custody Orders**

The following documents are required when a person wishes to register an out-of-state custody/parenting time order:

- 1) A written request seeking the filing/registration of the out-of-state order. The written request shall include the name and address of the person seeking to have the order entered in the registry and the name and address of any other parent or person acting as a parent who has been awarded custody/parenting time/visitation (Appendix VIII). The names of the child(ren) involved, the name of the county in which the order should be registered (county of residence of the parent/guardian, or child).
- 2) Two copies of the order to be filed/registered, at least one of which is certified, and a certified statement that the order is authentic and has not been modified, vacated, stayed or otherwise altered to the best of his/her knowledge.
- 3) A \$5 filing fee must be remitted with the filing by way of check or money order payable to the NJ Dept of Treasury (if mailed), or collected by the Vicinage
- 4) Finance Division pursuant to procedures for collection of fees. One self addressed stamped envelope for mail notification of the registered order (if registration is requested by mail).
- 5) Mailed registrations should be forwarded to the county of the child's residence or the county of the other parent/guardian in parenting time cases.
- 6) In person registrations should be directed to the county of proper venue (where the child, and/or parent/guardian reside, or where

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venue has been previously established.

**2001.1      Establishment of Case file and Entry on to Registry**

Upon receipt of the required documentation, Family Division staff shall docket the order in FACTS as a “registration of foreign order” and create a court jacket. All related documentation or communications pertaining to this matter will be kept in that file.

**2001.2      Notice of Registration to the Non-registering Party**

Family staff must notify the non-registering party of the registered order by regular mail at the address provided by the registering party. The notice must contain the following information:

- a) A custody order has been registered for enforcement.
- b) The order is enforceable as of the date registered in the same manner as a custody order issued in the State of New Jersey.
- c) The registration, validity, or enforcement of the registered order may be contested by the non-registering party by requesting, in writing, a hearing through the Family Division within 20 days of the date of the notice of registration. Failure to contest the registration within the time permitted will result in confirmation of the order; and preclude any further contest of the registered order.
- d) If a timely request for a hearing to contest the registration is not made, the registration is confirmed as a matter of law and all parties must be notified of the confirmation of registration by mail.

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**2001.3      Hearing to Contest Registration**

If a written contest to the registration is received within 20 days of the notice of registration, Family staff must schedule a hearing within 10 days of the written contest and send notice of the contest and hearing to all parties and/or attorney of record. The non-registering party may contest the following:

- a)      The issuing court did not have jurisdiction under UCCJEA;
- b)      The child custody determination sought to be registered has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under UCCJEA;
- c)      The person contesting registration was entitled to notice, but notice did not meet the standards as prescribed under UCCJEA (see Appendix VIII). The disposition of the court hearing will confirm the registration or determine the next appropriate step in the case.

**2001.4      Confirmation of Registration of Foreign Custody/Parenting Time/Visitation Orders**

If a timely request for a hearing to contest the validity of registration is not made, the registration is confirmed as a matter of law and the person requesting registration, and all persons served, must be notified of the confirmation. Confirmation of a registered order, whether by operation of law or after notice and hearing precludes further contest of the order with respect to any matter which could have been asserted at the time of registration.

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**2002 Procedures for Filing an Emergent Application for Enforcement**

Any person seeking enforcement of an out-of-state custody parenting time, or visitation order on an emergent basis must make application by way of an Order to Show Cause in the county where the order was filed and registered as set forth in *Section 2001*, above.

If, however, the order has not been previously filed and entered into the registry, then the party must fulfill the requirements for registration and enforcement at the same time that they are seeking emergent relief through the order-to show cause application. If the order is being presented for *both* registration and emergent enforcement, or emergent enforcement *only*, the following procedures must be followed:

Any person seeking enforcement of an out-of-state custody,

- 1) A proposed Order to Show Cause to Enforce Out of State Custody/Visitation/Parenting Time Order must be completed (see Appendix VIII for the form of order);
- 2) A certified copy of the court order for which enforcement is sought and any other documentation pertinent to the matter before the court must be submitted, including, but not limited to, a certified copy of any order that confirms registration of the order sought to be enforced;
- 3) The Certification (see Appendix VIII) must contain the following information, N.J.S.A. 2A:34-82:
  - (a) Whether the order to be enforced has been vacated, stayed or modified by the Court issuing the order, or another court in a subsequent order.

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- (b) Whether there is currently a proceeding in another court that may affect the proceeding in this court, including proceedings relating to domestic violence, other protective orders, termination of parental rights, abuse and neglect, and adoptions. If there is another proceeding, the name of the court and case number must be provided.
- (c) The present physical address of the child and the party against whom the order is being enforced, if known. If the party's address is to be kept confidential due to a domestic violence restraining order or other protective order, this must be indicated.
- (d) A clear statement of the reliefs being sought in addition to the immediate physical custody of the child, such as attorneys fees and requests for assistance from law enforcement officials.
- (e) Whether the out-of-state custody order to be filed and/or enforced has been previously filed for entry in the New Jersey registry. If this or any other prior order has been previously entered in the registry, the date and place of such entry must be provided and the party must indicate whether that order is the subject of the application for enforcement.

Upon receipt of the Order to Show Cause, Family staff shall check on FACTS to see if the order was previously filed/registered. If not, the case should be docketed as a "registration of a foreign order." If the order was previously filed /registered then the existing FD docket number is to be utilized.

Family staff must attempt to verify that the order is authentic and has not been modified, vacated or stayed by contacting the foreign court by telephone or fax. Family staff should inquire as to whether there are any other proceedings which the

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foreign court is aware.

Family staff shall place in the court jacket written documentation of the steps taken to verify the order and forward the case to a judge for emergent review (see Appendix VIII for documentation form).

When the Court reviews the petition, it may issue an order directing the respondent to appear in person with or without the child at an emergent hearing, or may enter any order necessary to ensure the safety of the parties and child; or the Court may direct the moving party to serve the signed Order to Show Cause upon the other party by any method authorized by the laws and Court Rules of New Jersey. The order will set forth the return date and time for appearance of the parties.

Family staff shall schedule the case to be heard on the next court day, after service of the order and/or petition, or as soon as possible thereafter as determined by the Court.

The Court shall hear the case on the scheduled return date and issue a final order in accordance with UCCJEA and other laws of the State of New Jersey (Appendix VIII) a copy of the order shall be distributed to all affected parties and the foreign court.

**2003 Warrant to Take Physical Custody of the Child**

Pursuant to N.J.S.A. 2A:34-85 A person seeking enforcement of an out-of-state custody/ parenting time/visitation order may apply for the issuance of a warrant to take physical custody of the child if the child is likely to suffer serious imminent physical harm or be removed from New Jersey.

**2004 Involvement of Prosecutors or Other Appropriate Public Officials**

N.J.S.A. 2A: 34-89 and N.J.S.A. 2A:34-90 authorize prosecutors and other appropriate public officials to take lawful action to locate a child, obtain the return of a child, or enforce a custody/parenting time/visitation order under certain

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circumstances.

**2005 Non-Emergent Enforcement of Out-of-State Custody/Parenting Time/Visitation Orders**

If the enforcement application is deemed not to be emergent, then the procedures set forth in Section 2001, will be followed. The application for registration/enforcement will be accomplished by way of a “Notice of Motion” rather than an “Order to Show Cause”.

**Note:** These procedures are used for registration and enforcement of existing out-of-state custody and parenting time orders only. These procedures are not appropriate for modification of out-of-state divorces or other custody orders. People seeking to modify their out-of-state divorce or custody orders must file in the state that has jurisdiction or file the appropriate documents to request New Jersey to assume jurisdiction.

# **Appendix I**

## **FACTS Generated Non-Dissolution Complaint**

**RULE 5:1. COGNIZABILITY OF ACTIONS; SCOPE AND APPLICABILITY OF  
RULES**



Superior Court of New Jersey
Chancery Division – Family Part
Atlantic County

Docket #
CS #

vs.

Civil Action Complaint

- Paternity Custody
Support Visitation
Medical Support

Plaintiff Address:

Defendant Address:

The Child(ren) are:

Table with 3 columns: Name, Age (yrs, mnths), Residing with/Relationship. Rows 1-10.

- Plaintiff seeks adjudication of paternity for the child(ren) named on page 1.
Counterclaimant seeks adjudication of paternity for the child(ren) named on page 1. Under the New Jersey Parentage act, (N.J.S.A. 9:17-38 et seq.), the parties to this action are notified that the trial shall be by the court without a jury unless a party to the action shall file with the court a written request for a trial by jury within 10 days after the service of the complaint.
Plaintiff seeks establishment of support order against Defendant who is the spouse and/or parent of the persons listed on page 1 and has the legal duty to support same pursuant to N.J.S.A. 9:17-38 et seq. Chapter 92, Laws of 1990 requires that child support provisions of court orders shall be enforced by immediate income withholding upon the obligor's current or future income due from an employer of future employer, unemployment compensation or income from any source unless the obligor and obligee agree, in writing, to an alternated arrangement or either party demonstrates and the court finds good cause for establishing an alternative arrangement (N.J.S.A. 2A:17-56.9). For the reason(s) checked below, the Defendant is under a legal duty to support and maintain the persons mentioned on page 1 hereof:
S/he is the lawful wife/husband of Plaintiff.
S/he is the mother/father of the child(ren) named on page 1.

Civil Action Complaint  
Application for Post Dispositional Hearing  
Civil Action Counterclaim

Docket #  
Docket #  
Docket #

- 2. Counterclaimant seeks establishment of support order against plaintiff who is the spouse and/or parent of the persons listed on page 1 and has a legal duty to support same pursuant to *N.J.S.A. 9:17-38 et seq.* Chapter 92, Laws of 1990 requires that the child support provisions of court orders shall be enforced by immediate income withholding upon the obligor's current or future income due from an employer of future employer, unemployment compensation or income from any source unless the obligor and obligee agree, in writing to an alternative arrangement or either party demonstrates and the court finds good cause for establishing an alternative arrangement (*N.J.S.A. 2A:17-56.9*). For the reason(s) checked below, the plaintiff is under a legal duty to support and maintain the persons mentioned on page 1 hereof:
  - S/he is the lawful wife/husband of counterclaimant.
  - S/he is the mother/father of the child(ren) named on page 1.
- 3. This is an active public assistance case governed by 41 *U.S.C.A. 602(A) (26)*, *N.J.S.A. 44:10-2*. Case No. \_\_\_\_\_
- 4. Plaintiff believes that in the best interest of the child(ren) custody should be granted to the plaintiff.
- 4. Counterclaimant believes that in the best interest of the child(ren) custody should be granted to the counterclaimant.
- 5a. Plaintiff seeks and order of this court granting reasonable rights of visitation.
- 5a. Counterclaimant seeks an order of this court granting reasonable rights of visitation.
- 5b. Plaintiff seeks and order of this court denying reasonable rights of visitation.
- 5b. Counterclaimant seeks an order of this court denying reasonable rights of visitation.
- 6. Medical coverage requested
  - Petitioner does seek health benefits for self
  - Petitioner does seek health benefits for child(ren) named herein.
- 7. Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Certification (Rule 1:4-4(B))**

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

_____	_____	_____
Witness	Date	(Plaintiff)
_____	_____	_____
Witness	Date	(Counterclaimant)

## **Appendix II**

### **Application for Child Support Services**

## **APPLICATION FOR CHILD SUPPORT SERVICES**

After you have read and completed the application, tear off Parts E, F, G and H and return them to one of the Child Support Agencies listed below. The Agency that you send the application to depends upon which service you want. In addition to the completed application you must include a \$6.00 check or money order for the application fee (see Part D) made payable to the Child Support Agency. **Please do not send cash.**

### **COUNTY LISTINGS**

#### **ATLANTIC**

**Family (to establish or change an order)**

Atlantic County  
Civil Court Building  
1201 Bacharach Blvd  
Atlantic City NJ 08401  
(609) 345-6700 ext 3442

**Probation (to enforce an existing order)**

Atlantic County Child Support  
1333 Atlantic Avenue, 2<sup>nd</sup> Floor  
PO Box 5129  
Atlantic City, NJ 08401  
(609) 345-6700 ext 3388

**Welfare (to locate a parent prior to an order)**

Atlantic County Department of  
Social Service Division of Public Welfare  
PO Box 869  
Atlantic City NJ 08401  
(609) 348-3001 ext 2819

#### **BERGEN**

**Family (to establish or change an order)**

Bergen County Superior Court-Family Part  
10 Main Street  
Bergen County Courthouse, Room 148  
Hackensack NJ 07601  
(201) 646-2107

**Probation (to enforce an existing order)**

Bergen County Child Support  
101-103 Hudson Street  
Hackensack NJ 07601  
(201) 646-3510 Option 3

**Welfare (to locate a parent prior to an order)**

Bergen County Board of Social Services  
216 Route 17 North  
Rochelle Park NJ 07662  
(201) 368-4200

#### **BURLINGTON**

**Family (to establish or change an order)**

Burlington County Courts Facility  
49 Rancocas Road, 7<sup>th</sup> Floor  
Mount Holly NJ 08060  
(609) 518-2691

**Probation (to enforce an existing order)**

Burlington County Child Support Enforcement Services  
50 Rancocas Road, 2<sup>nd</sup> Floor  
PO Box 6555  
Mount Holly NJ 08060  
(609) 518-2750

**Welfare (to locate a parent prior to an order)**

Burlington County Board of Social Services  
Burlington County Human Services Facility  
795 Woodlane Road  
Mount Holly NJ 08060  
(609) 261-1000

#### **CAMDEN**

**Family (to establish or change an order)**

Camden County Hall of Justice  
101 South 5<sup>th</sup> Street  
Camden NJ 08103-4001  
(856) 379-2200

**Probation (to enforce an existing order)**

Camden County Child Support  
49 North 5<sup>th</sup> Street  
PO Box 1928  
Camden NJ 08101  
(856) 379-2055

**Welfare (to locate a parent prior to an order)**

Camden County Board of Social Services  
County Administration Bldg  
600 Market Street  
Camden NJ 08102-8800  
(856) 225-8358

#### **CAPE MAY**

**Family (to establish or change an order)**

Cape May County Family Division  
Court Complex  
9 North Main Street  
Cape May Courthouse NJ 08210  
(609) 463-6600

**Probation (to enforce an existing order)**

Cape May County Child Support  
Court Complex 9 North Main Street, Floor 2B  
Cape May Courthouse NJ 08210-1601  
(609) 465-1090

**Welfare (to locate a parent prior to an order)**

Cape May County Board of Social Services  
Social Services Bldg. 4005 Rt 9 South  
Rio Grande NJ 08242-1911  
(609) 866-6200

#### **CUMBERLAND**

**Family (to establish or change an order)**

Cumberland County Family Division  
Courthouse Broad & Fayette Streets  
PO Box 866  
Bridgeton NJ 08302  
(856) 453-4521

**Probation (to enforce an existing order)**

Cumberland County Child Support  
Courthouse Broad & Fayette Streets PO Box 636  
Bridgeton NJ 08302  
(856) 453-4605

**Welfare (to locate a parent prior to an order)**

Cumberland County Board of Social Services  
275 N Delsea Drive  
Vineland NJ 08360  
(856) 691-4600

**ESSEX****Family (to establish or change an order)**

Essex County Family Division  
212 Washington Street, 10<sup>th</sup> Floor  
Newark NJ 07102  
(973) 693-6667

**Probation (to enforce an existing order)**

Essex County Child Support  
212 Washington Street, 11<sup>th</sup> Floor  
Newark NJ 07102  
(973) 693-5600

**Welfare (to locate a parent prior to an order)**

Essex County Office of  
Child Support Enforcement  
Room 102 Hall of Records  
465 Martin Luther King Jr. Blvd  
Newark NJ 07102  
(973) 733-4703

**GLOUCESTER****Family (to establish or change an order)**

Gloucester County Family Division  
2 South Broad Street  
PO Box 655  
Woodbury NJ 08096  
(856) 686-7411

**Probation (to enforce an existing order)**

Gloucester County Child Support  
55 Delaware Avenue  
PO Box 638  
Woodbury NJ 08096  
(856) 384-4400

**Welfare (to locate a parent prior to an order)**

Gloucester County Board of Social Services  
400 Hollydell Drive  
Sewell NJ 08080  
(856) 582-9200

**HUDSON****Family (to establish or change an order)**

Hudson County Family Division  
Administration Building  
595 Newark Avenue, Room 203  
Jersey City NJ 07306  
(201) 795-5668

**Probation (to enforce an existing order)**

Hudson County Child Support  
Child Support Enforcement Unit  
29 Cottage Street  
Jersey City NJ 07306  
(201) 217-5474

**Welfare (to locate a parent prior to an order)**

Hudson County Department of Social Services  
Division of Welfare  
JFK Office Bldg  
100 Newkirk Street  
Jersey City NJ 07306  
(201) 420-3038

**HUNTERDON****Family (to establish or change an order)**

Hunterdon County Justice Center  
65 Park Avenue PO Box 578  
Flemington NJ 08822  
(908) 788-1145

**Probation (to enforce an existing order)**

Hunterdon County Child Support  
65 Park Avenue PO Box 1069  
Flemington NJ 08822  
(908) 237-5900

**Welfare (to locate a parent prior to an order)**

Hunterdon County Division of Social Services  
Community Services Center  
6 Gauntt Place PO Box 2900  
Flemington NJ 08822  
(908) 788-1300

**MERCER****Family (to establish or change an order)**

Mercer County Family Court Building  
175 South Broad Street  
PO Box 8068  
Trenton NJ 08650  
(609) 989-6741

**Probation (to enforce an existing order)**

Mercer County Child Support  
175 South Broad Street  
PO Box 8068  
Trenton NJ 08650  
1-877-NJKIDS1

**Welfare (to locate a parent prior to an order)**

Mercer County Board of Social Services  
200 Woolverton Street PO Box 01450  
Trenton NJ 08650  
(609) 989-4398

**MIDDLESEX****Family (to establish or change an order)**

Middlesex County Courthouse  
120 New Street  
PO Box 269  
New Brunswick NJ 08903  
(732) 981-3008

**Probation (to enforce an existing order)**

Middlesex County Child Support  
10 Corporate Place South, 3<sup>rd</sup> Floor  
Piscataway NJ 08854  
1-877-NJKIDS1

**Welfare (to locate a parent prior to an order)**

Middlesex County Board of Social Services  
181 How Lane  
PO Box 509  
New Brunswick NJ 08903  
(732) 745-3500

**MONMOUTH****Family (to establish or change an order)**

Monmouth County Courthouse  
 71 Monument Park PO Box 1252  
 Freehold NJ 07728-1252  
 (732) 677-4800

**Probation (to enforce an existing order)**

Monmouth County Probation  
 30 Mechanic Street PO Box 1259  
 Freehold NJ 07728-1259  
 (732) 677-4800

**Welfare (to locate a parent prior to an order)**

Monmouth County Division of Social Services  
 PO Box 3000 Kozlowski Road  
 Freehold NJ 07728  
 (732) 431-6000

**MORRIS****Family (to establish or change an order)**

Morris County Courthouse  
 Washington Street PO Box 910  
 Morristown NJ 07963-0910  
 (973) 656-4346

**Probation (to enforce an existing order)**

Morris County Child Support  
 Administration and Records Bldg  
 PO Box 910  
 Morristown NJ 07963-0910  
 (973) 656-3500

**Welfare (to locate a parent prior to an order)**

Morris County Office of Temporary Assistance  
 PO Box 900  
 Morristown NJ 07963-9904  
 (973) 326-7800

**OCEAN****Family (to establish or change an order)**

Ocean County Justice Complex  
 120 Hooper Avenue  
 PO Box 2191  
 Toms River NJ 08754  
 (732) 929-2037

**Probation (to enforce an existing order)**

Ocean County Child Support  
 213 Washington Street, 2<sup>nd</sup> Floor  
 PO Box 2191  
 Toms River NJ 08754  
 (732) 929-2062

**Welfare (to locate a parent prior to an order)**

Ocean County Board of Social Services  
 1027 Hooper Avenue  
 PO Box 547  
 Toms River NJ 08754  
 (732) 349-1500

**PASSAIC****Family (to establish or change an order)**

Passaic County  
 401 Grand Street  
 Paterson NJ 07505  
 (973) 247-8459

**Probation (to enforce an existing order)**

Passaic County Child Support  
 63-65 Hamilton Street  
 Paterson NJ 07505  
 (973) 247-8823

**Welfare (to locate a parent prior to an order)**

Passaic County Board of Social Services  
 80 Hamilton Street  
 Paterson NJ 07505  
 (973) 881-0100 ext 3318

**SALEM****Family (to establish or change an order)**

Salem County Courthouse  
 PO Box 223  
 Salem NJ 08079  
 (856) 935-7510 ext 8574

**Probation (to enforce and existing order)**

Salem County Child Support  
 85 Market Street, Fenwick Bldg  
 PO Box 221  
 Salem NJ 08079  
 (856) 935-7510 ext 8245

**Welfare (to locate a parent prior to an order)**

Salem County Board of Social Services  
 147 South Virginia Avenue  
 Penns Grove NJ 08069  
 (856) 299-7200 ext 240

**SOMERSET****Family (to establish or change an order)**

Somerset County Courthouse, 2<sup>nd</sup> Floor  
 PO Box 3000  
 North Bridge and High Streets  
 Somerville NJ 08876  
 (908) 231-7600

**Probation (to enforce an existing order)**

Somerset County Child Support  
 Somerset County Courthouse  
 20 North Bridge Street PO Box 3000  
 Somerville NJ 08876  
 1-877-NJKIDS1

**Welfare (to locate a parent prior to an order)**

Somerset County Board of Social Services  
 73 East High Street  
 PO Box 936  
 Somerville NJ 08876  
 (908) 526-8800

**SUSSEX****Family (to establish or change an order)**

Family Intake Unit  
Judicial Complex  
43-47 High Street  
Newton NJ 07860  
(973) 579-0630

**Probation (to enforce an existing order)**

Sussex County Child Support  
Sussex County Courthouse  
43-47 High Street  
Newton NJ 07860  
(973) 579-0620

**Welfare (to locate a parent prior to an order)**

Sussex County Division of Social Services  
18 Church Street  
PO Box 218  
Newton NJ 07860  
(973) 383-3600

**UNION****Family (to establish or change an order)**

Union County Courthouse Annex  
Elizabethtown Plaza  
2 Broad Street  
Elizabeth NJ 07207  
(908) 659-3311

**Probation (to enforce an existing order)**

Union County Child Support  
1143-1145 E. Jersey Street  
Elizabeth NJ 07207  
(908) 659-3500

**Welfare (to locate a parent prior to an order)**

Union County Division of Social Services  
342 Westminster Avenue  
Elizabeth NJ 07201  
(908) 965-2700

**WARREN****Family (to establish or change an order)**

Warren County Family Case Management Office  
413 Second Street  
Courthouse PO Box 900  
Belvidere NJ 07823  
(908) 475-6167

**Probation (to enforce an existing order)**

Warren County Child Support  
413 Second Street  
PO Box 900  
Belvidere NJ 07823  
(908) 475-6935

**Welfare (to locate a parent prior to an order)**

Warren County Division of  
Temporary Assistance and Social Services  
County House Annex  
501 Second Street - mailing  
Second and Hardwick Streets  
Belvidere NJ 07823  
(908) 475-6301

## **HOW TO APPLY FOR CHILD SUPPORT SERVICES**

Before we can help you collect support for your child or children, you must read and complete the Application for Child Support Services. There are eight parts to the application. The first four sections give you information about the child support program. The last four sections ask you to give us details about your case. Below is a description of each section.

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

**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.

**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.

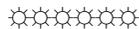
**Part D** explains the services that are available. Later, you will have a chance to select the services you want. We recommend Full Child Support Services since it includes all services and has the lowest application fee. If you choose only one service when you file the application, you can apply for others later, but you may have to pay an additional fee.

**Part E** allows you to select the services that you want. Simply check the box next to the services that you need. Each service and its fee are explained in Part D.

**Part F** gives us permission to work on your case on behalf of your child(ren). You also agree to cooperate with us and follow the rules of the program. Again, if you do not understand this section, please ask the Child Support Agency's staff to explain it to you.

**Part G** provides us with information about yourself, your child(ren) and the other parent who has a duty to support them. Please complete this section as accurately and completely as possible. If you don't have the information with you when completing the application, you can call or write the Child Support Agency later. Please give as much information as you can. It will help us provide support services to your child(ren). If you have any prior support orders or other papers with you or at home (for example, tax returns, divorce records, old check stubs, credit card bills, etc.) that would help us to establish or enforce the support order, please attach a copy to the application or send them to the Child Support Agency after you file the application. If you want the court to establish paternity in addition to other services, please include copies of each child's birth certificate. You may not know the answers to all the questions, but we need to know as much accurate information as you can give. If there are questions that don't apply to you, either skip them or write "NA". If you are not sure if the information is correct, please double-check it and let the Child Support Agency know if there is any change. Remember, the more accurate information you give, the more likely we will be able to help you get support for your child(ren).

**Part H** provides us with information about your income and financial situation. **Complete this section only if you are requesting the establishment of a support order for your child(ren).** The other parent will be asked to complete a similar form. The court uses the financial information on these forms to set the amount of child support. Additionally, it may be used to determine if the support award should be increased or decreased in the future. If you need help filling out this section, please call or visit the Child Support Agency.



After you have read and completed the application, tear off Parts E, F, G and H and return them to one of the Child Support Agencies listed on pages 1-4 of the application. The Agency that you send the application to depends on which service you want. In addition to the completed application, you must include a \$6.00 check or money order for the application fee (see Part D) made payable to the Child Support Agency. **Please do not send cash.** Remember to sign the authorization in Part F and, if you are requesting that a support order be established, the financial affidavit in Part H. Once the Child Support Agency receives your application, someone may contact you about signing other court papers. Keep Parts A, B, C and D of the application for your information.

## **PART A – HOW THE CHILD SUPPORT PROGRAM WORKS**

***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, collecting support payments, keeping accurate records of payments and enforcing the support order.

***Who provides these services?*** In New Jersey, the Division of Family Development (the State Title IV-D agency), county welfare agencies, the Administrative Office of the Courts, the Family Division of the Superior Court, and Probation work together to provide support services to your family.

***Who can get these services?*** You can get child support services if you live in New Jersey, are the parent or legal guardian of the child(ren) and if the child(ren) for whom you are seeking support live with you.

***Do I have to pay for these services?*** Most services require that you pay a small fee. The fee offsets the cost of the many services that are provided. More information on fees is provided in Part D of the application.

***Who is the obligee?*** The obligee is the parent who has custody of the child and who has filed for support services. A grandparent, relative or guardian of the child(ren) may be the obligee if that person has custody and has filed for support services. Support payments are paid through Probation to the obligee who uses them for the child(ren).

***Who is the obligor?*** The obligor is the person who has a duty to support the child(ren) and who is ordered to pay support either to the obligee or through Probation for the child(ren).

***What is ACSES?*** ACSES is the child support computer system. It stands for Automated Child Support Enforcement System. This is where we will store information about your case. It also keeps a record of all payments that are made or owed. If the obligor does not pay, ACSES automatically starts taking action to enforce the order. It also keeps a record of everything that happens on your case. In addition to ACSES, Probation will keep a file on your case. All court papers and other written documents are kept in this file.

***What does Probation do?*** By law, Probation enforces court orders, including those for child support and alimony. Probation becomes involved in the case after a support order is entered. All support orders are paid through Probation unless the court orders otherwise. Probation also tries to locate the obligor, and his or her income or property, if the support is not paid when due.

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

***What if I'm not sure who the father is or he won't admit that he is the father?*** To get a legal determination of who the father is, you must file a paternity complaint with the court. The Family Division Case Management Unit in your county will help you do this. After the complaint is filed, Family Division staff will contact the alleged father to see if he will admit that he is the father. If he says that he is not the father, a hearing will be held and the court may order blood or genetic tests to find out if he is the biological father. You may have to testify in court or participate in blood or genetic testing. If the genetic tests are positive, the court will enter an order declaring that the person who you named is the legal father of the child. This is important because it gives your child certain legal rights such as inheritance, access to state and federal benefits and child support. If the genetic tests are negative, the paternity complaint will be dismissed. If you believe someone else is the father, you must file a new paternity complaint against that person.

***How does the court set the amount of my child 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.

## **HOW THE PROGRAM WORKS(continued)**

***How are payments made?*** 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 a check is sent to the obligee. **The obligee should not accept support payments that have not been processed through the NJFSPC without the court's prior approval.**

***What if the obligor doesn't pay?*** If the obligor doesn't pay, Probation will take steps to enforce the order. These may include requiring the obligor's employer to take money out of his or her pay, 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 a bank accounts, insurance proceeds, cars, boats or real estate.

***What if the obligor moves to another state?*** If the obligor moves out of New Jersey, Probation may be able to get an out-of-state employer to take the support amount from his/her wages. If this doesn't work, you may have to file a petition asking that the other state enforce your support order through its courts. Probation will let you know 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 it from the collection before it is sent to you.

***How long will it be before I start to receive payments?*** This depends on the circumstances of your case and the services that you want. If you know where the obligor lives, establishing a support order usually takes 90 days or less. Generally, payments start about two weeks after the order is entered if the obligor pays as directed. Once the account is set up, you will be sent a check within three working days after the NJFSPC receives the payment. If you need other services such as location or paternity establishment, it may take longer before you start receiving payments. If you already have a support order issued in New Jersey, it takes about 14 working days to set up an account and notify the obligor how to make payments. You will not receive a support payment, however, if the obligor does not pay. Please be patient after you file the application for services. It takes time to notify everyone about hearings, their legal rights and payment procedures. Once an account is established and the obligor is paying, you should receive payments on a regular basis.

***How can I find out if a payment has been made?*** The easiest way to find out if a payment has been made is to call the **Child Support Hotline at 1-877-NJKIDS1 (option #3)**. This is a toll free, 24-hour service that provides payment, tax refund offset and general child support information. It is updated every night. The Hotline also lets you leave a message for your caseworker. If you call, you will be asked to enter your case number (it begins with CS).

***Does my support order automatically end when my child reaches age 18?*** No. There is no fixed age in New Jersey when support stops. Once your child turns 18 and/or becomes financially independent, either you or the other parent must file papers with the court asking that the order be terminated or adjusted. Based on the facts, the court will decide if the child still needs support from their parents. This is known as "emancipation". Generally the court presumes that children under 18 need support from their parents. In some cases, support may continue through college or longer. Support may terminate automatically if your current order specifies a date, age or circumstances when support stops.

***What if I need an increase in my support order or health insurance for my children?*** You may request a review of the amount of your child support order at least once every three years from the date the order was entered or modified by the court. Reviews are completed by your local County Board of Social Services. This service is available to you even if you have never been a recipient of Temporary Assistance to Needy Families (welfare). Additionally you can ask for assistance in obtaining medical support for your child(ren) if it is not included in your current order. The phone numbers for the County Boards of Social Services are listed on pages 1-4 of the application.

***Who can I call for more information?*** If you have a question about this application or you have filed for a support order and are waiting for a hearing, call the Family Division Case Management Unit. After the order is entered, call Probation or the **Child Support Hotline (1-877-NJKIDS1)** for information about your case. The phone numbers for the Family Division Case Management Unit and Probation are listed on pages 1-4 of the application.

## **PART B – YOUR RESPONSIBILITIES AS THE OBLIGEE**

### **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 the 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
- You are personally liable for the return of any amounts paid in error to you. The CSA has the right to adjust future support payments to recoup any amounts that were overpaid or sent to you in error.
- If you receive any support payments that have not been processed through NJFSPC, 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 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 up to six years after it was filed. 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. The CSA may adjust future support payments to recoup this amount.

## **PART C – OTHER INFORMATION ON SERVICES**

***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 six months and mail sent to that person’s address is being returned;
- The obligor dies, is institutionalized, moves to a foreign country, or cannot be located within four years;
- A support obligation is no longer owed to the family and no past due support is owed; or
- The child who is the subject of the support order dies.

**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); or
- Increase, decrease or terminate your child support order (court action required); or
- 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 requests to emancipate a child).

## **PART D – DESCRIPTION OF AVAILABLE CHILD SUPPORT SERVICES**

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

**Location-Only Services** – The CSA will try to find the obligor using the State Parent Locator Services (SPLS) and Federal Parent Locator Service (FPLS). The SPLS checks the records of 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. There is a \$6.00 fee for this service.

**Medical Support Services** – The CSA will pursue a court order requiring the obligor to provide health insurance coverage for your child(ren). There is a one-time \$6.00 fee for this service.

**Paternity-Only Services** – The CSA will seek a legal determination of the father of your child. To assist in determining who the father is, the court order may order a blood or genetic test. There is a one-time \$6.00 fee for this service. Additionally, the court may require that you pay for genetic testing if the person that you name is not the biological father.

**Monitoring-Only Services** - Services provided by the CSA under this category include: establishment of the support order, collection and monitoring of payments, use of income withholding, and court action to enforce the support order. 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 \$25.00 will be charged for this service.

**Full Child Support Services** - Services provided by 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 payments, 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. There is a **ONE-TIME** \$6.00 fee for these services.

**NOTE: THIS OPTION INCLUDES ALL SERVICES LISTED ABOVE AND HAS THE LOWEST FEE.**

**PART E – SELECTION OF SERVICES**

I, the applicant in this matter, request the following child support services. (Please indicate your choice by checking one of the boxes listed below):

LOCATION-ONLY SERVICES

PATERNITY-ONLY SERVICES

MONITORING-ONLY SERVICES

MEDICAL SUPPORT SERVICES ONLY

**FULL CHILD SUPPORT SERVICES WITH MEDICAL SUPPORT SERVICES**

Locate the Non-Custodial Parent  
Establish paternity

Establish a child support order  
Enforce an existing child support order

**FULL CHILD SUPPORT SERVICES WITHOUT MEDICAL SUPPORT SERVICES**

Locate the Non-Custodial Parent  
Establish paternity

Establish a child support order  
Enforce an existing child support order

**NOTE:** If you are requesting **FULL CHILD SUPPORT SERVICES WITHOUT MEDICAL SUPPORT SERVICES** the State Child Support Agency requests you provide the name(s) of the child(ren) for whom support is being requested and the name of the health insurance company and policy number under which they will be covered.  
**HEALTH INSURANCE COMPANY:**  
  
**POLICY NO.:**  
  
**PARTIES INSURED:**

**PART F – AUTHORIZATION**

BY SIGNING THIS APPLICATION I AGREE TO THE FOLLOWING:

- (1) that the Child Support Agency may pursue and use all sources of information legally available to support its investigation of my case and perform the services I have requested;
- (2) that I will cooperate with the Child Support Agency in its efforts to provide the requested services and comply with the obligee’s responsibilities listed in Part B of this application;
- (3) that I will not accept support payments directly from the obligor or, if any are received, to immediately forward them to the NJFSPC ;
- (4) that I am not entitled to interest on any child support payment for the time it is held in the NJFSPC bank account pending distribution;
- (5) that the Child Support Agency may use my Social Security Number as an internal identifier for all child support and paternity purposes. I understand that my Social Security Number, my address and personal information about myself will remain confidential unless I authorize its release; and
- (6) that the Child Support Agency may terminate my case if I fail to cooperate or conform with the responsibilities of this application.

I certify that all information provided in this application is true and correct to the best of my knowledge.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant’s Signature

\_\_\_\_\_  
Applicant’s Name (Please Print)

## PART G - CHILD SUPPORT CASE INFORMATION

### Applicant Information *(Please complete this information about yourself):*

Name (last, first middle)	Maiden Name	Social Security Number
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Address	City	State	Zip
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In what county do you live?	Your relationship to the child(ren)? Circle one: Mother Father Grandparent Aunt Uncle Guardian Other: _____
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Employer Name and Address:	Work Phone:
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May we contact you at work? Circle one: YES NO	Home Phone:	Date of Birth: / /	Place of Birth:
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Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Native American Other: _____	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Are you: <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Never Married <input type="checkbox"/> Guardian Other: _____	Date and Place of Marriage:  Date Non-Custodial parent last lived with you:  Are you divorced from the non-custodial parent? <input type="checkbox"/> YES <input type="checkbox"/> NO
What language do you speak?		Date, City, and State of Divorce:	

Do you receive TANF? <input type="checkbox"/> YES <input type="checkbox"/> NO	Did you ever receive TANF? <input type="checkbox"/> YES <input type="checkbox"/> NO	Your attorney's name: <input type="checkbox"/> No Attorney
--	--	--

Attorney's Phone:	Attorney's Address:
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### Non-Custodial Parent Information (NCP). *(Please provide the following information about the parent who owes support):*

Name (last, first, middle)	Other name used:
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Home Address	City	State	Zip
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Is this address current? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> DON'T KNOW	This address was current as of (enter date, if known) _____
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Mailing Address (If different from above)	City	State	Zip
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Is this address current? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> DON'T KNOW	This address was current as of (enter date, if known) _____
---	--

In what county does the NCP live?	Home Phone:	Work Phone:	Lives with: <input type="checkbox"/> Parent <input type="checkbox"/> Relative <input type="checkbox"/> Friend <input type="checkbox"/> Alone Other( <i>specify</i> ): _____
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Place of Birth (City, State):	Date of Birth: / /	Social Security Number:
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Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian <input type="checkbox"/> Native American Other: _____	Hair Color:	Eye Color:	Language (s) Spoken:
	Height:	Weight:	U.S. Citizen: <input type="checkbox"/> YES <input type="checkbox"/> NO
	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Glasses: <input type="checkbox"/> YES <input type="checkbox"/> NO	If no, what country?
	Beard: <input type="checkbox"/> YES <input type="checkbox"/> NO	Moustache: <input type="checkbox"/> YES <input type="checkbox"/> NO	Alien Reg. No.:

**Non-Custodial Parent's Employer (Please provide the following information, if known):**

Employer 1: <input type="checkbox"/> self-employed (enter company name)	Address (Street, Box, City, State, Zip)
Salary: \$ _____ every: <input type="checkbox"/> week <input type="checkbox"/> two weeks <input type="checkbox"/> month <input type="checkbox"/> year	Type of work performed:
Is this information current? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Don't Know If no, when did parent last work there?	

Employer 2:	Address (Street, Box, City, State, Zip)
Is this information current? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Don't Know If no, when did parent last work there?	

Salary: \$ _____ every: <input type="checkbox"/> week <input type="checkbox"/> two weeks <input type="checkbox"/> month <input type="checkbox"/> year	Type of work performed:
Does parent belong to a union? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Don't Know	If yes, union name/local no.:

Name of parent's health care provider:

Receives pension?  YES  NO  Unknown From:  Employer 1  Employer 2  Social Security  
Other:

Is parent in the military?  YES  NO  Don't Know  
 Don't Know

Was parent ever in the military?  YES  NO  Don't Know

Branch:  Army  Navy  Air Force  Marines  
 Coast Guard

Status:  Active  Retired  Discharged  Reserve

Duty Station (name of base, post or ship, city and state) :

Date discharged or retired:

Does NCP have any other type of employment.  YES  NO  Don't Know If yes, please explain.

**Non-Custodial Parent's Friends and Relatives.**

Name	Address	<input type="checkbox"/> Relative <input type="checkbox"/> Friend
Name	Address	<input type="checkbox"/> Relative <input type="checkbox"/> Friend
Name	Address	<input type="checkbox"/> Relative <input type="checkbox"/> Friend
Name	Address	<input type="checkbox"/> Relative <input type="checkbox"/> Friend

**Non-Custodial Parent Financial Information**

Is the parent currently married?  YES  NO  DON'T KNOW Name of spouse:

Is the spouse employed?  YES  NO  DON'T KNOW Where?

Is the parent supposed to pay support for any children besides yours?  YES  NO  Don't Know How many? In what state?

Does the NCP have any  credit cards,  bank accounts or  outstanding loans? Please list below.

Company/Bank, City, State	Acct. No.	Company/Bank, City, State	Acct. No.
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Company/Bank, City, State	Acct. No.	Company/Bank, City, State	Acct. No.
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Company/Bank, City, State	Acct. No.	Company/Bank, City, State	Acct. No.
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Company/Bank, City, State	Acct. No.	Company/Bank, City, State	Acct. No.
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Does the NCP own any homes or real estate?  YES  NO  Don't Know If yes, please provide the address below.

Address of property:

Address of property:

Does the NCP own a motor vehicle or recreational vehicle?  YES  NO  Don't Know If yes, please identify below.

Make	Model	Color	State where registered:	License No.
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Make	Model	Color	State where registered:	License No.
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Does the NCP own a boat?  YES  NO  Don't Know If yes, please identify below.

Make	Registration No.	Moored at:
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Does NCP have any of the following types of income?:

<input type="checkbox"/> Unemployment Compensation	<input type="checkbox"/> Veteran's Administration Pension	<input type="checkbox"/> Worker's Comp
<input type="checkbox"/> Railroad Retirement Pension	<input type="checkbox"/> Other pension (explain below)	<input type="checkbox"/> Capital Gains
<input type="checkbox"/> Social Security Disability	<input type="checkbox"/> Other disability (explain below)	<input type="checkbox"/> Trust Income
<input type="checkbox"/> Supplemental Security Income	<input type="checkbox"/> Commissions	<input type="checkbox"/> Dividend Income
<input type="checkbox"/> TANF	<input type="checkbox"/> Royalities	<input type="checkbox"/> Rental Income
	<input type="checkbox"/> Annuities	<input type="checkbox"/> Lottery Winnings

List or explain any other sources of income for the Non-Custodial Parent:

Did you ever file a joint tax return with the NCP?  YES  NO  Don't Know If yes, what year(s):

**Background Information on the Non-Custodial Parent (Please provide the following information, if known):**

Does the parent have a criminal record?  YES  NO  Don't Know If yes, where and when?

Did the parent graduate from high school?  YES  NO  Don't Know If yes, what school and year?

Did the parent graduate from college?  YES  NO  Don't Know If yes, what school and year?

Does the parent belong to any professional/trade associations?  YES  NO  Don't Know  
If yes, please provide the name:

Does the parent have any professional/trade licenses?  YES  NO  Don't Know  
If yes, what is the license number and/or issuing state:

Maiden Name of the NCP's mother:	Address: <input type="checkbox"/> Living <input type="checkbox"/> Deceased
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Name of the NCP's father:	Address: <input type="checkbox"/> Living <input type="checkbox"/> Deceased
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Name of the NCP's attorney:	Address:
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List the Non-Custodial Parent's past employer(s), if known:

Employer Name:	Address:	When?
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Employer Name:	Address:	When?
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**Information about your child(ren). (Please provide the following information for each child who lives with you and for whom you are seeking support from the Non-Custodial Parent).**

Name (last,first,middle)	Paternity established ? <input type="checkbox"/> YES <input type="checkbox"/> NO	Date of Birth: / /	Social Security Number:
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Name (last,first,middle)	Paternity established ? <input type="checkbox"/> YES <input type="checkbox"/> NO	Date of Birth: / /	Social Security Number:
--------------------------	--	-----------------------	-------------------------

Name (last,first,middle)	Paternity established ? <input type="checkbox"/> YES <input type="checkbox"/> NO	Date of Birth: / /	Social Security Number:
--------------------------	--	-----------------------	-------------------------

Name (last,first,middle)	Paternity established ? <input type="checkbox"/> YES <input type="checkbox"/> NO	Date of Birth: / /	Social Security Number:
--------------------------	--	-----------------------	-------------------------

Name (last,first,middle)	Paternity established ? <input type="checkbox"/> YES <input type="checkbox"/> NO	Date of Birth: / /	Social Security Number:
--------------------------	--	-----------------------	-------------------------

List below the names of any other adults or children living with you. (Do not include children listed above)

Name	Relation	Name	Relation
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Name	Relation	Name	Relation
------	----------	------	----------

**Paternity Determination Information. (If paternity has not been established, please complete this section. Otherwise, skip these questions and go to the next section. Note: a separate application must be filed for each alleged father).**

Did you ever live with the absent parent  YES  NO | If yes, when? From \_\_\_\_\_ To \_\_\_\_\_

Has there ever been a court action to establish paternity for the child(ren) for whom you are seeking support?  
 YES  NO If yes, when (month,year) and in what court (county,state)?

Was paternity established?  YES  NO Why not?

If paternity was not established, do you have any evidence that would help to prove that he was the father of the child(ren)?  
(For example, letters, birthday cards, pictures).  YES  NO

Was the Non-Custodial Parent ever informed that he was the father of the child(ren)?  YES  NO

Did the Non-Custodial Parent ever admit paternity?  YES  NO If yes, when and where?  
Who was present?

Did the Non-Custodial Parent ever admit in writing that he was the father of the child(ren)?  YES  NO

Where was/were the child(ren) born?

Was the Non-Custodial Parent there when the child was born?  YES  NO

Is his name on the birth certificate?  YES  NO

Did the Non-Custodial Parent pay or offer to pay the medical expenses for your pregnancy?  YES  NO

Do you think that the Non-Custodial Parent will contest (deny) paternity?  YES  NO  DON'T KNOW

**Information about your Support Order. (Please complete this information if you have a support order):**

Have you ever made a private agreement with the NCP for Child Support?  YES  NO If yes, when and for how much? \$ \_\_\_\_\_ every  week  two weeks  month starting on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ .

Are there any court actions pending in any state to establish or enforce support for your child(ren)?  YES  NO  
If yes, in what court (county,state) and on what date was it filed?

Do you have a court order for Child Support?  YES  NO If yes, what is the amount and when was it to start?  
\$ \_\_\_\_\_ every  week  two weeks  month starting on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ .  
What court entered this order(county,state)?

The current support order requires payments to be made (check one):  directly to me  to a child support enforcement agency (county, state) \_\_\_\_\_  by income execution paid to the child support agency  by income execution payable directly to me.

When did you last receive a support payment from the NCP?  Never  RECEIVED \$ \_\_\_\_\_ on \_\_\_\_ / \_\_\_\_ / \_\_\_\_

What is the total amount of support due since the effective date of your child support order? \$ \_\_\_\_\_ as of \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Other Information (If there is any other information that you feel would assist the child support agency in establishing or enforcing your child support order, please explain below. You may attach additional sheets if necessary).**

**PART H - FINANCIAL STATEMENT. Complete only if you are requesting the establishment of a support order for your child(ren).**

**Personal Information. Provide the following about yourself.**

Name (last,first,middle):	Social Security Number:
Address:	Home Phone:

**Gross Weekly Income. Report your weekly gross income. Divide monthly income by 43 and bi-weekly income by 2. You must provide proof of your income requesting support establishment services. See details below.**

1. Salary, wages, commissions, bonuses and other payments for services performed:	\$
2. Income from operating a business minus ordinary and necessary expenses:	\$
3. Social Security Retirement (over 62, Green Check):	\$
4. Social Security Disability (Green Check):	\$
5. Veterans' Administration pension:	\$
6. Worker's Compensation:	\$
7. Other pensions, disability or retirement income:	\$
8. Unemployment Compensation:	\$
9. Interest, dividends, annuities or other investment income:	\$
10. Income from the sale, trade or conversion of capital assets:	\$
11. Income from an estate of a decedent (a will):	\$
12. Alimony or separate maintenance from a previous marriage:	\$
13. Income from trusts:	\$
14. Other income (specify):	\$
15. Other income (specify):	\$
<b>Total Gross Income (add lines 1 through 16):</b>	<b>\$</b>

**Weekly Exemptions. Report the following deductions from your weekly income.**

1. Number of tax exemptions claimed:	
2. <u>Mandatory</u> union dues:	\$
3. <u>Mandatory</u> retirement contributions:	\$
4. Health insurance premium (must include child(ren) named in the complaint) :	\$
5. Alimony or child support orders paid (State: _____, Case	\$

**Part H - Financial Statement (continued)**

**Other Dependent Deduction.** Complete this section only if (1) you are legally responsible for supporting a child or children other than those named in the support complaint or application, (2) the child or children are living with you, and (3) you are requesting credit for the amount spent on raising the other child or children when the support award is calculated.  
 You are legally responsible for all children that are yours by birth or adoption. Answer the questions about the other parent of the child or children (for example, your current spouse who is the biological father of at least one of your children).

1. Number of other legal dependents (you must provide proof of the legal relationship):	
2. Number of tax exemptions the parent of the other child(ren) claims:	
3. Weekly gross income of the parent of the other child(ren):	\$
4. Mandatory union dues of the parent of the other child(ren):	\$
5. Mandatory retirement contributions of the parent of the other child(ren):	\$
6. Health insurance premiums paid by the parent of the other child(ren):	\$
7. Alimony or child support orders paid by the parent or the other child(ren):	\$

**Credit for Child Care Expenses.** (Complete this section only if (1) you pay for work-related child care for a child or children for whom you and the other parent share a legal responsibility to support and (2) you are requesting a credit for these expenses when your support is calculated).

1. Annual child care cost (if paid weekly multiply by 52; if monthly multiply by 4.3):	\$
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2. Child care provider:

**Income Received by the Child(ren) from the Other Parent.** (Complete this section if your child(ren) receive(s) regular payments in the name of the other parent (e.g. social security supplements or veteran's benefits apportionments).

1. Source of benefit(s):	
2. Weekly amount of benefits (attach verification):	\$

**Health Insurance Benefits.** Provide the following information about your health insurance benefits.

1. Health Insurance Provider:	2. Includes child(ren) ___YES ___NO
3. Policy Carrier:	4. Date coverage began: / /

**CERTIFICATION**

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements are wilfully false, I am subject to punishment.

Date:	Signature:
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**IMPORTANT:** You must attach a copy of your most recent federal tax form or your three most recent pay stubs to verify your income. Self-employed persons and business owners must also attach a copy of the most recent federal tax forms for their business. If you are requesting a credit or deduction, you must attach proof of your expenses or obligations.

## **Appendix II-A**

### **Child Support Guidelines/Award Schedule**

**APPENDIX IX-A**  
**CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES**  
**(Includes Amendments Through Those Effective February 13, 2007)**

**1. Philosophy of the Child Support Guidelines** - These guidelines were developed to provide the court with economic information to assist in the establishment and modification of fair and adequate child support awards. The premise of these guidelines is that (1) child support is a continuous duty of both parents, (2) children are entitled to share in the current income of both parents, and (3) children should not be the economic victims of divorce or out-of-wedlock birth. The economic data and procedures of these guidelines attempt to simulate the percentage of parental net income that is spent on children in intact families. While it is acknowledged that the expenditures of two-household divorced, separated, or non-formed families are different from intact-family households, it is very important that the children of this State not be forced to live in poverty because of family disruption and that they be afforded the same opportunities available to children in intact families with parents of similar financial means as their own parents.

**2. Use of the Child Support Guidelines As a Rebuttable Presumption** - In accordance with *Rule 5:6A*, these guidelines must be used as a rebuttable presumption to establish and modify all child support orders. The guidelines must be applied in all actions, contested and uncontested, in which child support is being determined including those involving *pendente lite* (temporary) support, interstate support (Uniform Interstate Family Support Act (UIFSA)), domestic violence, foster care, divorce, non-dissolution, and public assistance (Temporary Assistance to Needy Families or TANF). A *rebuttable presumption* means that an award based on the guidelines is assumed to be the correct amount of child support unless a party proves to the court that circumstances exist that make a guidelines-based award inappropriate in a specific case. The guidelines may be disregarded or a guidelines-based award adjusted if a party shows, and the court finds, that such action is appropriate due to conflict with one of the factors set forth in sections 4, 7, 10, 13, 14, 15 or 20 of Appendix IX-A, or due to the fact that an injustice would result due to the application of the guidelines in a specific case. The determination of whether *good cause* exists to disregard or adjust a guidelines-based award in a particular case shall be decided by the court.

**3. Deviating from the Child Support Guidelines** - If the court finds that the guidelines are inappropriate in a specific case, it may either disregard the guidelines or adjust the guidelines-based award to accommodate the needs of the children or the parents' circumstances. If the support guidelines are not applied in a specific case or the guidelines-based award is adjusted, the reason for the deviation and the amount of the guidelines-based award (before any adjustment) must be specified in writing on the guidelines worksheet or in the support order. Such findings clarify the basis for the support order if appealed or modified in the future. If the guidelines are found to be inapplicable in a particular case, the court should consider the factors set forth in *N.J.S.A. 2A:34-23* or *N.J.S.A. 9:17-53* when establishing the child support award.

**4. The Income Shares Approach to Sharing Child-Rearing Expenses** - New Jersey statutes and case law provide that both parents are responsible for the financial needs of their children. In intact families, the income of both parents is pooled and spent for the benefit of all household members including the children. Each parent's contribution to the combined income of the family represents their relative sharing of household expenses. For example, if the parents have equal incomes, they are assumed to share all expenditures for the family equally (50%). This same income sharing

principle is used to determine how the parents will share a child support award. In dissolved or non-formed families, however, the parents share only the expenses for the child (i.e., the Appendix IX-F support schedules are based on the marginal or added cost of a child or children to an adult couple). In sole-parenting situations, the custodial parent's share of the child-rearing expenses is assumed to be spent directly on the child through daily living expenses. The non-custodial parent's share of child-rearing costs represents the support order that is paid to the custodial parent for the benefit of the child. In situations involving PAR Time (formerly referred to as visitation), both parents make direct expenditures for the child while the child resides in their homes. To accommodate duplicated and shifting expenses associated with a child who shares time with parents who live separately, the Appendix IX-F sole-parenting awards may need to be adjusted to reflect each parent's assumed level of marginal spending on the child.

**5. Economic Basis for the Child Support Guidelines** - At the foundation of the child support guidelines are estimates of what parents in intact families spend on their children. Determining the *cost* of raising a child is difficult because most goods and services purchased by families are shared by adults and children. Economists estimate that approximately 65% of household spending is for *pooled* items (e.g., a car, a washing machine, or a box of laundry detergent used in common by all household members). Even for goods that are privately consumed (e.g., clothing, food), expenditure surveys are not detailed enough to link individual household members (adults or children) to a particular expenditure. Together, pooled and privately consumed goods account for about 90% of total household expenditures. Since most expenditures on children cannot be observed directly, economists use an indirect method of determining child-rearing costs known as *marginal-cost estimation*. Marginal-cost estimation attempts to find the added cost of a child to a family by comparing the expenditures of families considered equally well-off economically and have different numbers of children. For example, if two families (one with and one without a child) are equally well-off, the additional expenses of the family with a child are assumed to be the *marginal cost* of the child.

*Selecting a Standard of Well-Being* - Before estimating the marginal cost of children, a standard of well-being must be defined. Different marginal cost estimation methods use different standards of well-being. Although several standards have been used in the past, no consensus has emerged as to which provides the most credible result. Two of the most widely used marginal-cost estimation methods, *Rothbarth* and *Engel*, employ the standards of well-being described below.

*Engel* - The standard of well-being is the proportion of household income spent on food. Thus, if two families spend the same percentage of their income on food, they are considered equally well-off.

*Rothbarth* - This standard of well-being is based on how parents adjust their spending on adult goods due to the presence of a child. In other words, well-being is measured by comparing excess-income (i.e., after necessary expenditures for the family) available to purchase adult goods such as adult clothing, alcohol, tobacco, and entertainment.

*Consumer Expenditure Data* - Once an estimation technique is chosen, the household expenditure data to which it is applied must be selected. Typically, economists use data from the Consumer Expenditure Survey (CEX). The CEX is the most detailed source of national data on household expenditures and how they vary by family composition, size, geographic location and socioeconomic characteristics. The CEX collects expenditure information for hundreds of

household consumption items including food, housing, clothing, transportation, education, child care, health care, and entertainment. The CEX is a cross-sectional survey designed to represent the civilian, non-institutional population in the United States. Approximately 5,000 families participate in the CEX each quarter. CEX results are published annually, however, the results are generally three years old by the time they are available for public use. The CEX is considered the best available source of information for determining the cost of children using marginal-cost estimation techniques.

*The Betson Analysis* - In September 1990, Dr. David Betson of the University of Notre Dame published child-rearing estimates based on his analysis of pooled CEX data from 1980 through the first quarter of 1987, a variety of estimation techniques, and alternative definitions of the standard of well-being. As did previous studies, Dr. Betson's analysis resulted in a wide range of estimates of expenditures on children. Dr. Betson, like other economists, believes that the true range of marginal expenditures on children lies at some interval between the *Engel* and *Rothbarth* estimates. The *Engel* estimates, which are close to per capita (i.e., equal shares), clearly overstate the marginal cost of children and, thus, represent the upper bound of spending on children. Economists know that the *Engel* estimates are incorrect, but do not have the same information about the *Rothbarth* estimates. Thus, the *Rothbarth* estimates may represent the true level of marginal spending on children or the theoretical lower bound of that spending. Dr. Betson concluded that the *Rothbarth* method produced the best set of estimates on the marginal cost of children because it has the least empirical flaws and those that do exist have a minimal effect on the resulting estimates. The child support schedules in Appendix IX-F of these guidelines are based on Dr. Betson's *Rothbarth* estimates.

*Development of Child Support Award Schedules* - Dr. Betson's analysis provides estimates of parental expenditures on one, two, and three children as a percentage of total household consumption. His *Rothbarth* findings were translated into a child support guidelines format by:

- a. converting spending as a proportion of consumption to a proportion of net income;
- b. updating Dr. Betson's 1990 estimates to September 1994;
- c. deducting the cost of child care and unreimbursed health care expenses up to \$250 per child per year (these expenses are added to the basic obligation);
- d. extrapolating the estimates to families with four, five, and six children; and
- e. computing marginal proportions between income ranges so that the support schedule could be organized into ten dollars increments.

## **6. Economic Principles Included in the Child Support Guidelines**

- a. There is no absolute cost of raising children. The *cost* of raising children is inferred from the amount that parents' spend on their children. A child's *marginal cost* is the amount of spending above what the parents would spend if they did not have a child.
- b. Larger households have lower per-person costs due to economies of scale and the sharing of household goods (i.e., unit prices decrease as quantities and sharing increase).
- c. Total spending on children increases with family size (i.e., support awards should increase with the number of children in the family).
- d. When total expenditures of the household rise, spending on children increases roughly in the same proportion.

- e. As family income rises, spending on children increases since parents use some of their discretionary income to improve the children's standard of living.
- f. Spending on children as a percentage of *family consumption* is relatively constant through most of the income range.
- g. As income increases, total family consumption spending (e.g., for goods and services) declines as a proportion of net income since income for non-consumption items (e.g., savings, personal insurance, gifts) increases with the level of household income. In low-income families, consumption spending may exceed 100% of net income. In contrast, high-income families may spend only 75% of net income on consumption items.
- h. As household income increases, expenditures on children as a proportion of family income decline, although such expenditures remain almost constant as a proportion of family consumption spending. The difference between spending as a proportion of family income and a proportion of consumption is due to the effect of income taxes, savings and charitable contributions. Income dedicated to these items is not available for consumption spending (i.e., on goods and services).
- i. As the number of children rises, the marginal cost of each child does not increase proportionately (i.e., due to economies of scale, the sharing of household goods and the redistribution of adult spending). Expenditures on two children are less than twice as much as spending on one child (i.e., depending on the estimation method, two children cost from 1.40 to 1.73 more than one child). Also, three children cost less than three times as much as one child (the range is about 1.56 to 2.24 more than one child).

## **7. Assumptions Included in the Child Support Guidelines**

- a. *Intact Family Spending Patterns as the Standard for Support Orders* - Support guidelines based on spending patterns of intact families provide an adequate level of support for children. Child-rearing expenditures of single parents provide little guidance for setting adequate child support awards since single-parent households generally have less money to spend compared with intact families. The fact that single parents actually do spend less income on children compared with two-parent families does not mean that they should spend less if the other parent has the means to increase total spending on the children through support payments. Also, the level of spending by single parents on their children has no relation to adequacy or the needs of the children but is a function of the total amount of income available to those parents.
- b. *Standard of Living* - Although these support guidelines attempt to approximate the same level of marginal spending on children before divorce or separation, the resulting child support awards do not guarantee that the children's *standard of living* will remain the same if one of those events occurs. Usually, the children's *standard of living* will decline since the child support award (based on marginal spending) is being added to a much

smaller level of base household expenditures. Less total money is available in the primary household of the child after divorce or separation since the other parent's income is no longer available. Less money means a decline in household expenditures which results in a lower *standard of living*. Additionally, some economies of scale are lost when one parent leaves the household.

- c. *Marginal-Cost Estimation* - For determining child support obligations, marginal-cost estimation techniques, which provide the additional cost of children based on intact-family spending patterns, are more appropriate than average-cost methods that divide spending between all family members equally (per capita).
- d. *The Rothbarth Marginal Cost Estimator* - The *Rothbarth* marginal cost estimation technique provides the most accurate estimates of parental expenditures on children in intact families. Dr. David Betson's 1990 *Rothbarth* analysis of the 1980-1986 Consumer Expenditure Survey provides the most current and reliable estimates of parental expenditures on children in intact families.
- e. *National versus New Jersey Spending on Children* - Intact-family spending on children as a *proportion* of consumption or income based on national Consumer Expenditure Surveys is consistent with the way in which New Jersey parents spend income on their children. Expenditure patterns derived from the 1980-1986 Consumer Expenditure Surveys have not changed since the data were collected. The specification of child-rearing expenditures as a *proportion* of consumption or income, rather than absolute dollar estimates, avoids the problems associated with the difference in the cost-of living between states.
- f. *NCP/PAR Time*- The awards in the support schedules represent spending on children by intact families. In an intact family, the children reside in one household and no NCP/PAR Time is needed. This is similar to child support actions in which one parent has sole physical custody of a child and there is no NCP/PAR Time. The awards in the Appendix IX-F support schedules represent situations in which the child is with the custodial parent 100% of the time. Although the Appendix IX-F awards are not reduced for NCP/PAR Time, they may be adjusted, if these factors are present in a specific case, through worksheet calculations. For further information and assumptions related to NCP/PAR Time adjustments and their related assumptions, see paragraphs 13 and 14 respectively.
- g. *Effect of a Child's Age* - Dr. Betson's analysis did not provide estimates on child-rearing expenditures by children's age groups. The Appendix IX-F awards represent the average cost of raising a child from age zero through 17 years (i.e., the total marginal cost averaged more than 18 years). Studies have shown that expenditures are higher than the average for teen-aged children and lower than the average for preteen children.
- h. *Self-Support Reserve* - The self-support reserve is a factor in calculating a child support award only when one or both of the parents have income at or near the poverty level. The self-support reserve is 105% of the U.S. poverty guideline for one person. It attempts to ensure that the obligor has sufficient income to maintain a basic subsistence

level and the incentive to work so that child support can be paid. A child support award is adjusted to reflect the self-support reserve only if its payment would reduce the obligor's net income below the reserve *and* the custodial parent's (or the Parent of the Primary Residence's) net income is greater than 105% of the poverty guideline. The latter condition is necessary to ensure that custodial parents can meet their basic needs so that they can care for the children. As of January 24, 2007, the self-support reserve is \$206.00 (this amount is 105% of the poverty guideline for one person).

- i. *Income Tax Withholding* - For wage earners, income tax withholding rates provide an accurate estimate of after-tax income available to pay weekly support obligations. Income tax withholding may differ from end-of-year tax obligations due to the parent's filing status and the number exemptions, deductions and credits reported or claimed by each parent.
- j. *Spending of Child Support Order* - These guidelines assume that the obligee is spending the support award for the benefit of the child or children.
- k. *Sharing of Child-Rearing Expenses* - These guidelines assume that the parents are sharing in the child-rearing expenses in proportion to their relative incomes. To the extent that this is not true (i.e., if one parent is paying all costs associated with housing for the child from his or her own income) and can be proven to the court, a guidelines-based support award may require adjustment.

**8. Expenses Included in the Child Support Schedules** - The awards in the Appendix IX-F child support schedules represent the average amount that intact families spend on their children (i.e., the marginal amount spent on the children). The Appendix IX-F support awards include the child's share of expenses for housing, food, clothing, transportation, entertainment, unreimbursed health care up to and including \$250 per child per year, and miscellaneous items. Specific items included in each category are listed below. Note: The fact that a family does not incur a specific expense in a consumption category is not a basis for a deviation from the child support guidelines. The Appendix IX-F awards are based on the percentage of income spent on children by a large number of families in a variety of socioeconomic situations. The use of averages reflects the diversity of spending by parents. To qualify for a deviation based on average costs, a parent must show that the family's marginal spending on children for all items related to a consumption category differs from the *average* family (e.g., there are no housing costs).

*Housing*- Mortgage interest payments or home equity loans, property taxes, insurance, refinancing charges, repairs, maintenance, rent, parking fees, property management or security fees, expenses for vacation homes, lodging while out of town, utilities, fuels, public services, domestic services, lawn care, gardening, pest control, laundry and dry cleaning (non-clothing), moving and storage, repairs on home, furniture, major appliances, purchase or rental of household equipment of tools, postage, laundry or cleaning supplies, cleaning and toilet tissues, household and lawn products, stationary, all indoor and outdoor furniture, floor coverings, all small appliances and housewares (except personal care appliances), all household textiles (e.g., linens, drapes, slipcovers, sewing materials, etc.), and miscellaneous household equipment (e.g., clocks, luggage, light fixtures, computers and software, decorating items, etc.). The net purchase price of a home and mortgage principal

payments are considered savings and are not included as expenditures in this category.

*Food* - All food and non-alcoholic beverages purchased for home consumption or purchased away from home (including vending machines, restaurants, tips, school meals and catered affairs). Non-food items (e.g., tissue papers, alcoholic beverages, cigarettes) are not included.

*Clothing* - All children's clothing, footwear (except special footwear for sports), diapers, repairs or alterations to clothing and footwear, storage, dry cleaning, laundry, watches, and jewelry.

*Transportation* - All costs involved with owning or leasing an automobile including monthly installments toward principal cost, finance charges (interest), lease payments, gas and motor oil, insurance, maintenance and repairs. Also, included are other costs related to transportation such as public transit, parking fees, license and registration fees, towing, tolls, and automobile service clubs. The net outlay (purchase price minus the trade-in value) for a vehicle purchase is not included.

*Unreimbursed Health Care Up to and Including \$250 Per Child Per Year* - Unreimbursed health-care expenditures (e.g., medical and dental) up to and including \$250 per child per year are included in the schedules. Such expenses are considered ordinary and may include items such as non-prescription drugs, co-payments or health care services, equipment or products. The parent's cost of adding a child to health insurance policy is not included in the schedules.

*Entertainment* - Fees, memberships and admissions to sports, recreational, or social events, lessons or instructions, movie rentals, televisions, radios, sound equipment, pets, hobbies, toys, playground equipment, photographic equipment, film processing, video games, and recreational, exercise or sports equipment.

*Miscellaneous Items* - Personal care products and services (e.g., hair, shaving, cosmetics), books and magazines, education (e.g., tuition, books, supplies), cash contributions, personal insurance, and finance charges (except those for mortgage and vehicle purchases).

**9. Expenses That May Be Added to the Basic Child Support Obligation** - Because some child-related expenses represent large or variable expenditures or are not incurred by typical intact families, it is not appropriate to include them in the Appendix IX-F basic child support awards. The items listed below are not included in the Appendix IX-F child support awards. If incurred in a particular case, these expenses should be added to the basic support obligation.

- a. *Child-Care Expenses* - The average cost of child care, including day camp in lieu of child care, is not factored into in the schedules. The net cost (after tax credits) of work-related child care should be added to the basic obligation if incurred.

- b. *Health Insurance for the Child* - The parent's marginal cost of adding a child to a health insurance premium is not included in the support schedules and should be added to the basic obligation if incurred.
- c. *Predictable and Recurring Unreimbursed Health Care Expenses In Excess of \$250 Per Child Per Year* - Unreimbursed health-care expenses for a child in excess of \$250 per child per year are not included in the schedules. Such expenses should be added to the basic obligation if they are predictable and recurring. Health-care expenses for a child that exceed \$250 per child per year that are not predictable and recurring should be shared by the parents in proportion to their relative incomes as incurred (i.e., the sharing of these expenses should be addressed in the general language of the order or judgment). Health care costs that are not included in the support award should be paid directly to the parent who made or will make the expenditure or directly to the provider of the health care (also, see *N.J.S.A. 2A:34-23b*).
- d. *Other Expenses Approved by the Court* - These are predictable and recurring expenses for children that may not be incurred by average or intact families such as private elementary or secondary education, special needs of gifted or disabled children, and visitation transportation expenses. The addition of these expenses to the basic obligation must be approved by the court. If incurred, special expenses that are not predictable and recurring should be shared by the parents in proportion to their relative incomes (i.e., the sharing of these expenses should be addressed in the general language of the order or judgment). Special expenses not included in the award should be paid directly to the parent who made or will make the expenditure or to the provider of the goods or services.

**10. Adjustments to the Support Obligation** - The factors listed below may require an adjustment to the basic child support obligation.

- a. *Other Legal Dependents of Either Parent* - These guidelines include a mechanism to apportion a parent's income to all of his or her legal dependents regardless of the timing of their birth or family association (i.e., if a divorced parent remarries and has children, that parent's income should be shared by all children born to that parent). *Legal dependents* include adopted or natural children of either parent who are less than 18 years of age or more than 18 years of age and still attending high school or other secondary school. Stepchildren are not considered *legal* dependents unless a court has found that the stepparent has a legal responsibility for the stepchildren. When considering the use of this adjustment, the following principles shall apply:
  - (1) this adjustment shall be used only if requested by a serial-family parent and the income, if any, of the *other parent* of the secondary family is provided to the court;
  - (2) if the other parent in the secondary family is voluntarily unemployed or underemployed, the court shall impute income to that person (see paragraph 12) to determine the serial family parent's obligation to the children in the secondary family;

- (3) this adjustment may be applied to other dependents born before or after the child for whom support is being determined;
  - (4) this adjustment may be requested by either or both parents (custodial and/or non-custodial);
  - (5) the adjustment may be applied when the initial award is entered or during subsequent modifications of the support order.
- b. *Multiple Family Obligations.* In some cases, one individual may be obligated to pay child support to multiple families. When the court adjudicates a case involving an obligor with multiple family obligations, it may be necessary to review all past orders for that individual. If the court has jurisdiction over all matters, it may either average the orders or fashion some other equitable resolution to treat all supported children fairly under the guidelines. If multiple orders reduce the obligor's income to an amount below the self-support reserve, the orders should be adjusted to distribute the obligor's available income equitably among all children while preserving the obligor's self-support reserve. If other jurisdictions' tribunals ordered the obligor to pay child support for a different family, the New Jersey court may consider that fact for the purpose of maintaining the obligor's self-support reserve.
- c. *Government Benefits Paid to or for Children* - In some cases, government benefits may be received by or for a child based on a parent's earnings record, disability, or retirement (e.g., Black Lung, Veterans Disability, Social Security). Such payments are meant to replace the lost earnings of the parent and are paid in addition to the worker's or member's benefits (i.e., payments to family members do not reduce the member's benefits). A parent may also receive other non-means-tested government benefits that are meant to reduce the cost of the child such as adoption subsidies (*N.J.A.C. 10:121-2*). Supplemental Security Income (SSI) and welfare payments received for or on behalf of a child are not included in this category since they supplement parental income based on financial need. If non-means tested benefits are paid to or for a dependent child for whom support is being determined, the benefits must be deducted from the basic support obligation (see *Potter v. Potter*, 169 *N.J. Super.* 140 (App. Div. 1979), *De La Ossa v. De La Ossa*, 291 *N.J. Super.* 557 (App.Div. 1996), *Pasternak v. Pasternak*, 310 *N.J. Super.* 483 (1997), *Herd v. Herd*, 307 *N.J. Super.* 501 (App.Div.1998)). The deduction is provided because the receipt of such benefits reduces the parents' contributions toward the child's living expenses (i.e., the marginal cost of the child). If the benefits received by the child are greater than the total support obligation (i.e., the amount of the obligation after deducting the benefits is zero), no support award should be ordered while the child is receiving the benefits. The benefits will continue to be paid by the government agency to the custodial parent in lieu of child support. If the total obligation is greater than the benefits received by the child, the non-custodial parent's income share of the residual amount (after deducting the benefits) is the support award to be paid to the custodial parent. Government benefits paid to or for a child that reduce benefits paid to a non-custodial parent (an apportionment) should not be deducted from the basic child

support award, but should be used to offset the parent's child support order (i.e., the apportionment represents a payment toward the support order similar to a garnishment).

**11. Defining Income** - These guidelines are based on the combined net income of the parents. Generally, *net income* is gross income minus income taxes, mandatory union dues, mandatory retirement, previously ordered child support orders, and, when appropriate, a theoretical child support obligation for other dependents. See Appendix IX-B for a detailed definition of income and taxes as they relate to the child support guidelines.

**12. Imputing Income to Parents.** The fairness of a child support award resulting from the application of these guidelines is dependent on the accurate determination of a parent's net income. If the court finds that either parent is, without just cause, voluntarily underemployed or unemployed, it shall impute income to that parent according to the following priorities:

- a. impute income based on potential employment and earning capacity using the parent's work history, occupational qualifications, educational background, and prevailing job opportunities in the region. The court may impute income based on the parent's former income at that person's usual or former occupation or the average earnings for that occupation as reported by the New Jersey Department of Labor (NJDOLE);
- b. if potential earnings cannot be determined, impute income based on the parent's most recent wage or benefit record (a minimum of two calendar quarters) on file with the NJDOLE (note: NJDOLE records include wage and benefit income only and, thus, may differ from the parent's actual income); or
- c. if a NJDOLE wage or benefit record is not available, impute income based on the full-time employment (40 hours) at the New Jersey minimum wage (\$7.15 per hour).

In determining whether income should be imputed to a parent and the amount of such income, the court should consider: (1) what the employment status and earning capacity of that parent would have been if the family had remained intact or would have formed, (2) the reason and intent for the voluntary underemployment or unemployment, (3) the availability of other assets that may be used to pay support, and (4) the ages of any children in the parent's household and child-care alternatives. The determination of imputed income shall not be based on the gender or custodial position of the parent. Income of other household members, current spouses, and children shall not be used to impute income to either parent except when determining the other-dependent credit. When imputing income to a parent who is caring for young children, the parent's income share of child-care costs necessary to allow that person to work outside the home shall be deducted from the imputed income. For further information on imputing income, see *Gertcher v. Gertcher*, 262 *N.J.Super.* 176 (Ch.Div. 1992), *Bencivenga v. Bencivenga*, 254 *N.J.Super.* 328 (App. Div. 1992), *Thomas v. Thomas*, 248 *N.J. Super.* 33 (Ch.Div. 1991), *Arribi v. Arribi*, 186 *N.J.Super.* 116 (Ch.Div. 1982), *Lynn v. Lynn*, 165 *N.J. Super.* 328 (App. Div. 1979), *Mowery v. Mowery*, 38 *N.J. Super.* 92 (App. Div. 1955).

**13. Adjustments for PAR Time** (formerly Visitation Time)

- a. For the purpose of these guidelines, *visitation* is a level of parental participation in child-rearing that is less than the substantial equivalent of two or more overnights with the child each week (approximately 28% of overnights excluding vacations and holidays). *Overnight* means the majority of a 24-hour day (i.e., more than 12 hours). The sharing of parenting responsibilities above this time threshold may qualify for a shared-parenting child support award (see paragraph 14). For non-custodial parents (NCP) who participate in child-rearing responsibilities on a regular basis but for less than the substantial equivalent of two or more overnights per week, it is assumed that:
- (1) fixed costs (e.g., housing-related expenses) for the child are not incurred by the NCP;
  - (2) variable costs (e.g., food, transportation, and some entertainment) for the time spent with the child are incurred by the NCP; and
  - (3) variable costs represent 37% of the total child-related expenditures.
- b. *Regular PAR Time* - If a parenting plan that sets forth a visitation schedule is filed with the court or a PAR Time schedule is ordered, or the non-custodial parent exercises regular PAR Time with the child, the court may reduce an Appendix IX-F sole-parenting support award to accommodate variable expenses (food and transportation) incurred by the non-custodial parent during PAR Time periods. In determining if such an adjustment is appropriate, the court should consider whether the non-custodial parent has incurred variable expenses for the child during PAR Time and if PAR Time has reduced the other parent's variable expenses for the child. If the non-custodial parent exercises PAR Time for more than the substantial equivalent of two or more overnights per week, a shared-parenting award may be appropriate (see paragraph 14).
- (1) The reduction in the award shall not exceed the parent's time share (percentage of overnight time with the child) of the variable costs -- food and transportation -- for the child. For example, if the sole-parenting basic support award is \$100 and the non-custodial parent spends 20% of the time with the child, the maximum PAR Time credit is \$7.40 calculated as: [ $\$100$  (basic award)  $\times$  0.37 (variable costs)  $\times$  0.20 (%time)].
  - (2) Extended PAR Time in excess of five consecutive overnights that represents a single event or intermittent occurrence (e.g., vacation or holiday time) shall not be used to determine the non-custodial parent's annual percentage of overnight time for calculating a regular visitation (see paragraph 13(c)) or a shared-parenting adjustment. Extended PAR Time periods that are part of a regularly scheduled rotation of consecutive weeks between the parents that is set forth in a parenting plan or court order (e.g., a regular schedule that alternates weeks between parents during the year or entire summer) should be included in the calculation of the regular PAR Time adjustment (variable expenses), but shall not be included in the determination of qualifying time for a shared-parenting adjustment (fixed expenses) unless the parent shows and the court finds that marginal housing-related costs for the child were incurred in the PAR's household for the extended PAR

Time period.

- (3) If the custodial parent's household net income (CP net income from all sources including TANF and the net income of other adults in the household) plus the parenting PAR Time-adjusted child support order is less than two times the poverty guideline for the total number of persons in the household, the adjustment for PAR Time expenses shall not be presumptive, but shall be subject to the discretion of the court.
- c. *Extended PAR Time (Vacation and Holiday Time)* - If a child is in the care of a non-custodial parent for five or more consecutive overnights, that parent may request an abatement of the child support order for the extended-PAR Time period. Upon the filing of a motion by the parent seeking the extended-PAR Time abatement, the court shall decide whether the abatement is appropriate, its amount, and how it shall be applied. Alternatively, the amount of an extended-PAR Time abatement may be specified prospectively in an agreement between the parents. The amount of the abatement shall not exceed the variable expenses (food and transportation) incurred for the child during the extended-PAR Time period (i.e., the abatement should not be for the entire award during the vacation period since the custodial parent continues to have fixed and controlled expenses during that time). Variable expenses represent 37% of a basic child support award before any regular-PAR Time adjustments. If child care or other special expenses are included in the order, an abatement for the non-custodial parent's share of those costs that are not incurred during extended-PAR Time shall be given unless such costs are paid in advance or must be paid during the extended-PAR Time. Extended vacation or holiday time used to calculate a visitation or shared adjustment as permitted in the discretion of the court under paragraph 13(b)(2) or 14(c)(2)(a) does not qualify for the extended-PAR Time abatement under this paragraph.
- d. *Non-Compliance with a Parenting Plan* - If an award is adjusted prospectively for PAR Time and the non-custodial parent, over a reasonable period, does not conform with the PAR Time schedule included in a parenting plan or court order, the custodial parent may file an application with the Family Division requesting that the child support order be adjusted to reflect the level of PAR Time that is being exercised. A simple application for this purpose shall be made available to parents by the Family Division of the Superior Court to ensure that the affected children receive the financial support that is needed. If PAR Time was used to adjust the child support award and the court finds that the non-custodial parent, over a reasonable period, failed to comply with the PAR Time schedule specified in the parenting plan or court order, the child support award shall be recalculated to reflect the actual PAR Time that is being exercised. Alternatively, the court may adjust the award to a zero PAR Time level until the non-custodial parent shows that PAR Time is occurring on a regular basis. Where possible, the court shall hear and decide applications to recalculate child support due to a parent's failure to comply with a PAR Time schedule in a summary manner. The determination of the effective date of any modification shall be consistent with *N.J.S.A. 2A:17-56.23a* unless otherwise ordered by the court. If the court finds that a parent willfully failed to comply with a parenting time provision or entered into such a provision merely to reduce the child support award, it may award counsel fees to a custodial parent in addition to adjusting the amount of child support as provided in this paragraph.

## 14. Shared-Parenting Arrangements

- a. *The Support Guidelines and Shared Parenting* - The awards in the Appendix IX-F support schedules represent spending on children by intact families. In an intact family, the children reside in one household with both parents (i.e., there is no shifting of children between households as with non-intact families). Thus, the Appendix IX-F awards are appropriate only if the child resides in the custodial parent's household 100% of the time. In shared-parenting situations, each parent incurs expenses for the child while the child is with that parent. To accommodate shared-parenting situations, each parent's income share of the Appendix IX-F support award may be adjusted based on expenses assumed to be duplicated or shifted and the amount of time spent with the child. Although these guidelines are designed to accommodate shared-parenting arrangements when appropriate, shared-parenting adjustments or awards are not presumptive, but are subject to the discretion of the court in accordance with the factors listed in paragraphs 14(c) and 14(d).
- b. *Parties Defined.* In shared-parenting situations, a parent's designation is related to the time the child spends in that parent's residence. The parents should be referred to as the Parent of Primary Residence (PPR) and the Parent of Alternate Residence (PAR). Either the PPR or the PAR may be the obligor of the support order depending on income and the time spent with the child. The designation of PPR and PAR is not related to the gender of either parent or the legal designation of custodial parent. The PPR and PAR are defined as follows:
  - (1) Parent of Primary Residence (PPR) - The parent with whom the child spends most of his or her overnight time. The primary residence is the home where the child resides for more than 50% of the overnights annually. If the time spent with each parent is equal (50% of overnights each), the PPR is the parent with whom the child resides while attending school. *Overnight* means the majority of a 24-hour day (i.e., more than 12 hours).
  - (2) Parent of Alternate Residence (PAR) - This is the parent with whom the child resides when not living in the primary residence.
- c. *Criteria for Determining a Shared-Parenting Award* - The criteria listed below must be met before the shared-parenting worksheet and instructions are used to calculate a shared-parenting award. The existence of these criteria do not make a shared-parenting award presumptive, but permit the calculation of the award so that the court can determine if it is appropriate for a particular family.
  - (1) A parenting plan that specifies parenting times and responsibilities must be filed with or ordered by the court.
  - (2) The PAR has or is expected to have the child for the substantial equivalent of two or more overnights per week over a year or more (at least 28% of the time) and the PAR can show that separate

living accommodations for the child are provided during such times (i.e., evidence of separate living accommodations maintained specifically for the child during overnight stays).

- (a) At the discretion of the court, the determination of qualifying shared-parenting time may include extended-PAR Time periods of five or more consecutive overnights that are part of a regularly scheduled rotation between the parents as set forth in a parenting plan or court order if the PAR shows that marginal housing-related costs were incurred for those periods. Qualifying shared-parenting time shall not include extended PAR Time periods of five or more overnights that represent vacations, holidays, or other periodic events (see Extended Visitation above).
- (b) Although a PAR may not be eligible for the shared-parenting adjustment (both fixed and variable expenses) due to limited time with the child, a regular PAR Time credit (variable expenses only) may be appropriate (see paragraph 13).

**d. Unless the parties otherwise agree, the final child support order shall not be based on a calculated shared-parenting award if:**

- (1) the PPR's weekly household net income (including means-tested income such as TANF and the net income of other adults living in the household) plus the shared-parenting child support award is less than two times the U.S. poverty guideline for the number of persons in the household (PPR household income thresholds are shown in table below); or
- (2) in any case, the court finds that the net income of the primary household remaining after the calculation of the shared-parenting award is not sufficient to maintain the household for the child. When evaluating the adequacy of the primary household's total income, the court shall consider the cost of living in the region where the child resides (e.g., the average cost of housing, food, and transportation).

When determining the PPR's household income to evaluate the primary household income threshold, the court may impute income to the PPR in accordance with Appendix IX-A, paragraph 12.

- e. If a shared-parenting award is inappropriate due to the PPR's limited household income, a sole-custody award shall be calculated.

Shared-Parenting Primary Household Net Income Thresholds (2.0 x 2007 Poverty Guideline)		
Total Persons in Household	Weekly Net Income	Annual Net Income
2	\$527	\$27,380
3	\$660	\$34,340
4	\$794	\$41,300
5	\$928	\$48,260
6	\$1,062	\$55,220
7	\$1,196	\$62,180
8	\$1,330	\$69,140

f. *Relative Spending on Children and Shared-Parenting Situations* - For the purpose of the application of these guidelines to shared-parenting situations, there are three broad categories of expenses incurred for children by their parents - fixed,+ variable and controlled.

- *Fixed costs* are those incurred even when the child is not residing with the parent. Housing-related expenses (e.g., dwelling, utilities, household furnishings and household care items) are considered fixed costs.
- *Variable costs* are incurred only when the child is with the parent (i.e., they follow the child). This category includes transportation and food.
- *Controlled costs* over which the PPR, as the primary caretaker of the child, has direct control. This category includes clothing, personal care, entertainment, and miscellaneous expenses.

The Appendix IX-F support awards (which represent marginal child-rearing costs) are based on expenditures of intact families that reside in one household. In shared-parenting situations both parents incur fixed and variable expenses for the child while the child resides in their individual households (in a PAR Time situation, it is assumed that the non-custodial parent

incurs only variable expenses for the child). It is assumed that controlled expenses for the child are incurred only by the PPR since, generally, that parent manages the day-to-day needs of and expenditures for the child. The Appendix IX-F awards may not be appropriate in shared-parenting situations since they assume that the PPR incurs all expenses for the child and that the PAR has no expenses related to the child. To arrive at a fair support award in shared-parenting situations, the Appendix IX-F awards may need to be adjusted to accommodate each parent's time-adjusted fixed and variable expenses for the child. Since it is assumed that only the PPR incurs controlled expenses, the adjustment formula provides that such costs are shared by the parents in proportion to their relative incomes only, not in proportion to time spent with the children (see note on controlled expenses at paragraph I).

g. *Assumptions of the Shared-Parenting Adjustment* - The shared-parenting adjustment assumes that:

- (1) relative spending on children in the three broad consumption categories is as follows: 38% fixed expenses, 37% variable expenses, and 25% controlled expenses;
- (2) the PAR's fixed expenses are equal to:  $[2 \times \text{PAR's percentage of overnights} \times \text{PPR's fixed expenses}]$ . The PAR's fixed costs are pro-rated based on the time the child spends in the alternate household. For example, if the PAR's spends 30% of overnights with the child, that parent is assumed to incur 60% of the PPR's fixed costs. The PPR's fixed costs remain static (i.e., the full 38% of the basic obligation; they are not reduced for the time the child is not in the household) since that parent must maintain the primary residence for the child at all times. The parents have equal fixed expenses only when time sharing is equal (i.e., fixed expenses are the same when the child spends the same amount of time both households).
- (3) variable costs are incurred only when the child is in the parent's household and, thus, are apportioned based on each parent's percentage of overnights with the child. For example, if the child spends 30% of overnights with the PAR, that parent incurs 30% of the variable expenses for the child and the PPR's variable expenses are reduced by an equal proportion;
- (4) controlled expenses are incurred by the PPR only and, thus, are apportioned between the parents based on their income shares, not in relation to time spent with the children.

h. *Calculating the Shared-Parenting Adjustment* - Appendix IX-F sole-parenting awards are adjusted for shared-parenting by calculating the PAR's income share of the total two-household expenses (the basic support obligation plus the PAR's time adjusted-fixed expenses) for the child and then deducting the PAR's time-adjusted fixed and

variable expenses for the child. This mechanism adjusts the award to accommodate the PAR's fixed and variable expenses incurred while the child is with that parent and the PPR's reduced variable expenses while the child is not in that parent's household. The PAR's income share of the net supplemental expenses (e.g., child care, court-approved special needs) is added to the PAR's adjusted basic obligation. Detailed instructions and a worksheet for calculating shared-parenting awards are provided in Appendices IX-B and IX-D respectively.

- i. *Note on Controlled Expenses* - In shared-parenting situations, it is assumed that both parents incur fixed and variable costs. The shared-parenting adjustment formula allocates the *total* marginal fixed and variable costs between the parents based on their relative incomes and the time spent with the children. Controlled expenses (e.g., clothing, entertainment, and personal care items) are assumed to be incurred by the PPR only (i.e., the PPR is responsible for the day-to-day needs of the child which includes the purchase of these items). Therefore, controlled expenses are shared in proportion to the parents' incomes only -- such expenses are not time adjusted. Thus, no adjustment is made for direct expenditures made by a PAR for controlled items whether they be duplicated in the PAR's household (e.g., clothing) or made only while the child is present (e.g., entertainment). In some family situations, the PAR may incur expenses for some controlled items either by agreement or on a voluntary basis. The adjustment formula does not accommodate these situations because there is either no empirical data that segregates the expense item into specific percentage of consumption (e.g., entertainment) or the expense item is presumed to be with the autonomy of the PPR (e.g., clothing). Additionally, it is not always clear whether the duplication of these expenses is appropriate or necessary. If a PAR routinely incurs controlled expenses for the child either in addition to or as substitution for a controlled expense item assumed to be unilaterally provided by the PPR, the PAR may rebut the controlled expense assumption when the award is being determined. If such a rebuttal is made, the court must decide whether the dual expenses are appropriate and necessary and, if so, how each controlled expense category should be treated (i.e., how much of the 25% represents the item in contention and whether it should be treated as a variable or fixed expense).
- j. *Non-Compliance with Parenting Plan* - If an award is adjusted prospectively for shared-parenting time and the PAR, over a reasonable period, does not conform with the shared-parenting schedule included in a parenting plan or court order, the PPR may file an application with the Family Division requesting that the child support order be adjusted to reflect the level of PAR Time that is being exercised. A simple application for this purpose shall be made available to parents by the Family Division of the Superior Court to ensure that the affected children receive the financial support that is needed. If shared-parenting time was used to adjust the child support award and the court finds that the PAR, over a reasonable period, failed to comply with the shared-parenting schedule, the child support award shall be recalculated to reflect the actual PAR Time that is being exercised. Alternatively, the court may adjust the award to a zero shared-parenting level until the PAR shows that shared-parenting time is actually being exercised. Where possible, the court shall hear and decide applications to recalculate child support due to a parent's failure to comply with a shared-parenting schedule in a summary manner. The determination of the effective date of any

modification shall be consistent with *N.J.S.A. 2A:17-56.23a* unless otherwise ordered by the court. If the court finds that a parent willfully failed to comply with a parenting time provision or entered into such a provision merely to reduce the child support award, it may award counsel fees to a PPR in addition to adjusting the amount of support as provided in this paragraph.

**15. Split-Parenting Arrangements** - Split-parenting situations are those in which there are multiple children of the relationship and each parent has physical custody of at least one child. To determine the net support obligation in split-parenting situations, a separate sole-parenting award must be calculated considering each parent as the non-custodial parent (obligor) for the number of children in the custody of the other parent. Instead of transferring the calculated awards between parents, the two awards are subtracted. The difference of the two awards is the child support order to be paid by the parent with the higher sole-parenting award. If both parents serve as a PPR for at least one child of the relationship and the children share time with the other parent, the court should adjust each parent's award to accommodate shared-parenting costs in accordance with the principles explained in the PAR Time sections of this Appendix before the two awards are subtracted.

**16. Child in the Custody of a Third Party** - If the child is in the custody of a third party (e.g., an aunt, uncle, grandparent, foster parent), the court shall order both parents to pay their income shares of the sole-parenting award to the third party for the benefit of the child.

**17. Adjustments for the Age of the Children** - The child support schedules are based on child-rearing expenditures averaged across the entire age range of zero through 17 years (total expenditures divided by 18 years). This *averaging* means that awards for younger children are slightly overstated due to the higher level of expenditures for older children. If an award is entered while the child is very young and continues through age 18, the net effect is negligible. However, initial awards for children in their teens are underestimated by the *averaging* and should be adjusted upward to compensate for this effect. Due to limitations of the CEX and the *Rothbarth* estimator, a separate marginal cost for teen-aged children could not be estimated. Based on Dr. Thomas Espenshade's 1980 CEX study, the cost of children aged 12 through 17 was 14.6% above the average expenditures. Awards entered when a child is less than six years of age should not be adjusted later for age since the higher expenditures for older children were already received during the child's early years.

**18. College or Other Post-Secondary Education Expenses** - These child support guidelines are intended to apply to children who are less than 18 years of age or more than 18 years of age but still attending high school or a similar secondary educational institution. For the reasons set forth below, the Appendix IX-F support schedules shall not be used to determine parental contributions for college or other post-secondary education (hereafter college) expenses nor the amount of support for a child attending college. The child support guidelines may be applied in the court's discretion to support for students over 18 years of age who commute to college.

***Duplicate Expenditures*** - Many costs associated with college attendance (e.g., room, board, transportation) are included in the Appendix IX-F child support guidelines awards. Thus, a parent who is ordered to pay a guidelines-based child support award and part of the child's college expenses is forced to make duplicate expenditures for the child (i.e., the PAR would be paying a share of the cost of food for the child to

the primary household as well as a share of the cost of a meal plan or food allowance while the child is attending college). As a result, the level of total spending on the child would exceed that of intact families in a similar economic situation and the PAR's share of the total spending on the child would increase beyond his or her income share. Requiring duplicate expenditures for a child is inconsistent with spending patterns of intact families and the economic theory of the child support guidelines.

***Appendix IX-F Awards Represent Intact-Family Spending on Children up to Age 18*** - The proposed Appendix IX-F support awards are based on the marginal cost of children who are less than 18 years of age and living in intact-family situations. The children on whom the support guidelines (average marginal expenditures) are based were minors who had not progressed beyond the high school level. Thus, the Appendix IX-F awards do not include any expenditures related to college attendance.

***Guidelines Awards Are Based on Average Costs*** - The proposed Appendix IX-F child support schedules represent total average spending on children (birth through age 18) who are living in an intact-family residence. Since the cost of college attendance is a large, variable expenditure, it is inappropriate to incorporate such an expense in the total average marginal costs of children. Including college costs in the Appendix IX-F support schedules would increase the recommended support awards for all family situations regardless of whether a family has a child who is actually attending college.

***Guidelines Awards Represent Basic Needs*** - The Appendix IX-F support schedules represent average marginal expenditures on children for food, housing, transportation, clothing, and miscellaneous items - basic items needed by every child and provided by their parents. Since college education is a discretionary expense, it is inappropriate to commingle such costs with basic needs of children.

When determining whether continued financial support for children attending college and/or parental contributions to college education are appropriate, the court shall consider relevant case law and statutes. In all cases, primary consideration shall be given to the continued support of minor children remaining in the primary residence by reapplying the child support guidelines for those children before determining parental obligations for the cost of post-secondary education and/or continued support for a child attending college.

**19. Determining Child Support and Alimony or Spousal Support Simultaneously** - If child support and alimony, maintenance, or spousal support are being determined simultaneously (for the same family), the court shall determine the amount of alimony, maintenance, or spousal support before applying the child support guidelines, except when the court establishes *pendente lite* support. When applying the guidelines, the amount of alimony, maintenance or spousal support shall be deducted from the paying parent's income (after adjusting for tax benefits, if known) and added to the recipient's income to determine each parent's gross income. This transfer method reflects the

availability of income to each parent for the purpose of paying child support.

**20. Extreme Parental Income Situations** - Although these guidelines apply to all actions to establish and modify child support awards, extremely low or high parental income situations make the Appendix IX-F awards inappropriate due to the limitations of the economic data. The guidelines listed below apply to extreme parental income situations.

- a. *Obligors With Net Income Less Than the U.S. Poverty Guideline.* If an obligor's net income, after deducting that person's share of the total support award, is less than 105% of the U.S. poverty guideline for one person (net income of \$206 per week as of January 24, 2007 or as published annually in the Federal Register), the court shall carefully review the obligor's income and living expenses to determine the maximum amount of child support that can reasonably be ordered without denying the obligor the means of self-support at a minimum subsistence level. If an obligee's income is less than 105% of the poverty guideline, no self-support reserve adjustment shall be made regardless of the obligor's income. When assessing whether an obligee has sufficient net income to permit the application of the self-support reserve for an obligor, the court shall consider the effect of the obligee's share of the child support obligation (note that this amount is not calculated on either worksheet). The obligor's self-support reserve shall not be applied if the obligee's net income minus the obligee's child support obligation is less than 105% of the poverty guideline for one person. In all cases, a fixed dollar amount shall be ordered to establish the principle of the parent's support obligation and to provide a basis for an upward modification should the obligor's income increase in the future. In these circumstances, the support award should be between \$5.00 per week and the support amount at \$170 combined net weekly income for the appropriate number of children.
- b. *Parents with a Combined Net Annual Income In Excess of \$229,840.* If the combined net income of the parents is more than \$229,840 per year, the court shall apply the guidelines up to \$229,840 and supplement the guidelines-based award with a discretionary amount based on the remaining family income (i.e., income in excess of \$229,840) and the factors specified in *N.J.S.A. 2A:34-23*. Thus, the maximum guidelines award in Appendix IX-F represents the minimum award for families with net incomes of more than \$229,840 per year. An award for a family with net income in excess of \$229,840 per year shall not be less than the amount for a family with a net income of \$229,840 per year. Because estimates on the marginal cost of children in intact families with net incomes of more than \$229,840 per year are either unreliable or unavailable, the court shall not extrapolate the Appendix IX-F schedules (statistically or by adding amounts from different income ranges) beyond that dollar limit.

**21. Other Factors that May Require an Adjustment to a Guidelines-Based Award** - At the court's discretion, the following factors may require an adjustment to a guidelines-based child support award:

- a. equitable distribution of property;
- b. income taxes;

- c. fixed direct payments (e.g., mortgage payments);
- d. unreimbursed medical/dental expenses for either parent;
- e. educational expenses for children (i.e., for private, parochial, or trade schools, or other secondary schools, or post-secondary education);
- f. educational expenses for either parent to improve earning capacity;
- g. single family units (i.e., one household) having more than six children;
- h. cases involving the voluntary placement of children in foster care;
- i. special needs of gifted or disabled children;
- j. ages of the children;
- k. hidden costs of caring for children such as reduced income, decreased career opportunities, loss of time to shop economically, or loss of savings;
- l. extraordinarily high income of a child (e.g., actors, trusts);
- m. substantiated financial obligations for elder care that existed before the filing of the support action; and
- n. the tax advantages of paying for a child's health insurance; and
- o. one obligor owing support to more than one family (e.g. multiple prior support orders).

The court may consider other factors that could, in a particular case, cause the child support guidelines to be inapplicable or require an adjustment to the child support award. In all cases, the decision to deviate from the guidelines shall be based on the best interests of the child. All deviations from the guidelines-based award and the amount of the guidelines-based award must be stated in writing in the support order or on the guidelines worksheet.

**22. Stipulated Agreements.** In accordance with *Rule 5:6A*, if a child support amount in a stipulated or consent agreement differs from an award calculated using the support guidelines, the parties or their representatives shall state on a child support guidelines worksheet: (a) the amount of support that would have been awarded if calculated using the guidelines and (b) the reason that the stipulated amount differs from the guidelines-based award.

**23. Modification of Support Awards.** Before using these guidelines to modify a child support award, the court must find that the circumstances of the parties have changed since the date that the order was entered (see *Lepis v. Lepis*, 83 N.J. 139 (1980)). In applying the guidelines in modification actions, the court shall consider the interrelationship of alimony or other financial factors that may have influenced the original child support amount as well as the principles set forth in existing case law. The adoption of revised child support guidelines is not an automatic basis for the modification of a child support order. To qualify for a modification, a party must file a motion with the court and show a change in circumstances, other than the adoption of revised guidelines, as specified in *Lepis v. Lepis* and other relevant case law. Also, see *N.J.S.A. 2A:17-56.9a*, *Doring v. Doring*, 285 N.J. Super 369 (Ch.Div 1995), and *R. 5:6B*.

**24. Effect of Emancipation of a Child** - If the guidelines were used to calculate a child support award for two or more children, the emancipation of a child shall not result in a proportionate reduction of the support order (i.e., based on the economic evidence, it is not appropriate to reduce an order for two children by half if one child becomes emancipated). Instead, child support award should be recalculated based upon the current income of the parents and the number of unemancipated children.

**25. Support for a Child Who has Reached Majority** - These schedules are based on economic

estimates of average intact-family expenditures on children from ages zero through 17. These guidelines shall not be used to determine a support obligation for a child who has reached majority (18 years of age) and who is no longer enrolled in high school or other secondary education. After a child reaches majority and completes secondary education, a support obligation, if found by the court to be appropriate, shall be determined in accordance with *N.J.S.A. 2A:34-23* and existing case law.

**26. Health Insurance for Children.** Unless the parents agree to an alternative health care arrangement, all child support orders shall provide for the coverage of the child's health care needs (i.e., medical and dental) and health insurance (when such insurance is available to either parent at a reasonable cost). The parent's marginal cost of adding a child to a health insurance policy shall be added to the basic child support award and deducted from the paying parent's income share of the total child support award (see Appendix IX-B). The following standards shall apply when determining if a health insurance provision is appropriate and which parent should provide health insurance for the child.

- a. The cost of health insurance is considered *reasonable* if it is employment-related or available through a group plan, regardless of the service delivery mechanism, and does not reduce the net income of the obligor below 105% of the poverty guideline for one person (after paying the child support award) or the custodial parent's net household income below 200% of the poverty guideline for the number of persons in the primary household. If sufficient income is not available to pay child support and a health insurance premium without eroding these income reserves, priority shall be given to child support.
- b. Health insurance includes fees for service, health maintenance organizations (HMO), preferred provider organizations (PPO) and other types of coverage under which medical services could be provided to the dependent child.
- c. When reasonably priced health insurance is available to only one parent, that parent shall be ordered to provide coverage for the child.
- d. If health insurance is available to both parents, the parent who can obtain the most comprehensive coverage at the least cost shall be ordered to provide health insurance for the child. Alternatively, both parents may be ordered to provide health insurance if it is available to them at a reasonable cost and the combination of plans provides the most comprehensive coverage.
- e. When neither parent has access to health insurance, the parents shall be ordered to share in health expenses in accordance with their relative incomes (see paragraph 9 for the treatment of predictable and recurring unreimbursed health care expenses in excess of \$250 per child per year).
- f. If the custodial parent and the child receive Medicaid, the non-custodial parent shall be ordered to enroll the child in a health insurance plan if it is available at a reasonable cost.

- g. If health care insurance is not available to either parent at the time the support order is established, the court shall require that health insurance coverage be obtained for the child if it becomes available to either parent in the future. The Probation Division shall monitor the availability of health insurance for the child.

**27. Unpredictable, Non-Recurring Unreimbursed Health-Care In Excess of \$250 Per Child Per Year** - As stated in paragraph 9, predictable and recurring unreimbursed health care expenses in excess of \$250 per child per year should be added to the basic support obligation. However, because the unreimbursed cost, duration, or incidence of some illnesses or health conditions are highly variable or unexpected, it may not be appropriate or practical to add them to the basic support obligation when the support award is being established. To acknowledge the possibility of unpredictable or non-recurring unreimbursed health-care expenditures, the court should order that such expenses, if incurred, be shared in proportion to each parent's relative income (income shares). Such payments should be made directly to the parent who made or will make the health care expenditure or directly to the health care provider (i.e., not through Probation).

**28. Distribution of Worksheets and Financial Affidavits** - Immediately following the establishment or modification of a child support award, each party shall be provided with a copy of the support order and, if requested, a copy of the child support guidelines worksheet and any financial affidavits used to determine the obligation. The original order, guidelines worksheet, and all financial affidavits shall be maintained in the Family Division case file.

**29. Background Reports and Publications** - The reports listed below were either used during the development of the New Jersey child support guidelines or document the Supreme Court Family Practice Committee's findings and recommendations regarding the guidelines. Judiciary reports are available at the New Jersey State library and select city, county, and county courthouse libraries. Reports prepared for the U.S. Department of Health and Human Services are available from the U.S. Office of Child Support Enforcement Reference Center.

- a. New Jersey Administrative Office of the Courts, *Supplemental Report of the Supreme Court Family Division Practice Committee on Proposed Amendments to Appendix IX (Child Support Guidelines) of the New Jersey Court Rules*, Report to the Supreme Court, October 1996.
- b. New Jersey Administrative Office of the Courts, *Final Report of the Supreme Court Family Division Practice Committee on Proposed Revisions to the New Jersey Child Support Guidelines, Rule 5:6A and Appendix IX of the New Jersey Court Rules*, Report to the Supreme Court, March 1996.
- c. Policy Studies, Inc., *Economic Basis for Updated Child Support Schedules, State of New Jersey*, Report prepared for the New Jersey Administrative Office of the Courts, April 1995.
- d. Mark Lino, *Expenditures on Children by Families, 1994 Annual Report*, U.S.

Department of Agriculture, Center for Nutrition Policy and Promotion, Miscellaneous Publication 1528, April 1995.

- e. David M. Betson, *Alternative Estimates of the Cost of Children from the 1980-86 Consumer Expenditure Survey*, Report to the U.S. Department of Health and Human Services (Office of Assistant Secretary for Planning and Evaluation), University of Wisconsin Institute for Research on Poverty, September 1990.
- f. Lewin/ICF, *Estimates of Expenditures on Children and Child Support Guidelines*, Report to the U.S. Department of Health and Human Services (Office of Assistant Secretary for Planning and Evaluation), Lewin/ICF, October 1990.
- g. Robert G. Williams, *Development of Guidelines for Child Support Orders, Final Report*, Report to the U.S. Office of Child Support Enforcement, Policy Studies Inc., September 1987.

# APPENDIX IX-B

## USE OF THE CHILD SUPPORT GUIDELINES

(Includes Amendments Through Those Effective February 13, 2007)

### General Information

<b>Completion and Filing of the Worksheet</b>	A child support guidelines worksheet must be completed and made part of the permanent Family Division case file for each child support order established or modified using the child support guidelines.
<b>Use of Weekly Amounts</b>	All financial information entered on the worksheets must be based on weekly amounts. For monthly amounts, divide by 4.3. For annual amounts, divide by 52.
<b>Rounding to Whole Dollars and Percentages</b>	Dollars and percentages (ratios) should be rounded to whole numbers. Amounts less than 50 cents should be dropped. For example, \$340.35 is \$340. Increase amounts that are 50 cents or more to the next whole dollar. For example, \$540.58 is \$541. Percentages (ratios) should be rounded to two decimal places in the same manner. For example, 0.343 is 0.34 and 0.456 is 0.46.
<b>Defining Parental Roles</b>	<p><i>Sole Parenting</i> - A <i>Custodial Parent</i> is a parent who has physical custody of the children and provides for their needs on a day-to-day basis. This parent is generally the obligee of the support order. A <i>Non-Custodial Parent</i> is a parent who does not have physical custody of the children on a regular basis but may exercise periodic Par Time privileges (if time sharing exceeds the substantial equivalent of two or more overnights per week, a shared-parenting situation may exist). This parent is generally the obligor of the support order. See Appendix IX-A, paragraph 13.</p> <p><i>Shared Parenting</i> - A <i>Parent of Primary Residence</i> (PPR) is a parent who provides a residence for the child for more than 50% of overnights annually or, if sharing is equal, provides the residence for the child while he or she is attending school. The PPR may be either the obligee or obligor depending on the parents' income and amount of time spent with the child. A <i>Parent of Alternate Residence</i> (PAR) is a parent who provides an overnight residence for the child when he or she is not with the PPR. See Appendix IX-A, paragraph 14(b).</p>
<b>Selection of a Worksheet</b>	<p><i>Sole Parenting</i> - The Sole-Parenting Worksheet (Appendix IX-C) shall be used in the following cases: no time sharing (i.e., the child resides with a parent 100% of the time), shared parenting (PAR Time) below the substantial equivalent of two or more overnights per week (28% of overnights), split-parenting (i.e., multiple children; at least one child residing with each parent), and shared-parenting situations in which an adjusted award results in the PPR's net household income falling below the PPR household income reserve set forth in Appendix IX-A, paragraph 14(d).</p> <p><i>Shared Parenting</i> - The Shared-Parenting Worksheet (Appendix IX-D) shall be used if the Parent of Alternate Residence has the child for the substantial equivalent of two or more overnights per week, excluding extended PAR time (e.g., vacations) and has shown that separate living accommodations for the child are provided in the alternate household (see shared parenting standards in Appendix IX-A, paragraph 14(c)).</p>

## Line Instructions for the Sole-Parenting Worksheet

**Caption**

Enter the names of the parties, the county of venue, the docket number, and the number of children for whom support is being determined. Check-off whether the custodial parent is the plaintiff or defendant.

**Lines 1 through 5**

**Determining  
Income**

***Gross Income*** - For the purpose of these guidelines, *gross income* is all earned and unearned income that is recurring or will increase the income available to the recipient over an extended period of time. When determining whether an income source should be included in the child support guidelines calculation, the court should consider if it would have been available to pay expenses related to the child if the family would have remained intact or would have formed and how long that source would have been available to pay those expenses.

***Sources of Income*** - *Gross income*, includes, but is not limited to, income from the following sources:

- a. compensation for services, including wages, fees, tips, and commissions;
- b. the operation of a business minus ordinary and necessary operating expenses (see IRS Schedule C);
- c. gains derived from dealings in property;
- d. interest and dividends (see IRS Schedule B);
- e. rents (minus ordinary and necessary expenses - see IRS Schedule E);
- f. bonuses and royalties;
- g. alimony and separate maintenance payments received from the current or past relationships;
- h. annuities or an interest in a trust;
- I. life insurance and endowment contracts;
- j. distributions from government and private retirement plans including Social Security, Veteran's Administration, Railroad Retirement Board, deferred compensation, Keoughs and IRA's;
- k. personal injury awards or other civil lawsuits;
- l. interest in a decedent's estate or a trust;
- m. disability grants or payments (including Social Security disability);
- n. profit sharing plans;
- o. worker's compensation;
- p. unemployment compensation benefits;
- q. overtime, part-time and severance pay;
- r. net gambling winnings;
- s. the sale of investments (net capital gain) or earnings from investments;
- t. income tax credits (excluding the federal and state Earned Income Credit and the N.J. homestead rebate);
- u. unreported cash payments (if identifiable);
- v. the value of in-kind benefits; and
- w. imputed income (see Appendix IX-A, paragraph 12).

*Section Continued* ↗

## LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET

### Determining Income -continued

#### *Income from self-employment or operation of a business.*

a. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income is gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Personal income from the operation of a business includes all income sources listed above and *potential cash flow* resulting from loans taken from the business.

b. Income and expenses from self-employment or the operation of a business should be carefully reviewed to determine gross income that is available to the parent to pay a child support obligation. In most cases, this amount will differ from the determination of business income for tax purposes.

c. Specifically excluded from ordinary and necessary expenses, for the purposes of these guidelines, are expenses allowed by the IRS for:

- (1) the accelerated component of depreciation expenses;
- (2) first-year bonus depreciation;
- (3) depreciation on appreciating real estate;
- (4) investment tax credits;
- (5) home offices;
- (6) entertainment;
- (7) travel in excess of the government rate;
- (8) non-automobile travel that exceeds standard rates;
- (9) automobile expenses;
- (10) voluntary contributions to pension plans in excess of 7% of gross income; and
- (11) any other business expenses that the court finds to be inappropriate for determining gross income for child support purposes.

#### *Sporadic Income*

a. If income from any source is sporadic or fluctuates from year-to-year (e.g., seasonal work, dividends, bonuses, royalties, commissions), the amount of sporadic income to be included as *gross income* shall be determined by averaging the amount of income over the previous 36 months or from the first occurrence of its receipt whichever time is less.

b. For overtime pay or income from a second job, the average is based on the prior 12 months or first receipt whichever time is greater.

c. The court may exclude sporadic income if the party can prove that it will not be available in an equivalent amount in the future.

*Section Continued* ↗

## LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET

### Determining Income -continued

***Military Pay*** - All military pay and allowances shall be included as gross income for determining child support (see *Rose vs. Rose*, 107 S.Ct. 2029 (1987)).

a. All service members receive Basic Allowance for Quarters (BAQ) and Basic Allowance for Subsistence (BAS) or live in government accommodations and eat at mess halls for free. If BAQ and BAS are not received due to government-provided accommodations and food, the value of such in-kind income may be included in the service member's gross income.

b. BAQ, BAS, and Variable Housing Allowances (VHS) are considered income for the purposes of determining child support. These forms of income are not subject to tax.

***In-Kind Income*** - The fair-market value of goods, services, or benefits received in lieu of wages and in the course of employment shall be included as gross income if they reduce personal living expenses of the recipient regardless of whether they are derived from an employer, self-employment, or the operation of a business. Examples of in-kind goods, services and benefits include vehicles, automobile insurance, free housing, meals, benefits selected under a cafeteria plan, memberships, or vacations. Expense reimbursements are not considered income.

***Alimony, Spousal Support, and/or Separate Maintenance Received*** - Alimony, spousal support, or separate maintenance payments received from a spouse or former spouse in accordance with a court order are considered gross income to the recipient. If child support and alimony, spousal support, or separate maintenance are being determined simultaneously (for the same family), the court should set the alimony, spousal support, or separate maintenance first and include that amount in the recipient's gross income (on Line 1c) before applying the child support guidelines, except in pendente lite situations. Alimony, spousal support, or maintenance payments that are being paid to former spouses or will be paid in the future (to the spouse in the current action) are excluded from the payor's income (on Line 1b).

***Types of Income Excluded from Gross Income*** - The following types of income are excluded from *gross income*:

a. means-tested income (i.e., based on the fact that the recipient has minimal income and requires government assistance to live) including, but not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), General Assistance, Refugee Assistance, rent subsidies, food stamps, and Supplemental Security Income for the Aged, Blind or Disabled;

b. alimony, spousal support, or separate maintenance payments (the net amount after deducting the tax benefits, if known) to a current or former spouse;

c. child support received for children of another relationship;

*Section Continued* ↪

## LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET

### Determining Income -continued

**d. non-income producing assets (e.g., undeveloped real estate, automobiles, jewelry, art, stocks and bonds) unless the court finds that the intent of the investment was to avoid the payment of child support;**

**e. income from children, unless the court determines that such income should be included because the child is a professional or has substantial income that reduces the family's living expenses;**

**f. income from other household members (e.g., step-parents, grandparents, current spouse) who are not legally responsible for the support of the child for whom support is being established except to determine the other-dependent credit (the income of the current spouse may be included if an other-dependent deduction is requested - see Appendix IX-A, paragraph 10).**

**g. a government benefit based on a parent's earnings record, disability, or condition that is paid to or for the child (or the child's caretaker) for whom support is being determined (e.g., Black Lung, Veteran's Disability, Social Security) or other non-means-tested government benefits meant to reduce the cost of the child (e.g., adoption subsidies as provided by N.J.A.C. 10:121-2),**

**h. for modifications involving retirement income, the pro-rated amount of contributions to a voluntary plan that were previously included in gross income when the current support order was established; and**

**i. financial assistance for education including loans, grants, scholarships, veteran's education benefits, and awards provided under the National and Community Service Act of 1990 (except post-service benefits); and**

**j. federal earned income tax credits.**

### *Collecting and Verifying Income Information*

**a. Prior to the commencement of a hearing to establish or modify child support, the parties shall submit either a Case Information Statement (R. 5:5-2) or a Financial Statement in Summary Support Actions (R. 5:5-3) to the court.**

**b. When possible, the court should determine gross income as follows:**

**(1) Prior to June 30 of the current year, use Federal and State income tax returns, W-2 statement(s) and IRS 1099's from the preceding year. If tax documentation is unavailable, use any other available evidence of current earnings (e.g., paystubs, employer wage verifications, or, for the self-employed, statements of business receipts and expenses). If a joint income tax return includes income of a person other than one of the parties involved in the support proceeding (e.g., a current spouse), the taxpayer or that person's attorney shall be responsible for the redaction of the tax return.**

*Section Continued* ☞

LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET

Determining  
Income -continued

(2) After June 30, use the year-to-date income figure from all documented sources listed above. Divide the total gross income from all sources by the number of employed weeks to determine the weekly gross income.

(3) If no income documentation is available, income may be determined through testimony or imputed as set forth in Appendix IX-A, para. 10.

**Note on Income Documentation:** The review of a paystub, W-2 form, IRS-1099 form or tax return may not provide all necessary income information for a parent. The accurate determination of income may be dependent on a combination of these documents and testimony. Also, note that a parent may have more than one W-2 wage statement if that person worked for multiple employers during the year.

***Taxable and Non-Taxable Income*** - Before determining Net Income, gross income must be separated into taxable and non-taxable portions to ensure that withholding taxes are deducted only from taxable gross income. Generally, the types of income listed below are not subject to tax. Other types of income may be non-taxable depending on the status of the taxpayer or the source of income. For more information on taxable and non-taxable income, refer to IRS Publication 525 (*Taxable and Non-Taxable Income*) or, for New Jersey income taxes, see N.J.S.A. 54A:6-1 and NJ-WT. The following items are considered income to the parents, but should not be used to calculate withholding or income taxes when determining net income.

***1. Income Not Subject to Federal Income Tax***

- a. Accident and health insurance proceeds;
- b. Black-lung benefits;
- c. Child support payments;
- d. Federal Employees Compensation Act payments;
- e. Interest on state or local obligation;
- f. Scholarships and fellowships grants;
- g. Veteran's benefits;
- h. Worker's compensation;
- i. Life insurance proceeds paid due to death of the insured;
- j. Social Security benefits. However, if the taxpayer has income of more than \$25,000 if single or \$32,000 if married and filing a joint return some of the benefits may be taxable (see IRS Publication 915);
- k. Casualty insurance and other reimbursements; and
- l. Earnings from tax-free government bonds or securities.

*Section Continued* ↪

**Determining  
Income -continued**

**2. Income Not Subject to New Jersey State Income Tax**

- a. **Federal Social Security benefits;**
- b. **Railroad Retirement benefits;**
- c. **Proceeds of life insurance contracts payable by reason of death;**
- d. **Employee's death benefits;**
- e. **The value of property acquired by gift, bequest, devise or inheritance except income from any such property or if the gift, bequest, devise or inheritance is income;**
- f. **Amounts received under worker's compensation including income from suits, agreements, accident or health insurance resulting from personal injuries or sickness;**
- g. **Compensation paid by the United States for services in the Armed Forces performed by an individual not domiciled in New Jersey;**
- h. **Grants or scholarships received from education institutions;**
- I. **Payments of up to \$10,000 for a married couple filing jointly, \$5,000 for a married couple filing separately and \$7,500 for a single taxpayer from an annuity, endowment or life insurance contract or payments of any such amount received as pension, disability or retirement benefits for persons at least 62 years old or disabled under Social Security;**
- j. **New Jersey Lottery winnings;**
- k. **Permanent and total disability benefits under a public or private plan and certain accident/health insurance benefits including Veteran's benefits;**
- l. **Unemployment Insurance and Temporary Disability benefits;**
- m. **Interest on obligations issued by the State or any county, municipality, school or other governmental body of New Jersey and obligations statutorily free from tax under State or federal law;**
- n. **Amounts contributed by an employer on behalf of an employee to a trust which meets the requirements of IRC section 401(K) are not taxable in the year when made;**
- o. **Earnings from tax-free government bonds or securities; and**
- p. **Income Tax Refunds (state or federal).**

*Note on Social Security Taxes:* Social Security tax withholding (FICA) for high-income persons may vary during the year. In the early part of the year, 6.2% is withheld on the first \$97,500 of gross earnings (for wage earners in 2007). After the maximum \$6,045 is withheld, no additional FICA taxes are withheld. Thus, pay stubs issued early in the year may understate net income, while those issued later in the year may overstate it. To estimate weekly FICA taxes, amortize the annual FICA tax using the number of weeks employed or use the Appendix IX-H combined tax tables. Note that self-employed persons must pay the full FICA tax (12.4%) up to the \$97,500 limit and the full Medicare tax rate (2.9%) on all earned income.

***Analyzing Income Tax Returns - For assistance in analyzing income tax returns to determine parental income, see American Bar Association, Section of Family Law, The 1040 Handbook: A Guide to Income and Asset Discovery, 2d, 1993.***

<p><b>Line 1</b></p> <p><b>Gross Taxable Income</b></p>	<p>Enter the weekly gross taxable income of each parent in the appropriate Line 1 column.</p> <p>Non-taxable income is entered on Line 4.</p>
<p><b>Line 1a</b></p> <p><b>Mandatory Retirement Contributions</b></p>	<p>Enter the weekly mandatory retirement contributions for each parent in the appropriate Line 1a column.</p> <p>Contributions to retirement or pension plans that are mandatory (i.e., required as a condition of employment) are not considered income for determining child support obligations. Since mandatory pension contributions are generally non-taxable, the amount of such payments must be deducted from gross income before withholding taxes and the Adjusted Gross Taxable Income are calculated. Voluntary payments to Deferred Compensation Plans (e.g., 401K, 414B), Keoughs, and IRA's should not be deducted from gross income. Calculate the weekly amount of mandatory retirement contributions by dividing the year-to-date contributions by the number of weeks employed or by using an average of the prior year's contributions.</p>
<p><b>Line 1b</b></p> <p><b>Alimony Paid</b></p>	<p>Enter the weekly amount of alimony or other form of spousal support that is paid or will be paid to a former spouse in the appropriate Line 1b column.</p> <p>When established simultaneously with child support (for the same family), the amount of alimony, spousal support, or separate maintenance should be determined before the child support guidelines are applied, except in <u>pendente lite</u> applications. Once the amount of alimony, spousal support, or separate maintenance is set, it is deducted from the payor's gross income and added to the recipient parent's gross income for the purposes of calculating a child support award using the guidelines.</p>
<p><b>Line 1c</b></p> <p><b>Alimony Received</b></p>	<p>Enter the weekly amount of alimony or other spousal support that is received or will be received from a former spouse (i.e., includes payments from the current as well as any past relationships) in the appropriate Line 1c column.</p> <p>To determine whether a payment from a former spouse is considered alimony or separate maintenance, see 26 U.S.C. 71.</p>
<p><b>Line 2</b></p> <p><b>Adjusted Gross Taxable Income</b></p>	<p>Subtract mandatory retirement contributions and alimony paid from the gross taxable income and Add any alimony received to the gross taxable income to obtain the adjusted gross taxable income. Enter each parent's adjusted gross taxable income in the appropriate Line 2 column. [Math: Line 1 - Line 1a - Line 1b + Line 1c]</p>
<p><b>LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET</b></p>	
<p><b>Line 2a</b></p>	<p>Enter each parent's combined weekly federal, state, and local withholding taxes in the</p>

**Withholding Taxes**

appropriate Line 2a column.

Once the taxable portion of gross income is determined, the combined federal, state, city (if applicable), Social Security, and Medicare withholding taxes are deducted. As set forth below, four methods are available to determine the amount of combined income tax withholding to be deducted from gross income.

1. **Combined Income Tax Withholding Tables (Appendix IX-H)** - To use the combined tax withholding tables, the gross taxable income and the number of withholding allowances claimed must be known.

a. Income tax withholding is meant to be consistent with end-of-year tax obligations to avoid the need for payments or refunds. Generally, individuals may claim from zero to two withholding allowances for themselves, one for a spouse, and one for each dependent. Starting in the 1998 tax year, additional allowances may be claimed to accommodate the new child tax credit (see paragraph b). The number of withholding exemptions claimed may vary with the taxpayer's marital status, number of jobs held, estimated adjustments to income, and the employment status of the taxpayer's spouse (see Section 3402 of the Internal Revenue Code, IRS Form W-4, or IRS Pub. 505).

b. Individuals must justify claiming fewer withholding exemptions than allowed since this may result in less available gross income per payroll period and may provide the taxpayer with a substantial refund at the end of the year that will not be considered when determining the child support award. Unless a party can show good cause for claiming fewer withholding allowances than permitted, the following standards shall be used to determine withholding taxes from the Appendix IX-H Combined Tax Withholding Tables:

- (1) one withholding allowance for the parent;
- (2) one withholding allowance for a current spouse;
- (3) one withholding allowance for each dependent child; and
  - (a) for incomes between \$15,000 and \$42,000 if unmarried or between \$20,000 and \$65,000 if married, one additional allowance for each eligible child plus one additional allowance if there are three to five eligible children or two additional allowances if there are six or more eligible children; or
  - (b) for incomes between \$42,000 and \$80,000 if unmarried or between \$65,000 and \$115,000 if married, one additional allowance if there are one or two eligible children two additional allowances if there are three eligible children, three additional allowances if there are four eligible children, or four additional allowances if there are five or more eligible children.

**NOTE:** The combined tax withholding table may not result in the correct tax withholding amount if significant portions of the parent's income are not subject to FICA/Medicare tax (e.g., alimony, rents, dealings in property, interest income), if wages for federal income tax and the FICA/Medicare tax differ, or if the parent is self-employed (requires payment of the full FICA/Medicare tax rate on 92.35% of income - see IRS Pub. 533 or Schedule SE). Generally, unearned income is not subject to the FICA/Medicare tax. See the notes at the end of the Appendix IX-H combined tax withholding table.

*Section Continued* ☞

**LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET**

**Withholding**

**2. End-of-Year Tax Obligations - If the award is being calculated before June 30**

<p><b>Taxes - continued</b></p>	<p>of the current year and the prior year's federal and state income tax return forms, and Forms W-2 are available, the tax obligation may be calculated as follows:</p> <p style="padding-left: 40px;">a. add the end-of-year income tax obligation (i.e., total tax) from the federal and state tax return forms, the W-2 Social Security tax withheld, and the W-2 Medicare tax withheld.</p> <p style="padding-left: 40px;">b. divide the sum of the taxes by 52.</p> <p><b>3. <u>Year-to-Date Calculation</u></b> - If the award is being calculated after June 30 of the current year and a check stub (which represents the parent's only income source) is available, add the year-to-date federal, state, Social Security and Medicare withholding taxes and divide the sum by the number of weeks employed.</p> <p><b>4. <u>Self-Employed Persons</u></b> - For persons whose income is derived from self-employment or the operation of a business, the court should carefully review personal and business income tax returns (State and federal) and IRS-1099 statements from the most recent tax year to determine the amount of taxes to be deducted from gross income.</p> <p>Note: the method of determining withholding taxes and each parent's number of allowances and marital status must be documented in the <i>Comments</i> section (Line 6) of the worksheet.</p>
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<p><b>Line 2b</b></p> <p><b>Prior Child Support Orders</b></p>	<p><b>Enter the weekly amount of previously ordered child support in the appropriate Line 2b column.</b></p> <p><b>Since previously ordered child support of other relationships represents income that is not available for determining the current child support obligation, the amount of such orders must be deducted from the obligor's weekly Adjusted Gross Taxable Income (in anticipation of the payment of the order).</b></p> <p><b>In cases where the obligor must pay support to multiple families, considering these amounts in the guidelines worksheet may result in the obligor's net income falling below the self-support reserve, seriously affecting the support order for the most recent case. In these instances, it may be necessary for the court to deviate from the guidelines.</b></p>
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<p><b>Line 2c</b></p> <p><b>Mandatory Union Dues</b></p>	<p><b>Enter each parent's weekly mandatory union dues in the appropriate Line 2c column.</b></p> <p><b>Union dues must be mandatory (i.e., required as a condition of employment) to be eligible as a deduction from a parent's adjusted gross income. Calculate the weekly amount of mandatory union dues by dividing the year-to-date dues paid by the number of employed weeks or by using an average of the prior year's dues payments.</b></p>
<p><b>Line 2d</b></p> <p><b>Other-Dependent Deduction</b></p>	<p><b>Enter</b> the theoretical weekly child support obligation for other legal dependents (from Line 14 of the Sole-Parenting worksheet prepared for the alternate family) on Line 2d of the worksheet of the parent requesting the adjustment. The Line 14 amount represents the parent's income share of the total marginal costs for the children in the alternate family. The obligation amount for other legal dependents (the other-dependent deduction) should be calculated on a separate Sole-Parenting worksheet.</p> <p>The other-dependent deduction is part of an adjustment mechanism to apportion a parent's income to all legal dependents including those born before or after the children for whom support is being determined. Legal dependents include adopted or natural children of either parent who are under 18 years of age or over 18 years of age <b>and</b> still attending high school or other secondary school. No adjustment is provided for stepchildren. Generally, stepchildren are considered the legal responsibility of their natural parents unless the court determines that a stepparent has a legal obligation to support the child.</p> <p>The adjustment requires that three support obligations be calculated - a theoretical support obligation for the other dependents in the alternate family, a support obligation that includes the other-dependent deduction, and a support obligation that does not include the other-dependent deduction. The deduction and the adjusted support obligation are calculated only if requested by a serial-family parent and the income of the other parent in the alternate family is provided to the court.</p> <ol style="list-style-type: none"> <li>1. The amount of the deduction is the serial parent's theoretical support obligation for the children in the alternate family. It requires that a separate Sole-Parenting child support guidelines worksheet be completed (through Line 14) for the children in the alternate family with the parent claiming the deduction being the theoretical obligor of those children. The deduction is calculated based on the income of the parent claiming the deduction and the income of that person's current spouse.</li> <li>2. A parent must disclose the gross income of the other parent in the alternate family as a condition to the right to claim this deduction. If the other parent in the alternate family is voluntarily unemployed or underemployed, the court may impute income to that person to determine the parent's obligation to the children in the alternate family.</li> <li>3. The amount of the deduction shall not be calculated for alternate families having more than six children. In such cases, the court may find that the guidelines are inapplicable and may establish the child support award based on the factors set forth in <i>N.J.S.A. 2A:34-23</i> and existing case law.</li> </ol>

<p><b>Line 3</b></p> <p><b>Net Taxable Income</b></p>	<p>Subtract the combined withholding tax, prior child support orders, mandatory union dues, and the other-dependent deduction*, if any, from the Adjusted Gross Taxable Income to obtain the Net Taxable Income. [Math: Line 2 - Line 2a - Line 2b - Line 2c - Line 2d]. Enter each parent's Net Taxable Income in the appropriate Line 3 column.</p> <p><i>*If the other-dependent adjustment is requested, three worksheets must be prepared: (1) one calculating the parent's theoretical obligation to dependents in the secondary family, (2) one calculating a support award after deducting the theoretical obligation from the parent's net income, and (3) one calculating the support award as if there were no other dependents (i.e., the theoretical obligation without the other dependent deduction). Thus, the other-dependent deduction is not always deducted when figuring net income. The support award is adjusted for other dependents using Lines 21 through 23.</i></p>
<p><b>Line 4</b></p> <p><b>Non-Taxable Income</b></p>	<p>Enter each parent's weekly gross non-taxable income in the appropriate Line 4 column.</p> <p>Enter the source or type of non-taxable income in the space provided on Line 4 or in the Comments section of the Worksheet.</p>
<p><b>Line 5</b></p> <p><b>Net Income</b></p>	<p>Add the Net Taxable Income and the Non-Taxable Income to obtain the weekly Net Income. [Math: Line 3 + Line 4]. Enter each parent's Net Income in the appropriate Line 5 column.</p> <p>Add the net incomes of the parents to obtain the Combined Net Income [Math: Line 5 Custodial Parent + Line 5 Non-Custodial Parent = Line 5 Combined]. Enter the result on Line 5, Combined.</p>
<p><b>Line 6</b></p> <p><b>Percentage Share of Income</b></p>	<p>Divide each parent's net income by the combined net income to obtain each parent's percentage share of income. [Math: Line 5 Custodial Parent ÷ Line 5 Combined = Custodial Parent Line 6 Percentage Share; Line 5 Non-Custodial Parent ÷ Line 5 Combined = Non-Custodial Parent Line 6 Percentage Share]. The sum of the two percentages (ratios) must equal one (the decimal equivalent of 100%). Enter each parent's income share in the appropriate Line 6 column.</p>
<p><b>LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET</b></p>	
<p><b>Line 7</b></p>	<p>Look-up the Basic Child Support Amount from Appendix IX-F award schedule.</p>

<p><b>Basic Child Support Amount</b></p>	<p>Select the appropriate amount for the number of children for whom support is being determined and the Line 5 combined net income of the parents. Enter the Basic Child Support Amount on Line 7.</p>
<p><b>Basic Child Support Amount - continued</b></p>	<p>The parents' combined net income and the number of children for whom support is being determined are used to obtain the basic child support amount from the Appendix IX-F schedules. Appendix IX-F combined net incomes are provided in \$10 increments. For incomes that fall between income increments, go to the next higher income increment if the amount is \$5.00 or more (e.g., if the combined income is \$446, use the award for \$450 combined income; if it is \$444, use the award for \$440).</p> <p>As explained in Appendix IX-A, the basic child support amount represents average spending on children by intact families (see Appendix IX-A for consumption items included and excluded in the Appendix IX-F basic child support amount).</p>
<p><b>Line 8</b></p> <p><b>Adding Net Work-Related Child Care Costs to the Basic Obligation</b></p>	<p>Calculate net work-related child-care costs using the Appendix IX-E Net Child Care Expense Worksheet. Enter the weekly net child-care cost (from Line 7 of Appendix IX-E Worksheet) on Line 8.</p> <p>Since child care expenses are excluded from the Appendix IX-F child support schedules, such costs, if incurred by either parent, must be added to the basic support amount.</p> <ol style="list-style-type: none"> <li>1. <i>Qualified Child Care Expenses.</i> Qualified child care expenses are those incurred to care for a dependent who is under the age of 15 or is physically or mentally handicapped. These expenses must be necessary for the employment or job search of the parent. Child care expenses should be reasonable and should not exceed the level required to provide quality care for the child(ren) from a licensed source. Only the net cost of child care (after the federal tax credit is deducted) is added to the basic award. It is assumed that the parent paying for child care will apply for and receive the federal child care tax credit at the end of the tax year.</li> <li>2. <i>Determining the Net Child Care Cost</i> <ol style="list-style-type: none"> <li>a. Calculate the Adjusted Gross Income (AGI) of the parent paying for child care by deducting moving expenses, one-half of the self-employment tax, IRA and Keough contributions, penalties on early withdrawal of savings, self-employment health insurance cost, and alimony paid from that parent's gross income. If this information is not available, use the parent's gross income (Line 1 + Line 4).</li> <li>b. Determine the annual child-care cost.</li> <li>c. Complete the Net Child Care Expense Worksheet in Appendix IX-E to find the weekly net child-care cost to be added to the basic support amount.</li> </ol> </li> </ol>
<p><b>LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET</b></p>	
<p><b>Line 9</b></p>	<p>Enter the parent's weekly cost of health insurance for the child for whom support is</p>

<p><b>Adding Health Insurance Costs for the Child to the Basic Obligation</b></p>	<p>being determined on Line 9. If the parent's weekly marginal cost is unknown at the time of the hearing, use the <i>per capita</i> cost of a family policy at the parent's place of work. Do <i>not</i> include health insurance costs for adults or other dependents.</p> <p>Since the cost of health insurance for children is excluded from the Appendix IX-F child support schedules, a parent's contributions to a health insurance policy which includes the child for whom support is being determined must be added to the basic support amount. Only the parent's cost of adding the child to the health insurance (medical and dental) policy is added to the basic support amount (i.e., the marginal premium cost to the parent to add the child to the policy). If the parent who is providing the health insurance has no proof of the cost of adding the child to the health insurance policy, the parent's total premium cost should be divided by the number of persons covered by the policy (per capita). The result is then multiplied by the number of children for whom support is being determined to obtain the child's estimated share of the health insurance cost. For example, if the parent's total health insurance cost is \$60 per week and there are four persons covered by the policy (the parent, the two children who are the subjects of the support order, and a new spouse), the per capita health insurance cost for the two children is \$30 (<math>\\$60 \div 4 \text{ persons} = \\$15</math>) <math>\times 2 \text{ children} = \\$30</math>). If both parents provide health insurance for the child, each parent's marginal cost of adding the child to the policy should be added together to determine the total health insurance cost for the child. If the cost of the health insurance policy is unknown at the time of the support establishment hearing, the parent may apply for a modification of the support order when such information becomes available.</p>
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<p><b>Line 10</b></p> <p><b>Adding Predictable and Recurring Unreimbursed Health Care to the Basic Obligation</b></p>	<p>Enter the weekly unreimbursed cost of any health care, if predictable and recurring, for the child that exceeds \$250 per child per year on Line 10.</p> <p><i>Costs under \$250 per child per year</i> - Unreimbursed health care expenses (medical and dental expenses not covered by insurance) up to and including \$250 per child per year are included in the Appendix IX-F child support schedules and are assumed to be paid by the custodial parent. Because they are part of the basic child support amount, these <i>ordinary</i> health care expenses are shared in proportion to the relative incomes of the parents.</p> <p><i>Predictable, Recurring Costs above \$250 per child per year</i> - Unreimbursed health care expenses in excess of \$250 per child per year are excluded from the child support schedules. If such expenses are predictable and recurring, they should be added to the basic support amount using Line 10. The court should consider the duration and recurring nature of unreimbursed health care expenses prior to adding them to the basic support amount. If both parents provide predictable, recurring unreimbursed health care for the child, the cost to each parent should be added together to determine the total unreimbursed health care costs. Each parent's direct health care expenses for the child above the \$250 per child annual threshold are credited against his or her share of the total support award on Line 17.</p>
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*Section Continued* ↩

**LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET**

<p><b>Predictable and</b></p>	<p><i>Unpredictable, Non-Recurring Costs above \$250 per child per year</i> - Health-care expenses for a child that exceed \$250 per child per year that are not predictable</p>
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<p><b>Recurring Unreimbursed Health Care - continued</b></p>	<p>and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.</p>
<p><b>Line 11</b></p> <p><b>Adding Court-Approved Predictable and Recurring Extraordinary Expenses to the Basic Support Amount</b></p>	<p>Enter court-approved predictable and recurring costs for the child on Line 11.</p> <p>If approved by the court, predictable and recurring extraordinary expenses for the child that are not included in the Appendix IX-F child support awards may be added to the basic support amount. Examples of extraordinary expenditures are PAR Time transportation expenses, special diets, and private education costs for gifted or handicapped children. See Appendix IX-A, paragraph 8, for a list of items that are included in the Appendix IX-F awards and an explanation of private education expenses that may be added to the basic support amount.</p> <p>Extraordinary expenses for a child that are not predictable and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.</p> <p>Each parent's direct spending on court-approved extraordinary expenses for the child are credited against his or her share of the total support award on Line 18.</p>
<p><b>Line 12</b></p> <p><b>Deducting Government Benefits Paid to or for the Child</b></p>	<p>Enter government benefits received by the child on behalf of either parent on Line 12.</p> <p>If a child is receiving government benefits based on either parent's earning record, disability, or retirement, the amount of those benefits must be deducted from the total support award (regardless of the effect of the child's benefit payments on benefits paid to the parent). Such benefits include, but are not limited to: Social Security Retirement or Disability, Black Lung, and Veteran's Administration benefits. Also included are non-means-tested government benefits meant to offset the cost of the child such as adoption subsidies (<i>N.J.A.C. 10:121-2</i>). SSI, public assistance (TANF), and other means-tested benefits are <u>not</u> government benefits based on a parent's earnings record, disability or retirement and should not be included on Line 12. If the government benefit received by the child is greater than the total support award (i.e., the amount of the total support award after deducting the government benefit is zero or less), the amount of the government benefit that is being paid to or for the child represents the support award. In such cases, the support award should be made payable directly to the obligee (i.e., from the government agency to the obligee; not through Probation). If the government benefit is less than the total support obligation, it shall continue to be paid directly to the obligee and the residual amount shall be paid through Probation. See Appendix IX-A, paragraph 10(b).</p> <p>Note that these benefits are not included in the gross income of the recipient parent.</p>
<p><b>LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET</b></p>	
<p><b>Line 13</b></p>	<p>Add the basic child support amount, net child-care cost, health insurance cost for the child, predictable and recurring unreimbursed health-care costs above \$250 per</p>

<b>Calculating the Total Child Support Amount</b>	<b>child per year, and court-approved predictable and recurring extraordinary expenses. Then, Subtract any government benefits received by the child. The result is the Total Child Support Amount. [Math: ((Line 7 + Line 8 + Line 9 + Line 10 + Line 11) - Line 12)]. Enter the total support amount on Line 13.</b>
<b>IF THE TOTAL CHILD SUPPORT AMOUNT IS ZERO, (THE GOVERNMENT BENEFIT EXCEEDS THE TOTAL CHILD SUPPORT AMOUNT), STOP! GOVERNMENT BENEFITS PAID DIRECTLY TO CHILD'S CUSTODIAN WILL SUBSTITUTE FOR THE CHILD SUPPORT ORDER. OTHERWISE, CONTINUE TO LINE 14.</b>	
<b>Line 14</b>  <b>Parental Share of the Total Child Support Obligation</b>	<b>Multiply each parent's percentage share of income by the total child support amount to find each parent's share of the total child support amount. Math: Line 6 Custodial Parent × Line 13 Total Support; Line 6 Non-Custodial Parent × Line 13 Total Support]. Enter each parent's share of the total support amount in the appropriate Line 14 column.</b>
<b>Line 15</b>  <b>Credit for Child-Care Payments</b>	<b>Enter payments (if any) for work-related child-care that are being paid by the non-custodial parent directly to the child care provider in the Line 15 NCP column. NOTE: payments cannot exceed the net work-related child care cost on Line 8.</b>
<b>Line 16</b>  <b>Credit for Payment of Child's Health Insurance Cost</b>	<b>Enter the non-custodial parent's direct payments (or payroll deductions) toward the marginal cost of adding the child to a health insurance policy in the Line 16 NCP column. NOTE: payments cannot exceed the parent's cost of health insurance for the child added on Line 9.</b>
<b>Line 17</b>  <b>Credit for Payment of Child's Predictable and Recurring Unreimbursed Health Care</b>	<b>Enter the non-custodial parent's direct payments (if any) for predictable and recurring unreimbursed health care above \$250 per child per year in the Line 17 NCP column. NOTE: payments cannot exceed predictable and recurring unreimbursed health care expenses added on Line 10.</b>
<b>Line 18</b>  <b>Credit for Payment of Court-Approved Extraordinary Expenses</b>	<b>Enter the non-custodial parent's direct payments (if any) for predictable and recurring extraordinary court-approved expenses in the Line 18 NCP column. NOTE: payments cannot exceed predictable and recurring extraordinary court-approved expenses added on Line 11.</b>
<b>LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET</b>	
<b>Line 19</b>  <b>Adjustment for</b>	<b>Enter the amount of the adjustment for variable expenses for the child during parenting time periods in the Line 19 NCP column. The court may grant the non-custodial parent an adjustment for parenting time equal to that parent's income share of the child's variable</b>

<b>Parenting Time Variable Expenses</b>	<p>expenses for the percentage of time the child is with that parent. When determining if the adjustment is appropriate, the court should consider whether the non-custodial parent has incurred variable expenses for the child during the parenting time period and if parenting time reduced the other parent's variable expenses for the child. It is assumed that variable costs (food and transportation) for the child account for 37% of the total marginal child-rearing expenditures in intact families. The parenting time adjustment should not exceed the parent's time share of the variable costs for the child.</p> <p><b>To figure the maximum visitation variable-expense adjustment:</b></p> <p>(1) Calculate the assumed variable costs for the child by multiplying the basic child support amount (Line 7) by 37%;</p> <p>(2) Calculate the non-custodial parent's percentage of overnights with the child by dividing the number of overnights with the non-custodial parent by the total overnights with either parent (enter each parent's percentage of time with the child or children on Line 5 of the <i>Comments</i> section of the worksheet);</p> <p>(3) Multiply the variable costs for the child by the non-custodial parent's percentage of overnights. The result is the maximum PAR Time adjustment (the variable cost for the time spent with the child).</p> <p style="text-align: center;"><b>[Math: Line 7 × 0.37 × percentage of time with child]</b></p>
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**NOTE: If the custodial parent's total household net income (from all sources) plus the PAR Time-adjusted support award is less than 200% of the poverty guideline for the number of persons in the household, the PAR Time adjustment is not presumptive and shall be subject to the court's discretion.**

<b>Line 20</b>  <b>Figuring Each Parent's Net Support Obligation</b>	<p><b>Subtract each parent's direct payments for child care, the child's share of the health insurance premium, predictable and recurring unreimbursed health care for the child above \$250 per year per child, and predictable and recurring extraordinary court-approved expenses from the paying parent's share of the total support amount. Then, subtract the Line 19 credit, if any, from the non-custodial parent's support amount. The result is each parent's net child support obligation. [Math: (Line 14 - (Line 15 + Line 16 + Line 17 + Line 18 + Line 19)) for each parent]. Enter each parent's net obligation in the appropriate Line 20 column.</b></p> <p><b>Direct payments are subtracted from the total child support amount of the parent who made the expenditure to find that parent's net child support obligation. Direct payments may be deducted only if the cost was included in the total child support amount. The net child support obligation for the non-custodial parent is the support order that will be paid for the benefit of the children. The net obligation of the custodial parent is considered to be spent directly on the children during the course of providing for their daily needs. If the children reside with a third party, each parent's net obligation is his or her respective child support order to be paid to the third-party custodian of the child (i.e., two orders are paid to the child's custodian).</b></p>
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**IF NEITHER PARENT REQUESTED AN ADJUSTMENT FOR OTHER DEPENDENTS, GO TO LINE 24**

**LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET**

<b>Lines 21, 22, and 23</b>	<p><i>Lines 21, 22, and 23 - Adjusting the Child Support Obligation for Other-Dependents</i></p> <p>1. If either parent requests an adjustment for other legal dependents, three</p>
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<p><b>Adjusting the Child Support Order for Other-Dependents</b></p>	<p>Sole-Parenting worksheets must be prepared (if calculating the adjustment manually). The worksheets will result in the following obligation amounts:</p> <ul style="list-style-type: none"> <li>a. a theoretical support obligation for the child in the alternate family (i.e., the parent requesting the adjustment is the theoretical obligor of the child in the alternate family);</li> <li>b. a support obligation for the child for whom support is being determined calculated <b>after deducting</b> the theoretical obligation for any other dependents from the responsible parent's gross income; and</li> <li>c. a support order for the child for whom support is being determined calculated <b>without deducting</b> the theoretical obligation for other dependents from the responsible parent's gross income.</li> </ul> <p>2. To ensure that a fair share of the parent's income is available to all his or her legal dependents, add the non-custodial parent's support obligation from the worksheet that <b>includes</b> the other-dependent deduction (Line 2d) and the non-custodial parent's support obligation from the worksheet that <b>does not include</b> the other-dependent deduction (Line 2d). Divide the sum of the two obligations by two to obtain the adjusted child support obligation for the non-custodial parent.</p>
<p><b>Line 21 Line 20 CS Obligation With Other-Dependent Deduction</b></p>	<p><b>Enter</b> the amount of the non-custodial parent's <u>net</u> child support obligation (Line 20) from the worksheet that <b>deducted</b> the theoretical support obligation for the parent's other dependents from the parent's net income (i.e., with the Line 2d other-dependent amount deducted from the parent's gross income). Note: the Line 2d theoretical support obligation for children in the alternate family is calculated on a separate Sole-Parenting worksheet.</p>
<p><b>Line 22 Line 20 CS Obligation Without Other-Dependent Deduction</b></p>	<p><b>Enter</b> the amount of the non-custodial parent's net child support obligation (Line 20) from the worksheet that <b>did not deduct</b> the theoretical support obligation for other dependents (Line 2d) from the parent's net income.</p>
<p><b>Line 23  Obligation Adjusted for Other Dependents</b></p>	<p><b>Add</b> the Line 21 support obligation that includes the other-dependent deduction and the Line 22 support obligation that does not include the other-dependent deduction, then <b>divide</b> the sum by two to obtain the Adjusted Child Support Obligation for the non-custodial parent. [Math: <math>((\text{Line 21} + \text{Line 22}) \div 2)</math>]. <b>Enter</b> the result on Line 23.</p>
<p><b>LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET</b></p>	
<p><b>Lines 24, 25, and 26</b></p>	<p><b>To ensure that the obligor parent retains sufficient net income to live at a minimum subsistence level and has the incentive to work, that parent's net child support award</b></p>

<p><b>Maintaining a Self-Support Reserve</b></p>	<p>is tested against 105% of the U.S. poverty guideline for one person. If the NCP's net income after deducting the child support award is less than the self-support reserve, the order should be adjusted. No such adjustment shall occur, however, if the custodial parent's net income is less than the self-support reserve. This priority is necessary to ensure that custodial parents can meet their basic needs while caring for the child(ren). The poverty guideline will be disseminated by the AOC each February or when it is published in the Federal Register. The self-support reserve test is applied as follows:</p> <ol style="list-style-type: none"> <li>1. Subtract the obligor's child support obligation from that person's net income.</li> <li>2. If the difference is greater than 105% of the poverty guideline for one person (\$206.00 per week as of January 24, 2007), the self-support reserve is preserved and the obligor's support obligation is the child support order.</li> <li>3. If the difference is less than 105% of the poverty guideline for one person and the custodial parent's net income is greater than 105% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and the 105% of the poverty guideline for one person.</li> </ol> <p>In determining whether the application of the self-support reserve is appropriate, the court may need to impute income to a parent as provided in Appendix IX-A. The court should also consider a parent's actual living expenses and the custodial parent's share of the support obligation (see Appendix IX-A, paragraph 20).</p>
<p><b>Line 24 Self-Support Reserve Test</b></p>	<p>Calculate whether the obligor's income will exceed 105% of the poverty level by subtracting the non-custodial parent's net child support obligation from that person's net income. [Math: Line 5 Non-Custodial Net Income - Line 20 or Line 23 Non-Custodial Child Support Obligation]. Enter the result for the NCP on Line 24. Enter the custodial parent's net income (from Line 5) on Line 24. Then,</p> <p><i>If the NCP Line 24 amount is less than 105% of the poverty guideline and the CP Line 24 is greater than 105% of the poverty guideline, Go To Line 25. If the NCP result is greater than 105% of the poverty guideline, Skip Line 25 and Enter the Line 20 or Line 23 non-custodial parent child support obligation on Line 26.</i></p> <p><b>NOTE:</b> If the CP Line 24 amount is less than 105% of the poverty guideline, there is no NCP self-support reserve adjustment. In this case, the NCP Line 20 or 23 amount is the final child support order (Line 26).</p>
<p><b>Line 25 Maximum Child Support Order</b></p>	<p>Subtract the poverty level from the non-custodial parent's net income to find the maximum child support order. [Math: Line 5 Non-Custodial Net Income - 105% of the poverty guideline]. Enter the result on Lines 25 and 26.</p>
<p><b>Line 26 Child Support Order</b></p>	<p>Line 26 is the amount to be paid by the non-custodial parent (the obligor) to the custodial parent (from either Line 24 or Line 25) for the benefit of the children.</p>

<p align="center"><b>Line Instructions for the Shared-Parenting Worksheet</b></p>	
<p><b>Caption</b></p>	<p>Enter the names of the parties, the county of venue, the docket number, and the</p>

	<p>number of children for whom support is being determined. Check-off whether the Parent of the Primary Residence is the plaintiff or defendant.</p>
<p>Lines 1 through 5  Determining Income</p>	<p><i>Gross Income</i> - For the purpose of these guidelines, <i>gross income</i> is all earned and unearned income that is recurring or will increase the income available to the recipient over an extended period of time. When determining whether an income source should be included in the child support guidelines calculation, the court should consider if it would have been available to pay expenses related to the child if the family would have remained intact or would have formed and how long that source would have been available to pay those expenses.</p> <p><i>Sources of Income</i> - <i>Gross income</i>, includes, but is not limited to, income from the following sources:</p> <ul style="list-style-type: none"> <li>a. compensation for services, including wages, fees, tips, and commissions;</li> <li>b. the operation of a business minus ordinary and necessary operating expenses (see IRS Schedule C);</li> <li>c. gains derived from dealings in property;</li> <li>d. interest and dividends (see IRS Schedule B);</li> <li>e. rents (minus ordinary and necessary expenses - see IRS Schedule E);</li> <li>f. bonuses and royalties;</li> <li>g. alimony and separate maintenance payments received from the current or past relationships;</li> <li>h. annuities or an interest in a trust;</li> <li>i. life insurance and endowment contracts;</li> <li>j. distributions from government and private retirement plans including Social Security, Veteran's Administration, Railroad Retirement, deferred compensation, Keoughs and IRA's;</li> <li>k. personal injury awards or other civil lawsuits;</li> <li>l. interest in a decedent's estate or a trust;</li> <li>m. disability grants or payments (including Social Security disability);</li> <li>n. profit sharing plans;</li> <li>o. worker's compensation;</li> <li>p. unemployment compensation benefits;</li> <li>q. overtime, part-time and severance pay;</li> <li>r. net gambling winnings;</li> <li>s. the sale of investments (net capital gain) or earnings from investments;</li> <li>t. income tax credits (excluding the federal and state Earned Income Credit and the N.J. homestead rebate);</li> <li>u. unreported cash payments (if identifiable);</li> <li>v. the value of in-kind benefits; and</li> <li>w. imputed income (see Appendix IX-A, paragraph 12).</li> </ul> <p style="text-align: center;"><i>Section Continued</i> ☞</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p>Determining</p>	<p><i>Income from self-employment or operation of a business.</i></p>

**Income -continued**

**a. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income is gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Personal income from the operation of a business includes all income sources listed above and *potential cash flow* resulting from loans taken from the business.**

**b. In general, income and expenses from self-employment or the operation of a business should be carefully reviewed to determine an appropriate level of gross income that is available to the parent to pay a child support obligation. In most cases, this amount will differ from the determination of business income for tax purposes.**

**c. Specifically excluded from ordinary and necessary expenses, for the purposes of these guidelines, are expenses allowed by the IRS for:**

- (1) the accelerated component of depreciation expenses;**
- (2) first-year bonus depreciation;**
- (3) depreciation on appreciating real estate;**
- (4) investment tax credits;**
- (5) home offices;**
- (6) entertainment;**
- (7) travel in excess of the government rate;**
- (8) non-automobile travel that exceeds standard rates;**
- (9) automobile expenses;**
- (10) voluntary contributions to pension plans in excess of 7% of gross income; and**
- (11) any other business expenses that the court finds to be inappropriate for determining gross income for child support purposes.**

***Sporadic Income***

**a. If income from any source is sporadic or fluctuates from year to year (e.g., seasonal work, dividends, bonuses, royalties, commissions), the amount of sporadic income to be included as *gross income* shall be determined by averaging the amount of income over the previous 36 months or from the first occurrence of its receipt whichever time is less.**

**b. For overtime pay or income from a second job, the average is based on the prior 12 months or first receipt whichever time is greater.**

**c. The court may exclude sporadic income if the party can prove that it will not be available in an equivalent amount in the future.**

***Section Continued*** ↩

**LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET**

**Determining  
Income -continued**

***Military Pay* - All military pay and allowances shall be included as gross income for determining child support (see *Rose vs. Rose*, 107 S.Ct. 2029 (1987)).**

a. All service members receive Basic Allowance for Quarters (BAQ) and Basic Allowance for Subsistence (BAS) or live in government accommodations and eat at mess halls for free. If BAQ and BAS are not received due to government-provided accommodations and food, the value of such in-kind income may be included in the service member's gross income.

b. BAQ, BAS, and Variable Housing Allowances (VHS) are considered income when determining child support. These forms of income are not subject to tax.

*In-Kind Income* - The fair-market value of goods, services or benefits received in lieu of wages and in the course of employment shall be included as gross income if they reduce personal living expenses of the recipient regardless of whether they are derived from an employer, self-employment, or the operation of a business. Examples of in-kind goods, services, and benefits include vehicles, automobile insurance, free housing, meals, benefits selected under a cafeteria plan, memberships, or vacations. Expense reimbursements are not considered income.

*Alimony, Spousal Support, and/or Separate Maintenance Received* - Alimony, spousal support, or separate maintenance payments received from a spouse or former spouse in accordance with a court order are considered gross income to the recipient. If child support and alimony, spousal support, or separate maintenance are being determined simultaneously (for the same family), the court should set the alimony, spousal support, or separate maintenance first and include that amount in the recipient's gross income (on Line 1c) before applying the child support guidelines, except in pendente lite situations. Alimony, spousal support, or maintenance payments being or to be paid to former spouses in the future (to the current spouse) are excluded from the payor's income (on Line 1b).

*Types of Income Excluded from Gross Income* - The following types of income are excluded from gross income:

- a. means-tested income (i.e., based on the fact that the recipient has minimal income and requires government assistance to live) including, but not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), General Assistance, Refugee Assistance, rent subsidies, food stamps, and Supplemental Security Income for the Aged, Blind or Disabled;
- b. alimony, spousal support, or separate maintenance payments (the net amount after deducting the tax benefits, if known) to a current or former spouse;
- c. child support received for children of another relationship;

*Section Continued* ↗

**LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET**

**Determining**

**d. non-income producing assets (e.g., undeveloped real estate, automobiles,**

**Income -continued**

jewelry, art, stocks and bonds) unless the court finds that the intent of the investment was to avoid the payment of child support;

e. income from children, unless the court determines that such income should be included because the child is a professional or has substantial income that reduces the family's living expenses;

f. income from other household members (e.g., step-parents, grandparents, current spouse) who are not legally responsible for the support of the child for whom support is being established except to determine the other-dependent credit (the income of the current spouse may be included if an other-dependent deduction is requested - see Appendix IX-A, paragraph 10);

g. a government benefit based on a parent's earnings record, disability, or condition that is paid to or for the child (or the child's caretaker) for whom support is being determined (e.g., Black Lung, Veteran's Disability, Social Security) or other non-means-tested government benefits meant to reduce the cost of the child (e.g., adoption subsidies as provided by N.J.A.C. 10:121-2);

h. for modifications involving retirement income, the pro-rated amount of contributions to a voluntary plan that were previously included in gross income when the current support order was established; and

i. financial assistance for education including loans, grants, scholarships, veteran's education benefits, and awards provided under the National and Community Service Act of 1990 (except post-service benefits).

*Collecting and Verifying Income Information*

a. Prior to a hearing to establish or modify child support, the parties shall submit either a Case Information Statement (*R. 5:5-2*) or a Financial Statement in Summary Support Actions (*R. 5:5-3*) to the court.

b. When possible, the court should determine gross income as follows:

(1) Prior to June 30 of the current year, use Federal and State income tax returns, W-2 statement(s) and IRS 1099's from the preceding year. If tax documentation is unavailable, use any other available evidence of current earnings (e.g., paystubs, employer wage verifications, or, for the self-employed, statements of business receipts and expenses). If a joint income tax return includes income of a person other than one of the parties involved in the support proceeding (e.g., the current spouse), the taxpayer or that person's attorney shall be responsible for the redaction of the tax return.

*Section Continued* ↗

**LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET**

**Determining**

(2) After June 30, use the year-to-date income figure from all documented

<p>Income -continued</p>	<p>sources listed above. Divide the total gross income from all sources by the number of employed weeks to determine the weekly gross income.</p> <p>(3) If no income documentation is available, income may be determined through testimony or imputed as set forth in Appendix IX-A, para. 10.</p> <p><b><u>Note on Income Documentation:</u></b> The review of a pay stub, W-2 form, IRS-1099 form or tax return may not provide all necessary income information for a parent. The accurate determination of income may be dependent on a combination of these documents and testimony. Also, note that a parent may have more than one W-2 wage statement if that person worked for multiple employers during the year.</p> <p><b><i>Taxable and Non-Taxable Income</i></b> - Before determining Net Income, gross income must be separated into taxable and non-taxable portions to ensure that withholding taxes are deducted only from taxable gross income. Generally, the types of income listed below are not subject to tax. Other types of income may be non-taxable depending on the status of the taxpayer or the source of income. For more information on taxable and non-taxable income, refer to IRS Publication 525 (<i>Taxable and Non-Taxable Income</i>) or, for New Jersey income taxes, see <i>N.J.S.A. 54A:6-1</i> or <i>NJ-WT</i>. The following items are considered income to the parents, but should not be used to calculate withholding or income taxes when determining net income.</p> <p style="text-align: center;"><b>1. <i>Income Not Subject to Federal Income Tax</i></b></p> <ul style="list-style-type: none"> <li>a. Accident and health insurance proceeds;</li> <li>b. Black-lung benefits;</li> <li>c. Child support payments;</li> <li>d. Federal Employees Compensation Act payments;</li> <li>e. Interest on state or local obligation;</li> <li>f. Scholarships and fellowships grants;</li> <li>g. Veteran's benefits;</li> <li>h. Worker's compensation;</li> <li>i. Life insurance proceeds paid due to death of the insured;</li> <li>j. Social Security benefits. However, if the taxpayer has income of more than \$25,000 if single or \$32,000 if married and filing a joint return some of the benefits may be taxable (see IRS Publication 915);</li> <li>k. Casualty insurance and other reimbursements; and</li> <li>l. Earnings from tax-free government bonds or securities.</li> </ul> <p style="text-align: center;"><i>Section Continued</i> ➡</p>
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**LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET**

<p>Determining Income -continued</p>	<p style="text-align: center;"><b>2. <i>Income Not Subject to New Jersey State Income Tax</i></b></p>
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- a. Federal Social Security benefits;
- b. Railroad Retirement benefits;
- c. Proceeds of life insurance contracts payable by reason of death;
- d. Employee's death benefits;
- e. The value of property acquired by gift, bequest, devise or inheritance except income from any such property or if the gift, bequest, devise or inheritance is income;
- f. Amounts received under worker's compensation including income from suits, agreements, accident or health insurance resulting from personal injuries or sickness;
- g. Compensation paid by the United States for services in the Armed Forces performed by an individual not domiciled in New Jersey;
- h. Grants or scholarships received from education institutions;
- I. Payments of up to \$10,000 for a married couple filing jointly, \$5,000 for a married couple filing separately and \$7,500 for a single taxpayer from an annuity, endowment or life insurance contract or payments of any such amount received as pension, disability or retirement benefits for persons at least 62 years old or disabled under Social Security;
- j. New Jersey Lottery winnings;
- k. Permanent and total disability benefits under a public or private plan and certain accident and health insurance benefits including Veteran's benefits;
- l. Unemployment Insurance benefits;
- m. Interest on obligations issued by the State or any county, municipality, school or other governmental body of New Jersey and obligations statutorily free from tax under State or federal law;
- n. Amounts contributed by an employer on behalf of an employee to a trust which meets the requirements of IRC section 401(K) are not taxable in the year when made; and
- o . Earnings from tax-free government bonds or securities.

Note on Social Security Taxes: Social Security tax withholding (FICA) for high-income persons may vary during the year. In the early part of the year, 6.2% is withheld on the first \$97,500 of gross earnings (for wage earners in 2007). After the maximum \$6,045 is withheld, no additional FICA taxes are withheld. Thus, pay stubs issued early in the year may understate net income, while those issued later in the year may overstate it. To estimate weekly FICA taxes, amortize the annual FICA tax using the number of weeks employed or use the Appendix IX-H combined tax tables. Note that self-employed persons must pay the full FICA tax (12.4%) up to the \$97,500 limit and the full Medicare tax rate (2.9%) on all earned income.

**Analyzing Income Tax Returns - For assistance in analyzing income tax returns to determine parental income, see American Bar Association, Section of Family Law, *The 1040 Handbook: A Guide to Income and Asset Discovery*, 2d, 1993.**

<p><b>Line 1</b></p> <p><b>Gross Taxable Income</b></p>	<p>Enter the weekly gross taxable income of each parent in the appropriate Line 1 column.</p> <p>Non-taxable income is entered on Line 4.</p>
<p><b>Line 1a</b></p> <p><b>Mandatory Retirement Contributions</b></p>	<p>Enter weekly mandatory retirement contributions for each parent in the appropriate Line 1a column.</p> <p>Contributions to retirement or pension plans that are mandatory (i.e., required as a condition of employment) are not considered income for determining child support obligations. Since mandatory pension contributions are generally non-taxable, the amount of such payments must be deducted from gross income before withholding taxes and the Adjusted Gross Taxable Income are calculated. Voluntary payments to Deferred Compensation Plans (e.g., 401K, 414B), Keoughs, and IRA's should not be deducted from gross income. Calculate the weekly amount of mandatory retirement contributions by dividing the year-to-date contributions by the number of weeks employed or by using an average of the prior year's contributions.</p>
<p><b>Line 1b</b></p> <p><b>Alimony Paid</b></p>	<p>Enter the weekly amount of alimony or other form of spousal support that is paid or will be paid to a former spouse in the appropriate Line 1b column.</p> <p>When established simultaneously with child support (for the same family), the amount of alimony, spousal support, or separate maintenance should be determined before the child support guidelines are applied, except in <u>pendente lite</u> applications. Once the amount of alimony, spousal support, or separate maintenance is set, it is deducted from the payor's gross income and added to the recipient parent's gross income for the purposes of calculating a child support award using the guidelines.</p>
<p><b>Line 1c</b></p> <p><b>Alimony Received</b></p>	<p>Enter the weekly amount of alimony or other form of spousal support that is received or will be received from a former spouse (i.e., includes payments from the current as well as any past relationships) in the appropriate Line 1c column.</p> <p>To determine whether a payment from a former spouse is considered alimony or separate maintenance, see 26 U.S.C. 71.</p>
<p><b>Line 2</b></p> <p><b>Adjusted Gross Taxable Income</b></p>	<p>Subtract mandatory retirement contributions and alimony paid from the gross taxable income and Add any alimony received to the gross taxable income to obtain the adjusted gross taxable income. Enter each parent's adjusted gross taxable income in the appropriate Line 2 column. [Math: Line 1 - Line 1a - Line 1b + Line 1c]</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p><b>Line 2a</b></p> <p><b>Withholding</b></p>	<p>Enter each parent's combined weekly federal, state, and local withholding taxes in the appropriate Line 2a column.</p>

<p><b>Taxes</b></p>	<p>Once the taxable portion of gross income is determined, the combined federal, state, city (if applicable), Social Security, and Medicare withholding taxes are deducted. As set forth below, four methods are available to determine the amount of combined income tax withholding to be deducted from gross income.</p> <p><b>1. <u>Combined Income Tax Withholding Tables (Appendix IX-H)</u> - To use the combined tax withholding tables, the gross taxable income and the number of withholding allowances claimed must be known.</b></p> <p><b>a. Income tax withholding is meant to be consistent with end-of-year tax obligations to avoid the need for payments or refunds. Generally, individuals may claim from zero to two withholding allowances for themselves, one for a spouse, and one for each dependent. Starting in the 1998 tax year, additional allowances may be claimed to accommodate the new child tax credit (see paragraph b). The number of withholding exemptions claimed may vary with the taxpayer's marital status, number of jobs held, estimated adjustments to income, and the employment status of the taxpayer's spouse (see Section 3402 of the Internal Revenue Code, IRS Form W-4, or IRS Pub. 505).</b></p> <p><b>b. Individuals must justify claiming fewer withholding exemptions than allowed since this may result in less available gross income per payroll period and may provide the taxpayer with a substantial refund at the end of the year that will not be considered when determining the child support award. Unless a party can show good cause for claiming fewer withholding allowances than permitted, the following standards shall be used to determine withholding taxes from the Appendix IX-H Combined Tax Withholding Tables:</b></p> <p><b>(1) one withholding allowance for the parent;</b>  <b>(2) one withholding allowance for a current spouse;</b>  <b>(3) one withholding allowance for each dependent child; and</b>  <b>(a) for incomes between \$15,000 and \$42,000 if unmarried or between \$20,000 and \$65,000 if married, one additional allowance for each eligible child plus one additional allowance if there are three to five eligible children or two additional allowances if there are six or more eligible children; or</b>  <b>(b) for incomes between \$42,000 and \$80,000 if unmarried or between \$65,000 and \$115,000 if married, one additional allowance if there are one or two eligible children, two additional allowances if there are three eligible children, three additional allowances if there are four eligible children, or four additional allowances if there are five or more eligible children.</b></p> <p><b>NOTE: The combined tax withholding table may not result in the correct tax withholding amount if significant portions of the parent's income are not subject to FICA/Medicare tax (e.g., alimony, rents, dealings in property, interest), if wages for federal income tax and the FICA/Medicare tax differ, or if the parent is self-employed (requires payment of the full FICA/Medicare tax rate on 92.35% of income - see IRS Pub. 533 or Schedule SE). Generally, unearned income is not subject to the FICA/Medicare tax. See the notes at the end of the Appendix IX-H combined tax withholding table.</b></p> <p style="text-align: center;"><i>Section Continued</i> ☞</p>
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**LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET**

<p><b>Withholding Taxes - continued</b></p>	<p><b>2. <u>End-of-Year Tax Obligations</u> - If the award is being calculated before June 30 of the current year and the prior year's federal and state income tax return</b></p>
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	<p>forms, and Forms W-2 are available, the tax obligation may be calculated as follows:</p> <p>a. add the end-of-year income tax obligation (i.e., total tax) from the federal and state tax return forms, the W-2 Social Security tax withheld, and the W-2 Medicare tax withheld.</p> <p>b. divide the sum of the taxes by 52.</p> <p>3. <b><u>Year-to-Date Calculation</u></b> - If the award is being calculated after June 30 of the current year and a check stub is available (which represents the parent's only income source), add the year-to-date federal, state, Social Security and Medicare withholding taxes and divide the sum by the number of weeks employed.</p> <p>4. <b><u>Self-Employed Persons</u></b> - For persons whose income is derived from self-employment or the operation of a business, the court should carefully review personal and business income tax returns (State and federal) and IRS 1099 statements from the most recent tax year to determine the amount of taxes to be deducted from gross income.</p> <p>Note: the method of determining withholding taxes and each parent's number of allowances and marital status must be documented in the <i>Comments</i> section (Line 5) of the worksheet.</p>
<p><b>Line 2b</b></p> <p><b>Prior Child Support Orders</b></p>	<p>Enter the weekly amount of previously ordered child support in the appropriate Line 2b column.</p> <p>Since previously ordered child support of other relationships represents income that is not available for determining the current child support obligation, the amount of such orders must be deducted from the obligor's weekly Adjusted Gross Taxable Income (in anticipation of the payment of the order). In cases where the obligor must pay support to multiple families, considering these amounts in the guidelines worksheet may result in the obligor's net income falling below the self-support reserve, seriously affecting the support order for the most recent case. In these instances, it may be necessary for the court to deviate from the guidelines.</p> <p>[Note: Revision to Line Instructions for Lines 1-5, 1b, and 2b (as to both the Sole-Parenting Worksheet and the Shared-Parenting Worksheet) adopted and effective April 2, 2001]</p>
<p><b>Line 2c</b></p> <p><b>Mandatory Union Dues</b></p>	<p>Enter each parent's weekly mandatory union dues in the appropriate Line 2c column.</p> <p>Union dues must be mandatory (i.e., required as a condition of employment) to be eligible as a deduction from a parent's Adjusted Gross Taxable Income. Calculate the weekly amount of mandatory union dues by dividing the year-to-date dues paid by the number of employed weeks or by using an average of the prior year's dues payments.</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p><b>Line 2d</b></p>	<p>Enter the theoretical weekly child support obligation for other legal dependents (from Line 14 of the Sole-Parenting worksheet prepared for the alternate family) on Line 2d of the</p>

**Other-Dependent Deduction**

worksheet of the parent requesting the adjustment. The Line 14 amount represents the parent's income share of the total marginal costs for the children in the alternate family. The obligation amount for other legal dependents (the other-dependent deduction) should be calculated on a separate Sole-Parenting worksheet.

The other-dependent deduction is part of an adjustment mechanism to apportion a parent's income to all legal dependents including those born before or after the children for whom support is being determined. Legal dependents include adopted or natural children of either parent who are under 18 years of age or over 18 years of age and still attending high school or other secondary school. No adjustment is provided for stepchildren. Generally, stepchildren are considered the legal responsibility of their natural parents unless the court determines that a stepparent has a legal obligation to support the child.

The adjustment requires that three support obligations be calculated - a theoretical support obligation for the other dependents in the alternate family, a support obligation that includes the other-dependent deduction, and a support obligation that does not include the other-dependent deduction. The deduction and the adjusted support obligation are calculated only if requested by a serial-family parent and the income of the other parent in the alternate family is provided to the court.

1. The amount of the deduction is the serial parent's theoretical support obligation for the children in the alternate family. It requires that a separate Sole-Parenting child support guidelines worksheet be completed (through Line 14) for the children in the alternate family with the parent claiming the deduction being the theoretical obligor of those children. The deduction is calculated based on the income of the parent claiming the deduction and the income of that person's current spouse.

2. A parent must disclose the gross income of the other parent in the alternate family as a condition to the right to claim this deduction. If the other parent in the alternate family is voluntarily unemployed or underemployed, the court may impute income to that person to determine the parent's obligation to the children in the alternate family.

3. The amount of the deduction shall not be calculated for alternate families having more than six children. In such cases, the court may find that the guidelines are inapplicable and may establish the child support award based on the factors set forth in *N.J.S.A. 2A:34-23* and existing case law.

**LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET**

**Line 3**

**Subtract the combined withholding tax, prior child support orders, mandatory union**

<p><b>Net Taxable Income</b></p>	<p>dues, and the other-dependent deduction*, if any, from the Adjusted Gross Taxable Income to obtain the Net Taxable Income. [Math: Line 2 - Line 2a - Line 2b - Line 2c - Line 2d]. Enter each parent's Net Taxable Income in the appropriate Line 3 column.</p> <p><i>*If the other-dependent adjustment is requested, three worksheets must be prepared: (1) one calculating the parent's theoretical obligation to dependents in the secondary family, (2) one calculating a support award after deducting the theoretical obligation from the parent's net income, and (3) one calculating the support award as if there were no other dependents (i.e., the theoretical obligation without the other dependent deduction). Thus, the other-dependent deduction is not always deducted when figuring net income. The support award is adjusted for other dependents using Lines 29 through 31.</i></p>
<p><b>Line 4</b> <b>Non-Taxable Income</b></p>	<p>Enter each parent's weekly gross non-taxable income in the appropriate Line 4 column.</p> <p>Enter the source or type of non-taxable income in the space provided on Line 4 or in the Comments section of the Worksheet.</p>
<p><b>Line 5</b> <b>Net Income</b></p>	<p>Add the Net Taxable Income and the Non-Taxable Income to obtain the weekly Net Income. [Math: Line 3 + Line 4]. Enter each parent's Net Income in the appropriate Line 5 column.</p> <p>Add the net incomes of the parents to obtain the Combined Net Income [Math: Line 5 Custodial Parent + Line 5 Non-Custodial Parent = Line 5 Combined]. Enter the result on Line 5, Combined.</p>
<p><b>Line 6</b> <b>Percentage Share of Income</b></p>	<p>Divide each parent's net income by the combined net income to obtain each parent's percentage share of income. [Math: Line 5 Custodial Parent ÷ Line 5 Combined = Custodial Parent Line 6 Percentage Share; Line 5 Non-Custodial Parent ÷ Line 5 Combined = Non-Custodial Parent Line 6 Percentage Share]. The sum of the two percentages (ratios) must equal one (the decimal equivalent of 100%). Enter each parent's income share in the appropriate Line 6 column.</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p><b>Line 7</b> <b>Number of</b></p>	<p>Enter the number of regular overnights that the child spends or is expected to spend with each parent during a one-year period in the appropriate Line 7 columns. Vacations and holidays with the PAR do not count towards the determination of</p>

<p><b>Overnights with Each Parent</b></p>	<p>overnight time.  Add the number of overnights with each parent to obtain the total number of overnights. Enter the total overnights in the Line 7 Combined column.</p> <p>Generally, the sum of the number of overnights with each parent will be 365. If, however, the child spends overnights with a third party (e.g., grandparents) on a predictable and recurring basis, each parent's and the total number of overnights should be adjusted accordingly so that neither parent receives credit for this time. For example, if a child stays with grandparents for 10 overnights each year, which would have normally been spent with the PPR, the PPR's number of overnights is reduced by 10 and the total number of overnights is reduced to 355 (365-10). If the child would have spent half of the grandparent visitation time (5 of the 10 overnights) with the PAR, both parent's number of overnights is reduced by five. If a child attends summer camp or other overnight care, the parent paying for such care shall be entitled to the credit for the number of overnights.</p>
<p><b>Line 8</b>   <b>Percentage of Overnights with Each Parent</b></p>	<p>Divide the number of overnights that the child spends with each parent by the total number of overnights. [Math: Line 7 PPR overnights ÷ Line 7 total overnights; Line 7 PAR overnights ÷ Line 7 total overnights). Enter each parent's percentage of overnights in the appropriate Line 8 column. The sum of the percentages (ratios) must equal one (the decimal equivalent of 100%).</p>
<p><b>NOTE: IF THE PAR'S PERCENTAGE OF OVERNIGHTS WITH THE CHILD IS LESS THAN THE SUBSTANTIAL EQUIVALENT OF TWO OR MORE OVERNIGHTS PER WEEK (28%), <u>STOP!</u> THE SOLE PARENTING WORKSHEET MUST BE USED.</b></p>	
<p><b>Line 9</b>   <b>Basic Child Support Amount</b></p>	<p>Look-up the Basic Child Support Amount from the Appendix IX-F award schedule. Select the appropriate amount for the number of children for whom support is being determined and the Line 5 combined net income of the parents. Enter the Basic Child Support Amount on Line 9.</p> <p>The parents' combined net income and the number of children for whom support is being determined are used to obtain the basic child support amount from the Appendix IX-F schedules. Appendix IX-F combined net incomes are provided in \$10.00 increments. For incomes that fall between income increments, go to the next higher income increment if the amount is \$5.00 or more (e.g., if the combined income is \$446, use the award for \$450 combined income; if it is \$444, use the award for \$440).</p> <p>As explained in Appendix IX-A, the basic support amount represents average spending on children by intact families (see Appendix IX-A for items included and excluded in the basic support amount).</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p><b>Line 10</b>   <b>PAR Shared</b></p>	<p>In shared-parenting situations, each parent incurs fixed costs (housing expenses) for the child even though the child may not be residing with a particular parent at a given time. Fixed costs include expenses for the dwelling, utilities, household</p>

<b>Parenting Fixed Expenses</b>	<p>furnishings, and household care items (see Appendix IX-A for a full list of items included in this category). It is assumed that fixed costs represent 38% of the basic support amount.</p> <p>The PPR's fixed costs remain static (i.e., the full 38% of the basic support amount; they are not reduced when the child is not in the household) since that parent must maintain the primary residence for the child at all times. The PPR's fixed costs are included in the basic support amount. The PAR's fixed expenses are pro-rated based on the amount of time the child spends in the alternate household. The PAR's fixed expenses are assumed to be equal to <math>[2 \times \text{PAR's time with the child} \times \text{PPR's fixed expenses}]</math>. For example, if the PAR spends 30% of overnights with the child, that parent is assumed to incur 60% of the PPR's fixed costs. The parents have equal fixed expenses only when time sharing is equal (50% each). The PAR's time-adjusted fixed expenses must be added to the basic support amount (i.e., the basic amount assumes that there is only one household for the child) to determine the total dual-household costs for the child.</p> <p>To calculate the PAR's time-adjusted fixed expenses:</p> <p>(1) Multiply the basic support amount by 38% [Math: <math>\text{Line 9} \times 0.38</math>]. The result is the portion of the basic support amount that represents the PPR's fixed expenses.</p> <p>(2) Multiply the PPR's fixed expense by two times the PAR's percentage of overnights [Math: <math>\text{PPR fixed expense} \times \text{PAR Line 8} \times 2</math>]. The result is the PAR's time-adjusted fixed expense for the child. Enter this amount on Line 10.</p>
<b>Line 11</b>  <b>Deducting Government Benefits Paid to or for the Child</b>	<p>Enter the weekly amount of government benefits received by the child on behalf of either parent on Line 11. If a child is receiving government benefits (non-means tested) based on either parent's earning record, disability, or retirement, the amount of those benefits must be deducted from the total support award (regardless of the effect of the child's benefit payments on benefits paid to the parent). Such benefits include, but are not limited to: Social Security Retirement or Disability, Black Lung, and Veteran's Administration benefits. Also included are non-means-tested government benefits meant to offset the cost of the child such as adoption subsidies (<i>N.J.A.C. 10:121-2</i>). SSI, public assistance (TANF), and other means-tested benefits are <u>not</u> government benefits based on a parent's earnings record, disability or retirement and should not be included on Line 12. If the government benefit received by the child is greater than the total support award (i.e., the amount of the total support award after deducting the government benefit is zero or less), the amount of the government benefit that is being paid to or for the child represents the support award. In such cases, the support award should be made payable directly to the obligee (i.e., from the government agency to the obligee; not through Probation). If the government benefit is less than the total support obligation, it shall continue to be paid directly to the obligee and the residual amount shall be paid through Probation. Note that these benefits are not included in the gross income of the recipient parent. See Appendix IX-A, paragraph 10(b) for more information on the treatment of government benefits.</p>
<b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b>	
<b>Line 12</b>  <b>Shared Parenting Basic Child</b>	<p>Add the basic child support amount and the PAR's shared parenting fixed expenses, then, Subtract any government benefits paid to or for the child. The result is the shared parenting basic child support amount. [Math: <math>((\text{Line 9} + \text{Line 10}) - \text{Line 11})</math>]. Enter the shared parenting basic child support amount on Line 12.</p>

<p><b>Support Amount</b></p>	<p>The shared parenting basic child support amount includes the costs of the two households in which the child resides, total variable costs (food and transportation) for the child, and other child-rearing costs controlled by the PPR such as clothing, personal care, and entertainment (see Appendix IX-A, paragraph 14(d)). Government benefits (non-means tested) paid to or for the child are deducted in recognition of the reduced household expenses for the child due to the receipt of government benefits specifically for that child.</p> <p>If the shared parenting basic child support amount is zero or less due <u>to</u> the deduction of a government apportionment, continue with the worksheet calculations (carrying forward negative numbers) to determine if the PAR has any obligation for supplemental expenses.</p>
<p><b>Line 13</b></p> <p><b>PAR Share of Shared Parenting Basic Child Support Amount</b></p>	<p>Calculate the PAR's share of the shared custody basic child support amount by multiplying the shared custody basic child support amount by the PAR's income share. [Math: (PAR Line 6 × Line 12)]. Enter the PAR's share of the award on Line 13.</p>
<p><b>Line 14</b></p> <p><b>PAR Shared Parenting Variable Expenses</b></p>	<p><i>Variable expenses</i> are incurred only when the child is residing with a parent (i.e., costs that follow the child). This category includes transportation and food). It is assumed that variable costs account for 37% of total spending on a child in an intact family.</p> <p>Since the PPR has no variable expenses for the child while the child is with the PAR, the shared custody basic child support amount (which assumes that all variable expenses are incurred by the PAR household), must be reduced by the PAR's variable expenses for the child while the child is residing in the PAR's household.</p> <p>To Calculate the PAR's share of variable expenses for the child:</p> <p>(1) Multiply the basic support amount by 37% [Math: Line 9 × 0.37]. This is the portion of the basic support amount that represents variable expenses for the child.</p> <p>(2) Multiply the variable expenses by the PAR's percentage of regular overnights with the child. [Math: (variable expense × PAR Line 8)]. The result is the PAR's variable expense for the child. Enter this amount on Line 14.</p> <p>Note: Be careful to calculate variable expenses using the basic child support obligation (Line 9), <u>not</u> the shared parenting basic child support amount (Line 13).</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p><b>Line 15</b></p> <p><b>PAR Adjusted Shared Parenting Basic Child</b></p>	<p>The PAR Adjusted Shared Parenting Basic Child Support Amount represents the PAR's income share of the net support obligation for the child while the child is residing in the primary household. To calculate this amount, subtract the PAR's fixed expenses and the PAR's variable expenses from the PAR's share of the Shared Parenting Basic Child Support Amount. [Math: (Line 13 - Line 10 - Line 14)]. Note:</p>

Support Amount	Line 15 may be a negative number. If so, carry it forward to the supplemental expense calculation.
<p>Lines 16 through 20</p> <p>Figuring Supplemental Expenses to be Added to the Shared Parenting Basic Child Support Amount</p>	<p>Figure the amount of supplemental expenses (i.e., those not included in the basic support amount) that must be added to the PAR's basic child support amount.</p> <p><i>Supplemental expenses</i> include the net work-related child care cost, the cost of health insurance for a child, unreimbursed predictable and recurring health care expenses above \$250 per child per year, and other court-approved predictable and recurring expenses. See Appendix IX-A for a list of child-related expenses that are included in the Appendix IX-F awards. When added to the basic child support amount, supplemental expenses are apportioned between the parents in proportion <u>to</u> their relative incomes (i.e., these expenses are not time shared).</p>
<p>Line 16</p> <p>Adding Net Work-Related Child Care Costs</p>	<p>Calculate net work-related child-care costs using the Appendix IX-E Net Child Care Expense Worksheet. Enter the weekly net child-care cost (from Line 7 of the Appendix IX-E Worksheet) on Line 16. Since child care expenses are excluded from the child support schedules, such costs, if incurred by either parent, must be added to the basic support amount.</p> <p><b>1. <i>Qualified Child Care Expenses.</i></b> Qualified child care expenses are those incurred to care for a dependent who is under the age of 15 or is physically or mentally handicapped. These expenses must be necessary for the employment or job search of the parent. Child care expenses should be reasonable and should not exceed the level required to provide quality care for the child(ren) from a licensed source. Only the net cost of child care (after the federal tax credit is deducted) is added to the basic award. It is assumed that the parent paying for child care will apply for and receive the federal child care tax credit at the end of the tax year.</p> <p><b>2. <i>Determining the Net Child Care Cost</i></b></p> <p><b>a.</b> Calculate the Adjusted Gross Income (AGI) of the parent paying for child care by deducting moving expenses, one-half of the self-employment tax, IRA and Keough contributions, penalties on early withdrawal of savings, self-employment health insurance cost, and alimony paid from that parent's gross income. If this information is not available, use the parent's gross income (Line 1 + Line 4).</p> <p><b>b.</b> Determine the annual child-care cost.</p> <p><b>c.</b> Complete the Net Child Care Expense Worksheet in Appendix IX-E to find the net weekly child-care cost to be added to the basic amount.</p>
<b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b>	
<p>Line 17</p> <p>Adding Health Insurance Costs for the Child</p>	<p>Enter the parent's weekly cost of health insurance for the child for whom support is being determined on Line 17. If the parent's weekly marginal cost is unknown at the time of the hearing, use the per capita cost of a family policy at the parent's place of work. Do <i>not</i> include health insurance costs for adults or other dependents.</p>

	<p>Since the cost of health insurance is excluded from the child support schedules, a parent's contributions to a health insurance policy which includes the child for whom support is being determined must be added to the basic support award. Only the parent's cost of adding the child to the health insurance (medical and dental) policy is added to the basic support amount (i.e., the marginal premium cost to the parent to add the child to the policy). If the parent who is providing the health insurance has no proof of the cost of adding the child to the policy, the parent's total premium cost should be divided by the number of persons covered by the policy (per capita). The result is then multiplied by the number of children for whom support is being determined to obtain the child's estimated share of the health insurance cost. For example, if the parent's total health insurance cost is \$60 per week and there are four persons covered by the policy (the parent, the two children who are the subjects of the support order, and a new spouse), the per capita health insurance cost for the two children is \$30 (<math>(\\$60 \div 4 \text{ persons} = \\$15) \times 2 \text{ children} = \\$30</math>). If both parents provide health insurance for the child, each parent's marginal cost of adding the child to the policy should be added together to determine the total health insurance cost for the child. If the cost of the health insurance policy is unknown at the time of the support establishment hearing, the parent may apply for a modification of the support order when such information becomes available.</p>
<p>Line 18</p> <p><b>Adding Predictable and Recurring Unreimbursed Health Care</b></p>	<p>Enter the weekly unreimbursed cost of any health care, if predictable and recurring, for the child that exceeds \$250 per child per year on Line 18.</p> <p><i>Costs under \$250 per child per year - Unreimbursed health care expenses (medical and dental expenses not covered by insurance) up to and including \$250 per child per year are included in the child support schedules and are assumed to be paid by the PPR. Because they are part of the basic child support order, these ordinary health care expenses are shared in proportion to the relative incomes of the parents.</i></p> <p><i>Predictable, Recurring Costs above \$250 per child per year - Unreimbursed health care expenses in excess of \$250 per child per year are excluded from the child support schedules. If such expenses are predictable and recurring, they should be added to the basic support award using Line 18. The court should consider the duration and recurring nature of unreimbursed health care expenses prior to adding them to the basic support amount. If both parents provide predictable, recurring unreimbursed health care for the child, the cost to each parent should be added together to determine the total unreimbursed health care costs. Each parent's direct health care expenses for the child above the \$250 per child annual threshold are credited against his or her share of the total support award on Line 24.</i></p> <p style="text-align: center;"><i>Section Continued</i> ↗</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p><b>Line 18 - Adding Predictable and Recurring Unreimbursed Health Care - continued</b></p>	<p><i>Unpredictable, Non-Recurring Costs above \$250 per child per year - Health-care expenses for a child that exceed \$250 per child per year that are not predictable and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.</i></p>

<p><b>Line 19</b></p> <p><b>Adding Court-Approved Predictable and Recurring Extraordinary Expenses</b></p>	<p>Enter court-approved predictable and recurring costs for the child on Line 19.</p> <p>If approved by the court, predictable and recurring extraordinary expenses for the child that are not included in the Appendix IX-F child support awards may be added to the basic support amount. Examples of such extraordinary expenditures are PAR transportation expenses, special diets, and private education costs for gifted or handicapped children. See Appendix IX-A, paragraph 8, for a list of items that are included in the Appendix IX-F awards and an explanation of private education expenses that may be added to the basic support amount.</p> <p>Extraordinary expenses that are not predictable and recurring should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment. Each parent's direct spending on court-approved extraordinary expenses for the child are credited against his or her share of the total support award on Line 25.</p>
<p><b>Line 20</b></p> <p><b>Total Supplemental Expenses</b></p>	<p>Add the net child-care cost, health insurance cost for the child, unreimbursed predictable and recurring health-care costs greater than \$250 per child per year, and court-approved predictable and recurring extraordinary expenses. [Math: (Line 16 + Line 17 + Line 18 + Line 19)]. Enter the total supplemental expenses on Line 20.</p>
<p><b>Line 21</b></p> <p><b>PAR's Share of the Total Supplemental Expenses</b></p>	<p>Multiply the PAR's income share by the total supplemental expenses. [Math: PAR Line 6 × Line 20 total supplemental expenses]. Enter the PAR's share of the total supplemental expenses on Line 21.</p>
<p><b>Line 22</b></p> <p><b>Credit for PAR's Child-Care Payments</b></p>	<p>Enter the PAR's direct payments for work-related child-care for the child for whom support is being determined on Line 22. Note: payments cannot exceed the parent's net work-related child care cost added on Line 16.</p>
<p><b>Line 23</b></p> <p><b>Credit for PAR's Payment of Child's Health Insurance Cost</b></p>	<p>Enter the PAR's direct payments towards that parent's cost of adding the child to a health insurance policy on Line 23. NOTE: payments cannot exceed the parent's cost of health insurance for the child added on Line 17.</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p><b>Line 24</b></p> <p><b>Credit for PAR's Payment of Unreimbursed Health Care</b></p>	<p>Enter the PAR's direct payments for predictable and recurring unreimbursed health care greater than \$250 per child per year on Line 24. NOTE: payments cannot exceed predictable and recurring unreimbursed health care expenses added on Line 18.</p>

<p><b>Line 25</b></p> <p><b>Credit for PAR's Payment of Court-Approved Extraordinary Expenses</b></p>	<p>Enter the PAR's direct payments for predictable and recurring extraordinary court-approved expenses on Line 25. <b>NOTE:</b> payments cannot exceed predictable and recurring extraordinary court-approved expenses added on Line 19.</p>
<p><b>Line 26</b></p> <p><b>PAR's Total Payments for Supplemental Expenses</b></p>	<p>Add the PAR's direct payments toward work-related child-care, the cost of adding the child to a health insurance policy, the predictable and recurring unreimbursed health care above \$250 per child per year, and the predictable and recurring extraordinary court-approved expenses. [Math: (Line 22 + Line 23 + Line 24 + Line 25)]. Enter the sum of all payments added on Line 26.</p>
<p><b>Line 27</b></p> <p><b>PAR's Net Supplemental Expenses</b></p>	<p>Subtract the PAR's direct payments for child care, the child's share of the health insurance premium, predictable and recurring unreimbursed health care for the child above \$250 per year per child, and predictable and recurring extraordinary court-approved expenses from the PAR's share of the total supplemental expenses. The result is the PAR's net supplemental expenses for the child. [Math: (Line 21 - Line 26)] Enter the PAR's share of net supplemental expenses on Line 27.</p> <p>Direct payments for supplemental expenses are subtracted from the PAR's share of total supplemental expenses before those expenses are added to the PAR's share of the adjusted shared parenting child support amount. Direct payments may be deducted only if the cost was previously included as a supplemental expense.</p>
<p><b>Line 28</b></p> <p><b>PAR's Net Child Support Obligation</b></p>	<p>Add the PAR's share of the adjusted shared parenting basic child support amount and the PAR's share of the net supplemental expenses to determine the PAR's net child support obligation. [Math: (Line 15 + Line 27)]. Enter the PAR's net support obligation on Line 28.</p> <p>The PAR's net obligation is the child support order that will be paid for the benefit of the children while they are residing with the PPR. Theoretically, the PPR also has a support obligation (although not calculated on the shared-parenting worksheet) that is considered to be spent directly on the children during the course of providing for their daily needs.</p> <p><b>NOTE:</b> if the PAR's net obligation is a negative number, this amount must be paid by the PPR to the PAR to preserve each parent's income share of the total shared-parenting expenses. In this case, the PPR would be the obligor of the support order.</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p><b>Lines 29, 30, and 31</b></p> <p><b>Adjusting the Child Support</b></p>	<p>1. If either parent requests an adjustment for other legal dependents, a Sole-Parenting worksheet must be prepared to determine the parent's theoretical support obligation for his or her other dependents. Additionally, two separate Shared-Parenting worksheets must be completed (if calculating the adjustment manually). The three worksheets will result in the following obligation amounts:</p>

<b>Obligation for Other Dependents</b>	<p>a. Sole Parenting - a theoretical support obligation for the child in the alternate family (i.e., the parent requesting the adjustment is the theoretical obligor of the child in the alternate family);</p> <p>b. Primary Shared Parenting - a support obligation for the child for whom support is being determined calculated after the theoretical obligation for any other dependents (Line 2d) is deducted from the responsible parent's gross income; and</p> <p>c. Alternate Shared Parenting - a support obligation for the child for whom support is being determined calculated without deducting the theoretical obligation for other dependents (Line 2d) from the responsible parent's gross income.</p> <p>2. To ensure that a fair share of the parent's income is available to all his or her legal dependents, add the parent's support obligation from the worksheet that includes the Line 2d other-dependent deduction and the parent's support obligation from the worksheet that does not include the Line 2d other-dependent deduction. Divide the sum of the two support obligations by two to obtain the adjusted child support obligation.</p>
<b>Line 29</b>  <b>Line 28 PAR CS Obligation WITH Other Dependent Deduction</b>	<b>Enter</b> the PAR's net child support obligation (Line 28) from the worksheet that deducted a theoretical support obligation for other dependents of either parent (i.e., with the Line 2d other-dependent amount deducted from gross income).
<b>Line 30</b>  <b>Line 28 PAR CS Obligation WITHOUT Other Dependent Deduction</b>	<b>Enter</b> the PAR's net child support obligation (Line 28) from the worksheet that does not deduct a theoretical support obligation for other dependents from the gross income of either parent.
<b>Line 31</b>  <b>Adjusted PAR CS Obligation</b>	<b>Add</b> the obligation that includes the other-dependent deduction (Line 29) and the obligation that does not include the other-dependent deduction (Line 30), then <b>divide</b> the sum by two to obtain the Adjusted PAR Child Support Obligation. [Math: (Line 29 + Line 30) ÷ 2]. <b>Enter</b> the result on Line 31.
<b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b>	
<b>Lines 32 and 33</b>  <b>Maintaining a Self-Support Reserve</b>	<b>To ensure that the PAR retains sufficient net income to live at a minimum subsistence level and has the incentive to work, that parent's net child support award is tested against 105% of the U.S. poverty guideline for one person. If the PAR's net income after deducting the child support award is less than the self-support reserve, the order should be adjusted. No such adjustment shall occur, however, if the PPR's net income is less than the self-support reserve. This priority is necessary to ensure that a PPR can meet his or her basic needs while caring for the child(ren). The</b>

	<p>poverty guideline will be disseminated by the AOC each February or when it is published in the Federal Register. The self-support reserve test is applied as follows:</p> <ol style="list-style-type: none"> <li>1. Subtract obligor's child support obligation from that person's net income.</li> <li>2. If the difference is greater than 105% of the poverty guideline for one person (\$206.00 per week as of January 24, 2007), the self-support reserve is preserved and the obligor's support obligation is the child support order.</li> <li>3. If the difference is less than 105% of the poverty guideline for one person <u>and</u> the PPR's net income is greater than 105% of the poverty guideline, the obligor's order is the difference between the obligor's net income and the 105% of the poverty guideline for one person.</li> </ol> <p>In determining whether the application of the obligor self-support reserve is appropriate, the court may: impute income to a parent as provided in Appendix IX-A, take into account a parent's actual living expenses, and/or consider the PPR's support obligation to the children (see Appendix IX-A, paragraph 20).</p> <p><b>NOTE:</b> In some family situations, (e.g., the PPR's income exceeds the PAR's income and shared parenting times are near equal), the PPR may owe child support to the PAR (in such cases, the PAR's obligation is a negative number). If this occurs, the self-support reserve should be tested using the PPR's net income and the absolute value of the PAR's negative obligation. In all cases, the PPR should be given the priority with regard to the self-support reserve.</p>
<p><b>Line 32</b></p> <p><b>Self-Support Reserve Test</b></p>	<p><b>Subtract</b> the PAR's net child support obligation from the PAR's net income. [Math: PAR's Line 5 net income - PAR Line 28 or 31 child support obligation.] Note: if Line 28 or 31 is a negative number, the PPR is the obligor of that amount. Enter the PAR's result on Line 32. Enter the PPR's net income (from Line 5) on Line 32. <b>Then,</b></p> <p><i>If the PAR's Line 32 is less than 105% of the poverty guideline and the PPR's Line 32 is greater than 105% of the poverty guideline, Go To Line 33.</i></p> <p><i>If the PAR's Line 32 is greater than 105% of the poverty guideline, Skip Line 33 and Enter the PAR's Line 28 or 31 child support obligation on Line 34.</i></p> <p>NOTE: If the PPR Line 32 amount is less than 105% of the poverty guideline, there is no PAR self-support reserve adjustment. In this case, the PAR Line 28 or 31 amount is the final child support order (Line 34).</p>
<p><b>LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET</b></p>	
<p><b>Line 33</b></p> <p><b>PAR's Maximum Child Support Order</b></p>	<p><b>Subtract</b> 105% of the poverty guideline from the PAR's net income to find the maximum child support order. [Math: Line 5 PAR net income - 105% of the poverty guideline]. <b>Enter</b> the result on Lines 33 and 34.</p>
<p><b>Line 34</b></p> <p><b>Child Support</b></p>	<p><b>Enter</b> the Line 28, 31 or 33 support obligation to be paid by the obligor to the other parent for the benefit of the child. Generally, the obligor will be the PAR. However, in some family situations, the PPR may be the obligor (e.g., if the PAR's obligation is a negative</p>

<b>Order</b>	<p>number). In those cases, <b>enter</b> the absolute (positive) value of the PAR's negative obligation (or the self-support reserve maximum amount) in the PPR's Line 34 column. Otherwise, enter the Line 28 PAR net support obligation, the Line 31 other-dependent adjusted obligation (if any), or the Line 33 maximum child support obligation (if any) on the PAR's Line 34.</p>
<b>If the PAR is the obligor, go to Line 35. Otherwise, Line 34 is the final child support order.</b>	
<b>Line 35</b>  <b>PPR Household Income Test</b>	<p><b>Add</b> the PPR's net income from all sources (including means-tested income such as AFDC), the net income of other adults in the primary household, and the PAR shared parenting support order. [Math: PPR Line 5 net income + net income of other adults + PAR Line 34 child support order]. <b>Enter</b> the sum in the PPR's Line 35 column.</p> <p><b>Test:</b> If Line 35 is less than the PPR household income threshold for the PPR and the total number of persons in the primary household (see table in Appendix IX-A, paragraph 14), the award must be recalculated, without adjusting for shared-parenting time, using the Sole-Parenting Worksheet. If Line 35 exceeds the PPR household income threshold, the Line 34 child support order is appropriate.</p> <p><b>NOTE:</b> A PAR may still receive an adjustment for visitation variable expenses when the sole parenting worksheet is used to recalculate the support award. If, however, the PPR's household income plus a PAR Time-adjusted support award is still below 200% of the poverty guideline, the application of the variable-expense adjustment is not presumptive (i.e., it is subject to the discretion of the court).</p>

**CHILD SUPPORT GUIDELINES - SOLE PARENTING WORKSHEET [Appendix IX-C]**

Case Name:	vs.	County:
<i>Plaintiff</i>		<i>Defendant</i>
Custodial Parent is the: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Docket #:
		Number of Children:

<i>All amounts must be weekly</i>	CUSTODIAL	NON-CUSTODIAL	COMBINED
1. Gross Taxable Income	\$	\$	
1a. Mandatory Retirement Contributions (non-taxable)	-\$	-\$	
1b. Alimony Paid (Current and/or Past Relationships)	-\$	-\$	
1c. Alimony Received (Current and/or Past Relationships)	+\$	+\$	
2. Adjusted Gross Taxable Income ((L1-L1a-L1b)+L1c)	\$	\$	
2a. Federal, State and Local Income Tax Withholding	-\$	-\$	
2b. Prior Child Support Orders (Past Relationships)	-\$	-\$	
2c. Mandatory Union Dues	-\$	-\$	
2d. Other Dependent Deduction (from L14 of a separate worksheet)	-\$	-\$	
3. Net Taxable Income (L2-L2a-L2b-L2c-L2d)	\$	\$	
4. Non-Taxable Income (source: )	+\$	+\$	
5. Net Income (L3+L4)	\$	\$	\$
6. Percentage Share of Income (L5 Each Parent ÷ L5 Combined)			100%
7. Basic Child Support Amount (from Appendix IX-F Schedules)			\$
8. Net Work-Related Child Care (from Appendix IX-E Worksheet)			+\$
9. Child's Share of Health Insurance Premium			+\$
10. Unreimbursed Health Care Expenses over \$250 per child per year			+\$
11. Court-Approved Extraordinary Expenses			+\$
12. Government Benefits for the Child			-\$
13. Total Child Support Amount ((L7+L8+L9+L10+L11) - L12)			\$

***If line 13 total support amount is zero, STOP – benefit apportionment is substituted for support order.***

14. Each Parent's Share of the Support Obligation (L6 x L13)	\$	\$	
15. Net Work-Related Child Care Paid		-\$	
16. Health Insurance Premium for the Child Paid		-\$	
17. Unreimbursed Health Care Expenses Paid (>\$250/child/year)		-\$	
18. Court-Approved Extraordinary Expenses Paid		-\$	
19. Adjustment for Parenting Time Expenses (L7 x %time x 0.37). <i>Note: Not presumptive in some low income situations (see App. IX-A., ¶13).</i>		-\$	
20. Net Child Support Obligation (L14-L15-L16-L17-L18-L19)		\$	

***If neither parent is requesting the other-dependent deduction, go to line 24***

21. Child Support Order WITH Other-Dependent Deduction		\$	
22. Child Support Order WITHOUT Other-Dependent Deduction		\$	
23. Adjusted Child Support Order ((L21 + L22) ÷ 2)		\$	

**Continued on Page 2**

**CHILD SUPPORT GUIDELINES – SOLE PARENTING WORKSHEET – Page 2**

<i>All amounts must be weekly</i>	CUSTODIAL	NON-CUSTODIAL	COMBINED
24. Self-Support Reserve Test (L5 – L20 or L23 for NCP; L5 – L14 for CP). If NCP result is greater than 105% of the poverty guideline for one person ( <i>pg</i> ) or CP net income (L5) minus CP share of the child support obligation (L14) is less than the <i>pg</i> , enter L20 or L23 amount on L26. If NCP L24 income is less than the <i>pg</i> and CP income is greater than the <i>pg</i> , go to L25.			
	\$	\$	
25. Obligor Parent's Maximum Child Support Obligation (L5 NCP income – 105% of poverty guideline for one person). Enter result here and on Line 26.		\$	
26. Child Support Order		\$	
<b>COMMENTS, REBUTTALS, AND JUSTIFICATION FOR DEVIATIONS</b>			
1. The child support order for this case <input type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (line 26), enter amount ordered: \$			
3. The child support guidelines were not used or the guidelines award was adjusted because:			
( <input type="checkbox"/> additional pages attached)			
4. The following court-approved extraordinary expenses were added to the basic support obligation:			
5. Parenting Time: Custodial Parent _____% Non-Custodial Parent _____%.			
6. Custodial Taxes: <input type="checkbox"/> App. IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other:____ #Allowances:____ Marital: S M H			
Non-Custodial Taxes: <input type="checkbox"/> App. IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other:____ #Allowances:____ Marital: S M H			
Prepared By:	Title:	Date:	

## CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET

Case Name:

County:

vs.

*Plaintiff*

*Defendant*

Docket No.:

Number of Children:

PPR is the  Plaintiff  Defendant

<i>All amounts must be weekly.</i>	PARENT OF PRIMARY RESIDENCE (PPR)	PARENT OF ALTERNATE RESIDENCE (PAR)	COMBINED
1. Gross Taxable Income	\$	\$	
1a. Mandatory Retirement Contributions ( <i>non-taxable</i> )	-\$	-\$	
1b. Alimony Paid ( <i>Current and/or Past Relationships</i> )	-\$	-\$	
1c. Alimony Received ( <i>Current and/or Past Relationships</i> )	+\$	+\$	
2. Adjusted Gross Taxable Income ((L1 - L1a-L1b)+L1c)	\$	\$	
2a. Federal, State and Local Income Tax Withholding	-\$	-\$	
2b. Prior Child Support Orders ( <i>Past Relationships</i> )	-\$	-\$	
2c. Mandatory Union Dues	-\$	-\$	
2d. Other Dependent Deduction (from separate worksheet)	-\$	-\$	
3. Net Taxable Income (L2-L2a-L2b-L2c-L2d)	\$	\$	
4. Non-Taxable Income ( <i>source:</i> )	+\$	+\$	
5. Net Income (L3+L4)	\$	\$	\$
6. Percent Share of Income (L5 Each Parent ÷ L5 Combined)			1.00
7. Number of Overnights With Each Parent			
8. Percent of Overnights With Parent (L7 Parent ÷ L7 Combined)			1.00
<b>→ If PAR time sharing is less than the equivalent of two overnights per week (28%), use Sole Custody Worksheet ←</b>			
9. Basic Child Support Amount (from Appendix IX-F Schedules)			\$
10. PAR Shared Parenting Fixed Expenses (PAR L8×L9×0.38 ×2)		\$	
11. Government Benefits for the Child			\$
12. Shared Parenting Basic Child Support Amount ((L9 + L10) - L11)			\$
13. PAR Share of SP Basic Child Support Amount (PAR L6 × L12)		\$	
14. PAR Shared Parenting Variable Expenses (PAR L8 × L9 × 0.37)		\$	
15. PAR Adjusted SP Basic Child Support Amount (L13 - L10 - L14)		\$	
16. Net Work-Related Child Care (from Appendix IX-E Worksheet)			\$
17. Child's Share of Health Insurance Premium			+\$
18. Unreimbursed Health Care Expenses over \$250 per child per year			+\$
19. Court-Approved Extraordinary Expenses			+\$
20. Total Supplemental Expenses (L16+L17+L18+L19)			\$

**↩ Continued on Page 2 ↪**

**CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET - PAGE 2**

<i>All amounts must be weekly.</i>	PPR	PAR	COMBINED
20. Total Supplemental Expenses (from reverse side)			\$
21. PAR's Share of Total Supplemental Expenses (PAR L6 × L20)		\$	
22. PAR Net Work-Related Child Care PAID		\$	
23. PAR Health Insurance Premium for the Child PAID		+\$	
24. PAR Unreimbursed Health Care Expenses (>\$250/child /year) PAID		+\$	
25. PAR Court-Approved Extraordinary Expenses PAID		+\$	
26. PAR Total Payments/Supplemental Expenses (L22+L23+L24+L25)		\$	
27. PAR Net Supplemental Expenses (L21 - L26)		\$	
28. PAR Net Child Support Obligation (L15 + L27)		\$	
29. Line 28 PAR CS Oblig WITH Other-Dependent Deduction		\$	
30. Line 28 PAR CS Oblig WITHOUT Other-Dependent Deduction		\$	
31. Adjusted PAR CS Obligation ((L29+L30)÷2)		\$	
32. Self-Support Reserve Test (PAR L5 - PAR L28 or L31 if any). If PAR amount is greater than 105% of the poverty guideline for one person ( <i>pg</i> ) <i>or</i> the PPR L32 income is less than the <i>pg</i> , enter the L28 or L31 amount on the PAR L34. If PAR L32 amount is less than the <i>pg</i> and the PPR's L32 income is greater than the <i>pg</i> , go to Line 33. If L28 or L31 is negative, see App. IX-B (shared-parenting worksheet) for instructions.			
	\$	\$	
33. Maximum CS Obligation (Obligor Parent's L5 net income - 105% of the poverty guideline for one person). Enter result here and on L34.			
	\$	\$	
34. Child Support Order (negative L28 or L31 denotes PPR obligation) to			
	\$	\$	
<b>⇒ If the PAR is the Obligor, Continue to Line 35</b>			
35. PPR Household Income Test - (L5 PPR net income from all sources + net income of other household members +L34 order) If less than the PPR household income threshold (see App. IX-A, ¶14(c)), the SOLE-CUSTODY WORKSHEET must be used.			
	\$		
<b>Comments, Rebuttals, and Justification for Deviations</b>			
1. The child support order for this case <b>G</b> was <b>G</b> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (Line 34), enter amount ordered: \$			
3. The child support guidelines were not used or the guidelines award was adjusted because:			
( <b>G</b> additional pages attached)			
4. The following extraordinary expenses were added to the basic support obligation on Line 19:			
5. Custodial Taxes: App. IX-H    Circ. E    Other: _____ #Allowances: _____ Marital: S M H			
Non-Cust Taxes: App. IX-H    Circ. E    Other: _____ #Allowances: _____ Marital: S M H			
Prepared by:	Title	Date	

**Appendix IX-F**  
**New Jersey**  
**Schedule of Child Support Awards**

Combined Net Weekly Income	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0 50 100 150 160	For combined net incomes that are less than \$170 per week, the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support amount at \$170 combined net weekly income as shown on this schedule.					
170	44	62	72	81	89	97
180	47	66	77	85	94	102
190	49	70	81	90	99	108
200	52	73	85	95	104	113
210	54	77	89	99	109	119
220	57	81	93	104	115	125
230	60	84	98	109	120	130
240	62	88	102	113	125	136
250	65	91	106	118	130	141
260	67	95	110	123	135	147
270	70	99	114	127	140	153
280	72	102	118	132	145	158
290	75	106	123	137	150	164
300	77	109	127	141	156	169
310	80	113	131	146	161	175
320	83	117	135	151	166	180
330	85	120	139	155	171	186
340	88	124	144	160	176	192
350	90	127	148	165	181	197
360	93	131	152	169	186	203
370	95	135	156	174	192	208
380	98	138	160	179	197	214
390	100	142	164	183	202	219
400	103	145	168	187	206	224
410	105	148	172	191	211	229
420	107	151	175	195	215	234
430	110	155	179	199	219	239
440	112	158	183	204	224	244
450	115	161	186	208	228	248
460	117	164	190	212	233	253
470	119	167	193	216	237	258
480	122	171	197	220	242	263
490	124	174	201	224	246	268
500	126	177	204	228	250	272
510	129	180	208	232	255	277
520	131	183	211	236	259	282
530	134	186	215	240	264	287
540	136	190	219	244	268	292
550	138	193	222	248	273	297
560	140	196	226	252	277	302
570	143	199	230	256	282	306
580	145	202	233	260	286	311
590	147	206	237	264	291	316
600	150	209	241	268	295	321
610	152	212	244	272	300	326

**Appendix IX-F**  
**New Jersey**  
**Schedule of Child Support Awards**

<b>Combined Net Weekly Income</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
620	154	215	248	276	304	331
630	157	218	252	281	309	336
640	159	221	255	284	312	340
650	161	224	258	287	316	344
660	163	227	261	291	320	348
670	165	230	264	294	324	352
680	167	232	267	298	327	356
690	169	235	270	301	331	360
700	171	238	273	305	335	364
710	174	241	276	308	339	369
720	176	244	279	311	343	373
730	178	246	282	315	346	377
740	180	249	286	319	351	381
750	182	252	289	322	355	386
760	185	256	293	326	359	390
770	187	259	296	330	363	395
780	189	262	299	334	367	400
790	191	265	303	338	371	404
800	194	268	306	341	376	409
810	196	271	310	345	380	413
820	198	274	313	349	384	418
830	200	277	317	353	388	422
840	203	280	320	357	393	427
850	205	283	324	361	397	432
860	207	287	328	365	402	437
870	210	290	331	369	406	442
880	212	293	335	374	411	447
890	215	296	339	378	415	452
900	217	300	342	382	420	457
910	219	303	346	386	425	462
920	222	306	350	390	429	467
930	223	308	352	392	431	469
940	224	309	353	394	433	471
950	225	310	354	395	435	473
960	227	312	356	397	436	475
970	228	313	357	398	438	477
980	229	315	359	400	440	479
990	230	316	360	401	442	480
1,000	232	317	361	403	443	482
1,010	233	319	363	405	445	484
1,020	234	320	364	406	447	486
1,030	235	322	366	408	448	488
1,040	236	323	367	409	450	490
1,050	238	324	368	411	452	492
1,060	239	326	370	412	454	494
1,070	240	327	371	414	455	495
1,080	241	328	372	415	456	496
1,090	242	329	373	416	457	498
1,100	243	330	374	417	458	499
1,110	244	331	375	418	460	500
1,120	245	332	376	419	461	501

**Appendix IX-F**  
**New Jersey**  
**Schedule of Child Support Awards**

<b>Combined Net Weekly Income</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
1,130	246	333	376	420	462	502
1,140	246	334	377	421	463	504
1,150	247	335	378	422	464	505
1,160	248	336	379	423	465	506
1,170	249	337	380	424	466	507
1,180	250	338	381	425	467	508
1,190	251	339	382	426	468	510
1,200	252	340	383	427	470	511
1,210	253	341	384	428	471	512
1,220	254	342	385	429	472	513
1,230	255	343	386	430	473	514
1,240	256	344	386	431	474	516
1,250	256	345	387	432	475	517
1,260	257	346	388	433	476	518
1,270	258	347	389	434	477	519
1,280	259	348	390	435	478	520
1,290	260	349	391	436	479	522
1,300	261	350	392	437	481	523
1,310	262	351	393	438	482	524
1,320	263	352	394	439	483	526
1,330	263	353	395	440	484	527
1,340	264	354	396	441	486	528
1,350	265	355	397	443	487	530
1,360	266	356	398	444	488	531
1,370	267	357	399	445	490	533
1,380	267	358	400	446	491	534
1,390	268	359	401	447	492	535
1,400	269	361	402	449	493	537
1,410	270	362	403	450	495	538
1,420	271	363	404	451	496	540
1,430	271	364	406	452	497	541
1,440	272	365	407	453	499	543
1,450	273	366	408	455	500	544
1,460	274	367	409	456	501	545
1,470	275	368	410	457	503	547
1,480	275	369	411	458	504	548
1,490	276	370	412	459	505	550
1,500	277	371	413	461	507	551
1,510	278	372	414	462	508	553
1,520	279	373	415	463	509	554
1,530	279	374	416	464	511	555
1,540	280	375	417	465	512	557
1,550	281	376	418	466	513	558
1,560	282	377	419	468	514	560
1,570	283	378	420	469	516	561
1,580	283	379	422	470	517	563
1,590	284	380	423	471	518	564
1,600	285	381	424	472	520	565
1,610	286	382	425	474	521	567
1,620	287	383	426	475	522	568
1,630	287	384	427	476	524	570

**Appendix IX-F**  
**New Jersey**  
**Schedule of Child Support Awards**

<b>Combined Net Weekly Income</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
1,640	288	385	428	477	525	571
1,650	289	386	429	478	526	573
1,660	290	387	430	480	528	574
1,670	291	388	431	481	529	575
1,680	291	389	432	482	530	577
1,690	292	390	433	483	531	578
1,700	293	391	434	484	533	580
1,710	294	393	436	486	535	582
1,720	295	394	437	488	536	584
1,730	296	395	439	489	538	585
1,740	297	397	440	491	540	587
1,750	298	398	442	492	542	589
1,760	299	399	443	494	543	591
1,770	300	401	444	495	545	593
1,780	302	402	446	497	547	595
1,790	303	403	447	499	548	597
1,800	304	405	449	500	550	599
1,810	305	406	450	502	552	600
1,820	306	407	451	503	554	602
1,830	307	409	453	505	555	604
1,840	308	410	454	506	557	606
1,850	309	411	456	508	559	608
1,860	310	413	457	510	561	610
1,870	311	414	458	511	562	612
1,880	312	415	460	513	564	614
1,890	313	417	461	514	566	616
1,900	314	418	463	516	568	617
1,910	315	419	464	517	569	619
1,920	316	421	466	519	571	621
1,930	317	422	467	521	573	623
1,940	318	423	468	522	574	625
1,950	319	425	470	524	576	627
1,960	321	426	471	525	578	629
1,970	322	427	473	527	580	631
1,980	323	429	474	529	581	633
1,990	324	430	475	530	583	634
2,000	325	431	477	532	585	636
2,010	326	433	478	533	587	638
2,020	327	434	480	535	588	640
2,030	328	435	481	536	590	642
2,040	329	437	482	538	592	644
2,050	330	438	484	540	593	646
2,060	331	439	485	541	595	648
2,070	332	441	487	543	597	649
2,080	333	442	488	544	599	651
2,090	334	443	490	546	600	653
2,100	335	445	491	547	602	655
2,110	336	446	492	549	604	657
2,120	337	447	494	551	606	659
2,130	338	449	495	552	607	661
2,140	339	450	497	554	609	663

**Appendix IX-F**  
**New Jersey**  
**Schedule of Child Support Awards**

Combined Net Weekly Income	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2,150	341	451	498	555	611	665
2,160	342	453	499	557	613	666
2,170	343	454	501	558	614	668
2,180	344	455	502	560	616	670
2,190	345	456	503	561	617	672
2,200	345	458	505	563	619	673
2,210	346	459	506	564	620	675
2,220	347	460	507	565	622	676
2,230	348	461	508	566	623	678
2,240	349	462	509	568	624	679
2,250	350	463	510	569	626	681
2,260	351	464	511	570	627	682
2,270	352	465	513	571	629	684
2,280	352	466	514	573	630	685
2,290	353	467	515	574	631	687
2,300	354	468	516	575	633	688
2,310	355	469	517	577	634	690
2,320	356	471	518	578	636	692
2,330	357	472	519	579	637	693
2,340	358	473	520	580	638	695
2,350	358	474	522	582	640	696
2,360	359	475	523	583	641	698
2,370	360	476	524	584	643	699
2,380	361	477	525	585	644	701
2,390	362	478	526	587	645	702
2,400	363	479	527	588	647	704
2,410	364	480	528	589	648	705
2,420	365	481	530	590	650	707
2,430	365	482	531	592	651	708
2,440	366	483	532	593	652	710
2,450	367	485	533	594	654	711
2,460	368	486	534	596	655	713
2,470	369	487	535	597	656	714
2,480	370	488	536	598	658	716
2,490	371	489	538	599	659	717
2,500	371	490	539	601	661	719
2,510	372	491	540	602	662	720
2,520	373	492	541	603	663	722
2,530	374	493	542	604	665	723
2,540	375	494	543	606	666	725
2,550	376	495	544	607	668	726
2,560	377	496	545	608	669	728
2,570	377	497	547	609	670	729
2,580	378	499	548	611	672	731
2,590	379	500	549	612	673	732
2,600	380	501	550	613	675	734
2,610	381	502	551	615	676	735
2,620	382	503	552	616	677	737
2,630	383	504	553	617	679	739
2,640	384	505	555	618	680	740
2,650	384	506	556	620	682	742

**Appendix IX-F**  
**New Jersey**  
**Schedule of Child Support Awards**

<b>Combined Net Weekly Income</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
2,660	385	507	557	621	683	743
2,670	386	508	558	622	684	745
2,680	387	509	559	623	686	746
2,690	388	510	560	625	687	747
2,700	388	511	561	626	688	749
2,710	389	512	562	627	690	750
2,720	390	514	563	628	691	752
2,730	390	515	564	629	692	753
2,740	391	516	565	630	694	755
2,750	392	517	567	632	695	756
2,760	393	518	568	633	696	757
2,770	393	519	569	634	697	759
2,780	394	520	570	635	699	760
2,790	395	521	571	636	700	762
2,800	395	522	572	638	701	763
2,810	396	523	573	639	703	765
2,820	397	524	574	640	704	766
2,830	398	525	575	641	705	767
2,840	398	526	576	642	707	769
2,850	399	527	577	644	708	770
2,860	400	528	578	645	709	772
2,870	400	529	579	646	711	773
2,880	401	530	580	647	712	775
2,890	402	531	582	648	713	776
2,900	403	532	583	650	715	777
2,910	403	533	584	651	716	779
2,920	404	534	585	652	717	780
2,930	405	536	586	653	718	782
2,940	406	537	587	654	720	783
2,950	406	538	588	656	721	785
2,960	407	539	589	657	722	786
2,970	408	540	590	658	724	787
2,980	408	541	591	659	725	789
2,990	409	542	592	660	726	790
3,000	410	543	593	662	728	792
3,010	411	544	594	663	729	793
3,020	411	545	595	664	730	795
3,030	412	546	596	665	732	796
3,040	413	547	598	666	733	797
3,050	413	548	599	667	734	799
3,060	414	549	600	669	736	800
3,070	415	550	601	670	737	802
3,080	416	551	602	671	738	803
3,090	416	552	603	672	739	805
3,100	417	553	604	673	741	806
3,110	418	554	605	675	742	807
3,120	419	555	606	676	743	809
3,130	419	556	607	677	745	810
3,140	420	558	608	678	746	812
3,150	421	559	609	679	747	813
3,160	421	560	610	681	749	815

**Appendix IX-F**  
**New Jersey**  
**Schedule of Child Support Awards**

Combined Net Weekly Income	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3,170	422	561	611	682	750	816
3,180	423	562	613	683	751	817
3,190	424	563	614	684	753	819
3,200	424	564	615	685	754	820
3,210	425	565	616	687	755	822
3,220	426	566	617	688	757	823
3,230	426	567	618	689	758	825
3,240	427	568	619	690	759	826
3,250	428	569	620	691	760	827
3,260	429	570	621	693	762	829
3,270	429	571	622	694	763	830
3,280	430	572	623	695	764	832
3,290	431	573	624	696	766	833
3,300	431	574	625	697	767	835
3,310	432	575	626	699	768	836
3,320	433	576	628	700	770	837
3,330	434	577	629	701	771	839
3,340	434	579	630	702	772	840
3,350	435	580	631	703	774	842
3,360	436	581	632	704	775	843
3,370	437	582	633	706	776	845
3,380	437	583	634	707	778	846
3,390	438	584	635	708	779	847
3,400	439	585	636	709	780	849
3,410	439	586	637	710	781	850
3,420	440	587	638	712	783	852
3,430	441	588	639	713	784	853
3,440	442	589	640	714	785	855
3,450	442	590	641	715	787	856
3,460	443	591	643	716	788	857
3,470	444	592	644	718	789	859
3,480	444	593	645	719	791	860
3,490	445	594	646	720	792	862
3,500	446	595	647	721	793	863
3,510	447	596	648	722	795	865
3,520	447	597	649	724	796	866
3,530	448	598	650	725	797	867
3,540	449	599	651	726	799	869
3,550	450	601	652	727	800	870
3,560	450	602	653	728	801	872
3,570	451	603	654	730	802	873
3,580	452	604	655	731	804	875
3,590	452	605	656	732	805	876
3,600	453	606	658	733	806	877
3,610	454	607	659	734	808	879
3,620	455	608	660	736	809	880
3,630	455	609	661	737	810	882
3,640	456	610	662	738	812	883
3,650	457	611	663	739	813	885
3,660	457	612	664	740	814	886
3,670	458	613	665	741	816	887

**Appendix IX-F**  
**New Jersey**  
**Schedule of Child Support Awards**

<b>Combined Net Weekly Income</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
3,680	459	614	666	743	817	889
3,690	460	615	667	744	818	890
3,700	460	616	668	745	820	892
3,710	461	617	669	746	821	893
3,720	462	618	670	747	822	895
3,730	462	619	671	749	824	896
3,740	463	620	672	750	825	897
3,750	464	622	674	751	826	899
3,760	465	623	675	752	827	900
3,770	465	624	676	753	829	902
3,780	466	625	677	755	830	903
3,790	467	626	678	756	831	905
3,800	468	627	679	757	833	906
3,810	468	628	680	758	834	907
3,820	469	629	681	759	835	909
3,830	470	630	682	761	837	910
3,840	470	631	683	762	838	912
3,850	471	632	684	763	839	913
3,860	472	633	685	764	841	915
3,870	473	634	686	765	842	916
3,880	473	635	687	767	843	917
3,890	474	636	689	768	845	919
3,900	475	637	690	769	846	920
3,910	475	638	691	770	847	922
3,920	476	639	692	771	848	923
3,930	477	640	693	773	850	925
3,940	478	641	694	774	851	926
3,950	478	642	695	775	852	927
3,960	479	644	696	776	854	929
3,970	480	645	697	777	855	930
3,980	481	646	698	778	856	932
3,990	481	647	699	780	858	933
4,000	482	648	700	781	859	935
4,010	483	649	701	782	860	936
4,020	483	650	702	783	862	937
4,030	484	651	704	784	863	939
4,040	485	652	705	786	864	940
4,050	486	653	706	787	866	942
4,060	486	654	707	788	867	943
4,070	487	655	708	789	868	945
4,080	488	656	709	790	869	946
4,090	488	657	710	792	871	947
4,100	489	658	711	793	872	949
4,110	490	659	712	794	873	950
4,120	491	660	713	795	875	952
4,130	491	661	714	796	876	953
4,140	492	662	715	798	877	955
4,150	493	663	716	799	879	956
4,160	494	665	717	800	880	957
4,170	494	666	719	801	881	959
4,180	495	667	720	802	883	960

**Appendix IX-F  
New Jersey  
Schedule of Child Support Awards**

Combined Net Weekly Income	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
4,190	496	668	721	804	884	962
4,200	496	669	722	805	885	963
4,210	497	670	723	806	887	965
4,220	498	671	724	807	888	966
4,230	499	672	725	808	889	967
4,240	499	673	726	810	890	969
4,250	500	674	727	811	892	970
4,260	501	675	728	812	893	972
4,270	501	676	729	813	894	973
4,280	502	677	730	814	896	975
4,290	503	678	731	815	897	976
4,300	504	679	732	817	898	977
4,310	504	680	734	818	900	979
4,320	505	681	735	819	901	980
4,330	506	682	736	820	902	982
4,340	506	683	737	821	904	983
4,350	507	684	738	823	905	985
4,360	508	685	739	824	906	986
4,370	509	687	740	825	908	987
4,380	509	688	741	826	909	989
4,390	510	689	742	827	910	990
4,400	511	690	743	829	911	992
4,410	512	691	744	830	913	993
4,420	512	692	745	831	914	995

For cases in which the combined net income of the parents is more than \$4,420 per week, the child support award at \$4,420 represents the minimum basic support award. The court must add a discretionary amount of child support to the minimum basic award based on the factors specified in *N.J.S.A. 2A:34-23*. See Appendix IX-A, Extreme Income Situations, for additional information.

***DO NOT EXTRAPOLATE THESE SCHEDULES BEYOND \$4,420 COMBINED WEEKLY NET INCOME***

[Note: Revised Appendix IX-F adopted July 27, 2006 to be effective September 1, 2006; corrected August 30, 2006 to be effective September 1, 2006.]

**APPENDIX IX-G**  
**CHILD SUPPORT AWARDS AS A PERCENTAGE OF INCOME**

<b>COMBINED NET WEEKLY INCOME</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
<b>0</b>	<i>For combined net incomes that are less than \$170 per week, the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support percentage at \$170 combined net weekly income as shown on this schedule.</i>					
<b>50</b>	<i>For combined net incomes that are less than \$170 per week, the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support percentage at \$170 combined net weekly income as shown on this schedule.</i>					
<b>100</b>	<i>For combined net incomes that are less than \$170 per week, the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support percentage at \$170 combined net weekly income as shown on this schedule.</i>					
<b>150</b>	<i>For combined net incomes that are less than \$170 per week, the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support percentage at \$170 combined net weekly income as shown on this schedule.</i>					
<b>160</b>	<i>For combined net incomes that are less than \$170 per week, the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support percentage at \$170 combined net weekly income as shown on this schedule.</i>					
<b>170</b>	24.6%	35.9%	42.6%	47.1%	51.0%	54.6%
<b>180</b>	24.6%	35.9%	42.6%	47.0%	51.0%	54.6%
<b>190</b>	24.6%	35.9%	42.5%	47.0%	51.0%	54.5%
<b>200</b>	24.5%	35.9%	42.5%	47.0%	50.9%	54.5%
<b>210</b>	24.5%	35.8%	42.5%	47.0%	50.9%	54.5%
<b>220</b>	24.5%	35.8%	42.5%	46.9%	50.9%	54.4%
<b>230</b>	24.5%	35.8%	42.5%	46.9%	50.9%	54.4%
<b>240</b>	24.5%	35.8%	42.4%	46.9%	50.8%	54.4%
<b>250</b>	24.5%	35.8%	42.4%	46.9%	50.8%	54.4%
<b>260</b>	24.5%	35.8%	42.4%	46.9%	50.8%	54.4%
<b>270</b>	24.5%	35.8%	42.4%	46.9%	50.8%	54.4%
<b>280</b>	24.5%	35.8%	42.4%	46.8%	50.8%	54.3%
<b>290</b>	24.5%	35.8%	42.4%	46.8%	50.8%	54.3%
<b>300</b>	24.5%	35.8%	42.4%	46.8%	50.8%	54.3%
<b>310</b>	24.5%	35.8%	42.4%	46.8%	50.8%	54.3%
<b>320</b>	24.5%	35.7%	42.4%	46.8%	50.7%	54.3%
<b>330</b>	24.5%	35.7%	42.4%	46.8%	50.7%	54.3%
<b>340</b>	24.5%	35.7%	42.3%	46.8%	50.7%	54.2%
<b>350</b>	24.4%	35.7%	42.3%	46.7%	50.6%	54.2%
<b>360</b>	24.4%	35.6%	42.2%	46.6%	50.6%	54.1%
<b>370</b>	24.4%	35.6%	42.2%	46.6%	50.5%	54.0%
<b>380</b>	24.4%	35.5%	42.1%	46.5%	50.4%	54.0%
<b>390</b>	24.3%	35.5%	42.1%	46.5%	50.4%	53.9%
<b>400</b>	24.3%	35.5%	42.0%	46.4%	50.3%	53.8%
<b>410</b>	24.3%	35.4%	42.0%	46.4%	50.3%	53.8%
<b>420</b>	24.3%	35.4%	41.9%	46.3%	50.2%	53.7%
<b>430</b>	24.3%	35.4%	41.9%	46.3%	50.2%	53.7%
<b>440</b>	24.2%	35.3%	41.8%	46.2%	50.1%	53.6%
<b>450</b>	24.2%	35.2%	41.7%	46.1%	50.0%	53.5%
<b>460</b>	24.1%	35.2%	41.6%	46.0%	49.9%	53.3%
<b>470</b>	24.1%	35.1%	41.5%	45.9%	49.7%	53.2%
<b>480</b>	24.1%	35.0%	41.4%	45.8%	49.6%	53.1%
<b>490</b>	24.0%	35.0%	41.4%	45.7%	49.6%	53.0%
<b>500</b>	24.0%	34.9%	41.3%	45.6%	49.5%	52.9%
<b>510</b>	24.0%	34.9%	41.2%	45.5%	49.4%	52.8%
<b>520</b>	23.9%	34.8%	41.2%	45.5%	49.3%	52.7%
<b>530</b>	23.9%	34.8%	41.1%	45.4%	49.2%	52.7%
<b>540</b>	23.9%	34.7%	41.0%	45.3%	49.1%	52.6%
<b>550</b>	23.8%	34.7%	41.0%	45.3%	49.1%	52.5%
<b>560</b>	23.8%	34.6%	40.9%	45.2%	49.0%	52.4%
<b>570</b>	23.8%	34.6%	40.8%	45.1%	48.9%	52.3%

**APPENDIX IX-G**  
**IC CHILD SUPPORT AWARDS AS A PERCENTAGE OF INCOME**

<b>COMBINED NET WEEKLY INCOME</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
580	23.8%	34.5%	40.8%	45.1%	48.8%	52.3%
590	23.7%	34.5%	40.7%	45.0%	48.8%	52.2%
600	23.7%	34.5%	40.7%	44.9%	48.7%	52.1%
610	23.7%	34.4%	40.6%	44.9%	48.6%	52.0%
620	23.7%	34.4%	40.5%	44.8%	48.6%	52.0%
630	23.7%	34.3%	40.5%	44.7%	48.5%	51.9%
640	23.6%	34.3%	40.4%	44.7%	48.4%	51.8%
650	23.6%	34.3%	40.4%	44.6%	48.4%	51.8%
660	23.6%	34.2%	40.3%	44.6%	48.3%	51.7%
670	23.6%	34.2%	40.3%	44.5%	48.3%	51.6%
680	23.6%	34.2%	40.2%	44.5%	48.2%	51.6%
690	23.6%	34.1%	40.2%	44.4%	48.2%	51.5%
700	23.5%	34.1%	40.2%	44.4%	48.1%	51.5%
710	23.5%	34.1%	40.1%	44.3%	48.1%	51.4%
720	23.5%	34.0%	40.1%	44.3%	48.0%	51.4%
730	23.5%	34.0%	40.0%	44.2%	48.0%	51.3%
740	23.5%	34.0%	40.0%	44.2%	47.9%	51.3%
750	23.5%	34.0%	40.0%	44.2%	47.9%	51.2%
760	23.4%	33.9%	39.9%	44.1%	47.8%	51.2%
770	23.4%	33.9%	39.9%	44.1%	47.8%	51.1%
780	23.4%	33.8%	39.8%	44.0%	47.7%	51.0%
790	23.3%	33.7%	39.6%	43.8%	47.5%	50.8%
800	23.2%	33.6%	39.5%	43.7%	47.3%	50.6%
810	23.1%	33.5%	39.4%	43.5%	47.2%	50.5%
820	23.0%	33.3%	39.3%	43.4%	47.0%	50.3%
830	22.9%	33.2%	39.1%	43.2%	46.9%	50.2%
840	22.9%	33.1%	39.0%	43.1%	46.7%	50.0%
850	22.8%	33.0%	38.9%	43.0%	46.6%	49.8%
860	22.7%	32.9%	38.8%	42.8%	46.4%	49.7%
870	22.6%	32.8%	38.7%	42.7%	46.3%	49.6%
880	22.6%	32.7%	38.6%	42.6%	46.2%	49.4%
890	22.5%	32.6%	38.4%	42.5%	46.0%	49.3%
900	22.4%	32.5%	38.3%	42.4%	45.9%	49.1%
910	22.4%	32.4%	38.2%	42.3%	45.8%	49.0%
920	22.3%	32.3%	38.0%	42.0%	45.6%	48.8%
930	22.1%	32.1%	37.8%	41.8%	45.3%	48.5%
940	22.0%	31.9%	37.6%	41.5%	45.0%	48.2%
950	21.9%	31.7%	37.4%	41.3%	44.8%	47.9%
960	21.8%	31.6%	37.2%	41.1%	44.5%	47.6%
970	21.7%	31.4%	36.9%	40.8%	44.2%	47.3%
980	21.6%	31.2%	36.7%	40.6%	44.0%	47.1%
990	21.5%	31.1%	36.5%	40.4%	43.8%	46.8%
1,000	21.4%	30.9%	36.3%	40.1%	43.5%	46.6%
1,010	21.3%	30.7%	36.1%	39.9%	43.3%	46.3%
1,020	21.2%	30.6%	35.9%	39.7%	43.0%	46.1%
1,030	21.1%	30.4%	35.8%	39.5%	42.8%	45.8%

**APPENDIX IX-G  
 IC CHILD SUPPORT AWARDS AS A PERCENTAGE OF INCOME**

<b>COMBINED NET WEEKLY INCOME</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
1,040	21.0%	30.3%	35.6%	39.3%	42.6%	45.6%
1,050	20.9%	30.1%	35.4%	39.1%	42.4%	45.4%
1,060	20.8%	30.0%	35.2%	38.9%	42.2%	45.1%
1,070	20.7%	29.9%	35.1%	38.8%	42.0%	45.0%
1,080	20.6%	29.8%	34.9%	38.6%	41.9%	44.8%
1,090	20.6%	29.7%	34.8%	38.5%	41.7%	44.6%
1,100	20.5%	29.6%	34.7%	38.3%	41.5%	44.5%
1,110	20.4%	29.5%	34.6%	38.2%	41.4%	44.3%
1,120	20.4%	29.4%	34.4%	38.1%	41.2%	44.1%
1,130	20.3%	29.3%	34.3%	37.9%	41.1%	44.0%
1,140	20.2%	29.2%	34.2%	37.8%	41.0%	43.8%
1,150	20.2%	29.1%	34.1%	37.7%	40.8%	43.7%
1,160	20.1%	29.0%	34.0%	37.5%	40.7%	43.5%
1,170	20.0%	28.9%	33.8%	37.4%	40.5%	43.4%
1,180	20.0%	28.8%	33.7%	37.3%	40.4%	43.2%
1,190	19.9%	28.7%	33.6%	37.2%	40.3%	43.1%
1,200	19.8%	28.6%	33.5%	37.0%	40.1%	43.0%
1,210	19.8%	28.5%	33.4%	36.9%	40.0%	42.8%
1,220	19.7%	28.4%	33.3%	36.8%	39.9%	42.7%
1,230	19.7%	28.3%	33.2%	36.7%	39.8%	42.6%
1,240	19.6%	28.2%	33.1%	36.6%	39.6%	42.4%
1,250	19.5%	28.2%	33.0%	36.5%	39.5%	42.3%
1,260	19.5%	28.1%	32.9%	36.4%	39.4%	42.2%
1,270	19.4%	28.0%	32.8%	36.3%	39.3%	42.1%
1,280	19.4%	27.9%	32.7%	36.2%	39.2%	42.0%
1,290	19.3%	27.9%	32.7%	36.1%	39.1%	41.9%
1,300	19.3%	27.8%	32.6%	36.0%	39.0%	41.8%
1,310	19.3%	27.7%	32.5%	35.9%	38.9%	41.7%
1,320	19.2%	27.7%	32.4%	35.8%	38.8%	41.6%
1,330	19.2%	27.6%	32.4%	35.8%	38.8%	41.5%
1,340	19.1%	27.5%	32.3%	35.7%	38.7%	41.4%
1,350	19.1%	27.5%	32.2%	35.6%	38.6%	41.3%
1,360	19.0%	27.4%	32.1%	35.5%	38.5%	41.2%
1,370	19.0%	27.4%	32.1%	35.4%	38.4%	41.1%
1,380	18.9%	27.3%	32.0%	35.3%	38.3%	41.0%
1,390	18.9%	27.2%	31.9%	35.3%	38.2%	40.9%
1,400	18.9%	27.2%	31.8%	35.2%	38.1%	40.8%
1,410	18.8%	27.1%	31.8%	35.1%	38.1%	40.7%
1,420	18.8%	27.1%	31.7%	35.0%	38.0%	40.6%
1,430	18.7%	27.0%	31.6%	35.0%	37.9%	40.6%
1,440	18.7%	26.9%	31.6%	34.9%	37.8%	40.5%
1,450	18.7%	26.9%	31.5%	34.8%	37.7%	40.4%
1,460	18.6%	26.8%	31.4%	34.7%	37.7%	40.3%
1,470	18.6%	26.8%	31.4%	34.7%	37.6%	40.2%
1,480	18.6%	26.7%	31.3%	34.6%	37.5%	40.1%
1,490	18.5%	26.7%	31.2%	34.5%	37.4%	40.0%

**APPENDIX IX-G**  
**IC CHILD SUPPORT AWARDS AS A PERCENTAGE OF INCOME**

<b>COMBINED NET WEEKLY INCOME</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
1,500	18.5%	26.6%	31.2%	34.5%	37.3%	40.0%
1,510	18.5%	26.6%	31.1%	34.4%	37.3%	39.9%
1,520	18.4%	26.5%	31.0%	34.3%	37.2%	39.8%
1,530	18.4%	26.5%	31.0%	34.2%	37.1%	39.7%
1,540	18.4%	26.4%	30.9%	34.2%	37.0%	39.6%
1,550	18.4%	26.4%	30.9%	34.1%	37.0%	39.6%
1,560	18.3%	26.4%	30.8%	34.0%	36.9%	39.5%
1,570	18.3%	26.3%	30.7%	34.0%	36.8%	39.4%
1,580	18.3%	26.3%	30.7%	33.9%	36.8%	39.3%
1,590	18.2%	26.2%	30.6%	33.8%	36.7%	39.2%
1,600	18.2%	26.2%	30.6%	33.8%	36.6%	39.2%
1,610	18.2%	26.1%	30.5%	33.7%	36.5%	39.1%
1,620	18.2%	26.1%	30.5%	33.6%	36.5%	39.0%
1,630	18.1%	26.1%	30.4%	33.6%	36.4%	39.0%
1,640	18.1%	26.0%	30.4%	33.6%	36.4%	38.9%
1,650	18.1%	26.0%	30.4%	33.5%	36.4%	38.9%
1,660	18.1%	26.0%	30.3%	33.5%	36.3%	38.9%
1,670	18.1%	26.0%	30.3%	33.5%	36.3%	38.9%
1,680	18.1%	26.0%	30.3%	33.5%	36.3%	38.9%
1,690	18.0%	25.9%	30.3%	33.5%	36.3%	38.8%
1,700	18.0%	25.9%	30.3%	33.5%	36.3%	38.8%
1,710	18.0%	25.9%	30.3%	33.5%	36.3%	38.8%
1,720	18.0%	25.9%	30.3%	33.5%	36.3%	38.8%
1,730	18.0%	25.9%	30.3%	33.4%	36.3%	38.8%
1,740	18.0%	25.9%	30.3%	33.4%	36.2%	38.8%
1,750	18.0%	25.9%	30.2%	33.4%	36.2%	38.8%
1,760	18.0%	25.8%	30.2%	33.4%	36.2%	38.8%
1,770	18.0%	25.8%	30.2%	33.4%	36.2%	38.7%
1,780	17.9%	25.8%	30.2%	33.4%	36.2%	38.7%
1,790	17.9%	25.8%	30.2%	33.4%	36.2%	38.7%
1,800	17.9%	25.8%	30.2%	33.4%	36.2%	38.7%
1,810	17.9%	25.8%	30.2%	33.4%	36.2%	38.7%
1,820	17.9%	25.8%	30.2%	33.4%	36.2%	38.7%
1,830	17.9%	25.7%	30.2%	33.3%	36.1%	38.7%
1,840	17.8%	25.7%	30.1%	33.3%	36.1%	38.6%
1,850	17.8%	25.6%	30.0%	33.2%	36.0%	38.5%
1,860	17.8%	25.6%	30.0%	33.1%	35.9%	38.4%
1,870	17.7%	25.5%	29.9%	33.1%	35.9%	38.4%
1,880	17.7%	25.5%	29.9%	33.0%	35.8%	38.3%
1,890	17.7%	25.4%	29.8%	33.0%	35.7%	38.2%
1,900	17.6%	25.4%	29.8%	32.9%	35.7%	38.1%
1,910	17.6%	25.3%	29.7%	32.8%	35.6%	38.1%
1,920	17.6%	25.3%	29.7%	32.8%	35.5%	38.0%
1,930	17.5%	25.3%	29.6%	32.7%	35.5%	37.9%
1,940	17.5%	25.2%	29.6%	32.7%	35.4%	37.9%
1,950	17.5%	25.2%	29.5%	32.6%	35.3%	37.8%

**APPENDIX IX-G**  
**IC CHILD SUPPORT AWARDS AS A PERCENTAGE OF INCOME**

<b>COMBINED NET WEEKLY INCOME</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
1,960	17.4%	25.1%	29.5%	32.5%	35.3%	37.7%
1,970	17.4%	25.1%	29.4%	32.5%	35.2%	37.7%
1,980	17.4%	25.0%	29.4%	32.4%	35.2%	37.6%
1,990	17.3%	25.0%	29.3%	32.4%	35.1%	37.6%
2,000	17.3%	24.9%	29.3%	32.3%	35.0%	37.5%
2,010	17.3%	24.9%	29.2%	32.3%	35.0%	37.4%
2,020	17.3%	24.9%	29.2%	32.2%	34.9%	37.4%
2,030	17.2%	24.8%	29.1%	32.2%	34.9%	37.3%
2,040	17.2%	24.8%	29.1%	32.1%	34.8%	37.2%
2,050	17.2%	24.7%	29.0%	32.1%	34.8%	37.2%
2,060	17.1%	24.7%	29.0%	32.0%	34.7%	37.1%
2,070	17.1%	24.7%	28.9%	32.0%	34.6%	37.1%
2,080	17.1%	24.6%	28.9%	31.9%	34.6%	37.0%
2,090	17.1%	24.6%	28.8%	31.9%	34.5%	37.0%
2,100	17.0%	24.5%	28.8%	31.8%	34.5%	36.9%
2,110	17.0%	24.5%	28.7%	31.8%	34.4%	36.8%
2,120	17.0%	24.5%	28.7%	31.7%	34.4%	36.8%
2,130	16.9%	24.4%	28.7%	31.7%	34.3%	36.7%
2,140	16.9%	24.4%	28.6%	31.6%	34.3%	36.7%
2,150	16.9%	24.4%	28.6%	31.6%	34.2%	36.6%
2,160	16.9%	24.3%	28.5%	31.5%	34.2%	36.6%
2,170	16.8%	24.3%	28.5%	31.5%	34.1%	36.5%
2,180	16.8%	24.3%	28.5%	31.5%	34.1%	36.5%
2,190	16.8%	24.2%	28.5%	31.4%	34.1%	36.5%
2,200	16.8%	24.2%	28.4%	31.4%	34.1%	36.4%
2,210	16.8%	24.2%	28.4%	31.4%	34.0%	36.4%
2,220	16.8%	24.2%	28.4%	31.4%	34.0%	36.4%
2,230	16.7%	24.2%	28.4%	31.3%	34.0%	36.4%
2,240	16.7%	24.1%	28.3%	31.3%	34.0%	36.3%
2,250	16.7%	24.1%	28.3%	31.3%	33.9%	36.3%
2,260	16.7%	24.1%	28.3%	31.3%	33.9%	36.3%
2,270	16.7%	24.1%	28.3%	31.2%	33.9%	36.2%
2,280	16.7%	24.1%	28.3%	31.2%	33.8%	36.2%
2,290	16.6%	24.0%	28.2%	31.2%	33.8%	36.2%
2,300	16.6%	24.0%	28.2%	31.2%	33.8%	36.2%
2,310	16.6%	24.0%	28.2%	31.2%	33.8%	36.1%
2,320	16.6%	24.0%	28.2%	31.1%	33.7%	36.1%
2,330	16.6%	24.0%	28.2%	31.1%	33.7%	36.1%
2,340	16.6%	23.9%	28.1%	31.1%	33.7%	36.1%
2,350	16.6%	23.9%	28.1%	31.1%	33.7%	36.0%
2,360	16.5%	23.9%	28.1%	31.0%	33.7%	36.0%
2,370	16.5%	23.9%	28.1%	31.0%	33.6%	36.0%
2,380	16.5%	23.9%	28.1%	31.0%	33.6%	36.0%
2,390	16.5%	23.8%	28.0%	31.0%	33.6%	35.9%
2,400	16.5%	23.8%	28.0%	31.0%	33.6%	35.9%
2,410	16.5%	23.8%	28.0%	30.9%	33.5%	35.9%

**APPENDIX IX-G  
 IC CHILD SUPPORT AWARDS AS A PERCENTAGE OF INCOME**

<b>COMBINED NET WEEKLY INCOME</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
2,420	16.5%	23.8%	28.0%	30.9%	33.5%	35.9%
2,430	16.4%	23.8%	28.0%	30.9%	33.5%	35.8%
2,440	16.4%	23.7%	27.9%	30.9%	33.5%	35.8%
2,450	16.4%	23.7%	27.9%	30.9%	33.5%	35.8%
2,460	16.4%	23.7%	27.9%	30.8%	33.4%	35.8%
2,470	16.4%	23.7%	27.9%	30.8%	33.4%	35.7%
2,480	16.4%	23.7%	27.9%	30.8%	33.4%	35.7%
2,490	16.4%	23.7%	27.9%	30.8%	33.4%	35.7%
2,500	16.3%	23.6%	27.8%	30.8%	33.3%	35.7%
2,510	16.3%	23.6%	27.8%	30.7%	33.3%	35.7%
2,520	16.3%	23.6%	27.8%	30.7%	33.3%	35.6%
2,530	16.3%	23.6%	27.8%	30.7%	33.3%	35.6%
2,540	16.3%	23.6%	27.8%	30.7%	33.3%	35.6%
2,550	16.3%	23.6%	27.8%	30.7%	33.2%	35.6%
2,560	16.3%	23.5%	27.7%	30.6%	33.2%	35.5%
2,570	16.3%	23.5%	27.7%	30.6%	33.2%	35.5%
2,580	16.2%	23.5%	27.7%	30.6%	33.2%	35.5%
2,590	16.2%	23.5%	27.7%	30.6%	33.2%	35.5%
2,600	16.2%	23.5%	27.7%	30.6%	33.1%	35.5%
2,610	16.2%	23.5%	27.7%	30.6%	33.1%	35.4%
2,620	16.2%	23.4%	27.6%	30.5%	33.1%	35.4%
2,630	16.2%	23.4%	27.6%	30.5%	33.1%	35.4%
2,640	16.2%	23.4%	27.6%	30.5%	33.1%	35.4%
2,650	16.2%	23.4%	27.6%	30.5%	33.0%	35.3%
2,660	16.1%	23.4%	27.5%	30.4%	33.0%	35.3%
2,670	16.1%	23.3%	27.5%	30.4%	32.9%	35.2%
2,680	16.1%	23.3%	27.4%	30.3%	32.9%	35.2%
2,690	16.1%	23.2%	27.4%	30.3%	32.8%	35.1%
2,700	16.0%	23.2%	27.4%	30.2%	32.8%	35.1%
2,710	16.0%	23.2%	27.3%	30.2%	32.7%	35.0%
2,720	16.0%	23.1%	27.3%	30.1%	32.7%	35.0%
2,730	16.0%	23.1%	27.2%	30.1%	32.6%	34.9%
2,740	15.9%	23.1%	27.2%	30.0%	32.6%	34.9%
2,750	15.9%	23.0%	27.2%	30.0%	32.5%	34.8%
2,760	15.9%	23.0%	27.1%	30.0%	32.5%	34.7%
2,770	15.9%	23.0%	27.1%	29.9%	32.4%	34.7%
2,780	15.9%	22.9%	27.0%	29.9%	32.4%	34.6%
2,790	15.8%	22.9%	27.0%	29.8%	32.3%	34.6%
2,800	15.8%	22.9%	26.9%	29.8%	32.3%	34.5%
2,810	15.8%	22.8%	26.9%	29.7%	32.2%	34.5%
2,820	15.8%	22.8%	26.9%	29.7%	32.2%	34.4%
2,830	15.7%	22.8%	26.8%	29.7%	32.1%	34.4%
2,840	15.7%	22.7%	26.8%	29.6%	32.1%	34.3%
2,850	15.7%	22.7%	26.8%	29.6%	32.0%	34.3%
2,860	15.7%	22.7%	26.7%	29.5%	32.0%	34.2%
2,870	15.7%	22.7%	26.7%	29.5%	32.0%	34.2%

**APPENDIX IX-G**

**MINIMUM BASIC CHILD SUPPORT AWARDS AS A PERCENTAGE OF INCOME**

<b>COMBINED NET WEEKLY INCOME</b>	<b>ONE CHILD</b>	<b>TWO CHILDREN</b>	<b>THREE CHILDREN</b>	<b>FOUR CHILDREN</b>	<b>FIVE CHILDREN</b>	<b>SIX CHILDREN</b>
<b>2,880</b>	15.6%	22.6%	26.6%	29.4%	31.9%	34.1%
<b>2,890</b>	15.6%	22.6%	26.6%	29.4%	31.9%	34.1%
<b>2,900</b>	15.6%	22.6%	26.6%	29.4%	31.8%	34.1%

For cases in which the combined net income of the parents is more than \$2,900 per week, the child support award at \$2,900 represents the minimum basic support award. The court must add a discretionary amount of child support to the minimum basic award based on the factors specified in *N.J.S.A. 2A:34-23*. See Appendix IX-A, Extreme Income Situations, for additional information.

***DO NOT EXTRAPOLATE THESE SCHEDULES BEYOND \$2,900 COMBINED WEEKLY NET INCOME***

**APPENDIX IX-H - COMBINED TAX WITHHOLDING TABLES FOR USE WITH THE SUPPORT GUIDELINES**

Includes Federal, State, Social Security and Medicare Income Tax Withholding Rates

Weekly Payroll Period - Single Persons and Married Living Apart - For Wages Paid After January 1, 2007

**These Tables should not be used for certain income situations - see notes at end of tables.**

Weekly Gross Income		And the number of withholding allowances claimed is . . . .									
At least	But less than	0	1	2	3	4	5	6	7	8	
100	110	15	9	9	9	8	8	8	8	8	
110	120	17	10	10	10	9	9	9	9	9	
120	130	19	12	11	11	10	10	10	10	10	
130	140	21	14	12	11	11	11	11	10	10	
140	150	23	16	13	12	12	12	12	11	11	
150	160	25	18	14	13	13	13	12	12	12	
160	170	26	20	15	14	14	14	13	13	13	
170	180	28	22	15	15	15	15	14	14	14	
180	190	30	24	17	16	16	15	15	15	15	
190	200	32	25	19	17	17	16	16	16	16	
200	210	35	27	21	18	18	17	17	17	16	
210	220	37	29	22	19	19	18	18	18	17	
220	230	39	31	24	20	19	19	19	19	18	
230	240	42	33	26	21	20	20	20	19	19	
240	250	44	35	28	22	21	21	21	20	20	
250	260	47	37	30	23	22	22	22	21	21	
260	270	49	39	32	25	23	23	23	22	22	
270	280	52	41	34	27	24	24	23	23	23	
280	290	54	44	36	29	25	25	24	24	24	
290	300	56	46	38	31	26	26	25	25	25	
300	310	59	49	40	33	27	26	26	26	26	
310	320	61	51	42	35	28	27	27	27	27	
320	330	64	54	43	37	30	28	28	28	27	
330	340	66	56	46	39	32	29	29	29	28	
340	350	68	58	48	40	34	30	30	30	29	
350	360	71	61	51	42	36	31	31	30	30	
360	370	73	63	53	44	37	32	32	31	31	
370	380	76	66	56	46	39	33	33	32	32	
380	390	78	68	58	48	41	34	33	33	33	
390	400	81	70	60	50	43	36	34	34	34	
400	410	83	73	63	53	45	38	35	35	35	
410	420	86	75	65	55	47	40	36	36	36	
420	430	88	78	68	58	49	42	37	37	37	
430	440	90	80	70	60	51	44	38	38	37	
440	450	93	83	73	62	53	46	39	39	38	
450	460	95	85	75	65	55	48	41	40	39	
460	470	98	88	77	67	57	50	43	41	40	
470	480	100	90	80	70	60	52	45	41	41	
480	490	103	93	82	72	62	54	47	42	42	
490	500	105	95	85	75	64	56	49	43	43	
500	510	108	98	87	77	67	58	51	44	44	
510	520	110	100	90	80	69	60	53	46	45	
520	530	113	102	92	82	72	62	55	48	46	
530	540	115	105	95	85	74	64	57	50	47	
540	550	118	107	97	87	77	67	59	52	48	
550	560	120	110	100	89	79	69	61	54	49	
560	570	123	112	102	92	82	72	62	56	50	
570	580	125	115	105	94	84	74	64	58	51	
580	590	127	117	107	97	87	76	66	59	53	
590	600	130	120	110	99	89	79	69	61	55	

Weekly Gross Income		And the number of withholding allowances claimed is . . . .								
At least	But less than	0	1	2	3	4	5	6	7	8
600	610	132	122	112	102	92	81	71	63	56
610	620	135	125	114	104	94	84	74	65	58
620	630	137	127	117	107	97	86	76	67	60
630	640	140	130	119	109	99	89	79	69	62
640	650	142	132	122	112	101	91	81	71	64
650	660	146	134	124	114	104	94	84	73	66
660	670	149	137	127	117	106	96	86	76	68
670	680	153	139	129	119	109	99	88	78	70
680	690	156	142	132	122	111	101	91	81	72
690	700	160	144	134	124	114	104	93	83	74
700	710	164	147	137	126	116	106	96	86	76
710	720	167	150	139	129	119	109	98	88	78
720	730	171	154	142	131	121	111	101	91	80
730	740	175	157	144	134	124	113	103	93	83
740	750	178	161	147	137	126	116	106	96	85
750	760	182	165	150	139	129	118	108	98	88
760	770	186	168	152	142	131	121	111	100	90
770	780	189	172	155	145	134	123	113	103	93
780	790	193	176	159	147	137	126	116	105	95
790	800	197	180	162	150	139	129	118	108	98
800	810	201	183	166	152	142	131	121	110	100
810	820	205	187	170	155	145	134	123	113	103
820	830	209	191	174	158	147	137	126	116	105
830	840	213	195	178	161	150	139	129	118	108
840	850	216	199	181	164	153	142	131	121	110
850	860	220	203	185	168	155	145	134	124	113
860	870	224	207	189	172	158	147	137	126	116
870	880	228	211	193	176	161	150	139	129	118
880	890	232	214	197	179	164	153	142	132	121
890	900	236	218	201	183	167	156	145	134	124
900	910	240	222	205	187	170	159	148	137	126
910	920	244	226	209	191	174	162	151	140	129
920	930	247	230	212	195	177	165	154	143	132
930	940	251	234	216	199	181	167	156	145	134
940	950	255	238	220	203	185	170	159	148	137
950	960	259	242	224	207	189	173	162	151	140
960	970	263	245	228	210	193	176	165	154	143
970	980	267	249	232	214	197	179	168	157	146
980	990	271	253	236	218	201	183	171	160	149
990	1,000	275	257	240	222	205	187	174	163	152
1,000	1,010	278	261	243	226	208	191	177	166	155
1,010	1,020	282	265	247	230	212	195	179	168	157
1,020	1,030	286	269	251	234	216	199	182	171	160
1,030	1,040	290	273	255	238	220	202	185	174	163
1,040	1,050	294	276	259	241	224	206	189	177	166
1,050	1,060	298	280	263	245	228	210	193	180	169
1,060	1,070	302	284	267	249	232	214	197	183	172
1,070	1,080	306	288	271	253	236	218	200	186	175
1,080	1,090	309	292	274	257	239	222	204	189	178
1,090	1,100	313	296	278	261	243	226	208	191	180
1,100	1,110	317	300	282	265	247	230	212	195	183
1,110	1,120	321	304	286	269	251	233	216	198	186
1,120	1,130	325	307	290	272	255	237	220	202	189
1,130	1,140	329	311	294	276	259	241	224	206	192
1,140	1,150	333	315	298	280	263	245	228	210	195

Weekly Gross Income		And the number of withholding allowances claimed is . . . .								
At least	But less than	0	1	2	3	4	5	6	7	8
1,150	1,160	337	319	302	284	267	249	231	214	198
1,160	1,170	340	323	305	288	270	253	235	218	201
1,170	1,180	344	327	309	292	274	257	239	222	204
1,180	1,190	348	331	313	296	278	261	243	226	208
1,190	1,200	352	335	317	300	282	264	247	229	212
1,200	1,210	356	338	321	303	286	268	251	233	216
1,210	1,220	360	342	325	307	290	272	255	237	220
1,220	1,230	364	346	329	311	294	276	259	241	224
1,230	1,240	368	350	333	315	298	280	262	245	227
1,240	1,250	371	354	336	319	301	284	266	249	231
1,250	1,260	375	358	340	323	305	288	270	253	235
1,260	1,270	379	362	344	327	309	292	274	257	239
1,270	1,280	383	366	348	331	313	295	278	260	243
1,280	1,290	387	369	352	334	317	299	282	264	247
1,290	1,300	391	373	356	338	321	303	286	268	251
1,300	1,310	395	377	360	342	325	307	290	272	255
1,310	1,320	399	381	364	346	329	311	293	276	258
1,320	1,330	402	385	367	350	332	315	297	280	262
1,330	1,340	406	389	371	354	336	319	301	284	266
1,340	1,350	410	393	375	358	340	323	305	288	270
1,350	1,360	414	397	379	362	344	326	309	291	274
1,360	1,370	418	400	383	365	348	330	313	295	278
1,370	1,380	422	404	387	369	352	334	317	299	282
1,380	1,390	426	408	391	373	356	338	321	303	286
1,390	1,400	430	412	395	377	360	342	324	307	289
1,400	1,410	433	416	398	381	363	346	328	311	293
1,410	1,420	437	420	402	385	367	350	332	315	297
1,420	1,430	441	424	406	389	371	354	336	319	301
1,430	1,440	445	428	410	393	375	357	340	322	305
1,440	1,450	449	431	414	396	379	361	344	326	309
1,450	1,460	453	435	418	400	383	365	348	330	313
1,460	1,470	457	439	422	404	387	369	352	334	317
1,470	1,480	461	443	426	408	391	373	355	338	320
1,480	1,490	465	447	429	412	394	377	359	342	324
1,490	1,500	469	451	433	416	398	381	363	346	328
1,500	1,510	473	455	437	420	402	385	367	350	332
1,510	1,520	478	459	441	424	406	388	371	353	336
1,520	1,530	482	463	445	428	410	392	375	357	340
1,530	1,540	486	467	449	432	414	396	379	361	344
1,540	1,550	491	471	453	436	418	400	383	365	348
1,550	1,560	495	475	457	440	422	404	386	369	351
1,560	1,570	499	479	461	443	426	408	390	373	355
1,570	1,580	503	484	465	447	430	412	394	377	359
1,580	1,590	508	488	469	451	434	416	398	381	363
1,590	1,600	512	492	473	455	438	420	402	385	367
1,600	1,610	516	496	477	459	442	424	406	389	371
1,610	1,620	520	501	481	463	446	428	410	393	375
1,620	1,630	525	505	485	467	450	432	414	397	379
1,630	1,640	529	509	490	471	454	436	418	400	383
1,640	1,650	533	514	494	475	458	440	422	404	387
1,650	1,660	537	518	498	479	461	444	426	408	391
1,660	1,670	542	522	502	483	465	448	430	412	395
1,670	1,680	546	526	507	487	469	452	434	416	399
1,680	1,690	550	531	511	491	473	456	438	420	403
1,690	1,700	555	535	515	496	477	460	442	424	407

Weekly Gross Income		And the number of withholding allowances claimed is . . . .								
At least	But less than	0	1	2	3	4	5	6	7	8
1,700	1,710	559	539	519	500	481	464	446	428	411
1,710	1,720	563	543	524	504	485	468	450	432	415
1,720	1,730	567	548	528	508	489	472	454	436	418
1,730	1,740	572	552	532	513	493	476	458	440	422
1,740	1,750	576	556	537	517	497	479	462	444	426
1,750	1,760	580	560	541	521	501	483	466	448	430
1,760	1,770	584	565	545	525	506	487	470	452	434
1,770	1,780	589	569	549	530	510	491	474	456	438
1,780	1,790	593	573	554	534	514	495	478	460	442
1,790	1,800	597	578	558	538	519	499	482	464	446
1,800	1,810	601	582	562	542	523	503	486	468	450
1,810	1,820	606	586	566	547	527	507	490	472	454
1,820	1,830	610	590	571	551	531	512	494	476	458
1,830	1,840	614	595	575	555	536	516	497	480	462
1,840	1,850	618	599	579	560	540	520	501	484	466
1,850	1,860	623	603	583	564	544	524	505	488	470
1,860	1,870	627	607	588	568	548	529	509	492	474
1,870	1,880	631	612	592	572	553	533	513	496	478
1,880	1,890	635	615	596	576	556	537	517	499	481
1,890	1,900	639	619	599	580	560	540	521	502	485
1,900	1,910	642	623	603	583	564	544	524	506	488
1,910	1,920	646	626	607	587	567	548	528	509	491
1,920	1,930	650	630	610	591	571	551	532	512	495
1,930	1,940	653	633	614	594	575	555	535	516	498
1,940	1,950	657	637	617	598	578	559	539	519	501
1,950	1,960	660	641	621	601	582	562	543	523	505
1,960	1,970	664	644	625	605	585	566	546	527	508
1,970	1,980	668	648	628	609	589	569	550	530	511
1,980	1,990	671	652	632	612	593	573	553	534	515
1,990	2,000	675	655	636	616	596	577	557	537	518
2,000	2,010	679	659	639	620	600	580	561	541	521
2,010	2,020	682	663	643	623	604	584	564	545	525
2,020	2,030	686	666	647	627	607	588	568	548	529
2,030	2,040	690	670	650	631	611	591	572	552	532
2,040	2,050	693	674	654	634	615	595	575	556	536
2,050	2,060	697	677	658	638	618	599	579	559	540
2,060	2,070	701	681	661	642	622	602	583	563	543
2,070	2,080	704	685	665	645	626	606	586	567	547
2,080	2,090	708	688	669	649	629	610	590	570	551
2,090	2,100	711	692	672	653	633	613	594	574	554
2,100	2,110	715	695	676	656	637	617	597	578	558
2,110	2,120	719	699	679	660	640	620	601	581	562
2,120	2,130	722	703	683	663	644	624	604	585	565
2,130	2,140	726	706	687	667	647	628	608	588	569
2,140	2,150	730	710	690	671	651	631	612	592	572
2,150	2,160	733	714	694	674	655	635	615	596	576
2,160	2,170	737	717	698	678	658	639	619	599	580
2,170	2,180	741	721	701	682	662	642	623	603	583
2,180	2,190	744	725	705	685	666	646	626	607	587
2,190	2,200	748	728	709	689	669	650	630	610	591
2,200	2,210	752	732	712	693	673	653	634	614	594
2,210	2,220	755	736	716	696	677	657	637	618	598
2,220	2,230	759	739	720	700	680	661	641	621	602
2,230	2,240	762	743	723	704	684	664	645	625	605
2,240	2,250	766	746	727	707	688	668	648	629	609

Weekly Gross Income		And the number of withholding allowances claimed is . . . .								
At least	But less than	0	1	2	3	4	5	6	7	8
2,250	2,260	770	750	730	711	691	672	652	632	613
2,260	2,270	773	754	734	714	695	675	656	636	616
2,270	2,280	777	757	738	718	698	679	659	640	620
2,280	2,290	781	761	741	722	702	682	663	643	624
2,290	2,300	784	765	745	725	706	686	666	647	627
2,300	2,310	788	768	749	729	709	690	670	650	631
2,310	2,320	792	772	752	733	713	693	674	654	634
2,320	2,330	795	776	756	736	717	697	677	658	638
2,330	2,340	799	779	760	740	720	701	681	661	642
2,340	2,350	803	783	763	744	724	704	685	665	645
2,350	2,360	806	787	767	747	728	708	688	669	649
2,360	2,370	810	790	771	751	731	712	692	672	653
2,370	2,380	814	794	774	755	735	715	696	676	656
2,380	2,390	817	798	778	758	739	719	699	680	660
2,390	2,400	821	801	782	762	742	723	703	683	664
2,400	2,410	824	805	785	766	746	726	707	687	667
2,410	2,420	828	808	789	769	749	730	710	691	671
2,420	2,430	832	812	792	773	753	733	714	694	675
2,430	2,440	835	816	796	776	757	737	717	698	678
2,440	2,450	839	819	800	780	760	741	721	701	682
2,450	2,460	843	823	803	784	764	744	725	705	685
2,460	2,470	846	827	807	787	768	748	728	709	689
2,470	2,480	850	830	811	791	771	752	732	712	693
2,480	2,490	854	834	814	795	775	755	736	716	696
2,490	2,500	857	838	818	798	779	759	739	720	700
2,500	2,510	861	841	822	802	782	763	743	723	704
2,510	2,520	865	845	825	806	786	766	747	727	707
2,520	2,530	868	849	829	809	790	770	750	731	711
2,530	2,540	872	852	833	813	793	774	754	734	715
2,540	2,550	875	856	836	817	797	777	758	738	718
2,550	2,560	879	859	840	820	801	781	761	742	722
2,560	2,570	883	863	843	824	804	785	765	745	726
2,570	2,580	886	867	847	827	808	788	769	749	729
2,580	2,590	890	870	851	831	811	792	772	753	733
2,590	2,600	894	874	854	835	815	795	776	756	736
2,600	2,610	897	878	858	838	819	799	779	760	740
2,610	2,620	901	881	862	842	822	803	783	763	744
2,620	2,630	905	885	865	846	826	806	787	767	747
2,630	2,640	908	889	869	849	830	810	790	771	751
2,640	2,650	912	892	873	853	833	814	794	774	755
2,650	2,660	916	896	876	857	837	817	798	778	758
2,660	2,670	919	900	880	860	841	821	801	782	762
2,670	2,680	923	903	884	864	844	825	805	785	766
2,680	2,690	927	907	887	868	848	828	809	789	769
2,690	2,700	930	911	891	871	852	832	812	793	773
2,700	2,710	934	914	895	875	855	836	816	796	777
2,710	2,720	937	918	898	879	859	839	820	800	780
2,720	2,730	941	921	902	882	862	843	823	804	784
2,730	2,740	945	925	905	886	866	846	827	807	788
2,740	2,750	948	929	909	889	870	850	830	811	791
2,750	2,760	952	932	913	893	873	854	834	814	795
2,760	2,770	956	936	916	897	877	857	838	818	798
2,770	2,780	959	940	920	900	881	861	841	822	802
2,780	2,790	963	943	924	904	884	865	845	825	806
2,790	2,800	967	947	927	908	888	868	849	829	809

Weekly Gross Income		And the number of withholding allowances claimed is . . . .								
At least	But less than	0	1	2	3	4	5	6	7	8
2,800	2,810	970	951	931	911	892	872	852	833	813
2,810	2,820	974	954	935	915	895	876	856	836	817
2,820	2,830	978	958	938	919	899	879	860	840	820
2,830	2,840	981	962	942	922	903	883	863	844	824
2,840	2,850	985	965	946	926	906	887	867	847	828
2,850	2,860	988	969	949	930	910	890	871	851	831
2,860	2,870	992	972	953	933	914	894	874	855	835
2,870	2,880	996	976	956	937	917	898	878	858	839
2,880	2,890	999	980	960	940	921	901	882	862	842
2,890	2,900	1,003	983	964	944	924	905	885	866	846
2,900	2,910	1,007	987	967	948	928	908	889	869	849
2,910	2,920	1,010	991	971	951	932	912	892	873	853
2,920	2,930	1,014	994	975	955	935	916	896	876	857
2,930	2,940	1,018	998	978	959	939	919	900	880	860
2,940	2,950	1,021	1,002	982	962	943	923	903	884	864
2,950	2,960	1,025	1,005	986	966	946	927	907	887	868
2,960	2,970	1,029	1,009	989	970	950	930	911	891	871
2,970	2,980	1,032	1,013	993	973	954	934	914	895	875
2,980	2,990	1,036	1,016	997	977	957	938	918	898	879
2,990	3,000	1,040	1,020	1,000	981	961	941	922	902	882
3,000	3,010	1,043	1,024	1,004	984	965	945	925	906	886
3,010	3,020	1,047	1,027	1,008	988	968	949	929	909	890
3,020	3,030	1,050	1,031	1,011	991	972	952	933	913	893
3,030	3,040	1,054	1,034	1,015	995	975	956	936	917	897
3,040	3,050	1,058	1,038	1,018	999	979	959	940	920	901
3,050	3,060	1,061	1,042	1,022	1,002	983	963	943	924	904
3,060	3,070	1,065	1,045	1,026	1,006	986	967	947	927	908
3,070	3,080	1,069	1,049	1,029	1,010	990	970	951	931	911
3,080	3,090	1,072	1,053	1,033	1,013	994	974	954	935	915
3,090	3,100	1,076	1,056	1,037	1,017	997	978	958	938	919
3,100	3,110	1,080	1,060	1,040	1,021	1,001	981	962	942	922
3,110	3,120	1,083	1,064	1,044	1,024	1,005	985	965	946	926
3,120	3,130	1,087	1,067	1,048	1,028	1,008	989	969	949	930
3,130	3,140	1,091	1,071	1,051	1,032	1,012	992	973	953	933
3,140	3,150	1,095	1,075	1,055	1,035	1,016	996	976	957	937
3,150	3,160	1,099	1,078	1,059	1,039	1,019	1,000	980	960	941
3,160	3,170	1,103	1,082	1,062	1,043	1,023	1,003	984	964	944
3,170	3,180	1,107	1,085	1,066	1,046	1,027	1,007	987	968	948
3,180	3,190	1,111	1,089	1,069	1,050	1,030	1,011	991	971	952
3,190	3,200	1,116	1,093	1,073	1,053	1,034	1,014	995	975	955
3,200	3,210	1,120	1,097	1,077	1,057	1,037	1,018	998	978	959
3,210	3,220	1,124	1,101	1,080	1,061	1,041	1,021	1,002	982	962
3,220	3,230	1,128	1,105	1,084	1,064	1,045	1,025	1,005	986	966
3,230	3,240	1,132	1,109	1,088	1,068	1,048	1,029	1,009	989	970
3,240	3,250	1,136	1,113	1,091	1,072	1,052	1,032	1,013	993	973
3,250	3,260	1,140	1,118	1,095	1,075	1,056	1,036	1,016	997	977
3,260	3,270	1,145	1,122	1,099	1,079	1,059	1,040	1,020	1,000	981
3,270	3,280	1,149	1,126	1,103	1,083	1,063	1,043	1,024	1,004	984
3,280	3,290	1,153	1,130	1,107	1,086	1,067	1,047	1,027	1,008	988
3,290	3,300	1,157	1,134	1,111	1,090	1,070	1,051	1,031	1,011	992
3,300	3,310	1,161	1,138	1,115	1,094	1,074	1,054	1,035	1,015	995
3,310	3,320	1,165	1,142	1,120	1,097	1,078	1,058	1,038	1,019	999
3,320	3,330	1,170	1,147	1,124	1,101	1,081	1,062	1,042	1,022	1,003
3,330	3,340	1,174	1,151	1,128	1,105	1,085	1,065	1,046	1,026	1,006
3,340	3,350	1,178	1,155	1,132	1,109	1,088	1,069	1,049	1,030	1,010

Weekly Gross Income		And the number of withholding allowances claimed is . . . .								
At least	But less than	0	1	2	3	4	5	6	7	8
3,350	3,360	1,182	1,159	1,136	1,113	1,092	1,072	1,053	1,033	1,014
3,360	3,370	1,186	1,163	1,140	1,117	1,096	1,076	1,056	1,037	1,017
3,370	3,380	1,190	1,167	1,144	1,121	1,099	1,080	1,060	1,040	1,021
3,380	3,390	1,194	1,171	1,149	1,126	1,103	1,083	1,064	1,044	1,024
3,390	3,400	1,199	1,176	1,153	1,130	1,107	1,087	1,067	1,048	1,028
3,400	3,410	1,203	1,180	1,157	1,134	1,111	1,091	1,071	1,051	1,032
3,410	3,420	1,207	1,184	1,161	1,138	1,115	1,094	1,075	1,055	1,035
3,420	3,430	1,211	1,188	1,165	1,142	1,119	1,098	1,078	1,059	1,039
3,430	3,440	1,215	1,192	1,169	1,146	1,123	1,102	1,082	1,062	1,043
3,440	3,450	1,219	1,196	1,173	1,150	1,128	1,105	1,086	1,066	1,046
3,450	3,460	1,223	1,200	1,178	1,155	1,132	1,109	1,089	1,070	1,050
3,460	3,470	1,228	1,205	1,182	1,159	1,136	1,113	1,093	1,073	1,054
3,470	3,480	1,232	1,209	1,186	1,163	1,140	1,117	1,097	1,077	1,057
3,480	3,490	1,236	1,213	1,190	1,167	1,144	1,121	1,100	1,081	1,061
3,490	3,500	1,240	1,217	1,194	1,171	1,148	1,125	1,104	1,084	1,065
3,500	3,510	1,244	1,221	1,198	1,175	1,152	1,130	1,107	1,088	1,068
3,510	3,520	1,248	1,225	1,202	1,179	1,157	1,134	1,111	1,091	1,072
3,520	3,530	1,252	1,229	1,207	1,184	1,161	1,138	1,115	1,095	1,075
3,530	3,540	1,257	1,234	1,211	1,188	1,165	1,142	1,119	1,099	1,079
3,540	3,550	1,261	1,238	1,215	1,192	1,169	1,146	1,123	1,102	1,083
3,550	3,560	1,265	1,242	1,219	1,196	1,173	1,150	1,127	1,106	1,086
3,560	3,570	1,269	1,246	1,223	1,200	1,177	1,154	1,131	1,110	1,090
3,570	3,580	1,273	1,250	1,227	1,204	1,181	1,159	1,136	1,113	1,094
3,580	3,590	1,277	1,254	1,231	1,209	1,186	1,163	1,140	1,117	1,097
3,590	3,600	1,281	1,258	1,236	1,213	1,190	1,167	1,144	1,121	1,101
3,600	3,610	1,286	1,263	1,240	1,217	1,194	1,171	1,148	1,125	1,105
3,610	3,620	1,290	1,267	1,244	1,221	1,198	1,175	1,152	1,129	1,108
3,620	3,630	1,294	1,271	1,248	1,225	1,202	1,179	1,156	1,133	1,112
3,630	3,640	1,298	1,275	1,252	1,229	1,206	1,183	1,160	1,138	1,116
3,640	3,650	1,302	1,279	1,256	1,233	1,210	1,188	1,165	1,142	1,119
3,650	3,660	1,306	1,283	1,260	1,238	1,215	1,192	1,169	1,146	1,123
3,660	3,670	1,310	1,288	1,265	1,242	1,219	1,196	1,173	1,150	1,127
3,670	3,680	1,315	1,292	1,269	1,246	1,223	1,200	1,177	1,154	1,131
3,680	3,690	1,319	1,296	1,273	1,250	1,227	1,204	1,181	1,158	1,135
3,690	3,700	1,323	1,300	1,277	1,254	1,231	1,208	1,185	1,162	1,139
3,700	3,710	1,327	1,304	1,281	1,258	1,235	1,212	1,189	1,167	1,144
3,710	3,720	1,331	1,308	1,285	1,262	1,239	1,217	1,194	1,171	1,148
3,720	3,730	1,335	1,312	1,289	1,267	1,244	1,221	1,198	1,175	1,152
3,730	3,740	1,339	1,317	1,294	1,271	1,248	1,225	1,202	1,179	1,156
3,740	3,750	1,344	1,321	1,298	1,275	1,252	1,229	1,206	1,183	1,160
3,750	3,760	1,348	1,325	1,302	1,279	1,256	1,233	1,210	1,187	1,164
3,760	3,770	1,352	1,329	1,306	1,283	1,260	1,237	1,214	1,191	1,169
3,770	3,780	1,356	1,333	1,310	1,287	1,264	1,241	1,218	1,196	1,173
3,780	3,790	1,360	1,337	1,314	1,291	1,268	1,246	1,223	1,200	1,177
3,790	3,800	1,364	1,341	1,318	1,296	1,273	1,250	1,227	1,204	1,181
3,800	3,810	1,368	1,346	1,323	1,300	1,277	1,254	1,231	1,208	1,185
3,810	3,820	1,373	1,350	1,327	1,304	1,281	1,258	1,235	1,212	1,189
3,820	3,830	1,377	1,354	1,331	1,308	1,285	1,262	1,239	1,216	1,193
3,830	3,840	1,381	1,358	1,335	1,312	1,289	1,266	1,243	1,220	1,198
3,840	3,850	1,385	1,362	1,339	1,316	1,293	1,270	1,248	1,225	1,202
3,850	3,860	1,389	1,366	1,343	1,320	1,298	1,275	1,252	1,229	1,206
3,860	3,870	1,393	1,370	1,347	1,325	1,302	1,279	1,256	1,233	1,210
3,870	3,880	1,397	1,375	1,352	1,329	1,306	1,283	1,260	1,237	1,214
3,880	3,890	1,402	1,379	1,356	1,333	1,310	1,287	1,264	1,241	1,218
3,890	3,900	1,406	1,383	1,360	1,337	1,314	1,291	1,268	1,245	1,222

Weekly Gross Income		And the number of withholding allowances claimed is . . . .								
At least	But less than	0	1	2	3	4	5	6	7	8
3,900	3,910	1,410	1,387	1,364	1,341	1,318	1,295	1,272	1,249	1,227
3,910	3,920	1,414	1,391	1,368	1,345	1,322	1,299	1,277	1,254	1,231
3,920	3,930	1,418	1,395	1,372	1,349	1,327	1,304	1,281	1,258	1,235
3,930	3,940	1,422	1,399	1,377	1,354	1,331	1,308	1,285	1,262	1,239
3,940	3,950	1,426	1,404	1,381	1,358	1,335	1,312	1,289	1,266	1,243
3,950	3,960	1,431	1,408	1,385	1,362	1,339	1,316	1,293	1,270	1,247
3,960	3,970	1,435	1,412	1,389	1,366	1,343	1,320	1,297	1,274	1,251
3,970	3,980	1,439	1,416	1,393	1,370	1,347	1,324	1,301	1,278	1,256
3,980	3,990	1,443	1,420	1,397	1,374	1,351	1,328	1,306	1,283	1,260
3,990	4,000	1,447	1,424	1,401	1,378	1,356	1,333	1,310	1,287	1,264
4,000	4,010	1,451	1,428	1,406	1,383	1,360	1,337	1,314	1,291	1,268
4,010	4,020	1,456	1,433	1,410	1,387	1,364	1,341	1,318	1,295	1,272
4,020	4,030	1,460	1,437	1,414	1,391	1,368	1,345	1,322	1,299	1,276
4,030	4,040	1,464	1,441	1,418	1,395	1,372	1,349	1,326	1,303	1,280
4,040	4,050	1,468	1,445	1,422	1,399	1,376	1,353	1,330	1,307	1,285
4,050	4,060	1,472	1,449	1,426	1,403	1,380	1,357	1,335	1,312	1,289
4,060	4,070	1,476	1,453	1,430	1,407	1,385	1,362	1,339	1,316	1,293
4,070	4,080	1,480	1,457	1,435	1,412	1,389	1,366	1,343	1,320	1,297
4,080	4,090	1,485	1,462	1,439	1,416	1,393	1,370	1,347	1,324	1,301
4,090	4,100	1,489	1,466	1,443	1,420	1,397	1,374	1,351	1,328	1,305
4,100	4,110	1,493	1,470	1,447	1,424	1,401	1,378	1,355	1,332	1,309
4,110	4,120	1,497	1,474	1,451	1,428	1,405	1,382	1,359	1,337	1,314
4,120	4,130	1,501	1,478	1,455	1,432	1,409	1,386	1,364	1,341	1,318
4,130	4,140	1,505	1,482	1,459	1,436	1,414	1,391	1,368	1,345	1,322
4,140	4,150	1,509	1,486	1,464	1,441	1,418	1,395	1,372	1,349	1,326
4,150	4,160	1,514	1,491	1,468	1,445	1,422	1,399	1,376	1,353	1,330
4,160	4,170	1,518	1,495	1,472	1,449	1,426	1,403	1,380	1,357	1,334
4,170	4,180	1,522	1,499	1,476	1,453	1,430	1,407	1,384	1,361	1,338
4,180	4,190	1,526	1,503	1,480	1,457	1,434	1,411	1,388	1,366	1,343
4,190	4,200	1,530	1,507	1,484	1,461	1,438	1,416	1,393	1,370	1,347
4,200	4,210	1,534	1,511	1,488	1,465	1,443	1,420	1,397	1,374	1,351
4,210	4,220	1,538	1,515	1,493	1,470	1,447	1,424	1,401	1,378	1,355
4,220	4,230	1,543	1,520	1,497	1,474	1,451	1,428	1,405	1,382	1,359
4,230	4,240	1,547	1,524	1,501	1,478	1,455	1,432	1,409	1,386	1,363
4,240	4,250	1,551	1,528	1,505	1,482	1,459	1,436	1,413	1,390	1,367
4,250	4,260	1,555	1,532	1,509	1,486	1,463	1,440	1,417	1,395	1,372
4,260	4,270	1,559	1,536	1,513	1,490	1,467	1,445	1,422	1,399	1,376
4,270	4,280	1,563	1,540	1,517	1,495	1,472	1,449	1,426	1,403	1,380
4,280	4,290	1,567	1,545	1,522	1,499	1,476	1,453	1,430	1,407	1,384
4,290	4,300	1,572	1,549	1,526	1,503	1,480	1,457	1,434	1,411	1,388
4,300	4,310	1,576	1,553	1,530	1,507	1,484	1,461	1,438	1,415	1,392
4,310	4,320	1,580	1,557	1,534	1,511	1,488	1,465	1,442	1,419	1,396
4,320	4,330	1,584	1,561	1,538	1,515	1,492	1,469	1,446	1,424	1,401
4,330	4,340	1,588	1,565	1,542	1,519	1,496	1,474	1,451	1,428	1,405
4,340	4,350	1,592	1,569	1,546	1,524	1,501	1,478	1,455	1,432	1,409
4,350	4,360	1,596	1,574	1,551	1,528	1,505	1,482	1,459	1,436	1,413
4,360	4,370	1,601	1,578	1,555	1,532	1,509	1,486	1,463	1,440	1,417
4,370	4,380	1,605	1,582	1,559	1,536	1,513	1,490	1,467	1,444	1,421
4,380	4,390	1,609	1,586	1,563	1,540	1,517	1,494	1,471	1,448	1,426
4,390	4,400	1,613	1,590	1,567	1,544	1,521	1,498	1,475	1,453	1,430
4,400	4,410	1,617	1,594	1,571	1,548	1,525	1,503	1,480	1,457	1,434
4,410	4,420	1,621	1,598	1,575	1,553	1,530	1,507	1,484	1,461	1,438

**COMMENTS ON THE USE OF THE COMBINED TAX TABLES**

*Limitations of this Table - This table should not be used if either parent: (1) has income from non-wage income that is not subject to the same taxes as wages (such as alimony or Social Security disability - see Appendix IX-B), (2) claims mandatory retirement contributions, or (3) has a married marital status for tax withholding purposes.*

*Withholding Taxes vs. Year-End Tax Obligations - This table is based on withholding rates. It is meant to provide an estimate of how much*



# **NON - DISSOLUTION OPERATIONS MANUAL**

Appendix II-B (revised December 2007)

Rules of Court Appendix XVI-Uniform Summary Support Order  
(R.5:7-4)

## **RULE 5:1. COGNIZABILITY OF ACTIONS; SCOPE AND APPLICABILITY OF RULES**

### **RULE 5:1. COGNIZABILITY OF ACTIONS; SCOPE AND APPLICABILITY OF RULES**

#### **5:1-1. Scope and Applicability of Rules**

The rules in Part V shall govern family actions. All family actions shall also be governed by the rules in Part I insofar as applicable. Civil family actions shall also be governed by the rules in Part IV insofar as applicable and except as otherwise provided by the rules in Part V. Criminal and quasi-criminal family actions shall also be governed by the rules in Part III insofar as applicable except as otherwise provided by the rules in Part V. Juvenile delinquency actions shall be governed by the rules in Part III insofar as applicable and except as otherwise provided by the rules in Part V.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; amended January 5, 1998 to be effective February 1, 1998.

#### **5:1-2. Actions Cognizable**

The following actions shall be cognizable in the Family Part:

(a) Civil Family Actions Generally. All civil actions in which the principal claim is unique to and arises out of a family or family-type relationship shall be brought in the Family Part. Such actions shall include all actions and proceedings provided for in Chapters II and III of Part V; all civil actions and proceedings formerly designated as matrimonial actions; all civil actions and proceedings formerly cognizable in the Juvenile and Domestic Relations Court; and all other civil actions and proceedings unique to and arising out of a family or a family-type relationship.

(b) Juvenile Delinquency Actions.

(c) Criminal and Quasi-Criminal Actions.

(1) Criminal actions brought pursuant to N.J.S. 2C:24-5 (willful nonsupport) shall be prosecuted in the Family Part subject to transfer to the Law Division pursuant to R. 3:1-5(b) in the event the defendant is entitled to and demands trial by jury.

(2) All other indictable offenses pending in the Law Division may be transferred to the Family Part for trial and disposition pursuant to R. 3:1-5 provided that (A) the gravamen of the offense charged arises out of a family or a family-type relationship between the defendant and a victim, (B) the defendant has waived

trial by jury pursuant to R. 1:8-1, (C) the defendant and the prosecutor have both consented to such transfer.

(3) Any non-indictable offense or violation pending in the municipal court and any indictable offense within the trial jurisdiction of the municipal court may be transferred for trial and disposition to the Family Part pursuant to R. 5:1-3(b) provided that the gravamen of the offense or violation arises out of a family or family-type relationship between the defendant and a victim.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; paragraph (c)(1) amended June 28, 1996 to be effective September 1, 1996.

#### 5:1-3. Transfer of Actions to and From the Family Part

(a) Civil Actions. The transfer of civil family actions to or from the Family Part to or from any other trial division or part of a trial division of the Superior Court shall be governed by R. 4:3-1(b).

(b) Criminal and Quasi-Criminal Actions.

(1) The transfer of criminal actions between the Law Division and the Family Part shall be governed by R. 3:1-5.

(2) The transfer of proceedings pending in a municipal court shall be on motion made by the defendant, the complaining witness or the municipal prosecutor. If there is a pending Family Part matter the motion shall be made to the judge assigned to that case and if no judge has been assigned, then to the presiding judge of that vicinage. If there is no pending Family Part matter, then the motion should be made to the presiding judge of the Family Part where the municipal court is located.

(c) Juvenile Delinquency Actions. The transfer of juvenile delinquency actions between the Family Part and other courts shall be governed by R. 5:23. The referral of a juvenile delinquency action to the Law Division for prosecution as in the case of an adult shall be governed by R. 5:22.

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; paragraph (b)(2) amended November 1, 1985 to be effective January 2, 1986.

#### 5:1-4. Differentiated Case Management in Civil Family Actions

(a) Case Management Tracks; Standards for Assignment. Except for summary actions, every civil family action shall be assigned, subject to reassignment as provided by paragraph (c) of this rule, to one of the following tracks as follows:

(1) Priority Track. The action shall be assigned to the priority track if it involves contested custody or parenting time issues.

(2) Complex Track. The action shall be assigned to the complex track for judicial management if it appears likely that it will require a disproportionate expenditure of court and litigant resources in preparation for trial and at trial because of the number of parties involved, the number of claims and defenses raised, the legal difficulty of the issues presented, the factual difficulty of the subject matter, the length and complexity of discovery, or a combination of these or other factors.

(3) Expedited Track. The action shall be assigned to the expedited track if it appears that it can be promptly tried with minimal pretrial proceedings, including discovery. Subject to re-assignment as provided by paragraph (c) of this rule, a dissolution action shall be assigned to the expedited track if (A) there is no dispute as to either the income of the parties or the identifiable value of the marital assets and no issue of custody or parenting time has been raised; (B) the parties have been married less than five years and have no children; (C) the parties have entered into a property settlement agreement; or (D) the action is uncontested.

(4) Standard Track. Any action not qualifying for assignment to the priority track, complex track, or expedited track shall be assigned to the standard track.

(b) Procedure for Track Assignment. The Family Presiding Judge or a judge designated by the Family Presiding Judge shall make the track assignment as soon as practicable after all parties have filed Family Case Information Statements required by R. 5:5-2 or after the case management conference required by R. 5:5-7, whichever is earlier. The track assignment shall not, however, precede the filing of the first responsive pleading in the action. In making the track assignment, due consideration shall be given to an attorney's request for track assignment. If all the attorneys agree on a track assignment, the case shall not be assigned to a different track except for good cause shown and after giving all attorneys the opportunity to be heard, in writing or orally. If it is not clear from an examination of the information provided by the parties which track assignment is most appropriate, the case shall be assigned to the track that affords the greatest degree of management. The parties shall be advised promptly by the court of the track assignment.

(c) Track Reassignment. An action may be reassigned to a track other than that specified in the original notice to the parties either on the court's own motion or on application of a party. Unless the court otherwise directs, such application may be made informally to the Family Presiding Judge or to a judge designated by the Family Presiding Judge and shall state with specificity the reasons therefor.

Note: Adopted January 21, 1999 to be effective April 5, 1999; paragraph (b) amended August 1, 2006 to be effective September 1, 2006.

**Appendix XVI – Uniform Summary Support Order (R. 5:7-4)**

**SUPERIOR COURT OF NEW JERSEY  
Chancery Division-Family Part  
ORDER**

PLAINTIFF VS DEFENDANT

Obligor  Obligea  Obligor  Obligea

HEARING DATE / / WELFARE / U.I.F.S.A. #

COUNTY: \_\_\_\_\_  
DOCKET # \_\_\_\_\_  
CS# \_\_\_\_\_

With appearance by:  PL  Atty for PL \_\_\_\_\_  DEF  Atty for DEF \_\_\_\_\_  
 IV-D Atty \_\_\_\_\_  County Probation Division \_\_\_\_\_

This matter having been opened to the court by:  Plaintiff  Defendant  County Welfare Agency  Probation Division  Family Division  
for an ORDER for:  Paternity  Support  Visitation  Custody  Enforcement  Modification / Increase / Decrease

1. State with Continuing Exclusive Jurisdiction:

CHILD'S NAME	BIRTH DATE	CHILD'S NAME	BIRTH DATE
2A.		2D.	
2B.		2E.	
2C.		2F.	

3.  PATERNITY of child(ren) (# above) \_\_\_\_\_ is hereby established and an ORDER of paternity is hereby entered.

4.  A Certificate of Parentage has been filed for child(ren) # \_\_\_\_\_ above.

5.  IT IS HEREBY ORDERED THAT: The obligor shall pay support to the New Jersey Family Support Payment Center in the amount of:

[ ]	+	[ ]	+	[ ]	=	[ ] payable	effective	[ ] / [ ] / [ ]
<i>Child Support</i>		<i>Spousal Support</i>		<i>Arrears Payment</i>		<i>Total</i>	<i>Frequency</i>	<i>Date</i>

**NOTE: Child support is subject to a biennial cost-of-living adjustment in accordance with R. 5:6B**

6.  Child Support Guidelines Order  Deviation reason: \_\_\_\_\_

6A.  Worksheet attached.

7.  Support order shall be administered and enforced by the Probation Division in the county of Venue, \_\_\_\_\_ County.

8.  ARREARS calculated at establishment hearing are based upon amounts and effective date noted above and total \$ \_\_\_\_\_.

9.  ARREARS indicated in the records of the Probation Division, are \$ \_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_.

10.  GROSS WEEKLY INCOMES of the parties, as defined by the Child Support Guidelines, upon which this ORDER is based:

OBLIGEE \$ \_\_\_\_\_ OBLIGOR \$ \_\_\_\_\_

11.  INCOME WITHHOLDING is hereby ORDERED on current and future income sources, including:

Name of income source: \_\_\_\_\_

Address of income source: \_\_\_\_\_

OBLIGOR SHALL, however, make payments AT ANY TIME that the full amount of support and arrears is not withheld.

12.  Medical Support coverage as available at reasonable cost shall be provided for the  child(ren)  spouse, by Obligor  Obligea  Both

The parties shall pay unreimbursable health care expenses of the child(ren) which exceed \$250.00 per child per year as follows:

\_\_\_\_\_ % Obligor \_\_\_\_\_ % Obligea

*Pursuant to R 5:6A the obligee shall be responsible for the first \$250.00 per child per year.*

If coverage is available, Medical Insurance I.D. card(s) as proof of coverage for the child(ren)/spouse shall be provided immediately upon availability to the Probation Division by the:

Obligea

Obligor

12A.  Insurance currently provided by a non-party: \_\_\_\_\_

12B.  Health insurance benefits are to be paid directly to the health care provider by the insurer.

13.  **GENETIC TESTING** to assist the court in determining paternity of the child(ren) (#\_\_\_\_\_) is hereby **ORDERED**. The county welfare agency or the foreign jurisdiction in the county of residence of the child shall bear the cost of said testing, without prejudice to final allocation of said costs. If defendant is later adjudicated the father of said child(ren), defendant shall reimburse the welfare agency for the costs of said tests, and pay child support retroactive to \_\_\_\_/\_\_\_\_/\_\_\_\_.

13A.  Issues of reimbursement reserved.

13B.  Issue of retroactive order reserved.

14.  This matter is hereby **RELISTED** for a hearing on \_\_\_\_/\_\_\_\_/\_\_\_\_ before \_\_\_\_\_. A copy of this **ORDER** shall serve as the summons for the hearings. **No further notice for appearance shall be given.** Failure to appear may result in a default order, bench warrant, or dismissal. Reason for relist:

15.  **AN EMPLOYMENT SEARCH MUST BE CONDUCTED BY THE OBLIGOR.** Written records of at least #\_\_\_\_ employment contacts per week must be presented to the Probation Division. If employed, proof of income and the full name and address of employer must be provided immediately to the Probation Division.

16.  **SERVICE** upon which this order is based:

Personal Service

Certified Mail:

Refused

Regular Mail (not returned)

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signed by: \_\_\_\_\_

Returned Unclaimed

Other:

17.  **A BENCH WARRANT** for the arrest of the obligor is hereby **ORDERED**. The obligor was properly served with notice for court appearance on \_\_\_\_/\_\_\_\_/\_\_\_\_, and failed to appear. (Service noted above). An amount of \$\_\_\_\_\_ shall be required for release.

18.  **EFFECTIVE \_\_\_\_/\_\_\_\_/\_\_\_\_ FUTURE MISSED PAYMENT(S)** numbering \_\_\_\_\_ or more may result in the issuance of a warrant, without further notice.

19.  **A LUMP SUM PAYMENT OF \$\_\_\_\_\_** must be made by the obligor by \_\_\_\_/\_\_\_\_/\_\_\_\_, or a bench warrant may be issued without further notice.

20.  This complaint / motion is hereby **DISMISSED**: (reason) \_\_\_\_\_

21.  Order of Support is hereby **TERMINATED** effective \_\_\_\_/\_\_\_\_/\_\_\_\_, as \_\_\_\_\_. Arrears accrued prior to effective date, if any, shall be paid at the rate and frequency noted on page number one of this **ORDER**.

22.  **THIS ORDER IS ENTERED BY DEFAULT.** The  obligor  obligee was properly served to appear for a hearing on \_\_\_\_/\_\_\_\_/\_\_\_\_ and failed to appear. **22A.**  Affidavit of Non-Military Service is filed.

23.  It is further **ORDERED**: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**EXCEPT AS PROVIDED HEREIN, ALL PRIOR ORDERS OF THE COURT REMAIN IN FULL FORCE AND EFFECT.**

I hereby declare that I understand all provisions of this **ORDER** recommended by a Hearing Officer and I waive my right to an immediate appeal to a Superior Court Judge:

PLAINTIFF \_\_\_\_\_ DEFENDANT \_\_\_\_\_

ATTORNEY FOR PLAINTIFF \_\_\_\_\_ ATTORNEY FOR DEFENDANT \_\_\_\_\_

24.  **INTAKE CONFERENCE BY AUTHORIZED COURT STAFF:**

25.  The parties request the termination of all Title IV-D services and consent to direct payment of support. They are advised that all monitoring, collection, enforcement and location services available under Title IV-D of the Social Security Act are no longer in effect. I understand I may reapply for Title IV-D services.

\_\_\_\_\_ obligee

\_\_\_\_\_ obligor

26.  Copies provided at hearing to  obligee  obligor

26A.  Copies to be mailed to  obligee  obligor

**TAKE NOTICE THAT THE NEW JERSEY UNIFORM SUPPORT NOTICES WHICH ARE PROVIDED IN APPENDIX XVI OF THE RULES OF COURT, AND WHICH FOLLOW, ARE INCORPORATED INTO THIS ORDER BY REFERENCE AND ARE BINDING ON ALL PARTIES.**

So **Recommended** to the Court by the Hearing Officer:

Date / / H.O.

Signature

So **Ordered** by the Court:

Date / / Judge

Signature

J.S.C.

## NEW JERSEY UNIFORM SUPPORT NOTICES

### TAKE NOTICE THAT THE FOLLOWING PROVISIONS ARE TO BE CONSIDERED PART OF THIS ORDER AND ARE BINDING ON ALL PARTIES:

1. You must continue to make all payments until the court order is changed by another court order.
2. You must file a **WRITTEN** request to the Family Division in the county in which the order was entered in order for the court to consider a change in the support order. Contact the Family or Probation Division to find out how to do this. It is important that you request a change as soon as possible after your income or the child(ren)'s status changes. In most cases, if you delay making your request, and you are the obligor, you will have to pay the original amount of support until the date of your written request.
3. Payments must be made directly to the New Jersey Family Support Payment Center, P.O. Box 4880, Trenton, NJ 08650, unless the court directs otherwise. Payments may be made by money order, check, direct debit from your checking account, or credit card. Gifts, other purchases, or in-kind payments made directly to the obligee or child(ren) will not fulfill the support obligation. Credit for payments made directly to the obligee or child(ren) may not be given without a court order.
4. No payment or installment of an order for child support, or those portions of an order that are allocated for child support, shall be retroactively modified by the court except for the period during which the party seeking relief has pending an application for modification as provided in *N.J.S.A. 2A:17-56.23a*. (*R. 5:7-4(e)*).
5. The amount of child support and/or the addition of a health care coverage provision in Title IV-D cases shall be subject to review at least once every three years, on written request by either party to the Division of Family Development, P.O. Box 716, Trenton, NJ 08625-0716, as appropriate, or upon application to the court. (*N.J.S.A. 2A:17-56.9a*; *R. 5:7-4(e)*).
6. In accordance with *N.J.S.A. 2A:34-23b*, the custodial parent may require the non-custodial parent's health care coverage provider to make payments directly to the health care provider by submitting a copy of the relevant sections of the order to the insurer. (*R. 5:7-4(e)*).
7. Social Security numbers are collected and used in accordance with section 205 of the Social Security Act (42 *U.S.C.* 405). Disclosure of an individual's Social Security number for Title IV-D purposes is mandatory. Social Security numbers are used to obtain income, employment, and benefit information on individuals through computer matching programs with federal and state agencies, and such information is used to establish and enforce child support under Title IV-D of the Social Security Act (42 *U.S.C.* 651 et seq.). Any person who willfully and with the intent to deceive, uses a Social Security number obtained on the basis of false information provided to Social Security Administration **or** provides a false or inaccurate Social Security number is subject to a fine or imprisonment. (42 *U.S.C.* 408(7); *R. 5:7-4(e)*).

8. The United States Secretary of State is required to refuse to issue or renew a passport to any person certified as owing a child support arrearage exceeding the statutory amount. In addition, the U.S. Secretary of State may take action to revoke, restrict or limit a passport previously issued to an individual owing such a child support arrearage. (42 U.S.C. 652(k)).
9. Failure to appear for a hearing to establish or to enforce an order, or failure to comply with the support provisions of this order may result in incarceration. The obligee and obligor shall notify the appropriate Probation Division of any changes in address, employment status, health care coverage, or a change in the address or status of the child(ren). Changes must be reported in writing to the Probation Division within 10 days of the change. Not providing this information is a violation of this Order. The last address you give to Probation will be used to send you notices. If you fail to appear, a default order may be entered against you or a warrant may be issued for your arrest (R. 5:7-4(e)).
10. Any payment or installment for child support shall be fully enforceable and entitled to full faith and credit and shall be a judgment by operation of law on or after the date it is due (N.J.S.A. 2A:17-56.23a). Any non-payment of child support you owe has the effect of a lien against your property. This child support lien may affect your ability to obtain credit or to sell your property. Judgments also accrue interest at the rate prescribed by Rule 4:42- 11(a). (R. 5:7-4(e)).
11. All child support obligations are payable by income withholding unless otherwise ordered. If immediate income withholding is not required when an order is entered or modified, the child support provisions of the order may be subject to income withholding when the amount due becomes equal to, or in excess of the amount of support due for 14 days. The withholding is effective against the obligor's current and future income from all sources authorized by law. (R. 5:7-4(e), R. 5:7-5).
12. The occupational, recreational, and professional licenses, including a license to practice law, held or applied for by the obligor may be denied, suspended or revoked if: 1) a child support arrearage accumulates that is equal to or exceeds the amount set by statute, or 2) the obligor fails to provide health care coverage for the child as ordered by the court, or 3) a warrant for the obligor's arrest has been issued by the court for obligor's failure to pay child support as ordered, or for obligor's failure to appear at a hearing to establish paternity or child support, or for obligor's failure to appear at a child support hearing to enforce a child support order and said warrant remains outstanding. (R. 5:7-4(e)).
13. The driver's license held or applied for by the obligor may be denied, suspended, or revoked if 1) a child support arrearage accumulates that is equal to or exceeds the amount set by statute, or 2) the obligor fails to provide health care coverage for the child as ordered by the court. The driver's license held or applied for by the obligor shall be denied, suspended, or revoked if the court issues a warrant for the obligor's arrest for failure to pay child support as ordered, or for failure to appear at a hearing to establish paternity or child support, or for failure to appear at a child support hearing to enforce a child support order and said warrant remains outstanding. (R. 5:7-4(e)).

14. The name of any delinquent obligor and the amount of overdue child support owed will be reported to consumer credit reporting agencies as a debt owed by the obligor, subject to all procedural due process required under State law. (*N.J.S.A. 2A: 17-56.21*).
15. Child support arrears may be reported to the Internal Revenue Service and the State Division of Taxation. Tax refunds/homestead rebates due the obligor may be taken to pay arrears (*N.J.S.A. 2A:17-56.16*).
16. Child support arrears shall be paid from the net proceeds of any lawsuit, settlement, civil judgment, civil arbitration award, inheritance or workers' compensation award to a prevailing party or beneficiary before any monies are disbursed. (*N.J.S.A. 2A:17-56.23b*).
17. Periodic or lump sum payments from State or local agencies, including lotteries, unemployment compensation, workers' compensation or other benefits, may be seized or intercepted to satisfy child support arrearages. (*N.J.S.A. 2A:17-56.53*).
18. If you owe past due child support, your public or private retirement benefits, and assets held in financial institutions may be attached to satisfy child support arrearages. (*N.J.S.A. 2A:17-56.53*).
19. A person under a child support obligation, who willfully fails to provide support, may be subject to criminal penalties under State and Federal law. Such criminal penalties may include imprisonment and/or fines. (*N.J.S.A. 2C:24-5; N.J.S.A. 2C:62-1; 18 U.S.C.A. 22*).
20. If this order contains any provision concerning custody and/or parenting time, both parties are advised: Failure to comply with the custody provisions of this court order may subject you to criminal penalties under *N.J.S.A. 2C:13-4*, **Interference with Custody**. Such criminal penalties include, but are not limited to, imprisonment, probation, and/or fines.  
Si usted deja de cumplir con las clausulas de custodia de esta orden del tribunal, puede estar sujeto (sujeta) a castigos criminales conforme a *N.J.S.A. 2C:13-4*, **Interference with Custody, (Obstruccion de la Custodia)**. Dichos castigos criminales incluyen pero no se limitan a encarcelamiento, libertad, multas o una combinacion de los tres.

## **Appendix III**

# **Paternity Opportunity Program (POP)**

ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY

ROBERT D. LIPSCHER  
ADMINISTRATIVE DIRECTOR OF THE COURTS



CN-037  
TRENTON, NEW JERSEY 08625

To: Assignment Judges  
Family Division Presiding Judges

From: Robert D. Lipscher *RDL*

Subject: Hospital-Based Voluntary Acknowledgement of Paternity  
Paternity Opportunity Program (POP)

Date: February 2, 1996

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On December 20, 1994, Chapter 164, Laws of 1994 was enacted to improve the establishment of paternity in New Jersey. A copy of the law was forwarded to vicinage staff on January 3, 1995 and is attached for your reference. Several provisions of the New Jersey Parentage Act (*N.J.S.A. 9:17-41 et seq.*) and Title 26 (Health and Vital Statistics) were amended to establish a process by which parents could voluntarily acknowledge paternity at the time of a child's birth, thus, avoiding the need for court-based paternity establishment services. With regard to the voluntary acknowledgement of paternity, Chapter 164 provides that:

- A parent-child relationship may be established by, *inter alia*, a *Certificate of Parentage* as set forth in *N.J.S.A. 26:8-28.1 (N.J.S.A. 9:17-41)*.
- The attending physician, midwife, or person acting as the agent of the physician or midwife, who was in attendance at the birth shall be responsible for the proper execution and return of a certificate of birth. The certificate shall be upon the form provided or approved by the State Department of Health, and for making available to the mother and natural father a *Certificate of Parentage* along with related information as required by the State IV-D agency. It shall be the responsibility of personnel at the hospital or birthing facility to offer an opportunity to the child's natural father to execute a *Certificate of Parentage*. Failure of the natural father or mother to execute the *Certificate of Parentage* and the date of the refusal shall be noted on the *Certificate of Parentage*. The *Certificate of Parentage* shall be filed with the State IV-D agency or its designee. (*N.J.S.A. 26:8-30*)
- If there is no physician, midwife, or person acting as the agent of the physician or midwife in attendance at the birth, it shall be the duty of one of the following persons to file the birth certificate with the local registrar and file the *Certificate of Parentage* with the State IV-D agency or its

designee: a. The father or mother of the child; b. The manager or superintendent of the public or private institution in which the birth occurred. (N.J.S.A. 26:8-31)

- The State IV-D agency, in cooperation with birthing centers and hospitals providing maternity services, shall provide written information to the father and mother of the child explaining the implications of signing a *Certificate of Parentage*, including the parental rights, responsibilities and financial obligations, as well as the availability of paternity establishment services and child support enforcement services. (N.J.S.A. 26:8-28.1)
- The establishment of a parent-child relationship through, *inter alia*, a voluntary acknowledgement of paternity or a *Certificate of Parentage* shall be the basis upon which an action for child support may be brought by a party and acted upon by the court without further evidentiary proceedings. (N.J.S.A. 9:17-41(e)).

Implementation of the Voluntary Acknowledgement Process - Under the law, hospitals and birthing facilities are responsible for offering parents who are not married to each other an opportunity to acknowledge paternity at the time of their child's birth. To fulfill this role, hospital staff must:

- inform the parents of the opportunity to acknowledge paternity and the availability of child support services;
- provide the parents with information about paternity establishment including the rights and responsibilities involved in acknowledging paternity; and
- make a witness or notary public available so that the acknowledgement form can be completed at the hospital.

The State Title IV-D Agency, the Department of Human Services, has contracted with Policy Studies Inc. (PSI) of Denver, Colorado to implement and manage the voluntary acknowledgement of paternity process throughout New Jersey. The Department of Human Services refers to the voluntary acknowledgement of paternity process as the Paternity Opportunity Program (POP). Over the past several months, PSI has been training local registrars and hospital staff throughout the State on the implementation of the POP program. On November 13, 1995, hospitals and birthing facilities across the State began processing voluntary acknowledgements for children born out-of-wedlock. During the first month of the program, 500 *Certificates of Parentage* were approved by the POP office.

Voluntarily Acknowledging Paternity - To acknowledge paternity at the time of birth, both parents must execute a *Certificate of Parentage* (*Certificate* - see attached sample) within five days of the birth of the child. A minor parent may execute a *Certificate* in the same manner as an adult parent. The *Certificate* collects much of the same information as the birth certificate and, generally, the information on the forms must match. The notices on the reverse-side of the

*Certificate* explain the rights and responsibilities involved with acknowledging paternity (both English and Spanish versions are available). Once the *Certificate* is signed by the parents, the hospital must provide a witness or notary public to verify the signatures of the parents. The witness or notary is instructed to request a picture ID for each parent, but two non-picture forms of identification may be acceptable. If the parents do not execute a *Certificate* within five days of the child's birth but later want to acknowledge paternity, they can do so by completing the *Certificate* and birth certificate correction forms at the registrar's office in the city or town where the child was born or at the Office of the State Registrar, Department of Health, in Trenton.

Before the *Certificate* is executed, hospital staff are required to provide information on the rights and responsibilities of paternity acknowledgement through the use of brochures and videotapes as well as the printed notices on the reverse-side of the *Certificate*. If the parents have questions that are not addressed by the brochures, videotapes, or the printed notices on the reverse-side of the *Certificate*, hospital staff are instructed to refer the parents to the POP Hotline (1-800-POP-6607 or 609-631-0330), their county child support office, their local legal services office, or a private attorney of their choice. If a presumed father is unsure whether he is the parent of the child, he is advised that he should request paternity tests by contacting the POP Hotline before completing the *Certificate*. Hospital personnel responsible for processing paternity acknowledgements are advised not to answer legal questions or to give legal advice regarding paternity.

Once completed, the original *Certificate* is filed with the POP office in Trenton and a copy is sent to the local registrar in the city or town where the child was born. Local registrars are responsible for processing and filing birth certificates with the State Bureau of Vital Statistics in accordance with information on the *Certificate of Parentage*, but do not retain copies of the *Certificate of Parentage*.

Married Mothers and Non-Husband Fathers - If the mother of the child is married or was married when the child was conceived (300 days prior to birth), the husband is presumed to be the father even if he is not the biological father (*N.J.S.A.* 9:17-43). To prevent the husband's name from appearing on the child's birth certificate and to include the biological father's information on the child's birth certificate, both an *Affidavit of Denial of Paternity* (*Denial* - see attached sample) and a *Certificate* must be executed. The *Denial* is completed by the mother and her husband or ex-husband (the *Denial* acts as a waiver of the presumption that the husband is the father of the child). Like the *Certificate*, the notices on the reverse-side of the *Denial* inform the husband or ex-husband about the implications of signing the form. Once it is documented that the husband or ex-husband is not the father, the mother and the biological father must execute a *Certificate of Parentage* to acknowledge paternity. Again, both forms are required to have the biological father's name appear on the birth certificate. Like the *Certificate*, original *Denials* are filed with the POP office in Trenton.

Impact on the Family Division - Based on the experience in other states, the voluntary acknowledgement of paternity process should reduce the number of contested paternity filings in the Family Division (e.g., in Massachusetts, where PSI operates a similar voluntary acknowledgement process, paternity is established through the acknowledgement process for about 65% of all out-of-wedlock births). The anticipated reduction in contested paternity filings

has obvious benefits for the Family Division's workload such as conserving judicial resources and expediting the establishment of child support orders and the resolution of other family-related litigation.

As set forth in *N.J.S.A. 9:17-41(e)*, the establishment of a parent-child relationship through a *Certificate of Parentage* is the basis upon which an action for child support may be brought by a party and acted upon by the court without further evidentiary proceedings. Once a *Certificate* is executed by the parents, it is a conclusive presumption of paternity which has the same effect as a Judgment of Paternity issued by the court (i.e., no genetic tests, court proceedings to determine paternity, or Judgment of Paternity is required). It is our understanding that counsel representing the county Boards of Social Services will not be submitting *Certificates* to the court as evidence of the parent-child relationship when a complaint for child support is filed. Instead, these attorneys plan to recite in their pleadings that a *Certificate* was executed and to have an imaged copy in their case file for submission as evidence to the court if required at the child support proceeding. This practice may conflict with the Rules of Evidence, impair the due process rights of the defendant, lead to adjournments and delay, limit the use of default orders, and prevent the court from making a finding that paternity was established by acknowledgement before addressing the child support issue. To avoid such results, I am asking that the Conference of Family Division Presiding Judges consider whether a *Certificate of Parentage* should be submitted as evidence of the parent-child relationship when a complaint for child support is filed and to establish a uniform policy on this issue.

Before a parent files a paternity and/or support complaint, Family Division support staff should inquire whether a *Certificate of Parentage* was executed at the hospital, at the local registrar's office, or at the Office of the State Registrar. If it was not, a paternity and support complaint should be filed and the matter should proceed as required by the Parentage Act and *R. 5:14* (note: this rule is being revised to be consistent with the Chapter 164 amendments). If the parent indicates that a *Certificate* was or may have been executed at the hospital, a local registrar's office, or the Office of the State Registrar, the Family Division should immediately contact the POP office at 1-800-POP-6607 or 609-631-0330 to determine if a *Certificate* was executed. If a *Certificate* was filed, Family Division staff should request a copy of the form (a copy of the *Denial* should be requested as well if the married mother's husband is not the biological father of the child). If a county Board of Social Services files a support complaint on behalf of a parent who is receiving public assistance, the attorney representing the Board is responsible for providing a copy of the *Certificate of Parentage*.

Upon request, the POP office will fax the *Certificate* and/or *Denial* to the Family Division. If the circumstances require judicial review of the original *Certificate* and/or *Denial*, the forms will be sent by overnight mail. Generally, *Certificates* are not available until about one month after the birth of the child. If, however, the Family Division requests a *Certificate* and it is not available at the POP office, POP staff will immediately contact the hospital, birthing facility or local registrar to obtain the forms and, after review, forward a copy of the forms to the requesting Family Division. Since the POP office is the statutory repository of *Certificates* and *Denials*, the original forms should be returned to the POP office after the court has completed its review. If the forms were admitted as evidence, a copy should be retained in the

Family Division case file (alternatively, the POP office can provide the court with an imaged copy of the forms). If a *Certificate of Parentage* is available for the child, a paternity complaint is not required and, if the parent desires child support, only the support complaint need be filed.

If the parents wish to acknowledge paternity after a paternity complaint is filed, a consent order should be drafted by the Family Division, signed by the mother and the alleged father, and referred to a judge for consideration. The parents should be told that they are responsible for having the birth certificate amended by taking a copy of the Order to the local registrar in the locality where the child was born.

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There are many advantages to establishing paternity, including the child's right to inheritance, disability or retirement benefits, and support and the non-custodial parent's right to visitation and participation in their child's development. The Paternity Opportunity Program offers parents and their children a non-adversarial mechanism to acknowledge paternity voluntarily without the need to involve the courts. If the Family Division is called upon to resolve other family-related issues such as custody, visitation, or support, the court will no longer need to become involved in protracted paternity proceedings and genetic testing before addressing the relief requested by the parents. Most importantly, the voluntary acknowledgement process will encourage parents to remain involved in their children's lives and to be both emotionally and financially responsible for their upbringing.

As noted above, the POP program was implemented statewide on November 13, 1995. The Family Division should begin to receive *Certificates of Parentage* and *Affidavits of Denial of Paternity* in support of child support complaints by the end of December. Please share this memorandum with your Family Division Judges and Family Division support staff. Questions on the Paternity Opportunity Program should be referred to Dan Phillips, Research Analyst, at 609-984-2073.

\dp

attachments(3)

c: Trial Court Administrators

Family Division Managers

Chief Probation Officers

Probation Child Support Supervisors

Jeffery Kuhn, Assistant Director, Family Division Services

Harvey M. Goldstein, Assistant Director for Probation

Raymond R. Rainville, Chief, Probation Child Support Enforcement Services

Mark Rogers, Chief Child Support Hearing Officer

NEW JERSEY 1994 SESSION LAW SERVICE  
Two Hundred Sixth Legislature, First Annual Session  
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Additions are indicated by <<+ Text +>> ; Deletions by <<- Text ->>  
Changes in tables are made but not highlighted.

CHAPTER 164  
SENATE No. 1306  
CHILDREN--PARENTAGE--DETERMINATION OF PATERNITY

<< Note: NJ ST 9:17-52.1 >>

AN ACT concerning the establishment of paternity, amending and supplementing P.L.1983, c. 17 and Title 26 of the Revised Statutes and repealing section 14 of P.L.1983, c. 17.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. [FN1] Section 4 of P.L.1983, c. 17 (C. 9:17-41) is amended to read as follows:

<< NJ ST 9:17-41 >>

4. The parent and child relationship between a child and:

a. The natural mother, may be established by proof of her having given birth to the child, or under this act;

b. The natural father, may be established by proof that his paternity has been adjudicated under prior law; under the laws governing probate; by <<- an order of a court of competent jurisdiction in another state ->> <<+ giving full faith and credit to a determination of paternity made by any other state, whether established through voluntary acknowledgment or through judicial or administrative processes +>> ; <<+ by a Certificate of Parentage as provided in section 7 of P.L.1994, c. 164 (C. 26:8-28.1) that is executed by the father prior to or after the birth of a child, and filed with the appropriate State agency; by a default judgment or order of the court; by an order of the court based on a blood test or genetic test that meets or exceeds the specific threshold probability as set by the State creating a conclusive presumption of paternity; +>> or under this act;

c. An adoptive parent, may be established by proof of adoption;

d. The natural mother or the natural father, may be terminated by an order of a court of competent jurisdiction in granting a judgment of adoption or as the result of an action to terminate parental rights.

<<+ e. The establishment of the parent and child relationship pursuant to subsections a., b., and c. of this section shall be the basis upon which an action for child support may be brought by a party and acted upon by the court without further evidentiary proceedings. +>>

2. [FN2] Section 11 of P.L.1983, c. 17 (C. 9:17-48) is amended to read as follows:

<< NJ ST 9:17-48 >>

11. a. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, a consent conference shall be held by the Superior Court, Chancery Division, Family Part intake service, the county probation department or the county welfare agency. A court appearance shall be scheduled in the event that a consent agreement cannot be reached.

b. On the basis of the information produced at the conference, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

- (1) That the action be dismissed with or without prejudice; or
- (2) That the alleged father voluntarily acknowledge his paternity of the child.

c. If the parties accept a recommendation made in accordance with subsection b. <<+ of this section +>> , which has been approved by the court, judgment shall be entered accordingly.

d. If a party refuses to accept a recommendation made under subsection b. <<+ of this section or the consent conference is terminated because it is unlikely that all parties would accept a recommendation pursuant to subsection b. of this section +>> , and blood tests or genetic tests have not been taken, the court <<- may ->> <<+ shall +>> require the parties to submit to blood tests or genetic tests <<+ if the court determines that there is an articulable reason for suspecting that the alleged father is the natural father. The tests shall be scheduled within 10 days and shall be performed by qualified experts +>> . Thereafter the Family Part intake service, with the approval of the court, shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action shall be set for trial <<+ , except when the results of the blood test or genetic test indicate that the specific threshold probability as set by the State to establish paternity has been met or exceeded +>> .

<<+ If the results of the blood test or genetic test indicate that the specific threshold probability as set by the State to establish paternity has been met or exceeded, the results shall be received in evidence as a conclusive presumption of paternity and no additional foundation testimony or proof of authenticity or accuracy shall be required to establish paternity. In actions based on allegations of fraud or inaccurate analysis, the court shall require that the additional blood test or genetic test be scheduled within 10 days and be performed by qualified experts. The test shall be paid for by the moving party. +>>

<<+ If a party objects to the blood test or genetic test, the party shall make the objection to the appropriate agency, in writing, within 10 days of receipt of the results. +>>

e. The guardian ad litem may accept or refuse to accept a recommendation under this section.

f. <<- The consent conference may be terminated and the action set for trial if the court finds it unlikely that all parties would accept a recommendation that might be made under subsection b. or d. ->> <<+ (Deleted by amendment, P.L.1994, c. 164 (C. 9:17-41 et al.)) +>>

g. No evidence, testimony or other disclosure from the consent conference shall be admitted as evidence in a civil action except by consent of the parties. However, blood tests or genetic tests ordered pursuant to subsection d. <<+ of this section +>> may be admitted as evidence.

<<+ h. The refusal to submit to a blood test or genetic test required pursuant to subsection d. of this section, or both, shall be admitted into evidence and shall give rise to the presumption that the results of the test would have been unfavorable to the interests of the party who refused to submit to the test. Refusal to submit to a blood test or genetic test, or both, is also subject to the contempt power of the court. +>>

3. [FN3] R.S. 26:8-28 is amended to read as follows:

<< NJ ST 26:8-28 >>

26:8-28. a. Within five days after each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of the birth filled out with durable black or blue ink in a legible manner.

b. In accordance with the provisions of the federal "Family Support Act of 1988," Pub.L.100-485, <<- the local registrar shall record the Social Security numbers of both parents ->> <<+ and section 13721 of Pub.L.103-66 (42 U.S.C. s 666), as part of the birth record, all information required by the State IV-D agency pursuant to section 7 of P.L.1994, c. 164 (C. 26:8-28.1) shall be recorded +>> on a separate form provided or approved by the State registrar pursuant to subsection c. of R.S.26:8-24, and <<- the State registrar shall transmit those numbers to ->> <<+ filed with +>> the State IV-D agency <<+ pursuant to R.S.26:8-30 and R.S.26:8-31 +>> for the <<+ establishment and +>> enforcement of child support <<- orders in effect ->> <<+ matters +>> in the State. For the purposes of this subsection, "State IV-D agency" means the agency in the Department of Human Services designated to administer the Title IV-D Child Support Program.

c. The State registrar shall require each parent to provide his Social Security number in accordance with procedures established by the State registrar. The Social Security numbers furnished pursuant to this section shall be used exclusively for child support enforcement purposes.

d. The certificate of birth shall include the blood type of the child.

4. [FN4] R.S.26:8-30 is amended to read as follows:

<< NJ ST 26:8-30 >>

26:8-30. The attending physician, midwife or person acting as <<+ the agent of the physician or +>> midwife, who was in attendance upon the birth shall be responsible for the proper execution and return of a certificate of birth, which certificate shall be upon the form provided or approved by the State department <<+ , and for making available to the mother and natural father a Certificate of Parentage along with related information as required by the State IV-D agency. It shall be the responsibility of personnel at the hospital or birthing facility to offer an opportunity to the child's natural father to execute a Certificate of Parentage. Failure of the natural father or mother to execute the Certificate of Parentage and the date of the request shall be noted on the Certificate of Parentage. The Certificate of Parentage shall be filed with the State IV-D agency or its designee. The provision of services related to paternity acknowledgment shall not be required when a legal action is pending in the case, such as adoption, or State law prohibits such intervention +>> .

<<+ For the purposes of this section, "State IV-D agency" means the agency in the Department of Human Services designated to administer the Title IV-D Child Support Program. +>>

5. [FN5] R.S. 26:8-31 is amended to read as follows:

<< NJ ST 26:8-31 >>

26:8-31. In case there is no physician, midwife, or person acting as <<+ the agent of the physician or +>> midwife, in attendance upon the birth, it shall be the duty of one of the following persons in the order named to file the birth certificate <<+ with the local registrar and file the Certificate of Parentage with the State IV-D agency or its designee +>> :

- a. The father or mother of the child;
- b. The manager or superintendent of the public or private institution in which the birth occurred.

<< NJ ST 9:17-52.1 >>

6. [FN6] (New section) A default order shall be entered in a contested paternity action upon a showing that proper notice has been served upon the party and the party has failed to appear at a hearing or trial; or has failed to respond to a notice or order that required a response within a specific period of time. A default order entered pursuant to this section shall be determinative for purposes of establishing the existence of paternity when proper notice has been served and a sworn statement by the mother indicating the parentage of the child has been executed.

<< NJ ST 26:8-28.1 >>

7. [FN7] (New section) A Certificate of Parentage may serve to satisfy the method of collection of Social Security numbers as required pursuant to subsection c. of R.S. 26:8-28 and shall serve as the voluntary acknowledgement of paternity by a father. The Certificate of Parentage shall contain, at a minimum, the following information:

- a. a sworn statement by the father that he is the natural father of the child;
- b. the Social Security numbers and addresses of the father and mother;
- c. the signature of the mother and father authenticated by a witness or notary; and
- d. instructions for filing the Certificate of Parentage with the agency designated by the State IV-D agency.

In addition, the State IV-D agency, in cooperation with birthing centers and hospitals providing maternity services, shall provide written information to the father and mother of the child explaining the implications of signing a Certificate of Parentage, including the parental rights, responsibilities and financial obligations, as well as the availability of paternity establishment services and child support enforcement services.

<< Repealed: NJ ST 9:17-51 >>

8. [FN8] Section 14 of P.L.1983, c. 17 (C. 9:17-51) is repealed.

9. This act shall take effect immediately.

Approved December 20, 1994.

Effective December 20, 1994.

[FN1] N.J.S.A. 9:17-41.

[FN2] N.J.S.A. 9:17-48.

[FN3] N.J.S.A. 26:8-28.

[FN4] N.J.S.A. 26:8-30.

[FN5] N.J.S.A. 26:8-31.

[FN6] N.J.S.A. 9:17-52.1.

[FN7] N.J.S.A. 26:8-28.1.

[FN8] N.J.S.A. 9:17-51 Repealed.

For Official Use Only:  
Father on Birth Certificate?

Yes / No

# STATE OF NEW JERSEY

## CERTIFICATE OF PARENTAGE

THIS IS A LEGAL DOCUMENT. PLEASE PRINT OR TYPE IN BLACK OR BLUE INK

Name of child as it appears on the birth certificate:

\_\_\_\_\_

\_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_ Sex (M/F) \_\_\_\_\_

\_\_\_\_\_ who was born in \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_ Birthing Facility \_\_\_\_\_ City/Town \_\_\_\_\_ (Date of Birth) Month - spelled out \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

### MOTHER

Name \_\_\_\_\_

\_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_ Maiden \_\_\_\_\_

Residence \_\_\_\_\_ Home Phone # \_\_\_\_\_

\_\_\_\_\_ No. & Street Name \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Place of Birth \_\_\_\_\_ Date of Birth \_\_\_\_\_

\_\_\_\_\_ City or Town \_\_\_\_\_ State \_\_\_\_\_ Country \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Social Security # \_\_\_\_\_ Medical Insurance (Co. & Policy #): \_\_\_\_\_

Employer \_\_\_\_\_ Occupation \_\_\_\_\_

\_\_\_\_\_ Name \_\_\_\_\_ Address \_\_\_\_\_

Is Mother Currently Married? (Circle One) Yes / No Was Mother Married at the Time of Conception? (Circle One) Yes / No

Informant \_\_\_\_\_

I understand and consent to the acknowledgment of paternity and that the man named below is the only possible father of the child named above. I have read or have had read to me my legal rights and obligations resulting from acknowledging paternity, and I understand the information on both sides of this form. I certify the above information is true.

\_\_\_\_\_ Date signed: \_\_\_\_\_ Signed in Hospital? Yes / No

\_\_\_\_\_ Signature of Mother \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_ (Circle one)

State of New Jersey, County of \_\_\_\_\_ The above-named \_\_\_\_\_

signed and affirmed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Notary Public/Witness: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

### FATHER

Name \_\_\_\_\_

\_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_ Home Phone # \_\_\_\_\_

Residence \_\_\_\_\_ Social Security # \_\_\_\_\_

\_\_\_\_\_ No. & Street Name \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Place of Birth \_\_\_\_\_ Date of Birth \_\_\_\_\_

\_\_\_\_\_ City or Town \_\_\_\_\_ State \_\_\_\_\_ Country \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Medical Insurance (Co. and Policy #) \_\_\_\_\_ Occupation \_\_\_\_\_

Employer \_\_\_\_\_ Informant \_\_\_\_\_

\_\_\_\_\_ Name \_\_\_\_\_ Address \_\_\_\_\_

I certify and acknowledge that I am the natural father of the child named above. I have read or have had read to me my legal rights and obligations resulting from acknowledging paternity and I understand the information on both sides of this form. By signing this form I am consenting to have my information added to the child's birth certificate. I certify the above information is true.

\_\_\_\_\_ Date Signed: \_\_\_\_\_ Signed in Hospital? Yes / No

\_\_\_\_\_ Signature of Father \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_ (Circle One)

State of New Jersey, County of \_\_\_\_\_ The above named \_\_\_\_\_

signed and affirmed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Notary Public/Witness: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

This Certificate of Parentage must be filed with the State or county child support office or the local registrar's office in the community where the child was born. If you have questions about filing this Certificate call 1-800-POP-6607.

## WHAT DOES IT MEAN IF YOU SIGN THIS FORM?

By signing this *Certificate of Parentage* you are legally establishing your child's paternity. Paternity means fatherhood. For parents who are not married to each other, paternity may be established legally only by signing this form or by going to court. Parents who are married to each other do not need to sign this form because their child's paternity is already established.

**Signing the form is voluntary.** However, since signing this form has legal consequences, you may want to consult an attorney before you sign.

- ▶ Paternity is legally established on the date both parents sign this form. If you want to have a blood or genetic test to verify paternity, **do not sign** this form until you have received the results of the test. Once signed by both parents and witnessed or notarized, this form will have the same binding effect as a court judgment of paternity.

This form allows a parent to seek a child support order without further court proceedings to establish paternity. This form may be filed in court and serve as the basis for orders of custody or visitation.

This form is not a public record. It will only be available to the parents and child named on this form, the child's legal guardian or legal representative, or government officials in the conduct of their official duties.

**Note:** If one or both of the unmarried persons acknowledging paternity are under age 18, this form must be signed below by that parent's guardian.

Mother's Guardian \_\_\_\_\_ Father's Guardian \_\_\_\_\_

## WHAT ARE YOUR RIGHTS AND RESPONSIBILITIES AS PARENTS?

Both parents are required by law to support their child from birth. If your child does not live with you, you may be ordered by the court to pay child support until the child's eighteenth birthday, or beyond in some circumstances.

A parent who does not live with the child may have the right to visit and establish a relationship with the child as you both agree or as ordered by the court.

## HOW WILL YOUR CHILD BENEFIT IF YOU SIGN THIS FORM?

Every child has the right to know his or her mother and father and benefit from a relationship with both parents.

Your child will have two legal parents.

Your child has a right to financial support from both of you until age eighteen, or beyond in some circumstances.

It will be easier for your child to learn the medical histories of both parents and to benefit from health care coverage available to you.

It will be easier for your child to receive benefits such as dependent or survivor's benefits from the Veteran's Administration or from the Social Security Administration.

It will be easier for your child to inherit through you.

Once you have read the information on this form, please place your initials below:

Form Read in: (Circle One) English / Spanish

Form Read in: (Circle One) English / Spanish

Mother's Initials \_\_\_\_\_

Father's Initials \_\_\_\_\_

STATE OF NEW JERSEY

AFFIDAVIT OF DENIAL OF PATERNITY

THIS IS A LEGAL DOCUMENT. PLEASE PRINT OR TYPE IN BLACK OR BLUE INK.

I acknowledge that the husband at the time of the child's birth or conception is not the father of the following child: (child's name as it appears on the birth certificate.)

Form for child's name and birth information: First Name, Middle Name, Last Name, Sex (M/F), (Place of Birth), City/Town/State, (Date of Birth), Month - spelled out, Day, Year.

Affidavit of Presumed Father (husband at time of child's birth or conception):

Form for presumed father: First Name, Middle Name, Last Name, Social Security #, CHECK ONE: ( ) am currently married to (mother's name) and we were married at the time the child was born or conceived. ( ) was divorced from (mother's name) on (date of divorce decree) but we were legally married when the child was born or conceived.

I certify and acknowledge that I am not the father of the child named above. I understand that I may consult an attorney. I understand that by signing this Affidavit I may be giving up certain rights to be the father of the above-named child. I do not want my information to appear on the child's birth certificate. I have read or have had read to me, the information on both sides of this form and I understand its contents. I certify the above information is true.

Signature and Date fields, Residence: No. & Street Address, City/Town, State, Zip

The State of New Jersey, County of, signed and affirmed before me this the day of 19, Notary Public/Witness, My Commission Expires, FORM READ IN LANGUAGE

Affidavit of Mother:

Form for mother: First Name, Middle Name, Last Name, Maiden Name, Social Security #, CHECK ONE: ( ) am currently married to (presumed father's name) and we were married at the time the child was born or conceived. ( ) was divorced from (presumed father's name) on (date of divorce decree) but we were legally married when the child was born or conceived.

I acknowledge and affirm that (First Name, Middle Name, Last Name) is not the father of my child named above and I understand that his information will not appear on this child's birth certificate. I understand that I may consult an attorney before signing this Affidavit. I have read or have had read to me the information on both sides of this form and I understand its contents. I certify the information above is true.

Signature and Date fields, Residence: No. & Street Address, City/Town, State, Zip

The State of New Jersey, County of, signed and affirmed before me this the day of 19, Notary Public/Witness, My Commission Expires, FORM READ IN LANGUAGE

This Affidavit must be filed with a completed Certificate of Parentage with the State or county child support office or the local registrar's office in the community where the child was born. If you have questions about filing this Affidavit, call 1-800-POP-6607.

## WHAT DOES IT MEAN IF YOU SIGN THIS FORM?

Paternity means fatherhood. For married people, the husband at the time of birth or conception is presumed to be the father of a child born to his wife, and he does not have to take any further action to establish his paternity. This form should **not** be signed if the husband at the time of birth or conception (presumed father) wants his name and information on the child's birth certificate.

By signing this *Affidavit of Denial of Paternity*, both the husband (presumed father) and wife are stating that the presumed father is not the legal father of the child named on this form.

Since this form has legal consequences, you may want to consult an attorney before signing. The legal consequences include:

- ▶ By signing this form, the presumed father gives up certain legal rights and responsibilities to be the father of the child, including the right to visitation and custody and the responsibility to support the child financially;
- ▶ By signing this form, the presumed father may **not** be required to support the child financially;
- ▶ By signing this form, the mother may give up the right to seek financial support from the presumed father and to have the presumed father's name on the child's birth certificate;
- ▶ Signing this form allows the presumed father to keep his information off the child's birth certificate. If the form is **not** signed by the mother and the presumed father, the presumed father's information **will** appear on the birth certificate;
- ▶ If this form is signed by the mother and the presumed father, the biological father and mother **must** complete a *Certificate of Parentage* to keep the husband's information off the child's birth certificate and to place the biological father's information on the birth certificate; and
- ▶ This form may be filed with the court in a subsequent proceeding to help determine whether or **not** the presumed father is the child's legal father.

This *Affidavit* is not a public record. It will be available only to the presumed father, the parents, and the child named on this form, the child's legal guardian or representative, or government officials in the conduct of their official duties.

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Once you have read the information on this form, please place your initials below:

Mother's Initials \_\_\_\_\_

Presumed Father's Initials \_\_\_\_\_

**N.J.S.A. 26:8-28.1. Certificate of parentage; voluntary acknowledgement of paternity; information included**

A Certificate of Parentage may serve to satisfy the method of collection of Social Security numbers as required pursuant to subsection c. of R.S.26:8-28 and shall serve as the voluntary acknowledgement of paternity by a father. The Certificate of Parentage shall contain, at a minimum, the following information:

- a. a sworn statement by the father that he is the natural father of the child;
- b. the Social Security numbers, except in those cases in which a person is ineligible to apply for one, and addresses of the father and mother;
- c. the signature of the mother and father authenticated by a witness or notary; and
- d. instructions for filing the Certificate of Parentage with the agency designated by the State IV-D agency.

In addition, the State IV-D agency, in cooperation with birthing centers and hospitals providing maternity services and social services or health care providers as designated by the Commissioner of Human Services that may provide voluntary acknowledgment or paternity services, shall provide information orally, or through the use of video or audio equipment, and in writing to the father and mother of the child explaining the implications of signing a Certificate of Parentage, including the parental rights, responsibilities and financial obligations, as well as the availability of paternity establishment services and child support enforcement services.

L.1994, c. 164, § 7, eff. Dec. 20, 1994. Amended by L.1998, c. 1, § 43, eff. March 5, 1998.



*State of New Jersey*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO Box 716  
TRENTON, NJ 08625-0716

JAMES E. MCGREEVEY  
*Governor*

GWENDOLYN L. HARRIS  
*Commissioner*

September 17, 2003

JEANETTE PAGE-HAWKINS  
*Acting Director*  
Tel (609) 588-2000

INFORMATIONAL TRANSMITTAL NO. 63

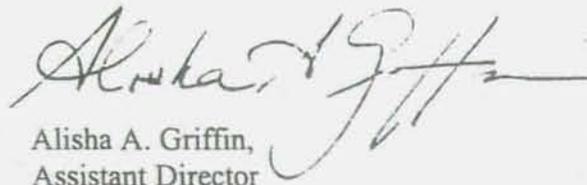
TO: County Welfare Agency Directors  
County Welfare Agency Child Support Unit Supervisors  
County Probation IV-D Supervisors  
Family Practice Division Managers

SUBJECT: POP Procedures

The attached *POP Procedures* and *POP Search Tips* respond to questions and concerns regarding the POP process. *POP Procedures* provide information regarding procedures for looking up a Certificate of Parentage (COP) and a brief overview of the reports generated from the ACSES/POP interface. *POP Search Tips* is a quick reference guide to performing COP searches on the POP Imaging System.

If you have any questions, please call Francine Vitagliano, of my staff, at (609) 588-4540.

Sincerely,



Alisha A. Griffin,  
Assistant Director

AAG:FV:v  
(Attachment)

cc: Mary DeLeo, Assistant Director, Probation Services  
Richard Narcini, Jr., Chief, Child Support Enforcement Services  
Harry Cassidy, Assistant Director, Family Practice Division  
Eli Mirales, Chief, Child Support Hearing Officer Program  
Child Support Specialists I, II, III  
Vicinage Finance Managers

### POP Procedures

Any time a IV-D case is opened, and paternity is an issue, a search must be done on the Paternity Opportunity Program (POP) Imaging System to determine if a Certificate of Parentage (COP) exists.

The attached *POP Search Tips* can be used as a deskguide to assist the worker when searching the POP Imaging System.

If a COP is not on the POP Imaging System and it is within 30 days of the child's date of birth, it is possible that a COP has been signed but has not been received by the POP Office. Due to the processing timeframes of the hospitals, registrars and BVS it could take more than 30 days for the COP to be received at the POP Office. In this situation, the County POP Liaison should proceed as follows:

1. Contact the POP Office at 1-800-POP-6607.
2. POP Office staff will check their records.
3. If POP staff find that a COP has been received for the child and it has been approved, a copy of the COP will be faxed to the County POP Liaison.
4. Upon receiving a copy of the approved COP the County POP Liaison must update the *Paternity Indicator* on ACSES to a "V", which indicates that voluntary paternity was established.
5. If there is no record of receiving the form, POP staff will contact the hospital to determine if a COP was signed and if so, the date it was forwarded to the POP Office. POP staff will respond to the State/County worker with the information that is provided by the hospital. However, even if a COP was forwarded to the POP Office by hospital personnel, the County POP Liaison must not update the ACSES *Paternity Indicator* to a "V". A COP is not validated until it is reviewed for completeness by POP Office staff and determined "approved". Therefore, the case must be put on to ACSES using a "N" for the *Paternity Indicator*. After the COP is approved and entered onto the imaging system, the paternity indicator will automatically update to a "V" as a result of the weekly ACSES/POP interface.

### POP Reports

On a weekly basis an ACSES/POP interface occurs to update the *Paternity Indicator* and *Place of Birth* fields on ACSES. The following reports are generated as a result of that match:

POP Reports (continued)

CS597 - ACSES Hospital Based Paternity Establishment Interface Report-this report identifies those ACSES cases in which a COP exists. It informs the worker that the *Paternity Indicator* on ACSES was updated to a "V" and the *Place of Birth* fields on ACSES were updated with City and State information from the POP database. No Action is required.

CS598 - ACSES/Hospital Based Paternity Established Interface Report AP Address/Employer Address/Medical Information-this report identifies cases in which ACSES was updated with AP address, employer name and address or medical information from the POP database. No Action is required.

CS599 - ACSES/Hospital Based Paternity Establishment Interface Exception Report-this report identifies those cases in which a partial match occurred between the information on ACSES and the information on POP. This report must be reviewed by the County Child Support Worker, the Probation Worker or the Family Division Worker to determine if there is a valid match. If it is found that there is a match, the worker must update the *Paternity Indicator* field on ACSES to a "V".

On a quarterly basis an ACSES/POP match occurs to update the *Place of Birth* fields on ACSES. The following reports are generated as a result of that match:

CS527-01 - ACSES/Hospital Based Paternity Established Interface Report POB Exception Report- this report identifies those cases in which a partial match occurred between the information on ACSES and the information on POP. A partial match is one in which the client on ACSES will match the mother on POP but the child and/or the AP/father will not match or the child on ACSES will match with the child on POP but the client/mother and/or the AP/father will not match. This report must be reviewed by the County Child Support Worker, Probation Worker or the Family Division Worker to determine if there is a valid match and place of birth is in New Jersey.

CS527-02 - ACSES/Hospital Based Paternity Established Interface Report POB-this report identifies all cases on ACSES in which *Place of Birth* fields have been updated with information from POP. No Action is required.

## POP SEARCH TIPS

For a POP Quick Search input the following information to the POP search screen:

Child's Date of Birth and first letter of the child's name followed by an asterisk (\*)

Or

Mother's Social Security Number

### Here is an example:

- ✓ If the child's name is John Smith born on 12/23/2002 you could write J\* in Child's First Name slot and his Date of birth of 12/23/2002. You may also do this with the last name and Date of Birth.

This search will give you a listing of all children born on 12/23/2002 whose first name begins with the letter "J". You will then be able to select the appropriate child from the list.

### Other POP Imaging Search Options

The following Search Options can be used singularly or in combination but remember, the more data you search on the more limited your response will be:

- ✓ Date of Birth
- ✓ Child's First Name
- ✓ Child's Last Name
- ✓ Mother's First name
- ✓ Mother's Last Name
- ✓ Mothers SSN (sometimes you will need – and sometimes you don't)
- ✓ First Letter of either the mother or child's first name or last name with a \* (asterisk) next to it (J\*).

Always remember to log-off of the POP database when you have completed your searches.

## **Appendix IV**

# **Temporary Child Support Order**

## Superior Court of New Jersey, Chancery Division, Family Part TEMPORARY SUPPORT ORDER

Plaintiff:	Defendant:	Docket No.
		County:
Plaintiff's Attorney:	Defendant's Attorney	Probation Account No.,  CS

Pursuant to a proceeding before the Superior Court, Chancery Division, Family Part on this day, it is ordered that the  Plaintiff  Defendant make support payments and/or provide health care coverage as set forth below.

- Support payments shall be paid through an income withholding issued pursuant to N.J.S.A. 2A:17-56.7 et seq. The obligor must make support payments directly to the New Jersey Family Support Payment Center, Post Office Box 4880, Trenton, New Jersey 08650, until the support payments are withheld from the obligor's income. Payments shall commence on the effective date of this order and shall be administered and enforced by the \_\_\_\_\_ Probation Division.
- Income withholding is not ordered. Support payments shall be administered and enforced by the \_\_\_\_\_ Probation Division. The obligor must make support payments directly to the New Jersey Family Support Payment Center, Post Office Box 4880, Trenton, New Jersey 08650. Payments shall commence on the effective date of this order.
- Support payments shall be made by direct payments from the obligor to the obligee.
- Plaintiff  Defendant is required to provide health care coverage for the child(ren).

This Temporary Order shall remain in effect until the entry of a final judgment or a subsequent order in this matter is submitted to the above Probation Division. Parties paying support through the NJ Family Support Payment Center are also required to include a Confidential Litigant Information Statement unless one has been provided prior to the submission of this Temporary Support Order. R. 5:7-5(b).

Child Support Amount:	Spousal Support Amount:	Arrears Payment:	
Effective Date:	Frequency: <input type="checkbox"/> weekly <input type="checkbox"/> bi-weekly <input type="checkbox"/> semi-monthly <input type="checkbox"/> monthly		
Child's Name	Date of Birth	Child's Name	Date of Birth
1.		5.	
2.		6.	
3.		7.	
4.		8.	

Arrears are to be calculated based upon the amounts and effective date noted above.

So ORDERED by the Court:	Date:
, J.S.C.	

## NEW JERSEY UNIFORM SUPPORT NOTICES

### PURSUANT TO R. 5:7-4(f), TAKE NOTICE THAT THE FOLLOWING PROVISIONS ARE TO BE CONSIDERED PART OF THIS ORDER AND ARE BINDING ON ALL PARTIES:

1. You must continue to make all payments until the court order is changed by another court order.
2. You must file a **WRITTEN** request to the Family Division in the county in which the order was entered in order for the court to consider a change in the support order. Contact the Family or Probation Division to find out how to do this. It is important that you request a change as soon as possible after your income or the child(ren)'s status changes. In most cases, if you delay making your request, and you are the obligor, you will have to pay the original amount of support until the date of your written request.
3. Payments must be made directly to the New Jersey Family Support Payment Center, P.O. Box 4880, Trenton, NJ 08650, unless the court directs otherwise. Payments may be made by money order, check, direct debit from your checking account, or credit card. Gifts, other purchases, or in-kind payments made directly to the obligee or child(ren) will not fulfill the support obligation. Credit for payments made directly to the obligee or child(ren) may not be given without a court order.
4. No payment or installment of an order for child support, or those portions of an order that are allocated for child support, shall be retroactively modified by the court except for the period during which the party seeking relief has pending an application for modification as provided in *N.J.S.A. 2A:17-56.23a*. (*R. 5:7-4(e)*).
5. The amount of child support and/or the addition of a health care coverage provision in Title IV-D cases shall be subject to review at least once every three years, on written request by either party to the Division of Family Development, P.O. Box 716, Trenton, NJ 08625-0716, as appropriate, or upon application to the court. (*N.J.S.A. 2A: 17-56.9a; R. 5:7-4(e)*).
6. In accordance with *N.J.S.A. 2A:34-23b*, the custodial parent may require the non-custodial parent's health care coverage provider to make payments directly to the health care provider by submitting a copy of the relevant sections of the order to the insurer. (*R. 5:7-4(e)*).
7. Social Security numbers are collected and used in accordance with section 205 of the Social Security Act (42 *U.S.C.* 405). Disclosure of an individual's Social Security number for Title IV-D purposes is mandatory. Social Security numbers are used to obtain income, employment, and benefit information on individuals through computer matching programs with federal and state agencies, and such information is used to establish and enforce child support under Title IV-D of the Social Security Act (42 *U.S.C.* 651 et seq.). Any person who willfully and with the intent to deceive, uses a Social Security number obtained on the basis of false information provided to Social Security Administration **or** provides a false or inaccurate Social Security number is subject to a fine or imprisonment. (42 *U.S.C.* 408(7); *R. 5:7-4(e)*).
8. The United States Secretary of State is required to refuse to issue or renew a passport to any person certified as owing a child support arrearage exceeding the statutory amount. In addition, the U.S. Secretary of State may take action to revoke, restrict or limit a passport previously issued to an individual owing such a child support arrearage. (42 *U.S.C.* 652(k)).
9. Failure to appear for a hearing to establish or to enforce an order, or failure to comply with the support provisions of this order may result in incarceration. The obligee and obligor shall notify the appropriate Probation Division of any changes in address, employment status, health care coverage, or a change in the address or status of the child(ren). Changes must be reported in writing to the Probation Division

within 10 days of the change. Not providing this information is a violation of this Order. The last address you give to Probation will be used to send you notices. If you fail to appear, a default order may be entered against you or a warrant may be issued for your arrest (R. 5:7-4(e)).

10. Any payment or installment for child support shall be fully enforceable and entitled to full faith and credit and shall be a judgment by operation of law on or after the date it is due (*N.J.S.A. 2A:17-56.23a*). Any non-payment of child support you owe has the effect of a lien against your property. This child support lien may affect your ability to obtain credit or to sell your property. Failure to remit timely payment automatically results in the entry of a judgment against the obligor and post-judgment interest may be charged. Judgments accrue interest at the rate prescribed by Rule 4:42- 11(a). (R. 5:7-4(e), 5:7-5(g)). Before the satisfaction of the child support judgment, any party to whom the child support is owed has the right to request assessment of post-judgment interest on child support judgments.
11. All child support obligations are payable by income withholding unless otherwise ordered. If immediate income withholding is not required when an order is entered or modified, the child support provisions of the order may be subject to income withholding when the amount due becomes equal to, or in excess of the amount of support due for 14 days. The withholding is effective against the obligor's current and future income from all sources authorized by law. (R. 5:7-4(e), R. 5:7-5).
12. The occupational, recreational, and professional licenses, including a license to practice law, held or applied for by the obligor may be denied, suspended or revoked if: 1) a child support arrearage accumulates that is equal to or exceeds the amount set by statute, or 2) the obligor fails to provide health care coverage for the child as ordered by the court, or 3) a warrant for the obligor's arrest has been issued by the court for obligor's failure to pay child support as ordered, or for obligor's failure to appear at a hearing to establish paternity or child support, or for obligor's failure to appear at a child support hearing to enforce a child support order and said warrant remains outstanding. (R. 5:7-4(e)).
13. The driver's license held or applied for by the obligor may be denied, suspended, or revoked if 1) a child support arrearage accumulates that is equal to or exceeds the amount set by statute, or 2) the obligor fails to provide health care coverage for the child as ordered by the court. The driver's license held or applied for by the obligor shall be denied, suspended, or revoked if the court issues a warrant for the obligor's arrest for failure to pay child support as ordered, or for failure to appear at a hearing to establish paternity or child support, or for failure to appear at a child support hearing to enforce a child support order and said warrant remains outstanding. (R. 5:7-4(e)).
14. The name of any delinquent obligor and the amount of overdue child support owed will be reported to consumer credit reporting agencies as a debt owed by the obligor, subject to all procedural due process required under State law. (*N.J.S.A. 2A: 17-56.21*).
15. Child support arrears may be reported to the Internal Revenue Service and the State Division of Taxation. Tax refunds/homestead rebates due the obligor may be taken to pay arrears (*N.J.S.A. 2A:17-56.16*).
16. Child support arrears shall be paid from the net proceeds of any lawsuit, settlement, civil judgment, civil arbitration award, inheritance or workers' compensation award to a prevailing party or beneficiary before any monies are disbursed. (*N.J.S.A. 2A:17-56.23b*).
17. Periodic or lump sum payments from State or local agencies, including lotteries, unemployment compensation, workers' compensation or other benefits, may be seized or intercepted to satisfy child support arrearages. (*N.J.S.A. 2A:17-56.53*).
18. If you owe past due child support, your public or private retirement benefits, and assets held in financial institutions may be attached to satisfy child support arrearages. (*N.J.S.A. 2A:17-56.53*).

19. A person under a child support obligation, who willfully fails to provide support, may be subject to criminal penalties under State and Federal law. Such criminal penalties may include imprisonment and/or fines. (*N.J.S.A. 2C:24-5; N.J.S.A. 2C:62-1; 18 U.S.C.A. 22*).
20. If this order contains any provision concerning custody and/or parenting time, both parties are advised: Failure to comply with the custody provisions of this court order may subject you to criminal penalties under *N.J.S.A. 2C:13-4*, **Interference with Custody**. Such criminal penalties include, but are not limited to, imprisonment, probation, and/or fines.  
Si usted deja de cumplir con las clausulas de custodia de esta orden del tribunal, puede estar sujeto (sujeta) a castigos criminales conforme a *N.J.S.A. 2C:13-4*, **Interference with Custody, (Obstruccion de la Custodia)**. Dichos castigos criminales incluyen pero no se limitan a encarcelamiento, libertad, multas o una combinacion de los tres.

# **NON - DISSOLUTION OPERATIONS MANUAL**

Appendix V (Revised December 2007)

1. UIFSA Forms & Instructions
2. UIFSA Genetic Testing Notification (new)
3. Notice of Intent to Close Case (new)

# AFFIDAVIT IN SUPPORT OF ESTABLISHING PATERNITY

**Petitioner** IV-D Case:  TANF  
 IV-E Foster Care  
 Medicaid Only  
 Former Assistance  
**Respondent**  Never Assistance  
**Non-IV-D Case:**

File Stamp

Responding IV-D Case No. \_\_\_\_\_ Initiating IV-D Case No. \_\_\_\_\_

Responding Tribunal No. \_\_\_\_\_ Initiating Tribunal No. \_\_\_\_\_

A Separate Affidavit Is Required for Each Child Needing Paternity Established.

## SECTION I

I, \_\_\_\_\_, on oath, under penalty of perjury depose and allege:  
 Name (First, Middle, Last)

1. I am the  natural mother of the child named below:  
 natural father  
 other; explain in Section IV

Child's Full Legal Name (First, Middle, Last)	Child's Date of Birth (Month, Day, Year)	Place of Birth (City, County, State)
Date Mother Got Pregnant (Month, Year)	Full Term Pregnancy <input type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain)	Where Mother Got Pregnant (City, County, State)
		Mother's Maiden Name

2. The child was conceived as a result of sexual intercourse between \_\_\_\_\_ and me during the time stated above.  
 Name (First, Middle, Last)

3. a. A man is named as the father on the child's birth certificate.  Yes (Attach certified copy)  No  
 If Yes, the man's name and address are:
- b. A man was married to the natural mother, and the child's birth occurred within a year of the end of the marriage.  Yes  No  
 If Yes, the man's name and address are: Date marriage ended \_\_\_\_\_  
 (Month, Day, Year)
- c. A man signed an acknowledgment of paternity **before an acknowledgment became a legal finding of paternity under State law.**  Yes (Attach certified copy)  No
- d. A man acted as and presented himself to be the child's father.  Yes  No  
 If Yes, the man's name and address are:
- e. Genetic tests were completed to determine the biological father of the child. If Yes, attach results.  Yes  No

**SECTION II (TO BE COMPLETED BY MOTHER ONLY)**

1. I had sexual intercourse with another man (other than the man I am naming as the child's natural father) during the time 30 days before or 30 days after the child was conceived.  Yes  No.  
(If Yes, complete the following).

- a. The name(s) and address(es) of the other man/men:
  
- b. The other man/men are biologically related to the man I am naming as the child's natural father.  
 Yes  No. If Yes, explain the biological relationship (e.g., brother, cousin, uncle, etc.)
  
- c. I do not believe the other man/men is/are the father because:

2. I was married at the time of this child's birth.  Yes  No. (If Yes, complete the following)

- a. Husband's name (first, middle, last) and last known address:
  
- b. Explain why the husband is not the father of this child and attach all appropriate documents, including divorce decree, blood test results and prior findings of nonpaternity, if any:

3. \_\_\_\_\_ is the father of this child. The following facts support my allegations of paternity:

Name (First, Middle, Last)

- a. We lived together.  Yes  No Dates: \_\_\_\_\_ To \_\_\_\_\_  
Location \_\_\_\_\_
- b. I have told welfare officials that he is the father of this child.  Yes  No
- c. I told him that he was the father of the child.  Yes  No
- d. He is named as the father on the birth certificate.  Yes  No  Certified Copy Attached
- e. He signed an acknowledgment of paternity **before an acknowledgment became a legal finding of paternity under State law.**  Yes  No  Certified Copy Attached
- f. He admitted being the father of the child.  Yes  No
- g. He sent cards/letters regarding the pregnancy and/or about the child.  Yes  No  Copies Attached
- h. He was present at the birth of the child.  Yes  No
- i. He visited the child at the hospital following birth.  Yes  No
- j. He offered to pay abortion expenses.  Yes  No
- k. He offered to pay medical expenses.  Yes  No
- l. He paid for birth related expenses.  Yes  No
- m. He claimed the child on tax returns.  Yes  No  Don't Know
- n. He has provided food, clothing, gifts or financial support for the child.  Yes  No If Yes, explain in Section IV
- o. He lived with the child.  Yes  No If Yes, explain in Section IV
- p. He visited the child.  Yes  No If Yes, explain in Section IV
- q. The child resembles him.  Photo attached  Yes  No If Yes, explain in Section IV
- r. There are witnesses to my relationship with him.  Yes  No  
(If Yes, list names and addresses and briefly describe relevant facts known by each under Section IV)

**SECTION III (TO BE COMPLETED BY FATHER ONLY)**

The following facts support my belief and statements that I am the father of this child:

- a. The mother and I lived together.  Yes  No Dates: \_\_\_\_\_ To \_\_\_\_\_  
Location \_\_\_\_\_
  - b. The mother told me that I am the father of the child.  Yes  No
  - c. I am named as the father on the birth certificate.  Yes  No  Certified Copy Attached
  - d. I signed an acknowledgment of paternity **before an acknowledgment became a legal finding of paternity under State law.**  Yes  No  Certified Copy Attached
  - e. I was present at the birth of the child.  Yes  No
  - f. I visited the child at the hospital following birth.  Yes  No
  - g. I offered to pay abortion expenses.  Yes  No
  - h. I offered to pay medical expenses.  Yes  No
  - i. I paid for birth related expenses.  Yes  No
  - j. I claimed the child on tax returns.  Yes  No
  - k. I have provided food, clothing, gifts or financial support for the child.  Yes  No If Yes, explain in Section IV
  - l. I lived with the child.  Yes  No If Yes, explain in Section IV
  - m. I visited the child.  Yes  No If Yes, explain in Section IV
  - n. The child resembles me.  Photo attached  Yes  No If Yes, explain in Section IV
  - o. There are witnesses to my relationship with the child's mother.  Yes  No
- (If Yes, list names and addresses and briefly describe relevant facts known by each under Section IV)

**SECTION IV -- OTHER PERTINENT INFORMATION** (including detailed explanations for "Yes" responses in Section II or Section III above)

Continued On Attached Sheet(s), incorporated by reference.

All of the information and facts contained in this AFFIDAVIT IN SUPPORT OF ESTABLISHING PATERNITY are true and correct to my best knowledge and belief. I agree to submit myself and, if I am the custodian, my child to genetic testing as may be necessary to establish paternity.

\_\_\_\_\_  
Date Signature

Sworn to and Signed before me this Date, County and State Notary Public/Official and Title

\_\_\_\_\_  
Commission Expires

## INSTRUCTIONS FOR AFFIDAVIT IN SUPPORT OF ESTABLISHING PATERNITY

**PURPOSE OF THE FORM:** This affidavit supplements the Uniform Support Petition to summarize evidence to establish paternity. A separate Affidavit in Support of Establishing Paternity is required for each child needing paternity establishment. This is necessary since the circumstances surrounding conception and birth will differ unless the children are twins. Reminder: A putative father may petition for paternity establishment under UIFSA. All appropriate information for the Affidavit in Support of Establishing Paternity must be completed or furnished by the parent, properly signed by the parent, and notarized as required. A separate Affidavit is required for each allegation of paternity.

**HEADING/CAPTION:** [To be completed by the Child Support (IV-D) Worker]

- Identify the petitioner and respondent in the appropriate spaces.
- Check the appropriate space to identify the type of case: TANF; IV-E Foster Care, Medicaid only; former assistance, never assistance, or Non-IV-D. TANF means the obligee's family receives IV-A cash payments. A Medicaid only case is a case where the obligee's family receives Medicaid but does not receive TANF (IV-A cash payments).
- Under "Responding IV-D Case No." and "Responding Tribunal No.", enter appropriate case and tribunal numbers that the responding State uses to identify the case, if applicable and if known. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number.
- Under "Initiating IV-D Case No." and "Initiating Tribunal No.", enter appropriate case and tribunal numbers which your IV-D agency or local tribunal has assigned to the case. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number.

**SECTION I:** (Information to be completed or furnished by parent of the child)

Enter the full name (First, Middle, Last) of the parent or other individual completing the affidavit.

**Item 1:** Check whether you (the parent) are the natural mother or natural father of the child or, if other, explain your relationship in Section IV.

Enter the "Child's Full Legal Name", "Child's Date of Birth", and "Place of Birth".

"Date Mother Got Pregnant" - Enter the period of time when you believe the mother became pregnant (e.g., 4/89 or from 4/89 to 5/89). Be sure to include both the month (or months) and the year when providing date(s). Be as specific as possible.

"Full Term Pregnancy" - Check "Yes" or "No" to indicate whether or not the pregnancy lasted nine months. If no, explain (e.g., 6 months--child born premature).

"Where Mother Got Pregnant" - List the City, County, and State.

"Mother's Maiden Name" - Enter the mother's maiden name, if known.

**Item 2:** Enter the name of the child's other parent in the blank. This is the person with whom you (the parent completing the affidavit) had sexual intercourse which resulted in the child's conception.

**Item 3:** The information in item 3 is intended to identify whether there is a presumed or legal father under State law. State laws differ on whether and how a presumption of paternity is created.

**Item 3a:** Check "Yes" or "No" to indicate whether or not a man is named as the child's father on the child's birth certificate. If "Yes", attach a certified copy of the birth certificate and provide the man's name and address. The man may be the same man who is named as the father of the child in this affidavit, or he may be a different man. NOTE: Some responding States may only need a regular copy, rather than a certified copy of this document.

**Item 3b:** Check "Yes" or "No" to indicate whether or not a man was married to the child's natural mother **and** the child's birth occurred within a year of the end of the marriage. Include the date the marriage ended. If "Yes", provide the man's name and address. The man may be the same man who is named as the father of the child in this affidavit, or he may be a different man.

**Item 3c:** Check "Yes" or "No" to indicate whether a man signed an acknowledgment of paternity **before an acknowledgment became a legal finding of paternity under State law**. If "Yes", attach a certified copy of the acknowledgment. The man may be the same man who is named as the father of the child in this affidavit, or he may be a different man. NOTE: Some responding States may only need a regular copy, rather than a certified copy of this document.

**Item 3d:** Check "Yes" or "No" to indicate whether or not a man acted as and presented himself to be the child's father. If "Yes", provide the man's name and address. The man may be the same man who is named as the father of the child in this affidavit, or he may be a different man.

**Item 3e:** Check "Yes" or "No" to indicate whether or not genetic tests (e.g., blood tests) were completed to determine the biological father of the child. If "Yes", attach the test results.

## **SECTION II: (To be completed by Mother Only)**

**Item 1:** Check "Yes" or "No" to indicate whether you (the mother) did or did not have sexual intercourse (sex) with another man or other men during the 30 days before or the 30 days after the child was conceived ("Date Mother Got Pregnant").

If you had sexual intercourse with another man or other men during this period (30 days before or 30 days after), complete items 1a through 1c.

**Item 1a:** Provide the name(s) and address(es) of the other man/men.

**Item 1b:** Check "Yes" or "No" to indicate whether the other man/men are biologically related to the alleged father. If "Yes", state the relationship (e.g., brother, cousin, etc). This may be relevant to genetic testing.

**Item 1c:** Explain why you do not believe the other man/men is/are the father of this child (e.g., prior exclusion by genetic testing).

**Item 2:** Check "Yes" or "No" to indicate whether or not you were married at the time of the child's birth. If "Yes", complete items 2a and 2b.

**Item 2a:** Provide the name and last known address of the man who was your husband at the time of the child's birth.

**Item 2b:** Explain why the husband is not the father. Attach appropriate documents.

**Item 3:** Be sure to enter the name of the father of this child. Check the appropriate answer for each statement (a - r) to support the allegations of paternity against the alleged father. Remember to attach any necessary, relevant documentation. This includes a certified copy of the birth certificate or the acknowledgment of paternity with the alleged father's name on it; and other documents if available (e.g., letters or cards from the alleged father regarding the pregnancy or the child). NOTE: some responding States may only need a regular copy, rather than a certified copy, of these documents.

**SECTION III: (To be completed by Father Only)**

Reminder: A putative father may petition for paternity establishment under UIFSA.

Check the appropriate answer for each statement (a - o). Remember to attach any necessary, relevant documentation. This includes a certified copy of the birth certificate or acknowledgment of paternity with your name as the child's father on it; and other documents if available (e.g., letters or cards from the mother regarding the pregnancy or the child). NOTE: some responding States may only need a regular copy of a birth certificate or paternity acknowledgment, rather than a certified copy.

**SECTION IV:** Provide any additional information not already covered which might be helpful in establishing paternity. One example would be the alleged father's attendance in a child birth class with the mother.

**If you are the mother,** provide details to "Yes" answers to item 3, statements l through r in Section II.

- (m) Describe any food, clothing, gifts, or financial support the alleged father has provided for the child.
- (n) Describe where and when the alleged father lived with the child.
- (o) Provide dates and circumstances of any visits between the alleged father and the child.
- (p) Describe any physical resemblance between the alleged father and the child. Attach photographs, if available.
- (q) Provide names and addresses of any witnesses to your relationship with the father. Consider friends and relatives who were aware of the parties' dating, ongoing relationship, or cohabitation during the period of conception.

**If you are the father,** provide details to "Yes" answers to statements j through o in Section III.

- (j) Describe any food, clothing, gifts, or financial support you provided for the child.
- (k) Describe where and when you lived with the child.
- (l) Provide dates and circumstances of any visits between you and the child.
- (m) Describe any physical resemblance between you and the child. Attach photographs, if available.
- (n) Provide names and addresses of any witnesses to your relationship with the child's mother. Consider friends and relatives who were aware of the parties' dating, ongoing relationship, or cohabitation during the period of conception.

- The affidavit in support of establishing paternity must be signed by the mother or father seeking to establish paternity.
- The signature requires a notary.

\*\*\*\*\*

The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 42 U.S.C. 651 et seq. and 45 CFR 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average under half an hour per response. The responses to this collection are mandatory in accordance with the above statute and regulation. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



**D. Information about Current Spouse or Partner of Child(ren)'s Mother**

1. Name of Current Spouse or Partner (First, Mid, Last)	2. Is Current Spouse/Partner Employed? [ ] Yes [ ] No [ ] Unknown
3. Name and Address of Spouse's/Partner's Employer	4. Spouse's/Partner's Estimated Gross Monthly Earnings \$

**E. Is the child(ren)'s mother responsible for dependents other than those listed in Section V (pages 4 & 5)?**

[ ] Yes [ ] No [ ] Unknown (If yes, provide information below.)

1.	a. Full Name (First, Mid, Last)	b. Date of Birth
	c. Relationship	d. Living With:
	e. Source of Support/Income	f. Monthly Amount; Gross: Net:
2.	a. Full Name (First, Mid, Last)	b. Date of Birth
	c. Relationship	d. Living With:
	e. Source of Support/Income	f. Monthly Amount; Gross: Net:
3.	a. Full Name (First, Mid, Last)	b. Date of Birth
	c. Relationship	d. Living With:
	e. Source of Support/Income	f. Monthly Amount; Gross: Net:

**II. Personal Information About Child(ren)'s Father**

[ ] See Section X

A.1. Father is: [ ] Obligee [ ] Obligor	2. [ ] Nondisclosure Finding Attached	
3. Full Name (First, Mid, Last) Nickname, Alias		
4. Home Address [ ] Confirmed _____(date)	5. Social Security Number	6. Date of Birth
	7. Home Phone ( )	8. Work Phone ( )
9. Employer Name & Address [ ] Confirmed _____(date)	10(a). Occupation, Trade or Profession	
	10(b). Highest Level Of Education Attained	
11. Estimated Gross Monthly Earnings \$	12. Other Monthly Income (& source) \$	
13. Real or Personal Property (type & location)		

**B. Physical Description of Child(ren)'s Father (Attach photo if available.)**

1. Race	2. Height	3. Weight	4. Hair Color	5. Eye Color
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# GENERAL TESTIMONY, PAGE 3

Initiating IV-D Case No. \_\_\_\_\_

## C. Present Marital Status of Child(ren)'s Father

1. <input type="checkbox"/> Married	2. <input type="checkbox"/> Single	3. <input type="checkbox"/> Living with Non-Marital Partner	
4. <input type="checkbox"/> Divorced	5. <input type="checkbox"/> Legally Separated	6. <input type="checkbox"/> Separated	7. <input type="checkbox"/> Unknown

## D. Information about Current Spouse or Partner of Child(ren)'s Father

1. Name of Current Spouse or Partner (First, Mid, Last)	2. Is Current Spouse/Partner Employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
3. Name and Address of Spouse's/Partner's Employer	4. Spouse's/Partner's Estimated Gross Monthly Earnings \$

## E. Is the child(ren)'s father responsible for dependents other than those listed in Section V (pages 4 & 5)?

Yes  No  Unknown (If yes, provide information below.)

1.	a. Full Name (First, Mid, Last)	b. Date of Birth
	c. Relationship	d. Living With:
	e. Source of Support/Income	f. Monthly Amount; Gross: Net:
2.	a. Full Name (First, Mid, Last)	b. Date of Birth
	c. Relationship	d. Living With:
	e. Source of Support/Income	f. Monthly Amount; Gross: Net:
3.	a. Full Name (First, Mid, Last)	b. Date of Birth
	c. Relationship	d. Living With:
	e. Source of Support/Income	f. Monthly Amount; Gross: Net:

## III. Personal Information About Caretaker Other than Parent

See Section X

1. Caretaker's Relation to Child is: <input type="checkbox"/> Has legal custody/guardianship of child	2. <input type="checkbox"/> Nondisclosure Finding Attached		
3. Full Name (First, Mid, Last) Nickname, alias, maiden name, former married name, etc.			
4. Home Address <input type="checkbox"/> Confirmed _____(date)	5. Social Security Number	6. Date of Birth	7. Sex
	8. Home Phone ( )	9. Work Phone ( )	
10. Employer Name & Address <input type="checkbox"/> Confirmed _____(date)	11(a). Occupation, Trade or Profession		
	11(b). Highest Level Of Education Attained		
12. Estimated Gross Monthly Earnings \$	13. Other Monthly Income (& source) \$		
14. Date Child(ren) Began Residing With Caretaker			

**IV. Legal Relationship of Parents**

[ ] See Section X

- 1. [ ] Never married to each other    2. [ ] Married on \_\_\_\_\_ in \_\_\_\_\_  
Date County/State
- 3. [ ] Married by common law for the period \_\_\_\_\_ in \_\_\_\_\_  
Dates County/State
- 4. [ ] Separated on \_\_\_\_\_    5. [ ] Divorced on \_\_\_\_\_ in \_\_\_\_\_  
Date Date County/State
- 6. [ ] Legally separated on \_\_\_\_\_ in \_\_\_\_\_  
Date County/State
- 7. [ ] Divorce pending in \_\_\_\_\_    8. [ ] Support Order Entered on \_\_\_\_\_  
County/State Date
- 9. [ ] No support order    10. [ ] Other \_\_\_\_\_

11. Tribunal & Location (Divorce, Legal Separation, Support Order):

**V. Dependent Child(ren) in this Action**

[ ] See Section X

A. List obligor's (named on page 1 of this form) child(ren) only.

[ ] Nondisclosure Finding Attached

1. a. Full Legal Name (First, Mid, Last)		f. Paternity Established? [ ] Yes (check how) [ ] No [ ] By order [ ] By voluntary acknowledgment [ ] By adoption [ ] By conclusive marital presumption [ ] Other:
b. Address		
c. Social Security Number		g. Support Order Established? [ ] Yes [ ] No
d. Sex	e. Date of Birth	h. Living with Petitioner? [ ] Yes [ ] No

2. a. Full Legal Name (First, Mid, Last)		f. Paternity Established? [ ] Yes (check how) [ ] No [ ] By order [ ] By voluntary acknowledgment [ ] By adoption [ ] By conclusive marital presumption [ ] Other:
b. Address		
c. Social Security Number		g. Support Order Established? [ ] Yes [ ] No
d. Sex	e. Date of Birth	h. Living with Petitioner? [ ] Yes [ ] No

3. a. Full Legal Name (First, Mid, Last)		f. Paternity Established? [ ] Yes (check how) [ ] No [ ] By order [ ] By voluntary acknowledgment [ ] By adoption [ ] By conclusive marital presumption [ ] Other:
b. Address		
c. Social Security Number		g. Support Order Established? [ ] Yes [ ] No
d. Sex	e. Date of Birth	h. Living with Petitioner? [ ] Yes [ ] No

4. a. Full Legal Name (First, Mid, Last)		f. Paternity Established? <input type="checkbox"/> Yes (check how) <input type="checkbox"/> No <input type="checkbox"/> By order <input type="checkbox"/> By voluntary acknowledgment <input type="checkbox"/> By adoption <input type="checkbox"/> By conclusive marital presumption <input type="checkbox"/> Other:
b. Address		g. Support Order Established? <input type="checkbox"/> Yes <input type="checkbox"/> No
c. Social Security Number		
d. Sex	e. Date of Birth	h. Living with Petitioner? <input type="checkbox"/> Yes <input type="checkbox"/> No

B. The child(ren) began residing in \_\_\_\_\_ on \_\_\_\_\_.

State Month/Year

**VI. Medical Insurance**

See Section X

- 1. Is obligor required by a child support order to provide medical insurance for the child(ren)?  Yes  No
- 2. Is obligor required by a child support order to provide medical insurance for the obligee?  Yes  No
- 3. Medical coverage for dependent child(ren) listed in Section V and/or the obligee is provided by:

	For dependent child(ren)	For obligee	
Obligee	<input type="checkbox"/>	<input type="checkbox"/>	Obligee's Insurance Company:
Obligor	<input type="checkbox"/>	<input type="checkbox"/>	Policy Number:
State Medicaid	<input type="checkbox"/>	<input type="checkbox"/>	Obligor's Insurance Company:
Obligee's Employer	<input type="checkbox"/>	<input type="checkbox"/>	Policy Number:
Obligor's Employer	<input type="checkbox"/>	<input type="checkbox"/>	Other Insurance Company:
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	Policy Number:
Unknown	<input type="checkbox"/>	<input type="checkbox"/>	
No Coverage	<input type="checkbox"/>	<input type="checkbox"/>	

4. The monthly cost paid by the obligee for medical insurance for the obligor's child(ren) only is: \$ \_\_\_\_\_  
 (If medical insurance is provided by the obligee or obligee's employer, skip to number 6).

5. Obligee can purchase needed medical insurance at a monthly cost of: \$ \_\_\_\_\_

6. Were the children ever covered by medical insurance provided by the obligor/obligee, or his/her current employer?  
 Yes  No  Unknown

7. Do any of the obligor's children have special needs or extraordinary medical expenses not covered by insurance?  
 Yes  No

(If "Yes", please indicate the child involved and the type of special needs/extraordinary medical expenses and the related costs. Attach proof.)

8. Is the obligee asking to be reimbursed for medical coverage by obligor?  Yes  No  Unknown

VII. Support Order and Payment Information

[ ] See Section X

1. Does a support order exist? (If "No", skip to page 7.) [ ] Yes [ ] No

2. Did child(ren) reside with the obligor at anytime during the period for which support is sought, except during periods of visitation specified by a tribunal's order? [ ] Yes [ ] No If "Yes", Identify Period of Residency: From: Thru:

3. If a modification is being requested, indicate the basis for the request below: [ ] The earnings of the obligor have substantially increased or decreased. [ ] The earnings of the obligee have substantially increased or decreased. [ ] The needs of a party or of the child(ren) have substantially increased or decreased. [ ] Other, Explain

4. Describe all current support orders (include all pertinent orders and modifications). NOTE: if more than three (3) orders exist, attach complete description as below for each.

Table with 5 columns: Date of Order, Current Amount \$, Per Month/Week/etc., Toward Arrears \$, Per Month/Week/etc. Includes rows for Unpaid Interest \$ as of (date) and Total Arrears \$ as of (date), and Tribunal's Name & Address.

Table with 5 columns: Date of Order, Current Amount \$, Per Month/Week/etc., Toward Arrears \$, Per Month/Week/etc. Includes rows for Unpaid Interest \$ as of (date) and Total Arrears \$ as of (date), and Tribunal's Name & Address.

Table with 5 columns: Date of Order, Current Amount \$, Per Month/Week/etc., Toward Arrears \$, Per Month/Week/etc. Includes rows for Unpaid Interest \$ as of (date) and Total Arrears \$ as of (date), and Tribunal's Name & Address.

5. Unpaid Medical Cost Reimbursement (attach documentation) \$ as of Date

6. Other Unpaid Costs and Fees \$ as of Date

Explain:

7. Direct Payments to Oblige: [ ] Affidavit from Oblige Attached [ ] No Direct Payments Received

8. Obligor's support payment history: [ ] Certified copy of tribunal/agency payment history is attached. (Skip to page 7). [ ] Payment history provided on page 6a. [ ] N.A.; responding State does not require. (Skip to page 7).

Table with 2 columns: From (Year) to (Year); Agency Which Prepared Audit/Payment History:



VIII. TANF / Foster Care/Medical Assistance Status

[ ] See Section X

[If no TANF/Foster Care/Medical Assistance benefits were paid, skip to Section IX.]

1. Period during which TANF/Foster Care was paid:

From: \_\_\_/\_\_\_/\_\_\_ To: \_\_\_/\_\_\_/\_\_\_ by: \_\_\_ State

2. Total amount of TANF/Foster Care paid: \$ \_\_\_ as of \_\_\_ Date

3. Medical assistance related to prenatal, postnatal, or general expenses was paid in the amount of \$ \_\_\_ by: \_\_\_ Agency or Person

IX. Financial Information

[ ] See Section X

Information required varies based on responding State's guidelines. Updates may be required.

A. Monthly Income from All Sources:

1. Is the petitioner employed? [ ] Yes; occupation: \_\_\_ [ ] No; income source: \_\_\_

2. Gross Monthly Income Amounts: Petitioner Current Spouse/Partner Obligor's Dependent(s)

a) Public Assistance

i) SSI \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

ii) Family Assistance \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

iii) Other \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

b) Base pay salary, wages \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

c) Overtime, commissions, tips, bonuses, parttime \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

d) Unemployment compensation \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

e) Worker's compensation \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

f) Social Security Disability \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

g) Social Security Retirement \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

h) Dividends and interest \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

i) Trust/Annuity Income \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

j) Pensions,retirement \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

k) Child support \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

l) Spousal support/alimony \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

m) All other sources \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

Explain "other sources": \_\_\_

3. Total Gross Monthly (lines "2a" through "2m") \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

4. Deductions From Gross

a) Federal Income Tax \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

b) State Income Tax \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

c) Local Tax \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

d) F.I.C.A. \$ \_\_\_ \$ \_\_\_ \$ \_\_\_

	<u>Petitioner</u>	<u>Current Spouse/Partner</u>	<u>Obligor's Dependent(s)</u>
5. Adjusted Net Monthly (lines "3" minus lines "4a through 4d")	\$ _____	\$ _____	\$ _____
6. Other Deductions			
a) Savings	\$ _____	\$ _____	\$ _____
b) Loan Repayment	\$ _____	\$ _____	\$ _____
c) Mandatory Retirement	\$ _____	\$ _____	\$ _____
d) Non-mandatory Retirement	\$ _____	\$ _____	\$ _____
e) Medical Insurance	\$ _____	\$ _____	\$ _____
f) Union Dues	\$ _____	\$ _____	\$ _____
g) Other (specify)	\$ _____	\$ _____	\$ _____
7. Net Monthly Income (line 5 minus lines "6a through 6g")	\$ _____	\$ _____	\$ _____
8. Gross Income Prior Year	\$ _____	\$ _____	\$ _____

Attach three most recent paystubs from each current employer for all parties shown.

<b>B. Monthly Expenses</b>	<u>Petitioner</u>	<u>Obligor's Dependents</u>
1) Rent/Mortgage	\$ _____	\$ _____
2) Homeowners/Renters Insurance	\$ _____	\$ _____
3) Home Maintenance & Repair	\$ _____	\$ _____
4) Heat	\$ _____	\$ _____
5) Electricity/Gas	\$ _____	\$ _____
6) Telephone	\$ _____	\$ _____
7) Water/Sewer	\$ _____	\$ _____
8) Food	\$ _____	\$ _____
9) Laundry/Cleaning	\$ _____	\$ _____
10) Clothing	\$ _____	\$ _____
11) Life Insurance	\$ _____	\$ _____
12) Medical Insurance	\$ _____	\$ _____
13) Uninsured Extraordinary Medical (attach documentation)	\$ _____	\$ _____
14) Other Uninsured Health-Related Expenses	\$ _____	\$ _____
15) Auto Payment	\$ _____	\$ _____
16) Auto Insurance	\$ _____	\$ _____
17) Auto Expenses	\$ _____	\$ _____
18) Other Transportation	\$ _____	\$ _____
19) Child Care	\$ _____	\$ _____
Provider: _____		
Frequency _____ Per _____		
20) Support Payments, actual amount paid	\$ _____	\$ _____
21) Internet service	\$ _____	\$ _____
22) Other; Explain	\$ _____	\$ _____
<b>Total Monthly Expenses</b> (lines 1 through 22)	\$ _____	\$ _____

C. Assets:

1) Real Estate

\_\_\_\_\_ Address

\_\_\_\_\_ Owner(s)

\_\_\_\_\_ Title

\$ \_\_\_\_\_ Assessed Value minus \$ \_\_\_\_\_ Mortgage(s) = \$ \_\_\_\_\_

2) IRA, Keogh, Pension, Profit Sharing, Other Retirement Plans

\_\_\_\_\_ \$

Institution or Plan Name and Account No.

\_\_\_\_\_ \$

Institution or Plan Name and Account No.

3) Tax Deferred Annuity Plan(s)

\$ \_\_\_\_\_

4) Life Insurance: Present Cash Value

\$ \_\_\_\_\_

5) Savings & Checking Accounts, Money Market Accounts, & CDs

\_\_\_\_\_ \$

Institution Name and Account Number

\_\_\_\_\_ \$

Institution Name and Account Number

6) Automobiles/Vehicles

\_\_\_\_\_ \$ \_\_\_\_\_ minus \$ \_\_\_\_\_ = \$ \_\_\_\_\_  
Make Model Year Estimated Value Loan Balance

\_\_\_\_\_ \$ \_\_\_\_\_ minus \$ \_\_\_\_\_ = \$ \_\_\_\_\_  
Make Model Year Estimated Value Loan Balance

\_\_\_\_\_ \$ \_\_\_\_\_ minus \$ \_\_\_\_\_ = \$ \_\_\_\_\_  
Make Model Year Estimated Value Loan Balance

7) Other (e.g., Personal Property, Securities, etc). Describe: \_\_\_\_\_ \$ \_\_\_\_\_

Total Assets (lines 1 through 7) \$ \_\_\_\_\_

**X. Other Pertinent Information**

(Attach additional sheets if necessary).

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**XI. Verification**

Attached are the required number of copies of all support orders for the case.

Also attached and incorporated by reference are:

Copy of the certified child support payment records.

Copies of three most recent paystubs from current employer.

Copies of bills for prenatal, postnatal and general health care of mother and child.

Assignment or subrogation of support rights.

"Affidavit in Support of Establishing Paternity" for each child whose paternity is at issue.

Copy of child(ren)'s birth certificate(s).

Acknowledgment of parentage.

Documentation of legal custody/guardianship of child(ren).

Documentation that children are in foster care.

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

All of the information and facts contained in this General Testimony are true and correct to my/our best knowledge and belief.

Date	Petitioner (Name/Title)	Signature
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Date	Agency Representative (Name/Title)	Signature
------	------------------------------------	-----------

Sworn to and Signed Before me  
This Date County/State

Notary Public, Tribunal/Agency  
Official and Title

Commission Expires

## INSTRUCTIONS FOR GENERAL TESTIMONY

**PURPOSE OF THE FORM:** The General Testimony provides a framework for stating the detailed information and evidence necessary to support the action requested in the petition. Its eleven sections may or may not apply to all cases. Before completing the form, carefully consider the status of the individual petitioner completing the testimony and his/her relationship to the respondent, the relief you plan to request in the petition, and other case characteristics to determine what information should be provided. (Note: all section headings contain a checkbox to be used when additional comments/remarks are desired or required. These comments/remarks should be placed in Section X.) As a general rule, requests for relief require completion of the following sections:

Section No.	Description	Case Type Requiring Completion
I	Personal Information About Child(ren)'s Mother	All
II	Personal Information About Child(ren)'s Father	All
III	Personal Information About Caretaker Other Than Parent	Cases where the caretaker is an individual other than the child(ren)'s parent
IV	Legal Relationship of Parents	All
V	Dependent Child(ren) in this Action	All
VI	Medical Insurance	All
VII	Support Order and Payment Information	All cases where an order for support has been entered
VIII	Obligor's Payment History	All cases where an order for support has been entered; however, a certified copy of the court or agency payment history may be attached in lieu of Page 6a
VIII	TANF/Foster Care/Medical Assistance Status	Cases where the obligee received TANF, Foster Care, or Medical Assistance benefits
IX	Financial Information	Establishment and modification cases, as required by States' guidelines
X	Other Pertinent Information	When needed (Note: all section headings contain a checkbox to be used when additional comments/remarks are desired or required.)
XI	Verification	All

### HEADING/CAPTION:

Identify the petitioner and respondent in the appropriate spaces.

Check the appropriate space to identify the type of case: IV-D TANF; IV-E Foster care, Medicaid only, former assistance, never assistance or Non-IV-D.

*IV-D TANF means the obligee is receiving IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Assistance to Needy Families]. In exchange for receiving benefits, a person receiving public assistance agrees to assign his/her support rights or to turn over to the State the right to child support payments paid by the obligated parent.*

IV-E Foster Care means the child is in IV-E foster care and the case has been referred to the State/local child support agency to obtain support from the parents.

Medicaid Only means that the obligee is not receiving public assistance (IV-A cash payments) but is receiving Medicaid. Medicaid is a federally-funded program that provides medical support for low income families. These cases can receive "Full Services" or "Medical Services Only".

Former Assistance means that the obligee received child support enforcement services while receiving IV-A cash payments but is no longer receiving these payments.

Never Assistance means that the obligee applied for child support enforcement services but has not received public assistance (IV-A cash payments).

Non IV-D means the case is a private case that is not being worked by the State or local child support enforcement or IV-D agency.

Under "Responding IV-D Case No." and "Responding Tribunal No.", enter appropriate case and tribunal numbers that the responding State uses to identify the case, if applicable and if known. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number.

Under "Initiating IV-D Case No." and "Initiating Tribunal No.", enter appropriate case and tribunal numbers which your IV-D agency or local tribunal has assigned to the case. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number.

Check the appropriate boxes to indicate whether the petitioner is the "Obligee", "Obligor", or "Caretaker Other than Parent", or whether this is a "Foster Care" case. Check the appropriate boxes for the Respondent as well.

Obligee is the individual or State agency who is owed or is alleged to be owed support. If an obligee receives TANF benefits, s/he assigns certain support rights to the State.

Obligor is the individual who owes or is alleged to owe support. This term includes alleged or putative fathers whose paternity of the child(ren) has not yet been established.

Caretaker Other than Parent is an individual who is custodian of the child(ren) but who is not the mother or father of the child(ren).

Foster Care indicates that the child is in foster care. In such cases, a State or political subdivision may seek support from both parents.

In the name-block immediately above section I, fill in the name (First, Middle, Last) of the individual providing the testimony and signing the form. In most cases this will be the individual obligee. However, it could also be an obligor seeking paternity establishment or modification of a support order, or an authorized child support worker if the form is completed with information from the file. Note that verification by an individual petitioner is required for information personally known to him/her, and that testimony is given under penalty of perjury.

**SECTION I, PERSONAL INFORMATION ABOUT CHILD(REN)'S MOTHER:** This section asks for information about the child(ren)'s mother. If the mother is the respondent in this action, this information will

be used to identify her, locate her, discover income and assets, begin the process of determining her ability to pay, and/or effect collection actions.

If the individual completing this form is not the child(ren)'s mother, the requested information may not be available. Provide as much information as possible.

## **Part A**

**Item 1:** Indicate whether the child(ren)'s mother is the "Obligee" or "Obligor".

**Item 2:** Check this box if a nondisclosure finding pursuant to the Uniform Interstate Family Support Act (UIFSA) or an existing protective order excuses disclosure of the mother's address or other identifying information. Attach a copy of any nondisclosure finding. If a nondisclosure finding exists, do not enter the mother's address/identifying information on the form; you may enter a substitute address.

**Item 3:** Enter the mother's full name (First, Middle, Last) on the first line and nickname, alias, maiden name, or former maiden name on the second line.

**Item 4:** Enter the mother's home or residential address (Street, City, State, Zip Code). If this address has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the address cannot be confirmed, provide last known address.

**Item 5:** Enter the mother's Social Security Number.

**Item 6:** Enter the mother's date of birth (Month, Date, Year).

**Item 7:** Enter the mother's home phone number. Include the area code.

**Item 8:** Enter the mother's work phone number. Include the area code and any extension.

**Item 9:** Enter the name and address of the mother's employer. If this information has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the employer name and address cannot be confirmed, provide last known information.

**Item 10(a):** Enter the mother's occupation, trade, or profession.

**Item 10(b):** Enter the mother's highest attained level of education. If the mother is the obligor, the educational level can be used by some responding States to impute the income of an unemployed or underemployed obligor.

**Item 11:** Enter the dollar amount of the mother's estimated gross monthly earnings.

**Item 12:** Enter the dollar amount of the mother's monthly income **other than** earnings. Indicate the source of the income.

**Item 13:** List any real or personal property owned by the mother. Include type and location.

## **Part B: Physical Description of Child(ren)'s Mother**

**Items 1 - 5:** Provide a physical description of the mother by listing her race, height, weight, hair color, and eye color. This information may be helpful in locating or serving the mother if she is the respondent in this

action. Optional: attach a recent photo if available. A photo may be useful if the mother is the respondent and identification or service of process is necessary.

When listing the mother's race, select from the following: 1) White (non-hispanic), 2) Black (non-hispanic), 3) Hispanic, 4) American Indian - Alaskan Native, or 5) Asian - Pacific Islander.

### **Part C: Present Marital Status of Child(ren)'s Mother**

**Items 1 - 7:** Check the appropriate box(es) which describe the mother's present marital status. This information may be considered in determining the obligor's ability to pay or the obligee's need for support when a support order is established or modified. Check "single" only if the mother has never been married to anyone; if the mother has previously been married, check divorced, legally separated, or separated, as appropriate.

**Part D: Information about Current Spouse or Partner of Child(ren)'s Mother.** Complete part D only if the mother currently has a spouse or non-marital partner. Otherwise, enter "Not Applicable".

**Item 1:** Enter the name of the mother's current spouse or non-marital partner.

**Item 2:** Check the appropriate box to indicate whether the mother's current spouse/partner is employed.

**Item 3:** If the answer to item 2 is "Yes", enter the name and address of the spouse's/partner's employer.

**Item 4:** Enter the spouse's/partner's estimated gross monthly earnings.

**Part E:** Check the appropriate box to indicate whether the mother is responsible for dependents other than the child(ren) in this action (listed in Section V). If the answer is "yes", provide information about each dependent under **items 1 through 3**. If there are more than three dependents, provide information about the other dependents in Section X: Other Pertinent Information.

**Item a:** Enter the full name of the dependent (First, Middle, Last).

**Item b:** Enter the dependent's date of birth (Month, Date, Year).

**Item c:** Enter the dependent's relation to the child(ren)'s mother.

**Item d:** Indicate who the dependent is living with.

**Item e:** Enter the dependent's source of support or income.

**Item f:** Enter the monthly amount (both gross and net) of that support or income.

**SECTION II, PERSONAL INFORMATION ABOUT CHILD(REN)'S FATHER** This section asks for information about the child(ren)'s father. This includes an alleged father if paternity has not yet been established. If the father is the respondent in this action, this information will be used to identify him, locate him, discover income and assets, begin the process of determining his ability to pay, and/or effect collection actions.

If the individual completing this form is not the child(ren)'s father, that individual may not be able to provide all of the requested information. Provide as much information as possible.

## Part A

**Item 1:** Indicate whether the child(ren)'s father is the "Obligee" or "Obligor".

**Item 2:** Check this box if a nondisclosure finding pursuant to the Uniform Interstate Family Support Act (UIFSA) or an existing protective order excuses disclosure of the father's address or other identifying information. Attach a copy of any nondisclosure finding. If a nondisclosure finding exists, do not enter the father's address/identifying information on the form; you may enter a substitute address.

**Item 3:** Enter the father's full name (Full, Middle, Last) on the first line and nickname or alias on the second line.

**Item 4:** Enter the father's home or residential address (Street, City, State, Zip Code). If this address has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the address cannot be confirmed, provide last known address.

**Item 5:** Enter the father's Social Security Number.

**Item 6:** Enter the father's date of birth (Month, Date, Year).

**Item 7:** Enter the father's home phone number. Include the area code.

**Item 8:** Enter the father's work phone number. Include the area code and any extension.

**Item 9:** Enter the name and address of the father's employer. If this information has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the employer name and address cannot be confirmed, provide last known information.

**Item 10(a):** Enter the father's occupation, trade, or profession.

**Item 10(b):** Enter the father's highest attained level of education. If the father is the obligor, the educational level can be used by some responding States to impute the income of an unemployed or underemployed obligor.

**Item 11:** Enter the dollar amount of the father's estimated gross monthly earnings.

**Item 12:** Enter the dollar amount of the father's monthly income **other than** earnings. Indicate the source of the income.

**Item 13:** List any real or personal property owned by the father. Include type and location.

## Part B: Physical Description of Child(ren)'s Father

**Items 1 - 5:** Provide a physical description of the father by listing his race, height, weight, hair color, and eye color. This information may be helpful in locating or serving the father, if he is the respondent in this action. You may attach a recent photo if available. A photo may be useful if the father is the respondent and identification or service of process is necessary.

When listing the father's race, select from the following: 1) White (non-hispanic), 2) Black (non-hispanic), 3) Hispanic, 4) American Indian - Alaskan Native, or 5) Asian - Pacific Islander.

## **Part C: Present Marital Status of Child(ren)'s Father**

**Items 1 - 7:** Check the appropriate box(es) which describe the father's present marital status. This information may be considered in determining the obligor's ability to pay or the obligee's need for support when a support order is established or modified.

**Part D: Information about Current Spouse or Partner of Child(ren)'s Father.** Complete part D only if the father currently has a spouse or non-marital partner. Otherwise, enter "Not Applicable".

**Item 1:** Enter the name of the father's current spouse or non-marital partner.

**Item 2:** Check the appropriate box to indicate whether the father's current spouse/partner is employed.

**Item 3:** If the answer to item 2 was "Yes", enter the name and address of the spouse's/partner's employer.

**Item 4:** Enter the spouse's/partner's estimated gross monthly earnings.

**Part E:** Check the appropriate box to indicate whether the father is responsible for dependents other than the child(ren) in this action (listed in Section V). If the answer is "yes", provide information about each dependent under **items 1 through 3**. If there are more than three dependents, provide information about the other dependents in Section X: Other Pertinent Information.

**Item a:** Enter the full name of the dependent (First, Middle, Last).

**Item b:** Enter the dependent's date of birth.

**Item c:** Enter the dependent's relation to the child(ren)'s father.

**Item d:** Indicate who the dependent is living with.

**Item e:** Enter the dependent's source of support or income.

**Item f:** Enter the monthly amount (both gross and net) of that support or income.

**SECTION III, PERSONAL INFORMATION ABOUT CARETAKER OTHER THAN PARENT:** Complete this section only if the child(ren)'s caretaker or custodian is not the child(ren)'s mother or father.

**Item 1:** Indicate the caretaker's relation to the child(ren). If the caretaker is a relative, indicate whether he/she is a maternal (mother's side of the family) or paternal (father's side of the family) relative. Examples include: "maternal grandmother" or "paternal cousin". Check the box if the caretaker has legal custody/guardianship of the child(ren).

**Item 2:** Check this box if a nondisclosure finding pursuant to the Uniform Interstate Family Support Act (UIFSA) or an existing protective order excuses disclosure of the caretaker's address or other identifying information. Attach a copy of any nondisclosure finding. If a nondisclosure finding exists, do not enter the caretaker's address/identifying information on the form; you may enter a substitute address.

**Item 3:** Enter the caretaker's full name (First, Middle, Last) on the first line and nickname, alias, maiden name or former married name on the second line.

**Item 4:** Enter the caretaker's home or residential address (Street, City, State, Zip Code). If this address has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the address cannot be confirmed, provide last known address.

**Item 5:** Enter the caretaker's Social Security Number.

**Item 6:** Enter the caretaker's date of birth (Month, Date, Year).

**Item 7:** Enter the caretaker's sex or gender: male or female.

**Item 8:** Enter the caretaker's home phone number. Include the area code.

**Item 9:** Enter the caretaker's work phone number. Include the area code and any extension.

**Note:** If the caretaker does not have a legal obligation to contribute to the child(ren)'s support, **items 10 through 14** concerning the caretaker's employment and income may be privileged.

**Item 10:** Enter the name and address of the caretaker's employer. If this information has been confirmed/verified by the initiating State agency, check the box indicating that the information has been confirmed and the date it was confirmed. If the employer name and address cannot be confirmed, provide last known information.

**Item 11(a):** Enter the caretaker's occupation, trade, or profession.

**Item 11(b):** Enter the caretaker's highest attained level of education. If the caretaker is the obligor, the educational level can be used by some responding States to impute the income of an unemployed or underemployed obligor.

**Item 12:** Enter the dollar amount of the caretaker's estimated gross monthly earnings.

**Item 13:** Enter the dollar amount of the caretaker's monthly income other than earnings. Indicate the source of the income.

**Item 14:** Enter the date the child(ren) began residing with the caretaker.

**SECTION IV, LEGAL RELATIONSHIP OF PARENTS:** Identify the legal relationship between the child(ren)'s mother and father. Check all appropriate boxes and enter the pertinent corresponding information.

**Item 1:** Check this box if the parents were never married to each other.

**Item 2:** Check this box if the parents were married to each other. Indicate the date (Month, Date, Year) and County/State of the marriage.

**Item 3:** Check this box if the parents were married by common law. Indicate the time period (dates) and the County/State of the common law marriage.

**Item 4:** Check this box if the parents are separated. Indicate the date (Month, Date, Year) of the separation.

**Item 5:** Check this box if the parents are divorced. Indicate the date (Month, Date, Year) and County/State of the finalized divorce.

**Item 6:** Check this box if the parents are legally separated. Indicate the date (Month, Day, Year) and County/State of the legal separation.

**Item 7:** Check this box if divorce proceedings are pending. Indicate the County/State of the proceedings.

**Item 8:** Check this box if a child support order has been entered. Indicate the date (Month, Date, Year) of the order.

**Item 9:** Check this box if no child support order has been entered.

**Item 10:** Check this box to indicate relationships not described by the options above. Describe the relationship on the line provided (e.g. mother and father lived together; mother and father had casual relationship; etc).

**Item 11:** List the name and location of the tribunal (court or agency) that entered any divorce decree, legal separation, or child support order.

Remember to attach the required number of copies of any existing support orders (including a divorce decree or separation agreement). You will generally need to attach a certified copy of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions without having a certified copy of the order, although a regular copy is still necessary.

**SECTION V. DEPENDENT CHILD(REN) IN THIS ACTION:** This information is used to identify child(ren) for whom paternity is to be established and/or for whom the establishment or enforcement of support or a modification thereof is sought.

**Part A:** List all the children for whom paternity is to be established or support is sought or due from the obligor listed on page 1 of this form. These should be the same children listed in section I of the Uniform Support Petition. List only those children of the particular obligor named in this action. Provide information about each child under **items 1 through 4**. If there are more than four children, provide information about the other children in Section X: Other Pertinent Information. If a child listed is over 18, indicate whether (s)he is enrolled in high school or college; some responding States may require a letter from the child's school for verification purposes.

**Attach a separate "Affidavit in Support of Establishing Paternity" for each child whose paternity is at issue.**

Check the box "Nondisclosure Finding Attached" if a nondisclosure finding pursuant to the Uniform Interstate Family Support Act (UIFSA) or an existing protective order excuses disclosure of the child(ren)'s address or other identifying information. Attach a copy of any nondisclosure finding. If a nondisclosure finding exists, do not enter the child(ren)'s address or identifying information on the form.

**Item a:** Enter the child's full legal name (First, Middle, Last).

**Item b:** Enter the child's address (Street, City, State, Zip Code).

**Item c:** Enter the child's Social Security Number.

**Item d:** Enter the child's sex or gender: male or female.

**Item e:** Enter the child's date of birth (Month, Date, Year).

**Item f:** Check the appropriate box to indicate if the paternity of the child has been established or not. If "yes" is checked, check the appropriate box indicating how paternity was established, i.e., by order, voluntary acknowledgment, adoption, conclusive marital presumption, or other. If other is checked, explain on the line provided. Use Section X if more space is needed.

**Item g:** Check the appropriate box to indicate whether a child support order for the child has been established.

**Item h:** Check the appropriate box to indicate whether the child is living with the petitioner. In this instance, "petitioner" means the individual who is the moving party rather than a State child support agency that is bringing action.

**Part B:** Indicate the month and year when the child(ren) began residing in the State. If this information is not the same for all children, provide separate information for each child in Section X: Other Pertinent Information. If the child(ren) are older than six months of age and have resided in the State less than six months, provide information about the child(ren)'s previous States of residence (including length of residence) in Section X: Other Pertinent Information. Information about the child(ren)'s length of residence in the State is necessary under the Uniform Interstate Family Support Act (UIFSA) in order to determine which child support order should be prospectively enforced or modified if multiple orders exist.

**SECTION VI, MEDICAL INSURANCE:** This information is used to determine if medical coverage is currently provided for the dependents. If coverage is not provided, additional information in this section is a basis for adding medical coverage to new and existing orders. You should provide this information in all IV-D cases.

**Item 1:** Check the appropriate box to indicate whether the obligor is required by a child support order to provide medical insurance for the child(ren).

**Item 2:** Check the appropriate box to indicate whether the obligor is required by a child support order to provide medical insurance for the obligee.

**Item 3:** Check the appropriate boxes to indicate who provides medical coverage for the dependent child(ren) (listed in Section V) and obligee. The choices are: obligee, obligor, State Medicaid, obligee's employer, obligor's employer, and other. If you check "other", print the name of the person or entity that provides coverage (e.g., obligee's current spouse). Check "unknown" if you do not know who provides coverage. Check "no coverage" if the child(ren)/obligee do not have coverage.

In the appropriate spaces, enter the name and policy number of the obligee's insurance company, the obligor's insurance company, and any other relevant insurance company. If information about "Other Insurance Company" is provided, describe this company and its relation to the parties in Section X: Other Pertinent Information.

**Item 4:** Enter the monthly medical insurance cost paid by the obligee for the obligor's child(ren) only. Do not include the portion of the monthly cost of medical insurance for the obligee or children other than the obligor's. If the obligee is the individual petitioner in this action and is seeking reimbursement for these medical insurance costs, attach proof of payment.

**Item 5:** If medical insurance is provided by the obligee or the obligee's employer, do not answer this item; skip to item 6. Otherwise, enter the monthly cost to the obligee if he/she were to provide needed medical insurance. If the cost is unknown, enter "unknown". Some responding States may require you to enter a prorated amount per child.

**Item 6:** As a lead for possible third party coverage, check the appropriate box to indicate whether the obligor's children were ever covered by medical insurance provided through the obligor or obligee or his/her current employer. If you check "Yes", describe this coverage in Section X: Other Pertinent Information.

**Item 7:** Indicate whether any of the obligor's children have special needs or extraordinary medical expenses not covered by insurance. This includes special medical needs, medical equipment, counseling, special schooling, etc. If yes, indicate the child involved, the type of need/expenses, and the related costs. Attach proof, such as a doctor's statement. If special needs are indicated, explain in detail any agreements made to cover these costs including agreements that are verbal, written, or part of any court or administrative order.

**Item 8:** Indicate whether the obligee is asking to be reimbursed for medical coverage by the obligor.

**SECTION VII, SUPPORT ORDER AND PAYMENT INFORMATION:** This information is used to justify the court or administratively ordered current support and arrearage obligation to be claimed in the petition.

**Item 1:** Check the appropriate box to indicate whether a support order exists. If a support order does not exist, skip to Section VIII on page 7.

**Item 2:** Check the appropriate box to indicate whether the child(ren) resided with the obligor at anytime during the period for which support is sought, except during periods of visitation specified by a tribunal's order. If "yes", identify period of residency with the obligor by entering dates (Month, Date, Year) in the spaces labelled "From" and "Thru". If this information is not the same for all children, provide separate information for each child in Section X: Other Pertinent Information.

**Item 3:** Complete item 3 only if modification of a support order is requested; otherwise skip to item 4. Indicate the basis for requesting a modification by checking all appropriate boxes. If you check "other", explain in the blank and/or provide an explanation in Section X and check the "See Section X" checkbox next to the Heading on this page.)

**Item 4:** Enter information on court or administratively ordered support amounts. Include information on the relevant original order, modifications, and interstate orders under the Uniform Reciprocal Enforcement of Support Act (URESA) or the Uniform Interstate Family Support Act (UIFSA). If there are more than three pertinent orders, describe the remaining orders in Section X: Other Pertinent Information.

For each order, indicate:

- Date of Order: the date the order was issued or entered.
- Current Amount: the amount of periodic current support payments owed under the order. Specify the total amount for all children (listed in section V) even if the order designates a separate amount for each child.
- Per Month/Week/Etc: the frequency with which current support must be paid (per month, per week, etc).
- Toward Arrears: the amount of any periodic payment ordered to go toward arrears. Specify the total amount for all children (listed in section V) even if the order designates a separate amount for each child.
- Per Month/Week/Etc: the frequency with which the arrears payment must be paid.
- Unpaid Interest: the amount of any unpaid interest due, and the date as of which the amount is correct.

- Total Arrears: the total amount of arrears owed under that order, if any. Specify the total amount for all children (listed in section V) even if the order designates a separate amount for each child. Enter the date as of which the amount is correct.
- The name and address of the tribunal (court or agency) that entered the order.

Remember to attach the required number of copies of all pertinent orders that relate to support. You will generally need to attach a certified copy of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions without having a certified copy of the order, although a regular copy is still necessary.

**Item 5:** If the obligor owes reimbursement for prenatal, postnatal or general medical expenses paid by the obligee or State agency, indicate the total amount owed. Enter only the amount which the obligor has been ordered to pay. Enter the date as of which this amount is correct. Attach documentation.

**Item 6:** Enter the amount of unpaid costs and fees owed by the obligor. Enter the date as of which the amount was correct. Describe the costs/fees on the blank line.

**Item 7:** Check the appropriate box to indicate whether an affidavit from the obligee concerning direct payments is attached, or whether no direct payments were received by the obligee.

**Item 8:** Check one of three options for supplying the obligor's support payment history:

- Check the first box on the left to indicate that you will be providing a certified copy of your own court or agency's payment history (manual or computer generated) and skip to Section VIII on page 7. Provide any additional information (e.g., regarding interest, costs, fees) necessary to explain the payment history so that it can be correctly interpreted by the responding jurisdiction.
- Check the middle box to indicate that you will be completing the payment history provided on page 6a of the General Testimony.
- Check the last box on the right to indicate that you will not be providing a detailed arrears statement and skip to Section VIII on page 7. Note, however, to register an order under the Uniform Interstate Family Support Act (UIFSA), a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of arrears is **required**.

Fill in the spaces at the bottom of section VII on page 6. Under "From (Year) to (Year)" indicate the years covered by the obligor's support payment history. Also enter the name of the "Agency which Prepared Audit/Payment History".

**PAGE 6A:** Complete this page if you checked the middle box in item 8, section VII, page 6. Enter the amount of adjudicated arrears in the line at the top of the page; indicate the date of the order that established the arrears amount. Enter "zero" if there are no adjudicated arrears.

The payment history tables on the rest of page 6a should show arrears that accrued since the date that arrears were adjudicated, or since the support order was entered if arrears have not been adjudicated. The beginning balance for the first year's table should be the amount of adjudicated arrears listed at the top of the page.

At the bottom of the page, enter the total amount of adjudicated and accrued arrears; indicate the date that the amount is correct. If the amount of adjudicated arrears was used as the beginning balance in the first

year's payment history table, the ending balance in the last year's payment history table should equal the amount of adjudicated and accrued arrears that is entered at the bottom of the page.

If continuation sheets are necessary, attach as needed. Each page of payment history should be certified or notarized according to the standard required by the State or local agency in preparing an interstate support pleading. The signature line can be signed either by a tribunal/agency representative or an individual, depending on State procedures. Some responding States may require a seal to be affixed if the records are provided by a tribunal or agency.

**SECTION VIII. TANF/FOSTER CARE/MEDICAL ASSISTANCE STATUS:** Complete this section only if:

- You are seeking support for a prior period and TANF/Foster Care benefits were paid, or
- You are seeking reimbursement for medical assistance costs.

Otherwise, skip to section IX, Financial Information.

Complete **items 1 and 2** only if you are seeking support for a prior period (i.e., if you are seeking "back support" or support for a period prior to the establishment of an order). The award of support for a prior period is not required under Federal law but may be appropriate in accordance with State law. Not all States have authority to establish support orders for prior periods. However, the period of time the family received TANF benefits may be a relevant factor in setting an award for a prior period; this section provides space for this information.

States may not, as a federally-reimbursable function, establish judgments solely for reimbursement of public assistance, or pursue enforcement of such judgments established after March 22, 1993. States must use guidelines as a rebuttable presumption, not the amount of unreimbursed public assistance, in establishing orders after October 13, 1989. States may establish child support awards covering a prior period, but such awards must be based on guidelines and take into consideration either the current earnings and income at the time the order is set, or the obligor's earnings and income during the prior period.

**Item 1:** If known, specify the period of time when TANF/Foster Care benefits were paid to the obligee's family, and the State which provided the assistance and had an assignment of support rights. Only consider public assistance paid to the obligee or the children in this action (listed in section V).

**Item 2:** If known, enter the total amount of TANF/Foster Care benefits paid, and the date as of which the amount was correct. Only include public assistance paid to the obligee or the children in this action (listed in section V).

**Item 3:** Complete item 3 only if you are seeking reimbursement for medical assistance related to prenatal, postnatal or general expenses. Enter the dollar amount of medical expenses for which you are seeking reimbursement. Enter the name of the agency or person who paid the medical expenses and is due reimbursement. Attach appropriate proof or documentation, such as receipts.

**SECTION IX. FINANCIAL INFORMATION:** This section is used to obtain the petitioner's financial information needed to apply guidelines to determine the appropriate amount of support.

Generally, you only need to complete this section if you are requesting establishment of an order or modification of an existing order, unless a responding State specifically asks for section IX to be completed to enforce an order. It is important to disclose all the information pertaining to income, expenses, and assets, as required by the responding State's guidelines. Failure to disclose information may seriously

affect the legal proceedings in the responding State and may unnecessarily delay the resolution of the support issue.

However, before completing all parts of Section IX IV-D agencies may wish to consult the Interstate Roster and Referral Guide or to contact the responding State to determine if all parts of Section IX are needed. Some responding States do not need all of the information in Section IX. IV-D agencies need to complete only those parts needed by the responding State.

### **Part A: Monthly Income From All Sources**

**Item 1:** Check the appropriate box to indicate if the individual petitioner is employed. If "yes", list occupation. If "no", list income source.

**Item 2:** List the gross monthly income of the individual petitioner, the petitioner's current spouse/partner (if applicable), and the obligor's dependents who are in the petitioner's custody. If there are multiple dependents in the petitioner's custody, combine the income from all the dependents and enter the total in the third column. List each income source separately under the categories provided in item 2. Be sure to provide information regarding all earnings and income sources, including salaries, wages, commissions, fees, bonuses, tips, and public assistance. You should consider seasonal or intermittent income on an annual basis (total for the year divided by 12).

**Item 2.a.:** Enter the gross monthly amount of any public assistance received, including SSI, Family Assistance, and other. "Family Assistance" means IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Assistance to Needy Families]. "Other" includes other types of cash public assistance.

**Item 2.b.:** Enter the gross monthly amount of base pay salary or wages.

**Item 2.c.:** Enter the gross monthly amount of overtime, commissions, tips, bonuses, parttime pay.

**Item 2.d.:** Enter the gross monthly amount of unemployment compensation received.

**Item 2.e.:** Enter the gross monthly amount of worker's compensation received.

**Item 2.f.:** Enter the gross monthly amount of Social Security Disability received.

**Item 2.g.:** Enter the gross monthly amount of Social Security Retirement received.

**Item 2.h.:** Enter the gross monthly amount of dividends and interest received.

**Item 2.i.:** Enter the gross monthly amount of trust/annuity income received.

**Item 2.j.:** Enter the gross monthly amount of pension or retirement income received.

**Item 2.k.:** Enter the gross monthly amount of any child support payments received.

**Item 2.l.:** Enter the gross monthly amount of any spousal support/alimony received.

**Item 2.m.:** Under "All other sources", be sure to include and describe monthly amounts for other income regularly received, such as self-employment income, regular in kind income, barter, or net income from rental property. If income is received on other than a monthly basis, annualize and divide by 12.

**Item 3:** Add all monthly income (lines 2a through 2m) and enter the total gross monthly income for the individual petitioner, petitioner's current spouse/partner (if applicable), and obligor's dependents who are in the petitioner's custody.

**Item 4:** On the appropriate lines, list deductions from gross income including Federal, State, and local income tax withholding and Social Security tax (FICA) withholding. List deductions for each party (the individual petitioner, petitioner's current spouse/partner, and obligor's dependents who are in the petitioner's custody).

**Item 5:** Subtract the deductions (lines 4a through 4d) from the total gross monthly income (line 3) and enter the difference on line 5 under "adjusted net monthly" income for each party.

**Item 6:** On the appropriate lines, enter other deductions for each party. Note that in some States these items are considered deductions while in other States they are considered expenses.

**Item 6.a.:** "Savings" means amounts that are withheld or paid directly from a party's income and deposited in a savings account or fund.

**Item 6.b.:** "Loan repayment" means amounts that are withheld or paid directly from a party's income to repay a loan.

**Item 6.c.:** "Mandatory Retirement" means amounts that are required by law to be withheld or paid directly from a party's income and deposited in a retirement account or fund. Enter amounts on this line only if the contributions are mandatory (i.e., required by law to be deducted).

**Item 6.d.:** "Non-mandatory Retirement" means amounts that are voluntarily withheld or paid directly from a party's income and deposited in a retirement account or fund. Enter amounts on this line only if the contributions are voluntary.

**Item 6.e.:** "Medical Insurance" means medical insurance premiums withheld or paid from a party's income.

**Item 6.f.:** "Union dues" means mandatory union dues that are withheld or paid directly from a party's income.

**Item 6.g.:** "Other" includes all other deductions, such as State unemployment insurance tax and disability insurance premiums, where applicable; and certain employment-related expenses that are deducted directly from income.

**Item 7:** Subtract the other deductions (lines 6a through 6g) from the adjusted net monthly income (line 5) and enter the difference on line 7 under "net monthly income" for each party.

**Item 8:** Enter each party's gross income for the prior year.

Attach the three most recent pay stubs from each current employer for all parties shown. Some responding States may require additional financial documentation as well; for example, the previous year's Federal and/or State income tax returns, W-2 forms, or Federal 1099 forms.

**Part B: Monthly Expenses.** On the appropriate lines, enter the monthly amount paid by the individual petitioner for the listed expenses. Generally, you should list expenses in the column labelled "Petitioner". However, if there are expenses that are directly attributable to a dependent of the obligor (e.g., uninsured

medical expenses for a child), list those expenses in the "Obligor's Dependent(s)" column. If you prorate or divide expenses between the "Petitioner" and "Obligor's Dependent(s)" column, explain how you divided the expenses. If there are multiple dependents in the petitioner's custody, combine the expenses for all the dependents and enter the total. If an expense is paid on other than on a monthly basis, annualize and divide by 12.

**Item 1:** Enter the monthly amount paid for rent or mortgage.

**Item 2:** Enter the monthly amount paid for homeowner's or renter's insurance.

**Item 3:** Enter the monthly amount paid for home maintenance and repairs.

**Item 4:** Enter the monthly amount paid for heat.

**Item 5:** Enter the monthly amount paid for electricity or gas.

**Item 6:** Enter the monthly amount paid for telephone.

**Item 7:** Enter the monthly amount paid for water/sewer.

**Item 8:** Enter the monthly amount paid for food.

**Item 9:** Enter the monthly amount paid for laundry, dry cleaning, and other cleaning.

**Item 10:** Enter the monthly amount paid for clothing purchase.

**Item 11:** Enter the monthly amount paid for life insurance.

**Item 12:** Enter the monthly amount paid for medical insurance.

**Item 13:** Enter the monthly amounts paid for special needs or extraordinary medical expenses not covered by insurance, and attach a description and documentation of the expenses and payments that are made (if not provided in adequate detail in Section VI on page 5 of the General Testimony).

**Item 14:** Enter the monthly amount paid for other health related expenses not covered by insurance, including: doctors, dentists, medications and drug store items, and such expenses as glasses, hearing aids, etc.

**Item 15:** Enter the monthly amount of auto payment.

**Item 16:** Enter the monthly amount paid for auto insurance.

**Item 17:** Enter the monthly amount paid for other auto expenses such as auto repairs or licenses.

**Item 18:** Enter the monthly amount paid for other transportation expenses, such as public transportation, bus, or subway.

**Item 19:** Specify the monthly amount paid for child care (work-related or otherwise), the provider, and the frequency child care is used (e.g., hours per week). Some responding States also require that you attach verification or proof of child care expenses, and some responding States need to know if the child care is work-related.

**Item 20:** Enter the monthly amount of any support payments actually made by the individual petitioner for child, spousal or family support.

**Item 21:** Enter the monthly amount paid for internet service.

**Item 22:** Under "Other", be sure to include and explain personal educational expenses; educational expenses for obligor's child(ren) including books, fees, supplies and tuition; garbage collection fees; cable television fees; contributions; dues; newspapers; entertainment; hobbies or sports.

**Total Monthly Expenses:** At the end of part B, add the totals of line 1 through line 22 and enter the total on the lines beside **Total Monthly Expenses** for both the individual petitioner and the obligor's dependents.

**Part C: Assets.** This section lists assets owned by the individual petitioner.

**Item 1:** Describe real estate owned by the individual petitioner by entering the address (including street, county, State and zip code), the owner(s) (including any co-owners other than the individual petitioner), and the title. In the appropriate spaces, enter the assessed value and the amount of any mortgage. Subtract the amount of the mortgage from the assessed value and enter the difference on the line on the right hand side of the page.

**Item 2:** List any IRA, Keogh, pension, profit sharing, or other retirement plan. Include the institution or plan name and account number, and the amount of funds.

**Item 3:** Enter the dollar amount under any tax deferred annuity plan.

**Item 4:** Enter the present cash value of any life insurance policy.

**Item 5:** List any savings account, checking account, money market account, certificate of deposit (CD). Include the institution name and account number and the amount of funds in the account. If additional space is needed, provide information in Section X.

**Item 6:** Describe any automobiles or other vehicles owned by the individual petitioner by entering the make, model, and year. In the appropriate spaces, enter the estimated value of the vehicle and the dollar amount of any loan balance due on the vehicle. Subtract the loan balance from the estimated value and enter the difference on the line on the right hand side of the page.

**Item 7:** Describe any other assets owned by the individual petitioner, such as personal property or securities. Enter the dollar value of the asset in the right hand column. If additional space is needed, provide information in Section X.

**Total Assets:** Add all the dollar amounts in the right hand column (for items 1 through 7 in part C) and enter the total on the line by **Total Assets**.

**SECTION X, OTHER PERTINENT INFORMATION:** Use this section to provide additional information or explanations. If it is related to a previous section, identify the section, part, and item number as appropriate.

**SECTION XI, VERIFICATION:** Attach the appropriate number of copies of any existing support order, and check the box indicating that the copies are attached. You will generally need to attach a certified copy of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions without having a certified copy of the order, although a regular copy is still necessary. Some States may also need copies of custody or change in custody orders, if relevant.

Check the other boxes to indicate any other items that are attached, including: a copy of the certified child support payment records; copies of the three most recent pay stubs from the current employer; copies of bills for prenatal, postnatal, or general health care of mother and child; assignment or subrogation of support rights; "Affidavit in Support of Establishing Paternity"; copy of child(ren)'s birth certificates; an acknowledgment of parentage; documentation of legal custody/guardianship of child(ren); documentation that child(ren) are in foster care; and any other attachments (such as copies of bills for parentage testing or the common law statute of the initiating State).

*"Affidavit in Support of Establishing Paternity" is a standard interstate form completed by the moving party [usually child(ren)'s mother or alleged father] who is seeking to establish the alleged father's paternity of the child(ren). The form provides evidence regarding the father's paternity. **In interstate cases, a separate form must be completed for each child whose paternity is at issue.***

*Acknowledgment of Parentage is an affidavit or form signed by the alleged father (and usually the mother as well) voluntarily acknowledging the alleged father's paternity of the child(ren). These forms are used by hospital-based programs, State child support agencies, and other entities.*

If the individual petitioner is indigent and unable to pay the costs of these proceedings, check the "Other" checkbox and provide an explanation on the line provided. Note that checking this box does not guarantee that the individual petitioner will be exempt from all costs and fees.

The person(s) providing the testimony -- the individual petitioner and/or agency representative -- should sign and date the testimony at the bottom of page 10. Some States require the individual petitioner's signature; check with the Interstate Roster and Referral Guide or the responding State to determine the responding State's requirements. The form contains space for a notary to authenticate the signatures.

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#### The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 42 U.S.C. 651 et seq. and 45 CFR 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average under half an hour per response. The responses to this collection are mandatory in accordance with the above statute and regulation. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

# LOCATE DATA SHEET - Use CSENet If Agreement Is In Place

**Petitioner** **IV-D Case:**  TANF  
 IV-E Foster Care  
 Medicaid Only

**Respondent**  Former Assistance  
 Never Assistance

**Non-IV-D Case:**

To: (Central Registry or Agency Name and Address)

**From:** (Contact Person, Agency, Address, Phone, Fax, E-mail)  
 Initiating FIPS Code \_\_\_\_\_ State \_\_\_\_\_  
 Initiating IV-D Case No. \_\_\_\_\_  
 Initiating Tribunal No. \_\_\_\_\_

Non Custodial Parent Information  Custodial Parent Information  Possibly Dangerous

Full Name (First, Mid, Last) \_\_\_\_\_ Social Security Number(s) \_\_\_\_\_

Alias  Maiden Name  Mother's Maiden or Father's Name \_\_\_\_\_ Current Spouse's Name (First, Mid, Last) \_\_\_\_\_

Date of Birth (or approximate year) \_\_\_\_\_ Place of Birth (City, State, County) \_\_\_\_\_ Driver's License Number/State \_\_\_\_\_

Sex	Race	Hair	Eyes	Height	Weight	Distinguishing Marks, Scars, Tattoos, Glasses, Etc.
-----	------	------	------	--------	--------	---

Last Known Address  Residence  Mailing \_\_\_\_\_  Confirmed Date \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

Usual Occupation/Professional Licenses \_\_\_\_\_

Last Known Employer (Name, Full Address, Federal EIN) \_\_\_\_\_  Confirmed Date \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

Other Information, Including Assets, Education, Police Record, Public Assistance History, Incarceration Facility/Address if using for service of process \_\_\_\_\_ Employment \_\_\_\_\_

Wage Qtr \_\_\_\_\_  
 Wage Year \_\_\_\_\_  
 Wage Amount \_\_\_\_\_

Attachments:  Photograph  Other Items, e.g., Fingerprints \_\_\_\_\_

\_\_\_\_\_ ( ) \_\_\_\_\_  
 Date Initiating Contact Person (Print or Type) Phone Number and Extension

( ) \_\_\_\_\_  
 Fax Number E-mail

## INSTRUCTIONS FOR LOCATE DATA SHEET

**PURPOSE OF THE FORM:** The Locate Data Sheet is used by a IV-D agency for requesting locate information (regarding either parent, employer, wages, assets) from another State. The requesting jurisdiction completes as much of the form as possible with the information it has.

In addition to the more common data elements specified on the Locate Data Sheet, space is provided to note other locate/asset information particular to the case. For example, information on wages, violence potential, military/veteran status, and relatives may prove useful in working a case.

### **USE CSENET IF AN AGREEMENT IS IN PLACE.**

**Quick Locate.** The Locate Data Sheet is used to request "quick locate." You may send the request directly to the responding State's Parent Locator Service. "Quick locate" is useful if a State believes that a parent may be in one of several States, but is unsure of which State. If a State intends to use its long-arm jurisdiction to establish or enforce an order, it may choose to use "quick locate" to confirm the parent's location.

### **HEADING/CAPTION:**

- Identify the petitioner and respondent in the appropriate spaces.
- Check the appropriate space to identify the type of case: TANF; IV-E Foster Care; Medicaid only; former assistance, never assistance. TANF means the obligee's family receives IV-A cash or "Non IV-D case" payments. A Medicaid only case is a case where the obligee's family receives Medicaid but does not receive TANF (IV-A cash payments).
- In the space marked "To:", list the name and address (street, city, State, and zip code) of the central registry or agency where you are sending the Locate Data Sheet.
- In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and e-mail address.
- In the appropriate spaces, enter the Initiating jurisdiction's FIPS code, State, IV-D case number, and tribunal number. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under tribunal number, you may enter the docket number, cause number, or any other appropriate reference number which the initiating tribunal or agency has assigned to the case.

### **BODY OF FORM:**

- Check the appropriate box to indicate whether the locate information pertains to the "Non Custodial Parent" or "Custodial Parent". Check the box for "Possibly Dangerous" if the party may be dangerous.
- Provide as much information about the party as possible.
- For "Full Name", enter the party's complete name (First, Middle, Last).
- Provide "Social Security Number(s)", if known; this information is vital.
- Enter the party's "Alias", "Maiden Name", or "Mother's Maiden or Father's Name" if known and check the appropriate box to identify the type of name provided.

- Enter the party's "Current Spouse's Name", if known.
- Enter the party's date of birth or approximate year of birth if exact date is unknown.
- Enter the party's place of birth, if known.
- Enter the party's driver's license number and State of issuance, if known.
- Enter the party's sex as M or F.
- When listing a party's race, select from the following: 1) White (non-hispanic), 2) Black (non-hispanic), 3) Hispanic, 4) American Indian - Alaskan Native, or 5) Asian - Pacific Islander.
- Enter the party's hair and eye color and weight in pounds and height in feet and inches, if known.
- Enter the party's distinguishing marks, trying to be as specific as possible to aid in identification.
- For "Last Known Address" and "Last Known Employer" information, indicate if the information has been confirmed/verified by the initiating State agency. Indicate the date the information was confirmed. If the information has not been confirmed, provide last known information.
- Under "Usual Occupation/Professional Licenses", list any licenses you are aware of the party holding.
- Under "Other Information" list any additional information that may be useful in locating the party. Attach photograph or fingerprints if available. Under "Employment" list information obtained from the State agency (SESA). Indicate the quarter and year that the information was reported to the SESA as well as the wage amount. If the individual is incarcerated and service of process is being requested, provide the name and address of the facility.
- At the bottom of the form, provide a specific worker's name, a direct telephone number (with extension if necessary), fax number and e-mail address to expedite communication between jurisdictions.

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The Paperwork Reduction Act of 1995

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**CHILD SUPPORT ENFORCEMENT TRANSMITTAL #1 - INITIAL REQUEST**

**Petitioner**

- IV-D Case:**  TANF
- IV-E Foster Care
- Medicaid Only
- Former Assistance
- Never Assistance

**Respondent**

**Non-IV-D Case:**

File Stamp

**To:** (Agency Name and Address)

Responding FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Responding IV-D Case No. \_\_\_\_\_

Responding Tribunal No. \_\_\_\_\_

**From:** (Contact Person, Agency, Address, Phone, Fax, E-mail)

Initiating FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Initiating IV-D Case No. \_\_\_\_\_

Initiating Tribunal No. \_\_\_\_\_

**Send Payments To:** (if different from above)

Payment FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Bank Account \_\_\_\_\_ Routing Code \_\_\_\_\_

**I. Action.** The Responding Jurisdiction Should Provide All Appropriate Services Including: (Please Return the Acknowledgment Attached)

- 1.  Establishment of Paternity
- 2.  Establishment of Order for:
  - A.  Current Child Support, Including Medical Support
  - B.  Retroactive Child Support
  - C.  Medical Support Only
  - D.  Spousal Support
  - E.  Costs and Fees (Use Sec. VII)
- 3.  Enforcement of Responding Tribunal Order
- 4.  Modification of Responding Tribunal Order
- 5.  Change IV-D Payee of Responding Tribunal Order
- 6.  Redirect Payment to Obligor State
- 7.  Registration of Foreign Support Order(s):
  - A.  For Enforcement Only
  - B.  For Modification and Enforcement
  - C.  For Modification Only
  - D.  For Tribunal Determination of Controlling Order Including Arrears Reconciliation
- 8.  Collection of Arrears Only
- 9.  Income Withholding
- 10.  Administrative Review for Federal Tax Refund Offset
- 11.  Other \_\_\_\_\_

**II. Case Summary** (Background of this Matter: Court/Administrative Actions)

Date of Support Order	State & County or Tribe Issuing Order	Tribunal Case No.
Support Amount/Frequency \$	Date of Last Payment	Amount of Arrears \$
		Period of Computation _____ thru _____
<input type="checkbox"/> Tribunal Determined Controlling Order <input type="checkbox"/> Presumed Controlling Order		
Date of Support Order	State & County or Tribe Issuing Order	Tribunal Case No.
Support Amount/Frequency \$	Date of Last Payment	Amount of Arrears \$
		Period of Computation _____ thru _____
<input type="checkbox"/> Presumed Controlling Order		
Date of Support Order	State & County or Tribe Issuing Order	Tribunal Case No.
Support Amount/Frequency \$	Date of Last Payment	Amount of Arrears \$
		Period of Computation _____ thru _____
<input type="checkbox"/> Presumed Controlling Order		

**CHILD SUPPORT ENFORCEMENT TRANSMITTAL #1- INITIAL REQUEST** Initiating IV-D Case No. \_\_\_\_\_

**III. Mother Information**     Obligor     Obligee

Full Name (First, Middle, Last)                      Address (Street, City, State, Zip)                      Employer/Address (Name, Street, City, State, Zip)

Maiden Name, Alias, Former Married Name, Nickname, etc.

Home Phone (    )                       Address Confirmed \_\_\_\_\_                       Employer Confirmed \_\_\_\_\_  
Work Phone (    )                      Date                      Date  
Date/Place of Birth \_\_\_\_\_                      Social Security No. \_\_\_\_\_  
Date                      Place

**IV. Father Information**     Obligor     Obligee

Full Name (First, Middle, Last)                      Address (Street, City, State, Zip)                      Employer/Address (Name, Street, City, State, Zip)

Alias, Nickname

Home Phone (    )                       Address Confirmed \_\_\_\_\_                       Employer Confirmed \_\_\_\_\_  
Work Phone (    )                      Date                      Date  
Date/Place of Birth \_\_\_\_\_                      Social Security No. \_\_\_\_\_  
Date                      Place

**V. Caretaker**                      Relationship to Child(ren) \_\_\_\_\_

Full Name (First, Middle, Last)     Has Legal Custody /Guardianship of Child(ren) (copy of order attached)  
Address (Street, City, State, Zip)                      Employer/Address (Name, Street, City, State, Zip)

Maiden Name, Alias, Former Married Name, Nickname, etc.

Home Phone (    )                       Address Confirmed \_\_\_\_\_                       Employer Confirmed \_\_\_\_\_  
Work Phone (    )                      Date                      Date  
Date/Place of Birth \_\_\_\_\_                      Sex \_\_\_\_\_                      Social Security No. \_\_\_\_\_  
Date                      Place                      M/F

**VI. Dependent Children Information**

Full Legal Name (First, Middle, Last)	City, State, Date of Birth	Sex	Social Security No.	State of Residence
				_____
				for _____ months
Full Legal Name (First, Middle, Last)	City, State, Date of Birth	Sex	Social Security No.	State of Residence
				_____
				for _____ months

**VII. Additional Case Information**

Additional Case Information Attached     Nondisclosure Finding Attached

**VIII. Attachments** (Supporting Documentation)

- Arrears Statement/Payment History                       Notice of Determination of Controlling Order
- Uniform Support Petition                       Support Order(s)
- General Testimony/Affidavit                       Divorce Decree
- Affidavit in Support of Establishing Paternity                       Assignment of Rights
- Acknowledgment of Parentage                       Description of Real/Personal Property
- Other Documents Relating to Paternity                       Photograph of Respondent
- Other Attachments

\_\_\_\_\_                      \_\_\_\_\_                      (\_\_\_\_\_) \_\_\_\_\_  
Date                      Initiating Contact Person (Print or Type)                      Telephone Number & Extension

FAX: (\_\_\_\_\_) \_\_\_\_\_                      E-mail \_\_\_\_\_

# CHILD SUPPORT ENFORCEMENT TRANSMITTAL #1 - INITIAL REQUEST

Petitioner IV-D Case:  TANF  
 IV-E Foster Care  
 Medicaid Only  
Respondent  Former Assistance  
 Never Assistance  
To: (Agency Name and Address) Non-IV-D Case:

File Stamp

Responding FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Responding IV-D Case No. \_\_\_\_\_

Responding Tribunal No. \_\_\_\_\_

From (Contact Person, Agency, Address, Phone, Fax, E-mail)

Initiating FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Initiating IV-D Case No. \_\_\_\_\_

Initiating Tribunal No. \_\_\_\_\_

## ACKNOWLEDGMENTS

Return This Form to Initiating State

- Request Received and No Additional Information is Necessary
- Additional Information Needed
  - Arrears Statement/Payment History
  - Uniform Support Petition
  - General Testimony/Affidavit
  - Affidavit in Support of Establishing Paternity
  - Acknowledgment of Parentage
  - Other Documents Relating to Paternity
  - Support Order(s)
  - Divorce Decree
  - Assignment of Rights
  - Description of Real/Personal Property
  - Photograph of Respondent
  - Other (See Remarks)

Remarks/Response

Your Case has been Forwarded for Action to:

\_\_\_\_\_  
Name of Worker

\_\_\_\_\_  
Agency Name

\_\_\_\_\_  
Address, FIPS Code

\_\_\_\_\_  
Phone & Extension

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Date Person Completing Form (Print or Type) (\_\_\_\_\_) Telephone Number & Extension

FAX \_\_\_\_\_ E-mail \_\_\_\_\_

## INSTRUCTIONS FOR CHILD SUPPORT ENFORCEMENT TRANSMITTAL #1 - INITIAL REQUEST

**PURPOSE OF THE FORM:** The CSE Transmittal #1-Initial Request form is a "cover letter" required to refer IV-D interstate cases to any responding State's central registry. The form can also be used in non-IV-D cases. It contains basic case information and space for indicating which services are requested. The form can be used to request administrative or legal action, including establishment of paternity and/or support obligation, modification, or enforcement. It does not take the place of, and therefore must be accompanied by, the appropriate standard interstate forms (e.g. Uniform Support Petition, General Testimony, etc.) and supporting documentation. A registration statement is needed for each order that the initiating State is requesting be registered by the responding State. Transmittal #1 may be sent electronically using the appropriate CSENet transaction.

**HEADING/CAPTION (Pages 1 & 3):** The initiating jurisdiction determines the heading. Note that the heading appears on both page 1 of the **Child Support Enforcement Transmittal #1** and on page 3, the **Acknowledgment** page.

- Identify the petitioner and respondent in the appropriate spaces.
- Check the appropriate space to identify the type of case: TANF; IV-E Foster Care, Medicaid only; former assistance, never assistance, or Non-IV-D. TANF means the obligee's family receives IV-A cash payments. A Medicaid only case is a case where the obligee's family receives Medicaid but does not receive TANF (IV-A cash payments).
- In the space marked "To:", list the name and address (street, city, State, and zip code) of the central registry, court, or agency where you are sending the CSE Transmittal #1. In IV-D cases, initial referrals must be sent to the responding State's central registry. In non-IV-D cases, contact the responding State central registry to determine appropriate procedures.
- In the appropriate spaces, if applicable and if known, enter the Responding jurisdiction's FIPS code, State, IV-D case number, and Tribunal number. The responding FIPS code is not essential for an initial IV-D referral since you will be sending the case to the responding central registry. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number that the responding State may use to identify the case, if known.
- In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and e-mail address.
- In the appropriate spaces, enter the Initiating jurisdiction's FIPS code, State, IV-D case number, and tribunal number. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number which the initiating tribunal or agency has assigned to the case.
- In the space marked "Send Payments To:" enter the address to which payments should be sent, if the address is different from the agency address provided in the space labelled "From". Specify the case identifier if you want the responding jurisdiction to use an identifier other than the initiating IV-D case number when remitting payments.
- In the appropriate spaces, enter the FIPS code and State where payments should be sent.
- If funds can be transmitted electronically via Electronic Funds Transfer (EFT), enter the bank account number under "Bank Account" and the bank routing code under "Routing Code".

SECTION I (page 1), ACTION: Check the appropriate box(es) to indicate which actions are requested. Multiple actions may be requested, as appropriate.

**In IV-D cases**, the responding jurisdiction should provide the full range of appropriate services. For example, even if the initiating IV-D agency only checks box 1 "Establishment of Paternity", the responding jurisdiction should establish paternity, establish a support order, and enforce the support order.

- Check **item 1** "Establishment of Paternity" where paternity has not been determined. In a IV-D case, ask another State to establish paternity only if use of long-arm jurisdiction is not available or not appropriate. Be sure to attach an "Affidavit in Support of Establishing Paternity" for each child whose paternity is at issue.
- Check **item 2** "Establishment of Order for" to request that an order be established. Indicate the type of order by checking the appropriate box.

Check **item 2A** "Current Child Support, including Medical Support" to request the initial establishment of a new child support order. If an order governing the same obligor, obligee, and child(ren) already exists, you should only request establishment of a new order if: (1) there is more than one existing order, (2) the obligor, obligee, and child have all moved out of the issuing States, and (3) the parties have **not** filed written consent allowing an issuing State to assert jurisdiction

Check **item 2B** "Retroactive Child Support" if seeking support for a prior period. States may establish child support awards covering a prior period, but such awards must be based on guidelines and take into consideration either the current earnings and income at the time the order is set or the obligor's earnings and income during the prior period. The award of back support is not required under Federal rules, but may be appropriate in accordance with State law. Not all States have authority to establish support orders for prior periods. Medical support must be requested in all IV-D establishment cases.

Check **item 2C** "Medical Support Only" in a Medicaid case where a child support order does not exist and is not sought. If seeking to add medical support to an existing child support order, check item 4, "Modification of Responding Tribunal Order."

Check **item 2D** "Spousal Support" to request establishment of a spousal support order. Do not check this item in a IV-D case; establishment of spousal support is not a IV-D function. When requesting establishment of spousal support, contact the support enforcement agency for the appropriate procedure.

Check **item 2E** "Costs and Fees" to request an order for costs and fees such as: costs of the delivery of the child, other medical costs not covered by insurance, genetic testing, and attorney's fees. Describe the costs in section VII "Additional Case Information".

- Check **item 3** "Enforcement of Responding Tribunal Order" to request enforcement of an existing order that was issued by the responding tribunal.

If multiple orders governing the same obligor, obligee, and child(ren) exist, do not ask the responding State to prospectively enforce (or modify) an order unless that order is the "controlling order" that has priority under UIFSA.

UIFSA contains rules for determining which order is recognized when multiple orders exist. Under these rules:

1. The order issued by a tribunal with continuing, exclusive jurisdiction (CEJ) has priority. An issuing tribunal retains CEJ as long as the issuing State remains the residence of the obligor, obligee, or child, or until all parties file written consent with the tribunal allowing another State to assume CEJ.

2. If more than one issuing tribunal would have CEJ, the order issued by the child's current home State has priority. "Child Home State" is the State where the child has lived for the prior consecutive 6 months before filing the UIFSA action or, if the child is under 6 months of age, since birth.
  3. If more than one tribunal would have CEJ but there is no order in the child's current home State, the most recently issued order has priority.
  4. If no tribunal would have CEJ, the responding State may issue a new support order and it becomes the controlling order.
- Check **item 4** "Modification of Responding Tribunal Order" to request modification (or review and adjustment) of an existing order that was issued by the responding tribunal.

Do not request the responding State to modify its own order if the obligor, obligee, and child(ren) have all moved out of that State, or if the parties have filed written consent with the issuing tribunal in that State allowing another State to modify the order.

If multiple orders exist, do not ask a responding State to modify an order unless that order is the "controlling order" that has priority under UIFSA. UIFSA contains rules for determining which order is recognized when multiple orders exist.

Generally, you need to attach a completed General Testimony.

- Check **item 5** "Change IV-D Payee of Responding Tribunal Order" to request a change of IV-D payee. Describe your request in Section VII "Additional Case Information". This is an administrative action used when the person or agency entitled to receive funds has changed. It may occur with a change in public assistance or foster care status or if there is a change in custody. In some States, court action, such as a modification, may be required if there is a change in custody or foster care status.
- **Item 6** "Redirect Payment to Obligee State" is an administrative action used when the custodian has moved. In some States a court action may be required if the custodian's move compels transfer of documents or funds to another jurisdiction.
- Check **item 7** "Registration of Foreign Support Order(s)" to request registration of one or more support orders. Orders from one State may be registered in another State. Also check **item 7A** "For Enforcement Only", **item 7B** "For Modification and Enforcement", or **item 7C** "For Modification Only". Check either item 7B or 7C if you are requesting review and adjustment of a foreign order. Check **item 7D** "For Tribunal Determination of Controlling Order Including Arrears Reconciliation" if you are requesting a determination of controlling order and an arrears reconciliation. Check the appropriate box to indicate whether registration is requested by the obligor, obligee, or state enforcement agency.

To modify another State's order, a responding State must first register the order. To enforce another State's order, a responding State may have to register the order; UIFSA allows for administrative enforcement without registration (but requires registration for other enforcement actions).

To request registration of an order you must include:

- A letter of transmittal to the tribunal requesting registration for enforcement and/or modification. The CSE Transmittal #1 serves this function. Check the appropriate boxes in item 7 of section I to indicate the action requested.

- Unless a controlling order determination has been made by a tribunal, a certified copy of **all** orders to be registered, including any modification of an order.
- A registration statement for each order that the initiating State is requesting to be registered by the responding State.
- A sworn statement by the party seeking registration or a certified statement by the custodian of records showing the amount of any arrearage. At State option, page 6a of the General Testimony may be used for this purpose. In section VIII "Attachments", check the first box ("Arrears Statement/Payment History") to indicate that a sworn statement of arrears is attached.
- The name of the obligor and, if known: the obligor's address and Social Security Number; the name and address of the obligor's employer and any other source of income of the obligor; and a description and the location of property of the obligor in the responding State not exempt from execution. Space for most of this information is provided on the CSE Transmittal #1. If you have information about the obligor's other sources of income or property, include the information in section VII or an attachment. In section VIII, check the box labelled "Description of Real/Personal Property" if a description is attached.
- The name and address of the obligee. Space for this information is provided on the CSE Transmittal #1.
- If applicable, the agency or person to whom support payments are to be remitted. Space for this information is included in the heading of the CSE Transmittal #1.

In addition, to allow the responding State to establish a IV-D case, you will probably need to complete all other information on the CSE Transmittal #1, particularly information regarding the children.

Furthermore, when requesting registration for modification, you generally need to attach a completed Uniform Support Petition and General Testimony.

Do not ask a responding State to modify another State's order unless:

- (1) the child(ren), individual obligee, and obligor do not live in the State that issued the order; (2) the party seeking modification does not live in the responding State; and (3) the responding State has personal jurisdiction over the party not requesting modification.

OR

- The responding State has personal jurisdiction over the obligor, individual obligee, or child(ren), and the obligor and obligee have filed written consent in the tribunal that issued the order providing that the responding State may modify the support order and assume continuing, exclusive jurisdiction over the order.

If multiple orders governing the same obligor, obligee, and child(ren) exist, do not ask a responding State to prospectively enforce or modify an order unless that order is the "controlling order" that has priority under UIFSA. UIFSA contains rules for determining which order is recognized when multiple orders exist.

Generally, the CSE Transmittal #1 is used to send initial case referrals and the CSE Transmittal #2 is used to send/request additional information or action after the initial referral.

However, since the CSE Transmittal #2 does not contain the necessary information needed to request registration of a foreign order, you may use the CSE Transmittal #1 to request registration even in a case that has previously been referred to the responding jurisdiction. If you are requesting registration in a case that has previously been referred to the responding jurisdiction, you may send the request directly to the responding entity working the case rather than to the responding central registry.

- Check **item 8** "Collection of Arrears Only" to request collection of arrears only. You should request enforcement of arrears under all known orders.
- Check **item 9** "Income Withholding" to request interstate income withholding.
- Check **item 10** "Administrative Review for Federal Tax Offset" to request an administrative review in the responding State if a Federal income tax refund offset has been challenged.
- Check **item 11** "Other" if you are requesting a service other than those listed, such as a lien or levy or an administrative remedy, such as license revocation. Describe the service on the blank line.

SECTION II (page 1), CASE SUMMARY: If you know that a tribunal has already determined the controlling order, only enter information about the controlling order and check "Tribunal-Determined Controlling Order". Otherwise, where multiple orders exist, provide complete information for all court/administrative actions regarding support for dependents. If there are more than three orders, use additional page(s) or Section VII. For "Period of Computation", enter the month, day, and year for both the beginning and ending dates. The information in this section will be used to aid in verifying calculated arrearages or reconciling arrears under multiple order and to assist in determining/verifying which order is controlling and which State has continuing exclusive jurisdiction.

If you believe a particular order is controlling but there is no tribunal-determined controlling order, check the box beside "Presumed Controlling Order"; otherwise leave the box blank.

Under UIFSA, a State that issues a child support order maintains CEJ as long as the obligor, individual obligee, or child(ren) reside in that State, or until each party files written consent in that State allowing another State to assume CEJ. If there are multiple orders governing the same obligor, obligee, and child(ren), UIFSA contains rules for determining which order is controlling. The tribunal that issued the controlling order has CEJ as long as the conditions for CEJ are met. CEJ means the authority to modify the order.

Attach the required number of copies of all pertinent orders that relate to support. You will generally need to attach a certified copy of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions without having a certified copy of the order, although a regular copy is necessary.

SECTION III (page 2), MOTHER INFORMATION: This section provides basic information about the child(ren)'s mother. Check the appropriate box to indicate if the mother is the obligor or obligee. Provide the mother's full name (first, middle, last), as well as aliases, maiden name or other names used, and all other information. List additional information (e.g., phone number changes, relatives' phone numbers, multiple employers or assets) in section VII. In cases where the mother is the respondent, the information can be used for location purposes if necessary. If the mother's address has been confirmed or verified, check the "Address Confirmed" box and indicate the date the address was confirmed. If the employer/employer's address has been confirmed or verified, check the "Employer Confirmed" box and indicate the date the information was confirmed. Verified, current information expedites processing of any child support case. However, if information cannot be verified, provide last known information.

SECTION IV (page 2), FATHER INFORMATION: This section provides basic information about the child(ren)'s father. In a case where paternity has not been established, use this section to provide information about the alleged father. Check the appropriate box to indicate if the father is the obligor or obligee. Provide the father's full name (first, middle, last) as well as aliases and nicknames, and all other information. List additional information (i.e., phone number changes, relatives' phone numbers, multiple employers or assets) in section VII. In cases where the father is the respondent, the information can be used for location purposes if necessary. If the father's address has been confirmed or verified, check the "Address Confirmed" box and indicate the date the address was confirmed. If the employer/employer's address has been confirmed or verified, check the "Employer Confirmed" box and indicate the date the information was confirmed. Verified, current information expedites processing of any child support case. However, if information cannot be verified, provide last known information.

SECTION V (page 2), CARETAKER: Complete this section only if the child(ren)'s caretaker is not the child(ren)'s parent. In the space labelled "Relationship to Child(ren)", indicate the relationship of the caretaker to the child(ren). Check box "Has Legal Custody/Guardianship of Child(ren) (copy of order attached)", if the caretaker has legal custody or guardianship. Provide the caretaker's full name (first, middle, last) as well as aliases, maiden name or other names used, and all other information. Note: if the caretaker does not have a legal obligation to contribute to a child's support, information regarding the caretaker's employment may be privileged.

SECTION VI (page 2), DEPENDENT CHILDREN INFORMATION: List all children for whom support is owed or being sought. For each child, provide full legal name (first, middle, last), city, State and date of birth, sex, Social Security Number. Add the child's State of Residence and how many months the child has lived there. If additional space is needed, use section VII.

SECTION VII (page 2), ADDITIONAL CASE INFORMATION: In this section, provide additional information which may be useful to the responding jurisdiction in working the case, such as pending action, amounts reported to credit bureaus, or prior attempts of long-arm action. If additional space is needed, attach page(s).

If there is an order preventing disclosure of a party's or child's address/identifying information, check the box for "Nondisclosure Finding Attached" and attach a copy of the finding. In accordance with the finding, do not provide the address/identifying information; you may provide a substitute address. A nondisclosure finding means a finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by disclosure of identifying information (e.g., residential address). UIFSA provides that interstate petitions must include certain identifying information regarding the parties and child(ren) unless a tribunal (court or agency) makes a nondisclosure finding by ordering that the address or identifying information not be disclosed. The procedures for obtaining a nondisclosure finding vary from State to State.

If a State has reason to believe that information should not be released because of safety concerns, please note it in item VII and ensure the petition requests a nondisclosure finding under section 312 of UIFSA.

SECTION VIII (page 2), ATTACHMENTS: Check the appropriate box(es) to indicate all documents attached. For attachments other than those listed, check "Other Attachments" and explain in section VII.

Attach the required number of copies of all pertinent orders that relate to support. You will generally need to attach a certified copy of any support order. Note, however, that some responding States may be able to take certain administrative enforcement actions without having a certified copy of the order, although a regular copy is necessary. You may include a copy of that State statute if assignment is by operation of law.

At the bottom of page 2, provide a specific worker's name, a direct telephone number (with extension if necessary), fax number and e-mail address to expedite communications between jurisdictions.

PAGE 3, ACKNOWLEDGMENT: The initiating State should always include the "acknowledgment of receipt" page with Transmittal #1. The initiating State completes the Heading/Caption on the acknowledgment page. The rest of the acknowledgment should be completed by the responding State and returned to the initiating State. An automated acknowledgment may be sent through CSENet.

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The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 42 U.S.C. 651 et seq. and 45 CFR 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average under half an hour per response. The responses to this collection are mandatory in accordance with the above statute and regulation. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



**CHILD SUPPORT ENFORCEMENT TRANSMITTAL #2 - SUBSEQUENT ACTIONS**

**Petitioner Name, SSN**

- IV-D Case:**  TANF  
 IV-E Foster Care  
 Medicaid Only  
 Former Assistance  
 Never Assistance
- Non-IV-D Case:**

**Respondent Name, SSN**

File Stamp

**To:** (Agency Name and Address)

Responding FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Responding IV-D Case No. \_\_\_\_\_

Responding Tribunal No. \_\_\_\_\_

**From:** (Contact Person, Agency, Address, Phone, Fax, E-mail)

Initiating FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Initiating IV-D Case No. \_\_\_\_\_

Initiating Tribunal No. \_\_\_\_\_

**Send Payments To:** (if different from above)

Payment FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Bank Account \_\_\_\_\_ Routing Code \_\_\_\_\_

**ACKNOWLEDGMENTS**

Return This Form to Initiating State

- Request Received and No Additional Information is Necessary  
 Additional Information Needed (See Remarks)  
 Remarks/Response

Your Case has been Forwarded for Action to:

Name of Worker \_\_\_\_\_

Agency Name \_\_\_\_\_

Address, FIPS Code \_\_\_\_\_

Phone, Extension & Fax \_\_\_\_\_

Person Completing Form (Print or Type)

Telephone Number & Extension

Date

FAX: \_\_\_\_\_

E-mail \_\_\_\_\_

## INSTRUCTIONS FOR CHILD SUPPORT ENFORCEMENT TRANSMITTAL #2 - SUBSEQUENT ACTIONS

**PURPOSE OF THE FORM:** This transmittal form is for use by either the initiating or responding jurisdiction for requesting or providing additional information or services in previously-referred cases. The CSE Transmittal #2 should not be used for making initial referrals, but should only be used for subsequent requests and communication. This form need not be sent when the Notice of Controlling Order form is sent. The CSE Transmittal #2 should be sent to the local entity working the case (rather than the State's central registry) unless the local entity working the case is unknown. Transmittal #2 may be sent electronically using the appropriate CSENet transaction.

**HEADING/CAPTION (Pages 1 & 2):** The jurisdiction which sends the CSE Transmittal #2 determines the heading. Note that the heading appears on both page 1 of the **Child Support Enforcement Transmittal #2** and on page 2, the **Acknowledgment** page.

- Identify the petitioner and respondent name and Social Security number in the appropriate spaces.
- Check the appropriate space to identify the type of case: TANF; IV-E Foster Care, Medicaid only; former assistance, never assistance, or Non-IV-D. TANF means the obligee's family receives IV-A cash payments. A Medicaid only case is a case where the obligee's family receives Medicaid but does not receive TANF (IV-A cash payments).
- In the space marked "To:", list the name and address (street, city, State, and zip code) of the court or agency where you are sending the CSE Transmittal #2. Once an initial referral in a IV-D case has been made to the responding State's central registry (using CSE Transmittal #1), subsequent communication can occur with the local agency/court/jurisdiction that is actually working the case (using CSE Transmittal #2).
- In the appropriate spaces, if applicable and if known, enter the Responding jurisdiction's FIPS code, State, IV-D case number, and Tribunal number. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number that the responding State may use to identify the case, if known. The Responding jurisdiction is the jurisdiction that is working the case at the request of the initiating jurisdiction.
- In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and e-mail address.
- In the appropriate spaces, enter the Initiating jurisdiction's FIPS code, State, and IV-D case number, and tribunal number. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number which the initiating tribunal or agency has assigned to the case. The initiating jurisdiction is the jurisdiction that referred the case to the responding jurisdiction for services.
- In the space marked "Send Payments To:" enter the address to which payments should be sent, if the address is different from the agency address provided on the form in the space above.
- In the appropriate spaces, enter the FIPS code and State where payments should be sent.
- If funds can be transmitted electronically via Electronic Funds Transfer (EFT), enter the bank account number under "Bank Account" and the bank routing code under "Routing Code".

SECTION I (page 1), ACTION: Check the appropriate box(es) to indicate which actions are requested or what information is being provided. Multiple boxes may be checked, as appropriate.

- Check **item 1** "Status Request" if you are asking for a status update. Describe the request in Section II.
- Check **item 2** "Status Update" if you are providing a status update. Provide the update in Section II.
- Check **item 3** "Notice of Hearing" if you are providing notice of an upcoming hearing. Provide dates and other information in Section II.
- Check **item 4** "Notice of Case Forwarding" if you are providing notice that you have forwarded a misdirected case to the appropriate jurisdiction. Explain in Section II.
- Check **item 5** "Document Filed" if you are providing notice that a document has been filed. Explain in Section II.
- Check **item 6** "Order Issued/Confirmed" if you are providing notice that an order has been issued or confirmed. Attach a copy of the order. If using CSENet, mail or fax as separate item.
- Check **item 7** "Notice of Arrearage Reconciliation/Determination of Sum-Certain" if you are providing notice of an arrearage reconciliation or determination of sum-certain. Attach any calculations or worksheets used. If using CSENet, mail or fax as separate item.
- Check **item 8** "Change IV-D Payee of Responding Tribunal Order" to request a change of payee in a IV-D case. Describe your request in Section II "Additional Information". This is an administrative action used when the person or agency entitled to receive funds has changed. It may occur with a change in Public Assistance or Foster Care status or with a change in custody. In some States, court action, such as a modification, may be required if there is a change in custody or foster care status.
- Check **item 9** "Redirect Payment to Obligee State" when the custodian has moved. This is an administrative action, but in some States a court action may be required if the custodian's move compels transfer of documents or funds to another jurisdiction.
- Check **item 10** "Other" if you are requesting a service or providing information other than the types listed. This would include a new nondisclosure finding by the tribunal in either the initiating or the responding State. Describe the service or information in Section II.
- Check the box beside "Please Return the Acknowledgment Attached" if an acknowledgment is needed. This is used only if requesting information or action.

SECTION II (page 1), ADDITIONAL INFORMATION: In this section, provide additional information which may be useful.

If there is an order preventing disclosure of a party's or child's address/identifying information, check the box for "Nondisclosure Finding Attached" and attach a copy of the finding. You do not need to resend a finding that was sent before. Note in Section II that the finding has already been sent. In accordance with the finding, do not provide the address/identifying information; you may provide a substitute address. A nondisclosure finding means a finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by disclosure of identifying information (e.g., residential address).

UIFSA provides that interstate petitions must include certain identifying information regarding the parties and child(ren) unless a tribunal (court or agency) makes a nondisclosure finding by ordering that the address or identifying information not be disclosed. The procedures for obtaining a nondisclosure finding vary from State to State.

At the bottom of page 1, provide a specific worker's name, a direct telephone number (with extension if necessary), fax number and e-mail address to expedite communications between jurisdictions.

PAGE 2, ACKNOWLEDGMENT: When a jurisdiction sends a Transmittal #2 to another jurisdiction, it should include the acknowledgment only if the jurisdiction is **requesting** information or action. The sending State completes the Heading/Caption on this page. If the jurisdiction is sending the Transmittal #2 to **provide** notice or information, the acknowledgment is not needed.

Upon receiving a request for action or information on a Transmittal #2, the receiving State completes the rest of the acknowledgment. The acknowledgment can be used to provide any information requested on the Transmittal #2 or to indicate when (how many days or on what date) the requested information will be provided. The jurisdiction sending the acknowledgment must indicate where the case has been referred for action, and the name, telephone, fax number and e-mail address of a contact person.

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#### The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 42 U.S.C. 651 et seq. and 45 CFR 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average under half an hour per response. The responses to this collection are mandatory in accordance with the above statute and regulation. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



**CHILD SUPPORT ENFORCEMENT TRANSMITTAL #3 - REQUEST FOR ASSISTANCE/DISCOVERY**

**Petitioner Name, SSN**

**IV-D Case:** [ ] TANF

[ ] IV-E Foster Care

[ ] Medicaid Only

[ ] Former Assistance

[ ] Never Assistance

**Respondent Name, SSN, Verified Address**

**Non-IV-D Case:** [ ]

File Stamp

**To:** (Agency Name and Address)

Responding FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Responding IV-D Case No. \_\_\_\_\_

Responding Tribunal No. \_\_\_\_\_

**From** (Contact Person, Agency, Address, Phone, Fax, E-mail)

Initiating FIPS Code \_\_\_\_\_ State \_\_\_\_\_

Initiating IV-D Case No. \_\_\_\_\_

Initiating Tribunal No. \_\_\_\_\_

**ACKNOWLEDGMENTS To be Completed by Responding Agency and Returned to Initiating Agency**

- [ ] Request Received and No Additional Information is Necessary
- [ ] Additional Information Needed (See Remarks)
- [ ] Remarks/Response

[ ] Your Case has been Forwarded for Action to:

Name of Worker \_\_\_\_\_

Agency Name \_\_\_\_\_

Address, FIPS Code \_\_\_\_\_

Phone & Extension \_\_\_\_\_

Fax \_\_\_\_\_

\_\_\_\_\_ ( ) \_\_\_\_\_  
 Date Person Completing Form (Print or Type) Telephone Number & Extension

Fax: ( ) E-mail: \_\_\_\_\_

## INSTRUCTIONS FOR CHILD SUPPORT TRANSMITTAL #3 - REQUEST FOR ASSISTANCE/DISCOVERY

**PURPOSE OF THE FORM:** The CSE Transmittal #3-Request for Assistance/Discovery is designed for use when the requesting jurisdiction is working its case locally (e.g., by long-arm jurisdiction) and needs limited assistance from another jurisdiction, but does not want the other jurisdiction to open a IV-D case. Sections 316 and 318 of the model version of UIFSA contain specific provisions that allow a tribunal to receive evidence from another State and to obtain discovery through a tribunal of another State. The form may be sent electronically using the appropriate CSENet transaction.

When a jurisdiction receives a CSE Transmittal #3-Request for Assistance/Discovery from another jurisdiction, it should not open a IV-D case; it should only provide the limited assistance requested. By contrast, the CSE Transmittal #1-Initial Request is designed for use when the initiating State is requesting the responding State to open a IV-D case.

**HEADING/CAPTION (Pages 1 & 2):** The jurisdiction requesting assistance/discovery determines the heading. Note that the heading appears on both page 1 of the **Child Support Enforcement Transmittal #3** and on page 2, the **Acknowledgment** page.

- Identify the petitioner and respondent name and Social Security number in the appropriate spaces. The jurisdiction requesting assistance/discovery should include a **verified** address for the respondent, if necessary for responding to the request, or if known.
- Enter the children's legal names to assist the responding State in discussing the request with the noncustodial parent.
- Check the appropriate space to identify the type of case: TANF; IV-E Foster Care, Medicaid only; former assistance, never assistance, or Non-IV-D. TANF means the obligee's family receives IV-A cash payments. A Medicaid only case is a case where the obligee's family receives Medicaid but does not receive TANF (IV-A cash payments).
- In the space marked "To:", list the name and address (street, city, State, and zip code) of the agency or court where you are sending the CSE Transmittal #3.
- In the appropriate spaces, if applicable and if known, enter the Responding jurisdiction's FIPS code, State, IV-D case number, and tribunal number. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number that the responding State may use to identify the case, if known. The "responding" jurisdiction is the jurisdiction that receives the request for assistance.
- In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and e-mail address.
- In the appropriate spaces, enter the Initiating jurisdiction's FIPS code, State, IV-D case number, and tribunal number. Under "IV-D case number", enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase. Under "tribunal number", you may enter the docket number, cause number, or any other appropriate reference number which the initiating tribunal or agency has assigned to the case. The "initiating" jurisdiction is the jurisdiction that is requesting assistance.
- In the space marked "Response Needed by" enter the date by which a response is needed.

**SECTION I, ACTION:** Check the appropriate box(es) to indicate which actions are requested. Multiple actions may be requested, as appropriate.

- Check **item 1** "Provide/Obtain Copies of Documentation" to request copies of documentation. Check appropriate box(es) to indicate the type of documentation: certified copies of orders, payment records, financial statement, or other (describe on blank line). In Section II "Additional Information", describe your request and provide background information necessary to identify the requested documents.
- Check **item 2** "Provide Assistance with Service of Process" if you are requesting assistance with service of process. You may directly contact (via phone, fax, or other means) the sheriff, or other appropriate official, in another jurisdiction to request personal service of process. Send the Request for Assistance/Discovery only if such attempts have been unsuccessful. Attach such documentation as necessary for service of process.
- Check **item 3** "Provide Assistance with Genetic Testing" if you are requesting assistance with genetic testing. Include in section II or attach any necessary information or materials, including names of genetic testing laboratories, protocols to be followed, testing kits, etc.
- Check **item 4** "Obtain Answers for Interrogatories" if you are requesting completion of interrogatories. Attach the interrogatories.
- Check **item 5** "Provide Assistance with Teleconference for Hearing or Deposition" if you are requesting assistance in scheduling a teleconference for a hearing or deposition. Attach copy of hearing notice or deposition.
- Check **item 6** "Obtain Financial Data/Proof of Respondent's Income" if you are requesting financial data or proof of the respondent's income. Explain your request in Section II or an attachment.
- Check **item 7** "Obtain Party Signature on Attached Form" if you are requesting assistance in obtaining a signature. Attach forms which require signatures. Request assistance with obtaining a signature only after you have attempted and failed to obtain the signature yourself.
- Check **item 8** "Provide Assistance with a Lien" if you are requesting help with a lien/levy action. Prior to using Transmittal #3 for this purpose, contact the assisting State and provide all additional information and documents needed. If the assisting State requires "full" case information or documentation, use Transmittal #1 instead.
- Check **item 9** "File a Notice of Determination of Controlling Order with An Order-Issuing Tribunal" if the requesting State issued an order that contributed to a determination process. Attach a copy of the Notice of Determination of Controlling Order and a certified copy of the determination itself and any arrears reconciliation order.
- Check **item 10** "Other" if the reason you are requesting assistance or discovery is not listed above. On the blank line, indicate the assistance needed; be as specific as possible.

If you are requesting only "quick locate", do not use this form. Instead, use the Locate Data Sheet, or CSENet if you are using an electronic format.

If you are requesting that the tribunal in the other State compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another State (in accordance with section 318 of the model version of UIFSA), attach certified copies of the discovery order.

SECTION II, ADDITIONAL INFORMATION: In a narrative format, indicate any other information that will be useful in processing your request. Provide any necessary identifying information and background information about why the request is being made, including: (1) information on the nature of the pending action (e.g., paternity, support, modification, enforcement, etc.) and (2) the reason assistance from the other jurisdiction is needed. If you have a verified employer address, include it in Section II.

If there is an order preventing disclosure of a party's or child's address/identifying information, check the box for "Nondisclosure Finding Attached" and attach a copy of the finding. In accordance with the finding, do not provide the address/identifying information; you may provide a substitute address. A nondisclosure finding means a finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by disclosure of identifying information (e.g., residential address). UIFSA provides that interstate petitions must include certain identifying information regarding the parties and child(ren) unless a tribunal (court or agency) makes a nondisclosure finding by ordering that the address or identifying information not be disclosed. The procedures for obtaining a nondisclosure finding vary from State to State.

At the bottom of page 1, provide a specific worker's name, a direct telephone number (with extension if necessary) fax number and e-mail address to expedite communications between jurisdictions.

PAGE 2, ACKNOWLEDGMENT: The jurisdiction requesting assistance/discovery completes the Heading/Caption on this page. Upon receiving a request for assistance on a Transmittal #3, the receiving State completes the rest of the acknowledgment. The acknowledgment can be used to provide information in response to a request received via the Transmittal #3, or to indicate when (how many days or on what date) the requested information/action will be provided. The jurisdiction sending the acknowledgment should indicate where the case has been referred for action, and the name, telephone, fax number and e-mail address of a contact person.

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The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 42 U.S.C. 651 et seq. and 45 CFR 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average under half an hour per response. The responses to this collection are mandatory in accordance with the above statute and regulation. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

## Administrative Subpoena

TO:  
(Name, address)

Regarding:  
(name, DOB, SSN)

Case Caption:

FROM:  
(CSE Agency, address, phone, e-mail address, fax number)

IV-D Case Number:

Under Federal law (42 U.S.C. 666(c)(1)(B)) and similar statutes in this and all other States, you are required to provide financial or other information needed to establish, modify, or enforce a child support order.

Provide the following information or documents by \_\_\_\_\_:  
(Date)

The information or documents may be mailed or faxed. Your response to this subpoena must be dated, signed by you or your designee, and be either  notarized OR  witnessed with the following statement:

“I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).”

As an authorized agent of a State or county agency responsible for implementing the child support enforcement program set forth in Title IV, Part D, of the Federal Social Security Act (42 U.S.C. 651, et seq.), I have legal authority to issue this subpoena to have effect in any State. Failure to obey this subpoena may result in the imposition of penalties, including fines or imprisonment, as provided under the laws of your State. For

additional information regarding this subpoena, including how to challenge it, please contact the issuing agency and reference the IV-D case number.

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Date

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Authorized Agent

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Print name, e-mail address, phone number  
and fax number

Notice: Respondents are not required to respond to this information collection unless it displays a valid OMB control number. The average burden for responding to this information collection is estimated at 30 minutes. If you believe this estimate is inaccurate, or if you have ideas to reduce this burden, please provide comment to the issuing agency.

OMB Control # 0970-0152 Expiration Date: 01/31/2008

## Administrative Subpoena

TO: **(1)**  
(Name, address)

Regarding: **(2)**  
(name, DOB, SSN)

Case Caption: **(3)**

FROM: **(4)**  
(CSE Agency, address, phone, e-mail address, fax number)

IV-D Case Number: **(5)**

Under Federal law (42 U.S.C. 666(c)(1)(B)) and similar statutes in this and all other States, you are required to provide financial or other information needed to establish, modify, or enforce a child support order.

Provide the following information or documents by \_\_\_\_\_ **(6)** \_\_\_\_\_:  
(Date)

**(7)**

The information or documents may be mailed or faxed. Your response to this subpoena must be dated, signed by you or your designee, and be either [**(8)**] notarized OR [**(8)**] witnessed with the following statement:

“I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).” **(9)**

As an authorized agent of a State or county agency responsible for implementing the child support enforcement program set forth in Title IV, Part D, of the Federal Social Security Act (42 U.S.C. 651, et seq.), I have legal authority to issue this subpoena to have effect in any State. Failure to obey this subpoena may result in the imposition of penalties, including fines or imprisonment, as provided under the laws of your State. For

additional information regarding this subpoena, including how to challenge it, please contact the issuing agency and reference the IV-D case number.

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Date

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Authorized Agent (10)

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Print name, e-mail address, phone number  
and fax number (11)

Notice: Respondents are not required to respond to this information collection unless it displays a valid OMB control number. The average burden for responding to this information collection is estimated at 30 minutes. If you believe this estimate is inaccurate, or if you have ideas to reduce this burden, please provide comment to the issuing agency.

OMB Control # 0970-0152 Expiration Date: 01/31/2008

## **Instructions for the Administrative Subpoena**

Purpose of this form: The Administrative Subpoena is the Federal form that the State IV-D programs, pursuant to section 454(9)(E) of the Social Security Act, are required to use in interstate cases. A State may elect to use this form in intrastate cases. This form is to be administratively issued by the IV-D program to subpoena financial or other information needed to establish, modify, or enforce a child support order.

To complete this form:

1. Place in the “TO” field the name and address of the individual or entity on whom you are serving the subpoena. (Frequently, this will be an employer.)
2. Place in the “REGARDING” field the name, date of birth, and SSN (if available) of the individual you are requesting information about. (Frequently, this will be the noncustodial parent.)
3. Place in the “CASE CAPTION” field the title of the proceeding (i.e., John Doe v. Jane Doe), under which you are issuing the subpoena.
4. Place in the “FROM” field Child Support Enforcement Agency name, address, phone number, e-mail address and fax number.
5. For IV-D Case Number, enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase.
6. Provide the date that the requested documents are to be provided to you.
7. Clearly, completely, and specifically describe all records or documents that you are requesting the individual receiving the subpoena provide.
8. Depending on your State law, check either the “NOTARIZED” box if you require notarized documents OR the “WITNESSED” box.
9. Place the date the subpoena is signed in the “DATE” field.
10. The person issuing the subpoena signs in the “AUTHORIZED AGENT” field.
11. Print name, e-mail address, phone number and fax number.

Re: (Case Name)  
Docket No.

**NOTICE OF INTENT TO CLOSE CASE**

Dear \_\_\_\_\_:

An order for paternity testing in the above-named case was forwarded to your court on \_\_\_\_\_.

We have received no further communication from either you or the county welfare agency responsible for handing this matter.

Therefore, pursuant to Federal regulations, 45 C.F.R. 303.11, this is your 60-day advanced notice of our intention to dismiss this complaint for non-cooperation.

This mater will be dismissed on \_\_\_\_\_. If you have reason to believe this case should not be dismissed, contact us or the County Board of Social Services immediately.

Very truly yours,

Re: (Case Name)  
Docket No.

## **UIFSA Genetic Testing Notification**

To Whom it May Concern:

The above-entitled action was heard by the Superior Court of New Jersey on \_\_\_\_\_ . The Defendant appeared and contested the paternity of the child(ren). Accordingly, paternity testing was ordered by the Court (order attached), and the matter has been referred to \_\_\_\_\_ County Board of Social Services for further processing. In New Jersey, the County Board of Social Services has the responsibility of contacting your state to coordinate the paternity testing and arrange for payment.

You will be contacted shortly by our county welfare agency. Please note that under New Jersey law, the Court can dismiss this complaint with prejudice if the Plaintiff does not cooperate with genetic testing. Therefore, it is in your best interest to expedite this matter.

Please keep us notified of any problems you may experience.

Very truly yours,

## **Appendix VI**

### **New Jersey Parentage Act**

## NEW JERSEY PARENTAGE ACT

### **N.J.S.A. 9:17-38. Short title**

This act shall be known and may be cited as the "New Jersey Parentage Act."

### **N.J.S.A. 9:17-39. Parent and child relationship defined**

As used in this act, "parent and child relationship" means the legal relationship existing between a child and the child's natural or adoptive parents, incident to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

### **N.J.S.A. 9:17-40. Extent of parent and child relationship**

The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.

### **N.J.S.A. 9:17-41. Proof of parent-child relationship; termination of natural parental rights**

The parent and child relationship between a child and:

- a. The natural mother, may be established by proof of her having given birth to the child, or under P.L.1983, c. 17 (C.9:17-38 et seq.);
- b. The natural father, may be established by proof that his paternity has been adjudicated under prior law; under the laws governing probate; by giving full faith and credit to a determination of paternity made by any other state or jurisdiction, whether established through voluntary acknowledgment or through judicial or administrative processes; by a Certificate of Parentage as provided in section 7 of P.L.1994, c. 164 (C.26:8-28.1) that is executed by the father, including an unemancipated minor, prior to or after the birth of a child, and filed with the appropriate State agency; by a default judgment or order of the court; or by an order of the court based on a blood test or genetic test that meets or exceeds the specific threshold probability as set by subsection i. of section 11 of P.L.1983, c. 19 (C.9:17-48) creating a rebuttable presumption of paternity;

In accordance with section 331 of Pub.L.104-193, (42 U.S.C.A. 666), a signed voluntary acknowledgment of paternity shall be considered a legal finding of paternity subject to the right of the signatory to rescind the acknowledgment within 60 days of the date of signing, or by the date of establishment of a support order to which the signatory is a party, whichever is earlier.

The adjudication of paternity shall only be voided upon a finding that there exists clear and convincing evidence of: fraud, duress or a material mistake of fact, with the burden of proof upon the challenger;

- c. An adoptive parent, may be established by proof of adoption;
- d. The natural mother or the natural father, may be terminated by an order of a court of competent jurisdiction in granting a judgment of adoption or as the result of an action to terminate parental rights.
- e. The establishment of the parent and child relationship pursuant to subsections a., b., and c. of

this section shall be the basis upon which an action for child support may be brought by a party and acted upon by the court without further evidentiary proceedings.

f. In any case in which the parties execute a Certificate of Parentage or a rebuttable presumption of paternity is created through genetic testing, the presumptions of paternity under section 6 of P.L.1983, c. 17 P.L.1983, c. 17 (C.9:17-43) shall not apply.

g. Pursuant to the provisions of section 331 of Pub.L.104-193, (42 U.S.C.A. 666), the child and other parties in a contested paternity case shall submit to a genetic test upon the request of one of the parties, unless that person has good cause for refusal, if the request is supported by a sworn statement by the requesting party:

(1) alleging paternity and setting forth the facts establishing a reasonable possibility of the requisite sexual contact between the parties; or

(2) denying paternity and setting forth the facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.

h. In a contested paternity case in which the State IV-D agency requires or the court orders genetic testing, the State IV-D agency shall:

(1) pay the costs of the genetic test and may recoup payment from the alleged father whose paternity is established; and

(2) obtain additional testing if the initial test results are contested, and upon the request and advance payment for the additional test by the contestant.

#### **N.J.S.A. 9:17-42. Closed court; confidentiality of records**

Notwithstanding any other law concerning public hearings and records, any action or proceeding held under this act shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records and any information pertaining to an action or proceeding held under this act which may reveal the identity of any party in an action, other than the final judgment or the birth certificate, whether part of the permanent record of the court or of a file with the State registrar of vital statistics or elsewhere, are confidential and are subject to inspection only upon consent of the court and all parties to the action who are still living, or in exceptional cases only upon an order of the court for compelling reason clearly and convincingly shown.

#### **N.J.S.A. 9:17-43. Presumptions**

a. A man is presumed to be the biological father of a child if:

(1) He and the child's biological mother are or have been married to each other and the child is born during the marriage, or within 300 days after the marriage is terminated by death, annulment or divorce;

(2) Before the child's birth, he and the child's biological mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:

(a) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 300 days after its termination by death, annulment or divorce;  
or

(b) if the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation;

(3) After the child's birth, he and the child's biological mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:

(a) he has acknowledged his paternity of the child in writing filed with the local registrar of vital statistics;

(b) he has sought to have his name placed on the child's birth certificate as the child's father, pursuant to R.S.26:8-40; or

(c) he openly holds out the child as his natural child; or

(d) he is obligated to support the child under a written voluntary agreement or court order;

(4) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child;

(5) While the child is under the age of majority, he provides support for the child and openly holds out the child as his natural child; or

(6) He acknowledges his paternity of the child in a writing filed with the local registrar of vital statistics, which shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the local registrar. If another man is presumed under this section to be the child's father, acknowledgment may be effected only with the written consent of the presumed father. Each attempted acknowledgment, whether or not effective, shall be kept on file by the local registrar of vital statistics and shall entitle the person who filed it to notice of all proceedings concerning parentage and adoption of the child, as provided in section 10 of P.L.1983, c. 17 (C.9:17-47) and pursuant to section 9 of P.L.1977, c. 367 (C.9:3-45).

b. A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court order terminating the presumed father's paternal rights or by establishing that another man is the child's biological or adoptive father.

c. Notwithstanding the provisions of this section to the contrary, in an action brought under this act against the legal representative or the estate of a deceased alleged father, the criteria in paragraphs (4) and (5) of subsection a. of this section shall not constitute presumptions but shall be considered by the court together with all of the evidence submitted. The decision of the court shall be based on a preponderance of the evidence.

d. In the absence of a presumption, the court shall decide whether the parent and child relationship exists, based upon a preponderance of the evidence.

e. There is a rebuttable presumption that a man has knowledge of his paternity and the birth of a child if he had sexual intercourse with the biological mother within 300 days of the child's birth. This presumption may be rebutted only by clear and convincing evidence in an appropriate action based on fraud, duress, or misrepresentation by the biological mother concerning the paternity or birth of the child. This claim of fraud, duress, or misrepresentation must be asserted prior to the finalization of the adoption.

**N.J.S.A. 9:17-44. Artificial insemination**

a. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent shall be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, upon forms provided by the Department of Health, and file the husband's consent with the State Department of Health, where it shall be kept confidential and in a sealed file. However, the physician's failure to do so shall not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for compelling reasons clearly and convincingly shown.

b. Unless the donor of semen and the woman have entered into a written contract to the contrary, the donor of semen provided to a licensed physician for use in artificial insemination of a woman other than the donor's wife is treated in law as if he were not the father of a child thereby conceived and shall have no rights or duties stemming from the conception of a child.

**N.J.S.A. 9:17-45. Parties; limitations of action; death of alleged father; agreement between mother and alleged father; actions brought before birth; inheritance**

a. A child, a legal representative of the child, the natural mother, the estate or legal representative of the mother, if the mother has died or is a minor, a man alleged or alleging himself to be the father, the estate or legal representative of the alleged father, if the alleged father has died or is a minor, the Division of Family Development in the Department of Human Services, or the county welfare agency, or any person with an interest recognized as justiciable by the court may bring or defend an action or be made a party to an action at any time for the purpose of determining the existence or nonexistence of the parent and child relationship.

b. No action shall be brought under P.L.1983, c. 17 (C.9:17-38 et seq.) more than 5 years after the child attains the age of majority.

c. The death of the alleged father shall not cause abatement of any action to establish paternity, and an action to determine the existence or nonexistence of the parent and child relationship may be instituted or continued against the estate or the legal representative of the alleged father.

d. Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with subsection c. of section 11 of P.L.1983, c. 17 (C.9:17-48) between an alleged or presumed father and the mother of the child, shall not bar an action under this section.

e. If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony. The court may consider the issue of medical expenses and may order the alleged father to pay the reasonable expenses of the mother's pregnancy and postpartum disability. Bills for pregnancy, childbirth and genetic testing are admissible as evidence without requiring third party foundation testimony, and shall constitute prima facie evidence of the amounts incurred for such services or for testing on behalf of the child.

f. This section does not extend the time within which a right of inheritance or a right to succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise, or limit any time period for the determination of any claims arising under the laws governing probate, including the construction of wills and trust instruments.

**N.J.S.A. 9:17-46. Jurisdiction; joinder; venue**

a. The Superior Court shall have jurisdiction over an action brought under this act. The action shall be joined with an action for divorce, annulment, separate maintenance or support.

b. A person who has sexual intercourse in this State thereby submits to the jurisdiction of the courts of this State as to an action brought under this act with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by law, personal jurisdiction may be acquired by service in accordance with the rules of the court.

c. The action may be brought in the county in which the child or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of his estate have been or could be commenced.

**N.J.S.A. 9:17-47. Parties; guardian ad litem**

The child may be made a party to the action. If the child is a minor and is made a party, a guardian ad litem may be appointed by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. The court may appoint an attorney-at-law or an appropriate State agency as guardian ad litem for the child. The natural mother, each man presumed to be the father under section 6, (N.J.S.A. 9:17-43) each man alleged to be the natural father, any one whose name appears on the birth certificate, and anyone who has attempted to file an acknowledgment under section 6, whether or not effective to create a presumption of paternity, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

**N.J.S.A. 9:17-48. Consent conference; settlement recommendation; blood or genetic tests; final recommendation; evidence**

a. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, a consent conference shall be held by the Superior Court, Chancery Division, Family Part intake service, the Probation Division or the county welfare agency. At the request of either party, the determination of paternity may be referred directly to the court in lieu of the consent process. A court appearance shall be scheduled in the event that a consent agreement cannot be reached.

b. On the basis of the information produced at the conference, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

- (1) That the action be dismissed with or without prejudice; or
- (2) That the alleged father voluntarily acknowledge his paternity of the child.

c. If the parties accept a recommendation made in accordance with subsection b. of this section, which has been approved by the court, judgment shall be entered or a Certificate of Parentage shall be executed accordingly.

d. If a party refuses to accept a recommendation made under subsection b. of this section or the consent conference is terminated because it is unlikely that all parties would accept a recommendation pursuant to subsection b. of this section, and blood tests or genetic tests have not been taken, the county welfare agency shall require or the court shall order the child and the parties to submit to blood tests or genetic tests unless a party claims, and the county welfare agency or the court finds, good cause for not ordering the tests. The court may hear and decide motions to challenge a directive issued by the county welfare agency requiring a party to submit to blood or genetic tests. A genetic test shall be ordered upon the request of either party, if the request is supported by a sworn statement by the requesting party which alleges paternity and sets forth the facts establishing a reasonable possibility of the requisite sexual contact between the parties or denies paternity and sets forth the facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties. If a party refuses to acknowledge paternity based upon the blood or genetic test results, the action shall be set for a hearing.

If the results of the blood test or genetic test indicate that the specific threshold probability, as set by subsection i. of this section to establish paternity has been met or exceeded, the results shall be received in evidence as a rebuttable presumption of paternity without requiring any additional foundation testimony or proof of authenticity or accuracy of the paternity testing or results. In actions based on allegations of fraud or inaccurate analysis, the court or the county welfare agency shall require that additional blood or genetic tests be scheduled within 10 days of the request and be performed by qualified experts. Additional blood or genetic tests shall be paid for in advance by the requesting party.

If a party objects to the results of the blood or genetic tests, the party shall make the objection to the appropriate agency, in writing, within 10 days of the consent conference or hearing.

e. The guardian ad litem may accept or refuse to accept a recommendation under this section.

f. (Deleted by amendment, P.L.1994, c. 164).

g. No evidence, testimony or other disclosure from the consent conference shall be admitted as evidence in a civil action except by consent of the parties. However, blood tests or genetic tests ordered pursuant to subsection d. of this section shall be admitted as evidence.

h. The refusal to submit to a blood test or genetic test required pursuant to subsection d. of this section, or both, shall be admitted into evidence and shall give rise to the presumption that the results of the test would have been unfavorable to the interests of the party who refused to submit to the test. Refusal to submit to a blood test or genetic test, or both, is also subject to the contempt power of the court.

i. Blood test or genetic test results indicating a 95% or greater probability that the alleged father is the father of the child shall create a presumption of paternity which may be rebutted only by clear and convincing evidence that the results of the test are not reliable in that particular case.

j. If a party refuses to acknowledge paternity or does not appear at a consent conference conducted by the county welfare agency, the county welfare agency shall refer the matter to the court for adjudication. For purposes of establishing paternity, the blood or genetic test results shall be admitted into evidence at the hearing without the need for foundation testimony or other proof of authenticity or accuracy, unless an objection is made.

**N.J.S.A. 9:17-49. Actions; application of rules of court; jury trial**

a. An action under this act is a civil action governed by the Rules Governing the Courts of the State of New Jersey.

b. The trial shall be by the court without a jury.

**N.J.S.A. 9:17-50. Witnesses; compelling to testify; immunity; contempt; physician's testimony; admissibility of evidence**

a. The mother of the child and the alleged father are competent to testify and may be compelled to testify.

b. Upon refusal of any witness, including a party, to testify under oath or produce evidence, the court may order the witness to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the ground that the testimony or evidence might tend to incriminate the witness, the court, after notice to the prosecutor, may grant the witness immunity from all criminal liability on account of the testimony or evidence that the witness is required to produce. An order granting immunity bars prosecution of the witness for any offense shown in whole or in part by testimony or evidence the witness is required to produce, except for perjury committed in the testimony. The refusal of a witness who has been granted immunity to obey an order to testify or produce evidence is a civil contempt of the court.

c. Testimony of a physician concerning the medical circumstances of the pregnancy, and the condition and characteristics of the child upon birth is not privileged.

d. Testimony relating to sexual access to the mother by any man at any time other than the probable time of conception of the child is inadmissible in evidence, unless offered by the mother. Before testimony relating to sexual access to the mother by an unidentified man at the probable time of conception may be introduced, the court shall hold an in camera hearing to determine whether the evidence is sufficiently probative so that the interests of justice require its admission.

e. In an action against an alleged father, uncorroborated evidence offered by him with respect to a man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if the other man has undergone blood tests or genetic tests, the results of which do not exclude the possibility of his paternity of the child and which tests are made available to the court. A man who is identified and is subject to the jurisdiction of the court shall be made a party in the action.

**N.J.S.A. 9:17-52. Evidence relating to paternity**

Evidence relating to paternity may include:

a. Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

- b. An expert's opinion concerning the statistical probability of the alleged father's paternity, based upon the duration of the mother's pregnancy;
- c. Genetic or blood tests, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;
- d. Medical or anthropological evidence relating to the alleged father's paternity of the child, based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and
- e. All other evidence on behalf of any party, relevant to the issue of paternity of the child.

**N.J.S.A. 9:17-52.1. Default order determinative for establishing paternity; proper notice given; sworn statement by mother**

A default order shall be entered in a contested paternity action upon a showing that proper notice has been served upon the party and the party has failed to appear at a hearing or trial; or has failed to respond to a notice or order that required a response within a specific period of time. A default order entered pursuant to this section shall be determinative for purposes of establishing the existence of paternity when proper notice has been served and a sworn statement by the mother indicating the parentage of the child has been executed.

**N.J.S.A. 9:17-53. Judgment or order; amendment of birth record; amount of support**

- a. The judgment or order of the court or a Certificate of Parentage determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.
- b. If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that an amendment to the original birth record be made under section 22 of P.L.1983, c. 17 (C.9:17-59).
- c. The judgment or order may contain any other provision directed against the appropriate party to the proceeding concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, the repayment of any public assistance grant, or any other matter in the best interests of the child. The judgment or order may direct the father to pay the reasonable expenses of the mother's pregnancy and postpartum disability, including repayment to an agency which provided public assistance funds for those expenses. Bills for pregnancy, childbirth and blood or genetic testing are admissible as evidence without requiring third party foundation testimony, and shall constitute prima facie evidence of the amounts incurred for these services or for testing on behalf of the child.
- d. Support judgments or orders ordinarily shall be for periodic payments, which may vary in amount. In the best interests of the child, the purchase of an annuity may be ordered in lieu of periodic payments of support. The court may limit a parent's liability for past support of the child to the proportion of the expenses already incurred that the court deems just.
- e. In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall apply the child support guidelines as defined in section 3 of P.L.1997, c.1 (C.2A:17-56.52). In cases in which the court finds that a deviation from these guidelines is appropriate, the court shall consider all relevant facts when determining the amount of support, including the:

(1) Needs of the child;

(2) Standard of living and economic circumstances of each parent;

- (3) Income and assets of each parent, including any public assistance grant received by a parent;
- (4) Earning ability of each parent, including educational background, training, employment skills, work experience, custodial responsibility for children and the length of time and cost for each parent to obtain training or experience for appropriate employment;
- (5) Need and capacity of the child for education, including higher education;
- (6) Age and health of the child and each parent;
- (7) Income, assets and earning ability of the child;
- (8) Responsibility of the parents for the support of others; and
- (9) Debts and liabilities of each child and parent.

The factors set forth herein are not intended to be exhaustive. The court may consider such other factors as may be appropriate under the circumstances.

f. Upon a motion by a party, the court shall enter a temporary support order pending a judicial determination of parentage if there is clear and convincing evidence of paternity supported by blood or genetic test results or other evidence.

#### **N.J.S.A. 9:17-54. Costs and fees**

The court may order reasonable fees of counsel, experts, and the child's guardian ad litem, and other costs of the action and pre-trial proceedings, including blood or genetic tests, to be paid by the parties in proportions and at times determined by the court.

#### **N.J.S.A. 9:17-55. Enforcement; support payments; contempt**

- a. If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this act or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, and child, the public agency that has furnished or may furnish the reasonable expenses of pregnancy, postpartum disability, education, support, medical expenses, or burial, or by any other person, including a private agency, to the extent that the mother, child, person or agency has furnished or is furnishing these expenses.
- b. The court may order support payments to be made to the mother, the clerk of the court, the appropriate probation department, or a person, corporation, or agency designated to administer them for the benefit of the child, under the supervision of the court.
- c. Willful failure to obey the judgment or order of the court is a civil contempt of the court.

#### **N.J.S.A. 9:17-56. Continuing jurisdiction**

The court has continuing jurisdiction to modify or revoke a judgment or order.

#### **N.J.S.A. 9:17-57. Mother and Child Relationship**

The child, the mother or personal representative of the child, the Division of Public Welfare in the Department of Human Services or the county welfare agency, the personal representative or a parent, if the mother has died or is a minor, a man alleged or alleging himself to be the father, the personal representative or a parent of the alleged father, if the alleged father has died or is a minor, or any person with an interest recognized as justiciable by the court may bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as practicable, the provisions of this act applicable to the father and child relationship apply.

**N.J.S.A. 9:17-58. Support agreement**

- a. Any agreement in writing to furnish support for a child, growing out of a supposed or alleged father and child relationship, does not require consideration and is enforceable according to its terms, subject to subsection d. of section 8 (N.J.S.A. 9:17-45).
- b. In the best interests of the child or the mother, the court may, and upon the request of the person agreeing to furnish support shall, order the agreement to be kept in confidence and designate a person or agency to receive and disburse on behalf of the child all amounts paid in performance of the agreement.

**N.J.S.A. 9:17-59. Amended birth record**

- a. Upon order of a court of this State or upon request of a court of another state, the local registrar of vital statistics shall prepare an amended birth record consistent with the findings of the court.
- b. The fact that the father and child relationship was declared after the child's birth shall not be ascertainable from the amended birth record, but the actual place and date of birth shall be shown.
- c. The evidence upon which the amended birth record was made and the original birth certificate shall be kept in a sealed and confidential file and be subject to inspection only upon consent of the court and all interested persons, or in exceptional cases only upon an order of the court for compelling reasons clearly and convincingly shown.

## **Appendix VI-A**

# **Confidential Litigant Information Fact Sheet**

ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY

RICHARD J. WILLIAMS  
ADMINISTRATIVE DIRECTOR OF THE COURTS



RICHARD J. HUGHES JUSTICE COMPLEX  
P.O. BOX 037  
TRENTON, NEW JERSEY 08625-0037

**Memorandum**

**TO: Assignment Judges**

**FROM: Richard J. Williams**

**SUBJECT: Family Child Support -- Confidential Litigant Information Sheet**

**DATE: July 24, 2002**

This memorandum implements an interim procedure to enhance our ability to ensure prompt establishment and enforcement of child support orders. It establishes a uniform process for collecting and entering accurate demographic information on litigants and dependent children into FACTS and ACSES when a case is initially established. The lack of such information may delay case processing, with a negative impact on the financial resources of already strained families. Rule 5:7-4(b) requires the Family division to transmit a statement containing certain specific information to Probation promptly upon the entry of a court order; the procedure will enable staff to gather and enter the same information much earlier in the life of the case.

The attached Confidential Litigant Information Fact Sheet has been developed by Family and Probation staff for immediate use in collecting the required information from the parties. It is primarily intended for use either in cases where no current Case Information Statement (CIS) has been filed (such as a motion for temporary child support *pendente lite*) or to record updated information in a post-judgment action. There is presently no court rule requiring the parties to complete this form in either circumstance, although the Conference of Family Presiding Judges has asked that the Family Practice Committee consider adopting a Rule requiring it. Until such a Rule is adopted, Family staff should seek to obtain the information on a voluntary basis as early as possible in the case.

The form should be distributed by court staff at the time of an initial hearing before a judge or hearing officer for establishment of a temporary support order, primarily in dissolution cases, and at any post judgment proceedings to update identifying information with respect to parties and dependent children. Each party (or his or her attorney) should be asked to complete the form before leaving the courthouse. If there is no hearing, as in a case where there is a ruling on the papers only,



# Confidential Litigant Information Fact Sheet

To Assure Accuracy of Court Records

To be filled out by plaintiff or defendant or attorney

Collection of the following information is pursuant to N.J.S.A. 2A:17-56.60 and R 5:7-4.

Confidentiality of this information must be maintained.

<b>Docket #</b>		CS					
<b>Your Name (last, first, middle initial):</b> _____							
<b>Are You: Plaintiff or Defendant?</b> (circle one)	<b>Social Security Number</b>	<b>Date of Birth</b>	<b>Place of Birth</b>	<b>Driver's License Number</b> (state of issuance)			
<b>Active Domestic Violence Order in this case? Yes or no (circle one)</b>	— —						
<b>Address</b>				<b>Telephone Number</b>			
				(     )			
<b>Employer Name and Address (or other income source)</b>				<b>Telephone Number</b>			
				(     )			
<b>Professional, Occupational, Recreational Licenses (Types and Numbers)</b>				<b>Attorney Name and Address</b>			
<b>Health Coverage for Children (available through parent filling out this form)</b>							
<i>Health Care Provider</i> _____		<i>Policy #</i> _____		<i>Group #</i> _____			
<i>Dental Care Provider</i> _____		<i>Policy #</i> _____		<i>Group #</i> _____			
<i>Prescription Drug Provider</i> _____		<i>Policy #</i> _____		<i>Group#</i> _____			
<b>Children Information</b>							
<b>Name (last, first, middle initial)</b>	<b>Date of Birth</b>	<b>Race</b>	<b>Sex</b>	<b>Social Security Number</b>	<b>Place of Birth</b>		
1							
2							
3							
4							
5							
6							
<b>Additional information (may be used to confirm identification if necessary)</b>							
<b>Sex</b>	<b>Race</b>	<b>Height</b>	<b>Weight</b>	<b>Eyes</b>	<b>Hair</b>	<b>Complexion</b>	<b>Moustache?</b>
<b>Beard?</b>	<b>Glasses?</b>	<b>Tattoo (describe)</b>	<b>Auto License Plate # (state of issuance)</b>	<b>Car (model, make, year)</b>			
				<b>Mother's maiden name and address</b>			

**Appendix VI-B**  
**Protective Order**

PREPARED BY THE COURT

-----  
:  
:  
*Plaintiff,* :  
:  
vs. :  
:  
*Defendant.* :  
:  
-----

SUPERIOR COURT OF NEW JERSEY  
Chancery Division – Family Part  
Count of \_\_\_\_\_

Docket No.: FM 02-

Civil Action  
**PROTECTIVE ORDER**

THIS MATTER being opened to the Court, and it appearing that copies of the following confidential reports are being released to the attorneys and parties or the pro-se litigants:

- |                               |                      |
|-------------------------------|----------------------|
| ف Home Inspection Report      | ف Psychiatric Report |
| ف Social Investigation Report | ف Risk Assessment    |
| ف Psychological Report        | ف Other _____        |

and for good cause shown;

IT IS ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;

- 1) **ORDERED** that copies of these reports shall be released to the attorneys and their clients or the pro-se litigants with the understanding that the information contained therein is to be used only for purposes of the pending custody/parenting time matter including distribution to experts and may not be used in any other matter without the express written permission of the Court; and it is further
- 2) **ORDERED** that this information shall not be disclosed to any other person for any reason, nor may it be disseminated or made public by any means, direct or indirect, without the express written permission of the Court; and it is further
- 3) **ORDERED** that the use of information contained in the investigation and/or report, or information obtained from the investigation for any purpose other than set forth by the Court, shall be a violation of this Court Order and subject to sanctions; and it is further
- 4) **ORDERED** that under no circumstances is (are) the report(s) to be discussed, revealed, or disclosed to the child(ren).

\_\_\_\_\_  
J.S.C.

# **NON - DISSOLUTION OPERATIONS MANUAL**

Appendix VI-C (Revised December 2007)

Revised Uniform Child Custody Jurisdiction and Enforcement Act  
(UCCJEA)

**P.L. 2004, c. 147**  
**Approved September 14, 2004**

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 150

STATE OF NEW JERSEY

211th LEGISLATURE

ADOPTED MAY 13, 2004

**Sponsored by:**

**Senator WAYNE R. BRYANT, District 5 (Camden and Gloucester)**

**Senator NIA H. GILL, District 34 (Essex and Passaic)**

**Assemblyman BRIAN P. STACK, District 33 (Hudson)**

**Assemblyman LOUIS MANZO, District 31 (Hudson)**

**Assemblywoman LINDA R. GREENSTEIN, District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Creates the "Uniform Child Custody Jurisdiction and Enforcement Act."

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Judiciary Committee.

AN ACT creating the "Uniform Child Custody Jurisdiction and Enforcement Act" and revising various parts of the statutory law.

*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:*

ARTICLE I  
GENERAL PROVISIONS

1. Short Title.

This act shall be known and may be cited as the "Uniform Child Custody Jurisdiction and Enforcement Act."

2. Definitions.

As used in this act:

"Abandoned" means left without provision for reasonable and necessary care or supervision.

"Child" means an individual who has not attained 18 years of age.

"Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody or visitation with respect to a child. The term includes a permanent, temporary, initial and modification order. The term does not include a provision relating to child support or other monetary obligation of an individual.

"Child custody proceeding" means a proceeding in which legal custody, physical custody or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation or enforcement under article 3 of this act.

"Commencement" means the filing of the first pleading in a proceeding.

"Court" means an entity authorized under the law of a state to establish, enforce or modify a child custody determination.

"Home state" means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

"Initial determination" means the first child custody determination concerning a particular child.

"Issuing court" means the court that makes a child custody determination for which enforcement is sought under this act.

"Issuing state" means the state in which a child custody determination is made.

"Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation or any other legal or commercial entity.

"Person acting as a parent" means a person, other than a parent, who:

a. has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately before the commencement of a child custody proceeding; and

b. has been awarded legal custody by a court or claims a right to legal custody under the laws of this State.

"Physical custody" means the physical care and supervision of a child.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"Tribe" means an Indian tribe or band, or Alaskan Native village, which is recognized by federal law or formally acknowledged by a state.

"Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

### 3. Proceedings Governed by Other Law.

This act does not govern an adoption proceeding or a proceeding pertaining to the authorization of emergency medical care for a child.

#### 4. Application to Indian Tribes.

a. A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act, 25 U.S.C.1901 et seq., is not subject to this act to the extent that it is governed by the Indian Child Welfare Act.

b. A court of this State shall treat a tribe as if it were a state of the United States for purposes of articles 1 and 2 of this act.

c. A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this act shall be recognized and enforced under the provisions of article 3 of this act.

#### 5. International Application of Act.

a. A court of this State shall treat a foreign country as if it were a state of the United States for the purpose of applying articles 1 and 2 of this act if the foreign court gives notice and an opportunity to be heard to all parties before making child custody determinations.

b. A child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this act shall be recognized and enforced under article 3 of this act.

c. A court of this State need not apply this act if the child custody law of a foreign country violates fundamental principles of human rights or does not base custody decisions on evaluation of the best interests of the child.

#### 6. Effect of Custody Determination.

A child custody determination made by a court of this State that had jurisdiction under this act binds all persons who have been served in accordance with the laws of this State or notified in accordance with section 8 of this act or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

#### 7. Priority.

If a question of existence or exercise of jurisdiction under this act is raised in a child custody proceeding, the question, upon request of a party, shall be given priority on the calendar and handled expeditiously.

#### 8. Notice of Persons Outside State.

a. Notice required for the exercise of jurisdiction when a person is outside this State may be given in a manner prescribed by the law of this State for the service of process or by the law of the state in which the service is made. Notice shall be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.

b. Proof of service may be made in the manner prescribed by the law of this State or by the law of the state in which the service is made.

c. Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

9. Appearance and Limited Immunity.

a. A party to a child custody proceeding, including a modification proceeding, or a petitioner or a respondent in a proceeding to enforce or register a child custody determination, is not subject to personal jurisdiction in this State for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating in the proceeding.

b. A party who is subject to personal jurisdiction in this State on a basis other than physical presence is not immune from service of process in this State. A party present in this State who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

c. The immunity granted by subsection a. of this section does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this act committed by an individual while present in this State.

10. Communication Between Courts.

a. A court of this State may communicate with a court in another state concerning a proceeding arising under this act.

b. The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, the parties shall be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

c. Communication between courts on schedules, calendars, court records and similar matters may occur without informing the parties. A record need not be made of that communication.

d. Except as provided in subsection c. of this section, a record shall be made of a communication under this section. The parties shall be informed promptly of the communication and granted access to the record.

e. For the purposes of this section, "record" means information that is inscribed on a tangible medium or that which is stored in an electronic or other medium and is retrievable in perceivable form.

11. Taking Testimony in Another State.

a. In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this State for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.

b. A court of this State may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means or other electronic means before a designated court or at another location in that state. A court of this State shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

c. Documentary evidence transmitted from another state to a court of this State by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

12. Cooperation Between Courts; Preservation of Records.

a. A court of this State may request the appropriate court of another state to:

(1) hold an evidentiary hearing;

(2) order a person to produce or give evidence under procedures of that state;

(3) order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;

(4) forward to the court of this State a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and

(5) order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

b. Upon request of a court of another state, a court of this State may hold a hearing or enter an order described in subsection a. of this section.

c. Travel and other necessary and reasonable expenses incurred under subsections a. and b. of this section may be assessed against the parties according to the laws of this State.

d. A court of this State shall preserve the pleadings, orders, decrees, records of hearings, evaluations and other pertinent records with respect to a child custody proceeding until the child attains 18 years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of these records.

## ARTICLE 2 JURISDICTION

### 13. Initial Child Custody Jurisdiction.

a. Except as otherwise provided in section 16 of this act, a court of this State has jurisdiction to make an initial child custody determination only if:

(1) this State is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this State but a parent or person acting as a parent continues to live in this State;

(2) a court of another state does not have jurisdiction under paragraph (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this State is the more appropriate forum under section 19 or 20 of this act and:

(a) the child and the child's parents, or the child and at least one parent or a person acting as a parent have a significant connection with this State other than mere physical presence; and

(b) substantial evidence is available in this State concerning the child's care, protection, training and personal relationships;

(3) all courts having jurisdiction under paragraph (1) or (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this State is the more appropriate forum to determine the custody of the child under section 19 or 20 of this act; or

(4) no state would have jurisdiction under paragraph (1), (2) or (3) of this subsection.

b. Subsection a. of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this State.

c. Physical presence of, or personal jurisdiction over, a party or a child is neither necessary nor sufficient to make a child custody determination.

d. A court of this State may assume temporary emergency jurisdiction in accordance with section 16 of this act.

### 14. Exclusive, Continuing Jurisdiction.

a. Except as otherwise provided in section 16 of this act, a court of this State that has made a child custody determination consistent with section 13 or 15 of this act has exclusive, continuing jurisdiction over the determination until:

(1) a court of this State determines that neither the child, the child and one parent, nor the child and a person acting as a parent have a significant connection with this State and that substantial evidence is no longer available in this State concerning the child's care, protection, training, and personal relationships; or

(2) a court of this State or a court of another state determines that neither the child, nor a parent, nor any person acting as a parent presently resides in this State.

b. A court of this State which has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under section 13 of this act.

#### 15. Jurisdiction to Modify Determination.

Except as otherwise provided in section 16 of this act, a court of this State may not modify a child custody determination made by a court of another state unless a court of this State has jurisdiction to make an initial determination under paragraph (1) or (2) of subsection a. of section 13 of this act and:

a. the court of the other state determines it no longer has exclusive, continuing jurisdiction under section 14 of this act or that a court of this State would be a more convenient forum under section 19 of this act; or

b. a court of this State or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

#### 16. Temporary Emergency Jurisdiction.

a. A court of this State has temporary emergency jurisdiction if the child is present in this State and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

b. If there is no previous child custody determination that is entitled to be enforced under this act, and if no child custody proceeding has been commenced in a court of a state having jurisdiction under sections 13 through 15 of this act, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 13 through 15 of this act. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 13 through 15 of this act, a child custody determination made under this section becomes a final determination if:

(1) it so provides; and

(2) this State becomes the home state of the child.

c. If there is a previous child custody determination that is entitled to be enforced under this act, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 13 through 15 of this act, any order issued by a court of this State under this section must specify in the order a period of time which the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 13 through 15 of this act. The order issued in this State remains in effect until an order is obtained from the other state within the period specified or the period expires.

d. A court of this State which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made, by a court of a state having jurisdiction under sections 13 through 15 of this act, shall immediately communicate with the other court. A court of this State which is exercising jurisdiction pursuant to sections 13 through 15 of this act, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another

state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

17. Notice; Opportunity to be Heard; Joinder.

a. Before a child custody determination is made under this act, notice and an opportunity to be heard in accordance with the standards of section 8 of this act shall be given to all persons entitled to notice under the law of this State as in child custody proceedings between residents of this State, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

b. This act does not govern the enforceability of a child custody determination made without notice and an opportunity to be heard.

c. The obligation to join a party and the right to intervene as a party in a child custody proceeding under this act are governed by the law of this State as in child custody proceedings between residents of this State.

18. Simultaneous Proceedings.

a. Except as otherwise provided in section 16 of this act, a court of this State may not exercise its jurisdiction under this article if at the time of the commencement of the proceeding a proceeding concerning the custody of the child had been commenced in a court of another state having jurisdiction substantially in conformity with this act, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this State is a more convenient forum under section 19 of this act.

b. Except as otherwise provided in section 16 of this act, a court of this State, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties pursuant to section 21 of this act. If the court determines that a child custody proceeding was previously commenced in a court in another state having jurisdiction substantially in accordance with this act, the court of this State shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this act does not determine that the court of this State is a more appropriate forum, the court of this State shall dismiss the proceeding.

c. In a proceeding to modify a child custody determination, a court of this State shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the court may:

- (1) stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying or dismissing the proceeding for enforcement;
- (2) enjoin the parties from continuing with the proceeding for enforcement; or
- (3) proceed with the modification under conditions it considers appropriate.

19. a. Inconvenient Forum.

A court of this State that has jurisdiction under this act to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon the court's own motion, request of another court or motion of a party.

b. Before determining whether it is an inconvenient forum, a court of this State shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

- (1) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;
  - (2) the length of time the child has resided outside this State;
  - (3) the distance between the court in this State and the court in the state that would assume jurisdiction;
  - (4) the relative financial circumstances of the parties;
  - (5) any agreement of the parties as to which state should assume jurisdiction;
  - (6) the nature and location of the evidence required to resolve the pending litigation, including the testimony of the child;
  - (7) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and
  - (8) the familiarity of the court of each state with the facts and issues of the pending litigation.
- c. If a court of this State determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.
- d. A court of this State may decline to exercise its jurisdiction under this act if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

#### 20. Jurisdiction Declined by Reason of Conduct.

- a. Except as otherwise provided in section 16 of this act or by other law of this State, if a court of this State has jurisdiction under this act because a person invoking the jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:
- (1) the parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;
  - (2) a court of the state otherwise having jurisdiction under sections 13 through 15 of this act determines that this State is a more appropriate forum under section 19 of this act; or
  - (3) no other State would have jurisdiction under sections 13 through 15 of this act.
- b. If a court of this State declines to exercise its jurisdiction pursuant to subsection a. of this section, it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the wrongful conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under sections 13 through 15 of this act.
- c. If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction pursuant to subsection a. of this section, it shall charge the party invoking the jurisdiction of the court with necessary and reasonable expenses including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the award would be inappropriate. The court may not assess fees, costs, or expenses against this State except as otherwise provided by law other than this act. No fees, costs or expenses shall be assessed against a party who is fleeing an incident or pattern of domestic violence or mistreatment or abuse of a child or sibling, unless the court is convinced by a preponderance of evidence that such assessment would be clearly appropriate.
- d. In making a determination under this section, a court shall not consider as a factor weighing against the petitioner any taking of the child or retention of the child from the person who has rights of legal custody, physical custody or visitation, if there is evidence that the taking or retention of the child was to protect the petitioner from domestic violence or to protect the child or sibling from mistreatment or abuse.

21. Information to be Submitted to Court.

a. Unless a party seeks an exception to disclosure of information as provided by subsection e. of this section, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit shall state whether the party:

(1) has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number of the proceeding, and the date of the child custody determination, if any;

(2) knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights and adoptions and, if so, identify the court and the case number and the nature of the proceeding; and

(3) knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

b. If the information required by subsection a. of this section is not furnished, the court, upon its own motion or that of a party, may stay the proceeding until the information is furnished.

c. If the declaration as to any of the items described in subsection a. of this section is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

d. Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

e. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be put at risk by the disclosure of identifying information, that information shall be sealed and not disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.

22. Appearance of Parties and Child.

a. In a child custody proceeding in this State, the court may order a party to a child custody proceeding who is in this State to appear before the court in person with or without the child. The court may order any person who is in this State and who has physical custody or control of the child to appear physically with the child.

b. If a party to a child custody proceeding whose presence is desired by the court is outside this state, the court may order that a notice given pursuant to section 8 of this act include a statement directing the party to appear personally with or without the child and declaring that failure to appear may result in a decision adverse to the party.

c. The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

d. If a party to a child custody proceeding who is outside this state is directed to appear under subsection b. of section or desires to appear personally before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.

ARTICLE 3  
ENFORCEMENT

23. Definitions.

As used in this article:

"Petitioner" means a person who seeks enforcement of a child custody determination or enforcement of an order for the return of the child under the Hague Convention on the Civil Aspects of International Child Abduction.

"Respondent" means a person against whom a proceeding has been commenced for enforcement of a child custody determination or enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction.

24. Enforcement Under Hague Convention.

Under this article, a court of this State may enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.

25. Duty to Enforce.

a. A court of this State shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this act or the determination was made under factual circumstances meeting the jurisdictional standards of this act and the determination has not been modified in accordance with this act.

b. A court of this State may utilize any remedy available under other law of this State to enforce a child custody determination made by a court of another state. The remedies provided in this article are cumulative and do not affect the availability of other remedies to enforce a child custody determination.

26. Temporary Visitation.

a. A court of this State which does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:

(1) a visitation schedule made by a court of another state; or

(2) the visitation provisions of a child custody determination of another state that does not provide for a specific visitation schedule.

b. If a court of this State makes an order under paragraph (2) of subsection a. of this section, it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in article 2 of this act. The order remains in effect until an order is obtained from the other court or the period expires.

27. Registration of Child Custody Determination.

a. A child custody determination issued by a court of another state may be registered in this State, with or without a simultaneous request for enforcement, by sending to the Superior Court in this State:

(1) a letter or other document requesting registration;

(2) two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) except as otherwise provided in section 21 of this act, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

b. On receipt of the documents required by subsection a. of this section, the registering court shall:

(1) cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) serve notice upon the persons named pursuant to paragraph (3) of subsection a. of this section and provide them with an opportunity to contest the registration in accordance with this section.

c. The notice required by paragraph (2) of subsection b. of this section shall state that:

(1) a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this State;

(2) a hearing to contest the validity of the registered determination shall be requested within 20 days after service of notice; and

(3) failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

d. A person seeking to contest the validity of a registered order shall request a hearing within 20 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(1) the issuing court did not have jurisdiction under article 2 of this act;

(2) the child custody determination sought to be registered has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under article 2 of this act; or

(3) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of section 8 of this act in the proceedings before the court that issued the order for which registration is sought.

e. If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

f. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter which could have been asserted at the time of registration.

#### 28. Enforcement of Registered Determination.

a. A court of this State may grant any relief normally available under the law of this State to enforce a registered child custody determination made by a court of another state.

b. A court of this State shall recognize and enforce, but may not modify, except in accordance with article 2 of this act, a registered child custody determination of another state.

#### 29. Simultaneous Proceedings.

If a proceeding for enforcement under this article has been or is commenced in a court of this State and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under article 2 of this act, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

#### 30. Expedited Enforcement of Child Custody Determination.

a. A petition under this article shall be verified. Certified copies of all orders sought to be enforced and of the order confirming registration, if any, shall be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

b. A petition for enforcement of a child custody determination shall state:

(1) whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;

(2) whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this act and, if so, identify the court, the case number, and the nature of the proceeding;

(3) whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court and the case number and the nature of the proceeding;

(4) the present physical address of the child and the respondent, if known; and

(5) whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought; and

(6) if the child custody determination has been registered and confirmed under section 27 of this act, the date and place of registration.

c. Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any orders necessary to ensure the safety of the parties and the child. The hearing shall be held on the next judicial day following service of process unless that date is impossible. In that event, the court shall hold the hearing on the first day possible. The court may extend the date of hearing at the request of the petitioner.

d. An order issued under subsection c. of this section shall state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under section 34 of this act, and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(1) the child custody determination has not been registered and confirmed under section 27 of this act, and that

(a) the issuing court did not have jurisdiction under article 2 of this act;

(b) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under article 2 of this act; or

(c) the respondent was entitled to notice, but notice was not given in accordance with the standards of section 8 in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under section 27 of this act, but has been vacated, stayed or modified by a court of a state having jurisdiction to do so under article 2 of this act or federal law.

### 31. Service of Petition and Order.

Except as otherwise provided in section 33 of this act, the petition and order shall be served, by any method authorized by the law of this State, upon respondent and any person who has physical custody of the child.

### 32. Hearing and Order.

a. Unless the court enters a temporary emergency order pursuant to section 16 of this act, upon a finding that a petitioner is entitled to the physical custody of the child immediately, the court shall order the child delivered to the petitioner unless the respondent establishes that:

(1) the child custody determination has not been registered and confirmed under section 27 of this act, and that

(a) the issuing court did not have jurisdiction under article 2 of this act;

(b) the child custody determination for which enforcement is sought has been vacated, stayed or modified by a court of a state having jurisdiction to do so under article 2 of this act or federal law; or

(c) the respondent was entitled to notice, but notice was not given in accordance with the standards of section 8 of this act in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under section 27 of this act, but has been vacated, stayed or modified by a court of a state having jurisdiction to do so under article 2 of this act or federal law.

b. The court shall award the fees, costs, and expenses authorized under section 34 of this act and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

c. If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

d. A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this article.

### 33. Warrant to Take Physical Custody of Child.

a. Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is likely to suffer serious imminent physical harm or removal from this State.

b. If the court, upon the testimony of the petitioner or other witness, finds that the child is likely to suffer serious imminent physical harm or be imminently removed from this State, it may issue a warrant to take physical custody of the child. The petition shall be heard on the next judicial day after the warrant is executed. The warrant shall include the statements required by subsection b. of section 30 of this act.

c. A warrant to take physical custody of a child shall:

(1) recite the facts upon which a conclusion of serious imminent physical harm or removal from the jurisdiction is based;

(2) direct law enforcement officers to take physical custody of the child immediately;

(3) provide for the placement of the child pending final relief.

d. The respondent shall be served with the petition, warrant and order immediately after the child is taken into physical custody.

e. A warrant to take physical custody of a child is enforceable throughout this State. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by the exigency of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

f. The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian. After the issuance of any temporary or permanent order determining custody or

visitation of a minor child, a law enforcement officer having reasonable cause to believe that a person is likely to flee the State with the child or otherwise by flight or concealment evade the jurisdiction of the courts of this State may take a child into protective custody and return the child to the parent having lawful custody, or to a court in which a custody hearing concerning the child is pending.

g. After the issuance of any temporary or permanent order determining custody or visitation of a minor child, a law enforcement officer having reasonable cause to believe that a person is likely to flee the State with the child or otherwise by flight or concealment evade the jurisdiction of the courts of this State may take a child into protective custody and deliver the child to a court in which a custody hearing concerning the child is pending.

#### 34. Costs, Fees and Expenses.

a. The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

b. The court may not assess fees, costs, or expenses against a state except as otherwise provided by law other than this act.

#### 35. Recognition and Enforcement.

A court of this State shall accord full faith and credit to an order made consistently with this act which enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court authorized to do so under article 2 of this act.

#### 36. Appeals.

An appeal may be taken from a final order in a proceeding under this article in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under section 16 of this act, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

37. Role of Prosecutor or Other Appropriate Public Official. a. In a case arising under this act or involving the Hague Convention on the Civil Aspects of International Child Abduction, the prosecutor or other appropriate public official may take any lawful action, including resort to a proceeding under this article or any other available civil proceeding to locate a child, obtain the return of a child, or enforce a child custody determination if there is:

- (1) an existing child custody determination;
- (2) a request from a court in a pending child custody case;
- (3) a reasonable belief that a criminal statute has been violated; or
- (4) a reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

b. A prosecutor or other appropriate public official acts on behalf of the court and may not represent any party to a child custody determination.

#### 38. Role of Law Enforcement.

At the request of a prosecutor or other appropriate public official acting under section 37 of this act, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist a prosecutor or other appropriate public official with responsibilities under section 37 of this act.

39. Costs and Expenses.

If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the prosecutor or other appropriate public official and law enforcement officers under section 37 or 38 of this act.

ARTICLE 4  
MISCELLANEOUS PROVISIONS

40. Application and Construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

41. Severability.

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

42. Transitional Provision.

A motion or other request for relief made in a child custody or enforcement proceeding which was commenced before the effective date of this act is governed by the law in effect at the time the motion or other request was made.

43. Notice of Penalties for Order Violation.

Every order of a court involving custody or visitation shall include a written notice, in both English and Spanish, advising the persons affected as to the penalties provided in N.J.S.2C:13-4 for violating that order.

44. Repealer.

The following are repealed:

The "Uniform Child Custody Jurisdiction Act," P.L.1979, c.124 (C.2A:34-28 et seq.); and sections 2 and 3 of P.L.1990, c.104 (C.2A:34-31.1 and 2A:34-31.2.)

45. Effective Date.

This act shall take effect on the 90th day after enactment.

## **Appendix VII**

# **Standards for Child Custody and Parenting Time Investigation**

## Family -- Standards for Child Custody and Parenting Time Investigation Reports

Directive #01-02  
Issued by:

April 2, 2002  
Richard J. Williams  
Administrative Director

Attached are the Standards for Child Custody and Parenting Time Investigation Reports that have been approved by the Supreme Court. Part of our ongoing standardization effort in the Family Division, these standards were recommended by the Conference of Family Presiding Judges and endorsed by the Judicial Council. This Directive is the formal promulgation document for these standards, which should be implemented as soon as possible following appropriate training for judges and court staff. The Family Presiding Judge in each vicinage will train that vicinage's Family judges in the appropriate use of the investigation reports prepared pursuant to these Standards. Vicinage staff will be trained by the Family Division in each vicinage in conjunction with AOC staff.

The standards were developed to provide statewide uniformity and clarity (1) as to the situations appropriate for ordering Custody and Parenting Time Investigation Reports and (2) as to the procedures for completing such reports. By selecting the appropriate report type, the court can obtain the information it needs to make well-informed custody and parenting time determinations. These standards also will foster efficient use of court staff and time, as the intention is to encourage judges to order only the specific information elements they need to make a sound decision.

### 1. Revision of Court Rule 5:8-1

As recommended by the Family Presiding Judges, the Supreme Court on September 17, 2001 revised Court Rule 5:8-1 to designate the Family Division as the authorized entity for conducting custody and parenting time investigations rather than "the county probation office." This change will allow any properly qualified Family Division staff member to complete a Custody or Parenting Time Investigation Report or Home Visit Report, rather than limiting those functions to Probation staff.

### 2. Use of Alternate Dispute Resolution in Custody and Parenting Time Cases

The approved standards emphasize the use of alternate or complementary dispute resolution as the initial "court event" for custody and parenting time disputes, whenever appropriate, as outlined in R. 1:40-5. The court rule mandates the use of complementary dispute resolution for most custody parenting time matters. Accordingly, all counties should be providing mediation services for such matters as the first alternative to a court hearing. Mediation services can include consent conferencing as well as formal mediation sessions. Selected cases may be excluded from mediation by court rule, statute, or judicial determination.

### **3. Choosing the Appropriate Report Type**

The standards provide the court with guidance in terms of matching the type of report ordered to the precise information needed by the court to make its determination. Before requesting any new report, however, the court should first consider any existing report that may already have been prepared by outside agencies such as DYFS, including psychological, psychiatric, and home investigation reports, if those existing reports can provide the court with the needed information and thus avoid unnecessary duplication of effort.

The standards categorize the types of reports that should be requested based on the needs of the particular case (see page 3 of the standards). With regard to psychological, psychiatric or mental health evaluations, the standards provide that "[j]udges should order such reports only after mediation has failed and only if there is a clear indication that there are psychological or psychiatric issues that point to the necessity for such evaluations. An exception would be when a judge determines that mediation should not be conducted before such an evaluation is completed." The standards also clarify the requisite qualifications for those conducting the visits, investigations or evaluation reports ordered by the court.

### **4. Confidentiality of Reports**

Child Custody and Parenting Time Investigation Reports generated by Family Division staff are not confidential. Any and all parts of the report must be shared with all parties who are subjects of the report. All parties should receive a copy of any report, but at the Judge's discretion subject to a protective order to help ensure the report's confidentiality. The contents of the report and its preparer are subject to challenges and cross examination pursuant to current procedures, rules and case law.

### **5. Form of Order**

The standards include a form of order that judges should use to order the specific type of Child Custody or Parenting Time Investigation Report needed in a particular case.

Any questions regarding these operational standards may be directed to the Administrative Office of the Courts, Family Practice Division, at (609) 984-4228.

## CHILD CUSTODY AND PARENTING TIME INVESTIGATION REPORTS

### Rule 5:8-1

The language in the Court Rule should be changed to authorize any qualified Family Division Staff to complete custody and parenting time investigation reports and that the designation of the county probation office be changed to the Family Division. This is consistent with the modification to court rules pertaining to Criminal Division and the conducting of the pre-sentence Investigations. The revised court rule would read:

#### *5:8-1: Investigation Before Award*

*In family actions where the court finds that the custody of children is a genuine and substantial issue the court shall refer the case to mediation in accordance with the provision of R.1:40-5. If the mediation is not successful in resolving custody issues, the court may, before final judgment or order, require an investigation to be made by the [county probation office] Family Division of the character and fitness of the parties, the economic condition of the family and the financial ability of the party to pay alimony or support or both. In other family actions the court may, if the public interest so requires, order such an investigation. The court may continue any family action for the purpose of such investigation, but shall not withhold the granting of any temporary relief by way of alimony or support or both under R. 5:7-2 where the circumstances require. Such investigation of the parties shall be conducted by the [probation office] Family Division of the county of venue, notwithstanding that one of the parties may live in another county, and the [probation office] Family Division shall file its report with the court no later than 45 days after its receipt of the judgment or order requiring the investigation, unless the court otherwise provides. Such investigation of the parties shall be conducted by the [probation office] county of the home state of the child, notwithstanding that one of the parties may live in another country or state.*

The court rule clearly supports alternate dispute resolution initiatives for custody/parenting time matters (excluding domestic violence). All counties should be providing mediation services as the first alternative to a court hearing. Mediation services can include consent conferencing as well as formal mediation sessions. When mediation fails, the court should be notified and made aware of any outstanding issues which requires judicial intervention (i.e., court ordered testing and evaluation of any kind). At this time the court determines the type of evaluation the case requires.

This revised rule authorizes Family Division staff to conduct custody investigations at the discretion of the court. Such investigations should provide information to the court to foster informed decisions regarding custody and shared parenting time between minor children and their parents when disputes arise. Requests for custody/parenting time investigations should be specific in nature and tailored to the immediate information needs of the court. Such requests should also be mindful of the qualifications of the personnel who will be completing the report. When the court requires assessments or investigations that address the psychological, psychiatric, or parental functioning capabilities of

parents, these assessments or investigations should be conducted only by qualified mental health professionals.

First and foremost, the safety of the child is the first consideration of the court. When the court becomes aware that DYFS is currently involved with the family, or recently closed a case (within the previous six months), the judge should be notified so that the required steps to include DYFS in the assessment of the family can be taken. When this occurs, the court makes efficient use of court staff and available resources by not duplicating DYFS efforts. DYFS has the ability to refer parties to any necessary mental health professionals and the court can order DYFS to submit any historical or current information that may assist the court in making a determination.

Custody/parenting time investigations can provide valuable ancillary information to the court for cases where the safety of the child is not in question, but conflicting information from the parties make it difficult to make a determination in the best interest of the child regarding custody/shared parenting time.

### **Custody/Shared Parenting Time Investigation Standards:**

These standards are designed to further categorize the case processing of custody/parenting time disputes that come to the attention of the court and to add specificity to reports ordered from the bench. Statewide uniform practice centers around Court Rule 5:8-1 which requires the court to refer cases to mediation. Therefore all cases involving custody/parenting time disputes, except those excluded by statute (i.e., domestic violence cases) or policy, should be referred to mediation, in its various forms (i.e., consent conference/structured mediation) prior to being scheduled before a judge unless the court determines otherwise. Providing parties with an opportunity to participate in an alternate dispute resolution session allows parties to resolve their dispute through agreement and efficiently uses court time.

If this initial attempt at resolving the dispute fails, the Consent Conference Facilitator or Mediator should inform the court that the parties could not resolve the matter and may provide the court with a list of the remaining outstanding issues as stated by the parties. The court can then determine to continue mediation or decide another course of action for the case. If the court determines that the case needs an evaluation, it should designate what evaluation type is appropriate for the case.

These reports are intended to provide the court with information concerning the statutory factors the court must consider in custody decisions affecting minor children, N.J.S.A. 9:2-4c, namely:

- The parties' ability to agree, communicate and cooperate in matters relating to children.
- The parties' willingness to accept custody.
- Any history of unwillingness to allow visitation not based upon substantiated abuse.
- The interaction and relationship of the child(ren) with the parties and siblings.
- The history of domestic violence, if any.
- The safety of the child(ren).
- The safety of either party from physical abuse by the other.
- The preference of the child(ren) when of sufficient age and capacity to reason and form an intelligent decision.
- The needs of the child.

- The stability of the home environment offered.
- The quality and continuity of the child(ren)'s education.
- The fitness of the parties.
- The geographic proximity of the parties' homes.
- The extent and quality of the time spent with the child(ren) prior to or subsequent to the separation.
- The parties' employment responsibilities.
- The age and number of children.

### **Types of Reports:**

**Type 1 Home Inspection Report** -This is a very specific observation driven and information gathering report limited to shared parenting time issues and questions the court needs answered. This can be a stand alone report or ordered in conjunction with other reports as the court deems necessary.

**Type 2 Social Investigation Report** -This report is reserved for cases with no recent history of DYFS involvement. A social investigation is an intensive information gathering process. The report should be based on observations and collateral contacts for verification of information regarding the social situation of both parties seeking custody. The information provided should assist the court in determining the long term best interest of the child(ren) in question. Conclusive evaluative judgments or recommendations pertaining to the psychological or emotional status and the parental functioning of the parties are to be made only by those licensed or certified professionals qualified to make such mental health judgments and recommendations (See Type 3). This may also be a stand-alone report if physical location has not been raised as a issue by the parties or the court.

**Type 3 Psychological, Psychiatric, or Parental Functioning Assessments, or Mental Health Evaluations** -These reports are ordered by the court when the court determines that such information is necessary to make a custody/shared parenting time determination. Only licensed or certified mental health professionals should conduct such assessments which should include definitive recommendations regarding the mental, emotional, or parental functioning status of the parties involved.

Judges should order such reports only after mediation has failed and only if

there is a clear indication that there are psychological or psychiatric issues that point to the necessity for such evaluations. An exception would be when a judge determines that mediation should not be conducted before such an evaluation is completed.

**Report Type**  
**Considerations/Options**

**DYFS Involved Cases**

Any case that has been involved with DYFS during the last six months should not be immediately referred for a new custody/parenting time Social Investigation. To avoid duplication of effort, the court should review the available DYFS records and contact DYFS staff if additional information is required and order their records for review. DYFS collects extensive information on families and has the available resources that cannot be duplicated without the court, or the parties, absorbing the cost of such services.

**Type 1      Home Inspection for Parenting Time**

This type of report should be ordered when the court needs a factual description of the home where the child will be visiting. This report should be limited to criminal record checks for both parties; a description of the home based on observations during a home visit by the Family Division staff, including child-appropriate safety precautions (e.g., smoke alarms, child safety locks, window guards, stair gates, etc.); number of household occupants and relationship to child; animals present (if there is a health issue for the child); sleeping quarters for the child; and child care and transportation arrangements (if applicable). Recommendations if any, should be limited to observations and answering the specific questions the court has requested. This report can be a stand-alone report if physical location is the only issue that needs to be addressed in the case.

**Type 2      Social Investigation for Custody Determination**

This type of report is appropriate when conflicting information regarding which parent can serve the long term best interest of the child is presented before the

court but the psychological fitness of both parties is not in question. This report should include criminal record checks for both parties; previous court involvement; summary of background statements given by plaintiff/defendants; time availability and financial status of both parties; collateral contacts from school (i.e., child study team, guidance counselor, attendance records, school report card, teacher); pediatrician's report; counseling reports of child, if appropriate & available; child care arrangements available to both parties; neighborhood safety issues; recreational outlets for children (appropriate toys or plans offered by both parties); home inspection to include all aspects of safety and space as stated in the visitation report; results of any drug and alcohol screening reports ordered by the court and a fact based interview with a child or children (6 years or over) about daily activities, types of activities shared with parents, and sibling relationships, should be routinely included in the report. If, during the course of the investigation, the interviewer concludes that the court may benefit from an interview with the child, that should be stated in the report with a suggested list of special areas of inquiry for the judge to explore during the judge's interview.

Note: At the discretion of the court, a home inspection report may be waived as part of the social investigation if the issue of physical location has not been raised by the parties, or the court determines it is not an issue in the case.

**Type 3      Psychological Reports, Psychiatric Assessments or, Parental Functioning Assessment Reports**

Such reports should be ordered when the court determines that a social investigation will not provide the information needed to make a custody or parenting time decision. These mental health determinations should be made only by licensed practitioners.

Judges should order such reports only after mediation has failed and only if there is a clear indication that there are psychological or psychiatric issues that point to the necessity for such evaluations. An exception would be when a judge determines that mediation should not be conducted before such an evaluation is completed.

**Form Order**

The conference of Family Presiding Judges has developed a form order (attached) that lists the

three types of investigations that can be conducted, allowing the judge to order the appropriate type of investigation. In addition, training will be provided to judges and staff at appropriate training programs to better inform judges and staff about the three types of investigation reports.

### **Confidentiality of Reports**

Child Custody and Parenting Time Investigation Reports generated by Family Division staff are not confidential. Any and all parts of the report must be shared with all parties who are subjects of the report. All parties should receive a copy of any report, but at the Judge's discretion subject to a protective order to help ensure the report's confidentiality. The contents of the report and its preparer are subject to challenges and cross examination pursuant to current procedures, rules and case law.

This provision does not in any way affect the distribution of privately purchased custody evaluations. Those reports are the property of the purchaser of the service and are subject to the prescribed rules of discovery and related evidentiary rules of court.

## **ATTACHMENTS TO DIRECTIVE # 01-02**

1. Reference Guide
2. Custody/Parenting Time Investigation Order
3. Home Inspection Report
4. Custody/Parenting Time Social Investigation Report
5. School Release Form
6. Medical Release Form

**Attachment 1: Reference Guide**

TYPE	PURPOSE	REPORT PERSONNEL
<p><b>TYPE 1</b> Home Inspection Report -This is a very specific observation driven and information gathering report limited to shared parenting time issues and questions the court needs answered.</p>	<p><b>Home Inspection for Shared Parenting Time</b> This type of report should be ordered when the court needs a factual description of the home where the child will be visiting. This report shall be limited to criminal record checks for both parties; description of the home based on observations during a home visit by Family Division Staff. <b>Can be a stand alone report.</b></p>	<p><b>FAMILY DIVISION STAFF</b></p>
<p><b>TYPE 2</b> Social Investigation Report-This report is reserved for cases with no recent history of DYFS involvement. A social investigation is an in depth information gathering process. The report should be based on observations and collateral contacts for verification of information regarding the social status of both parties seeking custody. The information provided should assist the court in determining the long term best interest of the child(ren) in question.</p>	<p><b>Social Investigation/Best Interest Report</b> These reports are appropriate when conflicting information regarding which parent can serve the long term best interest of the child is presented before the court. This report should include criminal record checks for both parties; previous court involvement; summary of background statements given by plaintiff/defendants; time availability and financial status of both parties; collateral contacts from school (i.e., child study team, guidance counselor, attendance records, school report card, teacher); Pediatrician report; counseling reports of child, ( if appropriate &amp; available); child care arrangement available to both parties; neighborhood safety issues; recreational outlets for children.</p>	<p><b>FAMILY DIVISION STAFF</b></p>

<p><b>TYPE 3</b>  <b>Psychological, Psychiatric, Parental Functioning Assessments, or Mental Health Evaluations-</b>These reports are ordered by the court when the court determines that such information is necessary to make a custody/Shared Parenting Time determination. Only qualified mental health professionals should conduct such assessments which should include definitive recommendations regarding the mental, emotional, or parental functioning status of the parties involved.</p>	<p><b>Psychological Reports, Psychiatric Assessments or, Parental Functioning Assessment Reports</b></p> <p>Such reports should be ordered when the court determines that a social investigation will not provide the information needed to make a Custody or Parenting Time decision. These mental health determinations should be made only by licensed or trained personnel.</p>	<p><b>Licensed/Certified Mental Health Professionals</b>  <b>(located within/outside the Judiciary)</b></p>
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**Attachment 2: Custody/Parenting Time Investigation Order**

**Superior Court of New Jersey, Chancery Division, Family Part  
CUSTODY/PARENTING TIME INVESTIGATION ORDER**

Plaintiff:	Defendant:	Docket No:
Plaintiff's Attorney:	Defendant's Attorney:	County:

Pursuant to a proceeding before the Superior Court, Chancery Division, Family Part on this day, it is ordered that  Plaintiff  Defendant  Third Party submit to a custody/parenting time investigation as prescribed by the court below:

Home Inspection Report ( addressing physical home accommodations, e.g., space, sleeping arrangements, safety precautions, etc.)

- Plaintiff's residence
- Defendant's residence
- Third Party residence (e.g., day care provider)

Social Investigation Report (Social functioning report of parents/guardians, criminal record checks, financial status, statements from parties, school reports, medical status of children (when appropriate), child interview, substance abuse reports ordered by the court, collateral contacts, etc.)

- Plaintiff
- Defendant
- Third Party : Name \_\_\_\_\_  
Address \_\_\_\_\_

Psychological, Psychiatric, or Parental Functioning Assessment and/or Substance Abuse Evaluations (Conducted by licensed/certified mental health professionals to determine psychological/mental fitness of parents/guardians).

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Plaintiff</li> <li><input type="checkbox"/> Defendant</li> <li><input type="checkbox"/> Third Party (Child, relative)</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Parental Functioning Assessment</li> <li><input type="checkbox"/> Psychological Assessment</li> <li><input type="checkbox"/> Psychiatric Assessment</li> <li><input type="checkbox"/> Substance Abuse Evaluation</li> </ul> |
|--|---|

So ORDERED by the Court:   _____, J.S.C.	Date: _____
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**Attachment 3: Home Inspection Report**

HOME INSPECTION REPORT

Date/Time: \_\_\_\_\_

Case Name(s): \_\_\_\_\_

Docket Number(s): \_\_\_\_\_

Party Visited: \_\_\_\_\_

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

NAMES AND RELATIONSHIPS OF PERSONS PRESENTLY RESIDING IN THE HOME

Name:

Relationship:

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

(use additional sheet if necessary)

Type of Neighborhood: Urban \_\_\_\_\_ Apt. Complex \_\_\_\_\_ Rural \_\_\_\_\_ Other \_\_\_\_\_

Length of Residency: \_\_\_\_\_ Rent \_\_\_\_\_ Own \_\_\_\_\_

Exterior Condition of Home/Apt: \_\_\_\_\_  
\_\_\_\_\_

Number of Rooms: \_\_\_\_\_ Bedrooms: \_\_\_\_\_ Bath(s): \_\_\_\_\_

Sleeping Arrangements: \_\_\_\_\_  
\_\_\_\_\_

Adequate Cooking and Eating Facilities: Yes \_\_\_\_\_ No \_\_\_\_\_ (if no, explain)

Adequate Facilities ( bedrooms, bathrooms, living space) for Number of Persons in the Home?

Yes \_\_\_\_\_ No \_\_\_\_\_ (if no, explain)

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

**HOME INSPECTION REPORT** (continued)

Basement: Yes \_\_\_ No \_\_\_      Garage: Yes \_\_\_ No \_\_\_

Backyard: Yes \_\_\_ (if yes, describe condition)      No \_\_\_

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Appropriate Heat/Ventilation      Yes \_\_\_      No \_\_\_

Adequate Water and Working Plumbing: Yes \_\_\_      No \_\_\_

Smoke Detectors:      Yes \_\_\_      No \_\_\_

Window Guards (if appropriate) Yes \_\_\_      No \_\_\_      N/A \_\_\_

Hazardous Items Appropriately Secured: Yes \_\_\_      No \_\_\_ (if no, explain)

Adequate Furnishings: Yes \_\_\_      No \_\_\_

Facilities in Good Working Condition? Yes \_\_\_      No \_\_\_ (if no, explain)

Condition of Housekeeping in Relation to Safety of Child(ren)

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Number & Types of Pets:

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Additional Comments/Problem Areas:

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Submitted By:

Date:

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Signature

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Name & Title (typed or printed)

**Attachment 4: Custody/Parenting Time Social Investigation Report**

**CUSTODY/PARENTING TIME SOCIAL INVESTIGATION REPORT**

Case Name:		Docket #:	
Date Ordered:		Court Date:	
Judge:		Report Type:	
Plaintiff's Attorney:		Defendant's Attorney:	
Attorney's phone #:		Attorney's phone #:	
Name(s) of Child(ren)	Date(s) of Birth	Age(s)	Residence

**PARTY PROFILE**

Plaintiff	Defendant
Name(s):	Name(s):
Relationship to child:	Relationship to child:
D.O.B.	D.O.B.
Birth Place:	Birth Place:
S.S. #:	S.S. #:
Address:	Address:
Phone:	Phone:
# of People in Household:	# of people in Household:

Description of Residence:	Description of Residence:
<b>PARTY PROFILE CONTINUED</b>	
Education:	Education:
Employer:	Employer:
Additional Income:	Additional Income:
Number of Children Living at Residence:	Number of Children Living at Residence:
Health Status:	Health Status:
Substance Abuse:	Substance Abuse:
Arrest History:	Arrest History:

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**PREFACE: (Overview of case and case history) (17 lines)**

- 1. Previous court actions/investigations on involved children and any decisions made. (If no decision yet, include last recommendation made.)**
- 2. Description of family unit and children.**
- 3. Brief description of reasons for family break-up.**
- 4. Who is requesting custody/visitation, and reasons. (Briefly summarize.)**

---

**PLAINTIFF'S & DEFENDANTS ACCOUNT OF SOCIAL HISTORY: (17 lines each)**

1. Provide plaintiff's or defendant's account. Do not use "stated, claimed", etc., as heading already notes such. However, to avoid choppiness or ambiguity of source, an occasional "Mr./Mrs. Jones said" is acceptable.
2. List in sequence: education, employment (enough to demonstrate present status and earning power and potential), financial health, community ties, prior records, statement of other significant relationships (new spouse, etc.), current situation.
3. Home visit - include date, physical description (number of bedrooms, living room, kitchen, etc.), housekeeping standards and atmosphere. Also, names of all people living in home and their relationship to the children.
4. If another county/state agency is investigating one of the parties, note under appropriate heading the name of the investigating authority and whether report is attached or awaited. Also, note here any information from other investigating authority.
5. Use the following codes to indicate if the information contained in these sections have been verified:

V - verified  
UV - unable  
AV - awaiting verification

---

**PLAINTIFF'S & DEFENDANT'S SOCIAL HISTORY AS IT RELATES TO THE CHILD(REN)  
INVOLVED : (50-60 lines each )**

This section should not be centered around why either parent feels the other is an unacceptable parent, although this must be included. Positives, such as examples of their own parenting skills (past and present) must be included, or their absence noted, including:

1. Plans for child care if working (baby-sitters, day care, etc.);.
2. How they feel they relate to children (use examples);.
3. Details of care for any physical, emotional problems, educational needs, recreational needs, ordinary emotional needs.

If there are specific charges involving the welfare of the child, get examples and statements of witnesses, if possible; also, what parent did about any abuse (called police, DYFS, took to doctor, etc.). Also, check how they would react to joint custody or visitation (overnight or for the day); any problems with present arrangements; are their plans realistic, well thought out; are they willing to ensure the other parent has the chance for a good relationship with the child.

It is here that you would describe in greater detail the reasons for any marital/family breakup, whenever it relates to the welfare of the child or children.

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**STATUS AND STATEMENTS OF CHILDREN: (50 - 60 lines)**

If more than one child, list information regarding each child separately, beginning each child's portion with the name underlined, e.g., Mary Jones, age 13 is . . .

Include general statement as to scholastic adjustment, health, any employment, religion, etc.

Describe child's room, clothing, toys, games, emotional status (both the apparent, and any described by medical authority), attitude towards other family members.

Discuss child's perception of each parent, both positive and negative, with specific examples. Don't be vague.

Note child/parent interaction whenever both can be seen together.

List Special Areas of Inquiry for the Judge. If none, write "none".

---

**ADDITIONAL CONTACTS: (50 - 60 lines)**

Interviews with significant others (new spouse, other adults living in the home, baby-sitters, etc.).

Schools (include school reports), counseling treatment if unable to place in social history, i.e., DYFS , Probation records.

**Submitted By:**

**Date:**

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Signature

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Name & Title (typed or printed)

**Attachment 5: School Release/Report Form**

**SCHOOL RELEASE FORM**

**PERMISSION TO RELEASE INFORMATION**

_____	_____
Name of Child	Date of Birth
_____	_____
Address	Grade
_____	_____
School/Institution	School Address

**TO WHOM IT MAY CONCERN:**

I hereby grant permission to the \_\_\_\_\_ [name of institution] to furnish records of any physical or mental examination and/or social investigation or history concerning the above named child and/or his/her family, to the \_\_\_\_\_ County Superior Court, Family Division.

A reproduction of this authorization shall be considered as effective and valid as the original.

This authorization shall become invalid one year from the date signed.

Signed: \_\_\_\_\_ Relationship: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

**TO SCHOOL OFFICIALS:**

For High School Students - Please attach a copy of the student's transcript, current report card, test record, attendance record, and when applicable, special services report.

For All Other Students - Please attach a copy of the student's current report card (other appropriate report cards, if available, test records, and attendance records.

For All Students -Please complete attached questionnaire.

## School Report

Name of School \_\_\_\_\_

Name of Child \_\_\_\_\_

1. Does this student seem to be performing at his or her level of academic ability?

YES

NO

(Explain)

2. Has this student's behavior in school resulted in disciplinary action by the administration?

Yes

No

(If yes, explain)

(If the student was suspended, describe behaviors, indicate number of times and identify infractions)

3. Has this student been referred to Special Services? Yes No

(If yes, list name and phone number of caseworker and we will seek additional information from our Special Services/Child Study Team)

4. Does this student have any health factors (physical or emotional) of which the court should be aware? Yes No (If yes, explain)

5. Describe how the student relates with his or her peers. If there is any exceptional behavior, please explain.

7. REMARKS: (Please make any additional remarks in this section)

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_

**Attachment 6: Medical Release Form**

**MEDICAL RELEASE FORM**

**PERMISSION TO RELEASE MEDICAL INFORMATION**

\_\_\_\_\_  
Name of Child

\_\_\_\_\_  
Provider/Institution

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Address

**TO WHOM IT MAY CONCERN:**

I hereby grant permission to the \_\_\_\_\_ [health care provider, institution, or public entity] to furnish any physical or mental examination records and/or social investigation or history records concerning the above named child and/or his/her family to the \_\_\_\_\_ County Superior Court, Family Division.

A reproduction of this authorization shall be considered as effective and valid as the original.

This authorization shall become invalid one year from the date signed.

Signed: \_\_\_\_\_ Relationship: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

**TO HEALTH CARE PROVIDER:**

Please provide a brief summary of medical/treatment history of the child named above.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

# **NON - DISSOLUTION OPERATIONS MANUAL**

Appendix VIII (Revised December 2007)

1. Directive #9-07 and Forms

ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY

PHILIP S. CARCHMAN, J.A.D.  
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS



RICHARD J. HUGHES JUSTICE COMPLEX  
P.O. Box 037  
TRENTON, NEW JERSEY 08625-0037

**DIRECTIVE # 9-07**  
**Supersedes Directive # 7-02**

[Questions or comments may be  
addressed to (609) 984-0066]

**TO:** Assignment Judges  
Family Presiding Judges  
Trial Court Administrators  
Family Division Managers

**FROM:** Philip S. Carchman, J.A.D.

**SUBJECT:** Family/Updated Procedures for Filing and Enforcement of Out-of-State ("Foreign") Custody/Parenting/Visitation Orders

**DATE:** September 28, 2007

---

This superseding Directive, approved by the Supreme Court on September 24, 2007, updates the filing and enforcement procedures for out-of-state custody/parenting time/visitation orders pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"), N.J.S.A. 2A:34-53 to -95.

The superseded Directive – Directive # 7-02 – outlined procedures for filing and enforcement of such orders under Uniform Child Custody Jurisdiction Act ("UCCJA"). The UCCJA, adopted in 1979, was intended to avoid jurisdictional competition and conflict between states in child custody matters. Its primary goal was to ensure that custody litigation occurred in the place where the child and her/his family had the closest connection and required the clerks of state courts to maintain a registry of certified copies of out-of-state custody determinations.

In 2004 New Jersey adopted the UCCJEA, superseding the UCCJA. This new act provides clearer standards for states to exercise original jurisdiction over a child custody dispute, provides standards for continuing jurisdiction, and clarifies the determination of jurisdiction for modification of custody decrees. Based on a model developed by the National Conference of Commissioners on Uniform Commissioners on Uniform State Laws, the New Jersey UCCJEA is an effective tool for determining in each particular case which state court has jurisdiction to make child custody determinations. The UCCJEA defines a "child custody determination" as a judgment, decree or other order of a court providing for the legal custody, physical custody or visitation but does not include

provisions relating to child support or other monetary obligations of an individual. Like its predecessor statute, the UCCJEA is intended to avoid jurisdictional competition and to promote cooperation among the state courts in the handling of child custody determinations and requires the clerks of state courts to maintain a registry of certified copies of custody determinations of other states.

Under the UCCJEA, New Jersey courts have a duty to enforce out-of-state custody/parenting time/visitation orders. N.J.S.A. 2A:34-77a. Pursuant to N.J.S.A. 2A:34-79, an out-of-state custody/parenting time/visitation order may be registered in New Jersey either with or without a simultaneous request for enforcement. See Section I.B. of the attached procedures. New Jersey courts have the authority to enforce a registered out-of-state custody/parenting time/visitation order pursuant to N.J.S.A. 2A:34-80 and must accord full faith and credit to an order made consistent with the UCCJEA that enforces an out-of-state custody/parenting time/visitation order. N.J.S.A. 2A:34-87.

The UCCJEA also was intended to clarify various ambiguities in and omissions from the previous statute. One significant statutory change provides that priority shall be given to the home state. N.J.S.A. 2A:34-65. Further, under the UCCJEA, once a New Jersey court has made a child custody determination, New Jersey has exclusive, continuing jurisdiction over the determination until specific contrary determinations are made by the court.

Under the prior statute, when a party registered a custody determination, there was no requirement that notice of such registration be given to the non-registering party. The UCCJEA now requires such notice of registration, with the non-registering party to be given the opportunity to request a hearing to contest the validity of the registered determination. Additionally, the UCCJEA allows for the issuance of a warrant to take physical custody of a child if there is an imminent likelihood that the child either would be removed from the state or would suffer serious physical harm. N.J.S.A. 2A:34-85. The UCCJEA, through its temporary emergency jurisdiction provisions, stresses the importance of protecting victims of abuse and their children. N.J.S.A. 2A:34-68.

Key revisions in the UCCJEA to the procedures for filing and enforcing out-of-state custody/parenting/visitation orders are summarized as follows:

#### Filing

- A notice of registration must now be provided to the non-registering person. Section I.D of the attached procedures details the contents of that notice.
- Detailed information on Hearings to Contest the Validity of a registered out-of-state child custody determination is in Section I.E.

### Enforcement

- the UCCJEA provides that a person seeking enforcement of an out-of-state custody/visitation/parenting time order may apply for a warrant to take physical custody of a child if the child is likely to suffer serious imminent physical harm or removal from New Jersey. See Section II.C of the attached procedures.

The Supreme Court previously authorized the Clerk of the Superior Court to delegate the responsibility for filing out-of-state custody/parenting time/visitation orders to the Family Division Managers in the vicinages in order to facilitate the filing and enforcement process. The procedures promulgated by this superseding directive continue to allow each vicinage to accept out-of-state custody/parenting time/visitation orders presented for filing and/or enforcement and provide guidance to the vicinages in that regard.

Questions or comments concerning these revisions to these procedures may be addressed to Assistant Director Harry T. Cassidy at 609-984-4228 or Chief Geraldine Washington at 609-984-0066.

P.S.C.

Attachment: Procedures for Filing and Enforcement of Out-of-State ("Foreign")  
Custody/Parenting Time/Visitation Orders

cc: Chief Justice Stuart Rabner  
Family Presiding Judges  
Theodore J. Fetter, Deputy Administrative Director and Acting Clerk of the Superior Court  
AOC Directors and Assistant Directors  
Geraldine Washington, Chief  
Gina G. Bellucci, Esq. Family Practice Division  
Francis W. Hoeber, Special Assistant  
Steven D. Bonville, Special Assistant

**Procedures for Filing and Enforcement of  
Out-of-State (“Foreign”) Custody/Parenting Time/Visitation Orders**

Pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”)

**I. Registration of Out-of-State Custody/Parenting Time/Visitation Orders**

**A. Local Filing for Entry on Registry**

To facilitate the filing and enforcement process for out-of-state custody orders, the Supreme Court has authorized the Clerk of the Superior Court to delegate the responsibility for recording out-of-state custody, parenting time, and visitation orders to the Family Division Manager in the county of venue as designee of the Deputy Clerk of the Superior Court (the Trial Court Administrator). The out-of-state custody order registry will be maintained on the Family Automated Case Tracking System (FACTS). The following procedures thus allow each vicinage to accept out-of-state custody/parenting time/visitation orders presented for filing and/or enforcement and provide guidance to the vicinages in that regard.

**B. Required Documentation for Registration**

Pursuant to N.J.S.A. 2A:34-79, any person seeking to file an out-of-state custody, parenting time, or visitation order for inclusion on the registry may do so by filing with the appropriate county of venue all of the following:

- (1) A written request to file the out-of-state order.
- (2) Two copies of the out-of-state order, at least one of which must be certified, and a certified statement that the order is authentic and has not been modified, vacated, stayed or otherwise altered. (See Appendix A, Certification form.)
- (3) The name and address of the person seeking to have the order entered in the registry and the name and address of any other parent or person acting as a parent who has been awarded custody/parenting time/visitation. (See Appendix A.)
- (4) A \$5.00 filing fee (N.J.S.A. 22A:2-20).

**C. Establishment of Case File and Entry onto Registry**

Upon receipt of the required documentation indicated in Section I. B., above, Family Division staff:

- (1) shall docket the out-of-state order in FACTS under the FD docket as a "registration of a out-of-state order" and create a court jacket. All related documentation or communications pertaining to that matter will be kept in that file. The \$5.00 filing fee shall be collected by the Vicinage Finance Division pursuant to the vicinage's procedures for collection of fees.
- (2) shall cause notice to be served upon the persons named in paragraph B.(3) above and provide them with an opportunity to contest the registration in accordance with sections I. D & E below.

**D. Notice of Registration to the Non-Registering Person (s)**

See Appendix F for a sample Notice of Registration

The Notice required by Section C. 2 above shall state that:

- (1) a registered out-of-state custody/visitation/parenting time order is enforceable as of the date of the registration in the same manner as a determination issued by a court of New Jersey;
- (2) a hearing to contest the validity of the registered custody or visitation/parenting time order shall be requested 20 days after service of notice; and
- (3) failure to contest the registration will result in confirmation of the custody/visitation/parenting time order and preclude further contest of that determination with respect to any matter that could have been asserted. See N.J.S.A. 2A:34-79.

**E. Hearing to Contest the Validity of a Registered Out-of-State Custody or Visitation/Parenting Time Order**

- (1) A person seeking to contest the validity of a registered out-of-state custody or visitation/parenting time order shall request a hearing, in writing, within 20 days after service of the notice required pursuant to Section 1. D. above. N.J.S.A. 2A:34-79.
- (2) At the hearing, the court shall confirm the registered custody or visitation/parenting time order unless the person contesting registration establishes that:
  - a. the issuing court did not have jurisdiction under article 2 of the UCCJEA;
  - b. the out-of-state custody or visitation/parenting time order sought to be

registered has been vacated, stayed or modified;

- c. the person contesting registration was entitled to notice but was not given notice in accordance with the UCCJEA in the proceedings before the court that issued the order for which registration is sought. N.J.S.A. 2A:34-79d(3).

**F. Confirmation of Registration of Out-of-State Custody/Parenting Time/Visitation Orders**

- (1) If a timely request for a hearing to contest the validity of registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation. N.J.S.A. 2A:34-79.
- (2) Confirmation of a registered order, whether by operation of law or after notice and hearing precludes further contest of the order with respect to any matter which could have been asserted at the time of registration. N.J.S.A. 2A:34-79.

**II. Enforcement of Out-of-State Custody/Parenting Time/Visitation Orders**

**A. Procedures for Emergent Applications for Enforcement**

Any person seeking enforcement of an out-of-state custody, parenting time, or visitation order on an emergent basis must make application by way of an order to show cause in the county in which that order was filed and registered as set forth in Section I above.

If, however, the order has not been previously filed and entered onto the registry, the person seeking enforcement must make the application for enforcement in the appropriate county of venue and, at that time, also request that the order be filed for entry on the registry.

The procedures are as follows:

- (1) If the order has not previously been filed for entry on the registry, the procedures set forth above under Section I-B must be followed.
- (2) A proposed Order to Show Cause to Enforce Out-of-State Custody/Visitation/Parenting Time Order must be submitted. (See Appendix B for the form of order.)
- (3) A certified copy of the court order for which enforcement is sought and any other documentation pertinent to the matter before the court must be

submitted, including, but not limited to, a certified copy of any order that confirms registration of the order sought to be enforced.

- (4) A Certification (see Appendix C for the form of certification) must be submitted containing the following information pursuant to N.J.S.A. 2A:34-82b:
- a. Whether the court that issued the order for which enforcement is sought identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was.
  - b. Whether the order to be enforced has been vacated, stayed, or modified by the court that issued the order or by another court in a subsequent order and, if so, identify the court, case number and nature of the proceedings.
  - c. Whether there currently is a proceeding in another court that may affect this proceeding, including any proceedings relating to domestic violence, other protective orders, termination of parental rights, abuse and neglect, or adoptions. For any such other proceedings, the name of the court and case number and the nature of the proceeding must be provided.
  - d. The present address of the child and the party against whom the order is being enforced, including the present location if different from the address. If the party's address must be kept confidential due to a domestic violence restraining order or other protective order, that fact must be so indicated.
  - e. A clear statement of any other relief being sought in addition to the immediate physical custody of the child, such as attorney fees and requests for assistance by law enforcement officials.
  - f. Whether the out-of-state custody order to be filed and/or enforced has been previously filed for entry on the New Jersey registry. If this or any other prior order has been previously registered in New Jersey, the date and place of such entry must be provided and the party must indicate whether that order is the subject of the application for enforcement.
- (5) Upon receipt of the order to show cause, Family Division staff shall to check FACTS to see whether the order was filed previously. If not, the case should be docketed under the FD docket as a "registration of a out-of-state order." If, however, the order was filed previously, the existing docket number is to

be utilized and all subsequent proceedings should take place in the county in which the order was originally filed, unless venue is transferred to another county pursuant to court order. Family Division Staff must attempt to verify that the order is authentic and has not been modified, vacated, or stayed by contacting the out-of-state court by telephone or by fax. Family Division Staff should also inquire as to whether there are any other relevant proceedings of which the foreign/out-of-state court is aware. Family Division staff shall place in the court jacket written documentation of the steps taken to verify the order (see Appendix D for the documentation form) and forward the case to a judge for emergent review.

- (6) After review of the submitted material, the UCCJEA provides that the court “shall” issue an order directing the respondent to appear in person at an emergent hearing, with or without the child, and may enter any other order necessary to ensure the safety of the child and the parties. N.J.S.A. 2A:34-82c.
- (7) The case shall be scheduled to be heard during regular court hours on the next court business day after service of the order and/or petition or as soon thereafter as possible, as determined by the court. Family Division staff shall schedule the hearing on FACTS.
- (8) The court may direct the moving party to serve the signed order to show cause on the other party by any method authorized by statute and the Rules of Court. The order to show cause will set forth the return date and time for appearance of the parties.
- (9) An order issued directing respondent to appear at the emergent hearing shall advise the respondent that at the hearing the court may order that the petitioner take immediate physical custody of the child and be awarded costs and fees unless respondent appears and establishes that
  - a. the order has not been registered and confirmed; and
  - b. the order sought to be enforced should not be enforced.
- (10) The court shall hear the case on the scheduled return date and issue a final order in accordance with the UCCJEA and other laws of the State of New Jersey (see Appendix E for the form of final order). A copy of the final order shall be distributed to all affected parties and to the out-of-state court.

**B. Procedures for Non-Emergent Applications for Enforcement**

If the enforcement application is not emergent, the procedures set forth in Section II-A above shall be followed except that the application will be by way of notice of motion pursuant to Rule 5:5-4, rather than by order to show cause.

**C. Warrant to Take Physical Custody of the Child**

(1) Pursuant to NJSA 2A:34 -85, a person seeking enforcement of an out-of-state custody/parenting time/visitation order may apply for the issuance of a warrant to take physical custody of the child if the child is likely to suffer serious imminent physical harm or be removed from New Jersey.

(2) Pursuant to N.J.S.A. 2A:34-85b, the Court may issue a warrant directing law enforcement officers to take physical custody of the child if it finds that the child is likely to suffer serious imminent physical harm or be removed from New Jersey. The warrant shall comport with the statements required in Section II.A (4) above (N.J.S.A. 2A:34-82 criteria).

**D. Involvement of Prosecutors Or Other Appropriate Public Officials**

N.J.S.A. 2A:34-89 and N.J.S.A. 2A:34-90 authorize prosecutors and other appropriate public officials to take lawful action to locate a child, obtain the return of a child, or enforce a custody/parenting time/visitation order under certain circumstances.

**APPENDIX A (revised 02/07)**

**CERTIFICATION OF  
OUT-OF-STATE CUSTODY/VISITATION/PARENTING TIME ORDER  
FILING FOR ENTRY ON REGISTRY ONLY**

TO BE COMPLETED BY REGISTRANT

Plaintiff's Name:

\_\_\_\_\_

Defendant's Name:

Address:

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

Address:

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

Date of Order:

\_\_\_\_\_

Expiration Date (if applicable):

\_\_\_\_\_

Issuing State:

\_\_\_\_\_

County/City of Venue:

\_\_\_\_\_

Issuing Court Docket/Case  
Number:

\_\_\_\_\_

Issuing Court Phone Number:

\_\_\_\_\_

Name and address of any other parent or person acting as parent who has been awarded custody, visitation and/or parenting time:

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

**CERTIFICATION:**

I \_\_\_\_\_ certify that to the best of my knowledge the above identified Order presented to the New Jersey Superior Court, Chancery Division, Family Part, County of \_\_\_\_\_ represents a true copy of the original Order issued by \_\_\_\_\_ (location of jurisdiction/venue) on \_\_\_\_\_ date. This Order represents the last Order issued in this matter and has not be vacated, stayed, or modified to the best of my knowledge.

I certify that the foregoing statements made by me are true. I am aware that if any statements made by me are willfully false I am subject to punishment.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



o'clock in the \_\_\_\_\_, or as soon thereafter as counsel/litigant may be heard, as to why an order should not be entered as follows:

It is further ORDERED that:

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\_\_\_\_\_  
J.S.C.

The opposing party was/was not (circle one) given Notice prior to entry of this Order to Show Cause.

If Notice was given, it was by: (a) telephone, (b) in person, (c) written (circle one).

**THIS ORDER IS FOR ENFORCEMENT OF AN OUT-OF-STATE CUSTODY/VISITATION/PARENTING TIME ORDER ONLY. THIS COURT HAS NOT ASSUMED JURISDICTION OF THIS CASE.**

**Appendix C (revised 02/07)**

**CERTIFICATION OF  
OUT-OF-STATE CUSTODY/VISITATION/PARENTING TIME ORDER  
(FOR FILING WHEN REQUESTING ENFORCEMENT)**

**TO BE COMPLETED BY REGISTRANT**

**Plaintiff's Name:**

\_\_\_\_\_

**Address:**

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

**Date of Order:**

\_\_\_\_\_

**Issuing State:**

\_\_\_\_\_

**Issuing Court Docket/Case  
Number:**

\_\_\_\_\_

**Case Type:**

\_\_\_\_\_

**Defendant's Name:**

\_\_\_\_\_

**Address:**

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

**Expiration Date (if applicable):**

\_\_\_\_\_

**County/City of Venue:**

\_\_\_\_\_

**Issuing Court Phone Number:**

\_\_\_\_\_

1. Did the issuing court identify the jurisdictional basis it relied upon in exercising jurisdiction? Yes/No (circle one). If so, what was the basis? \_\_\_\_\_

\_\_\_\_\_

2. Has the order that you are seeking to enforce been vacated, stayed or modified? Yes/No (circle one). If so, give name of the case, docket number, location of proceeding (state/county), and type of proceeding.

\_\_\_\_\_

3. Are there any other proceedings in any other court that may affect this proceeding? Yes/No (circle one). If so, give name of the case, docket number, location of proceeding (state/county), and type of proceeding.

\_\_\_\_\_

4 (a) Is the address at which the children who are the subject of the out-of-state order are located confidential pursuant to a domestic violence restraining order or other protective order? Yes/No (circle one). If yes, provide the jurisdiction, date and other details about the order.

\_\_\_\_\_

(b) At what address are the child(ren) who are the subject of the out-of-state order presently located and what is their permanent address, if different from their present location?

\_\_\_\_\_

5. At what address is the adverse party presently located and what is his or her permanent address, if different from his or her present location?

\_\_\_\_\_

6. Was this out-of-state order that you are now seeking to enforce previously registered in New Jersey? If so, indicate the date and place (county) of such previous registration.

\_\_\_\_\_

7. Were any other custody/visitation time/parenting orders involving you, the other party

listed above or the child(ren) ever registered in New Jersey? If so, indicate the date and place (county) of such previous registration.

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8. Please indicate any other requests you are making to the court in addition to the immediate custody of the child(ren).

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9. Please indicate any facts of your case that you want to bring to the attention of the court.

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**CERTIFICATION:**

I \_\_\_\_\_ certify that representations made herein are accurate to the best of my knowledge and that the above identified order presented to the New Jersey Superior Court, Chancery Division, Family Part, County of \_\_\_\_\_ represents a true copy of the original order issued by \_\_\_\_\_ (location of jurisdiction/venue) on \_\_\_\_\_ date. This order represents the last order issued in this matter and has not been vacated or modified to the best of my knowledge.

I certify that the foregoing statements made by me are true. I am aware that if any statements made by me are willfully false I am subject to punishment.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX D**

**Documentation of Steps Taken to Verify Out-of-State Order**

**To be completed by Family Division Staff:**

Staff member name:

Date Order presented for registration/enforcement:

Date case established on FACTS:

New Jersey Docket No.:

Name, address and telephone number of out-of-state court:

Name of contact person from out-of-state court:

Date order verified by phone:

Date received faxed/original copy of certified court order from other state:

Other pending proceedings, if applicable (include case name(s); docket number(s); location(s)--  
state and county; and type of proceeding) \_\_\_\_\_

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



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\_\_\_\_\_  
J.S.C.

**THIS ORDER IS FOR ENFORCEMENT OF AN OUT-OF-STATE  
CUSTODY/VISITATION/PARENTING ORDER ONLY. THIS COURT HAS NOT  
ASSUMED JURISDICTION OF THIS CASE.**

Superior Court of New Jersey  
Chancery Division, Family Part  
County of \_\_\_\_\_

Plaintiff's Name

\_\_\_\_\_

vs.

NOTICE OF  
REGISTRATION OF OUT-  
OF-STATE CUSTODY  
ORDER

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

Defendant's Name

\_\_\_\_\_

Dear Parent/Person Acting as Parent:

PLEASE BE ADVISED that an Order in the above captioned matter was presented to the New Jersey Superior Court, Chancery Division, Family Part, County of \_\_\_\_\_ for inclusion on the New Jersey out-of-state custody order registry.

Please be further advised a registered foreign custody/visitation/parenting time order is enforceable as of the date of the registration in the same manner as a determination issued by a court of New Jersey.

IF YOU WISH TO REQUEST A HEARING TO CONTEST THE VALIDITY of the registered custody/ visitation/parenting time, YOU MUST DO SO, IN WRITING, WITHIN 20 DAYS after you are served with this Notice. Failure to contest the registration within 20 days after you are served with this Notice will result in confirmation of the custody/ visitation/parenting time order and preclude further contest of that determination with respect to any matter that could have been asserted.

Questions about this Notice?

Contact \_\_\_\_\_ at \_\_\_\_\_

Dated:

\_\_\_\_\_  
Name, Family Division Staff

# NON - DISSOLUTION OPERATIONS MANUAL

## Appendix IX (Added December 2007)

### Direct Pay Conversion Forms

- CN: 11181 – Certification for Support Order to be Administered Through Probation Division
- CN: 11175 – Request for Monitoring Only
- CN: 11178 – Notice to Oblige/Obligor of Support Order to be Administered Through Probation and Payments to be Made to New Jersey Family Support Payment Center
- CN: 11179 – Certification in Support of Attached Notice to Oblige/Obligor of Support Order to be Administered Through the Probation Division
- CN: 11180 – Certification to Reconstitute Child Support Services

\_\_\_\_\_  
 Obligee     Obligor

vs.

\_\_\_\_\_  
 Obligee     Obligor

**Certification for Support Order  
to Be Administered  
Through Probation Division**

I, \_\_\_\_\_, of full age, being duly sworn according to law upon  
\_\_\_\_\_ oath deposes and says:

1. I am the  Obligee     Obligor in the above-captioned matter and on the \_\_\_\_\_ day of \_\_\_\_\_, the \_\_\_\_\_ Court of \_\_\_\_\_ County entered an order/judgment in the referenced matter which has not been amended or changed. (You must attach a copy of the most recent order).
2. Said order provided for the payment of \$\_\_\_\_\_ per \_\_\_\_\_ for the support and maintenance of spouse and \$\_\_\_\_\_ per \_\_\_\_\_ for children for the total of \$\_\_\_\_\_ per \_\_\_\_\_, said payments to be made directly  to me     by me.
3. Since the entry of the order a total of \$\_\_\_\_\_ was paid  to me     by me leaving a balance due of \$\_\_\_\_\_ as of \_\_\_\_\_ day of \_\_\_\_\_.
4. I am requesting that an order be entered requiring that all further payments be administered through the Probation Division and payments made to the NJ Family Support Center by income withholding.
5. The obligor presently is employed by or receiving income from \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. The obligor resides at \_\_\_\_\_.

I certify that the foregoing statements made by me are true. I am aware that if any foregoing statements made by me are false, I am subject to punishment.

\_\_\_\_\_  
 Obligee     Obligor

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

## Request for Monitoring Only

I \_\_\_\_\_ have been advised of my rights to apply for child support services under Title IV-D of the Child Support Enforcement Services. I understand that as a Title IV-D client, I am entitled to full services for the enforcement of my case. I understand that there is a one-time application fee of \$6.

If I choose not to apply for Title IV-D services, I have also been advised that I may request that the Probation Department monitor my payments but take no action. I understand that there is an annual fee of \$25 for this service.

- I have applied for services under Title IV-D.
- I do not wish to apply for Title IV-D services, and wish only monitoring services.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
 Obligee /  Obligor  
(check one)

Superior Court of New Jersey  
Chancery Division – Family Part  
County of \_\_\_\_\_  
Docket No. \_\_\_\_\_  
CS # \_\_\_\_\_

\_\_\_\_\_  
 Obligea     Obligor

vs.

\_\_\_\_\_  
 Obligea     Obligor

**Family Action**

**Notice to Obligea/Obligor of Support  
Order to Be Administered Through  
Probation and Payments to Be Made to  
New Jersey Family Support Payment  
Center**

To:  Obligea     Obligor  
Name  
Address

Name \_\_\_\_\_  Obligea     Obligor in this matter has requested that future payments be administered through the Probation Division.

**Take Notice** that the \_\_\_\_\_ Family Division will submit an order to the court requiring all future alimony, maintenance or child support payments be administered by the Probation Division and payments made to the NJ Family Support Center by income withholding if available. This order is mandated by *N.J.S.A. 2A:17-56.8 et seq.*

An order will be submitted to the court 20 days from the postmark on this notice unless you contest its entry.

You may contest this matter written upon application to the court for good cause.

The order will direct that \$ \_\_\_\_\_ be withheld to pay the current support obligation plus \$ \_\_\_\_\_ for arrearage in the amount of \$ \_\_\_\_\_ as of \_\_\_\_\_.

If you decide to contest receipt of this matter, you must write the Family Division within 20 days after the postmark of this notice. Upon written notice of your intention to contest Probation enforcing your support order, the Family Division will schedule the matter for court. The burden will be on you to show good cause why the order should not take effect. Your failure to contest this action will result in the order being paid through the Probation Division.

Write to:  
Name  
Address

\_\_\_\_\_

Name \_\_\_\_\_ vs. Name \_\_\_\_\_  
 Obligee  Obligor  Obligee  Obligor

Docket No. \_\_\_\_\_

.....  
**Certification in Support of Attached Notice to Obligee/Obligor of Support Order to Be Administered Through the Probation Division**

The undersigned certifies that the person to whom the annexed notice is addressed:

1. Was ordered by the \_\_\_\_\_ Court, on \_\_\_\_\_, to pay directly to the  Obligee  Obligor and;
2.  Obligee  Obligor has requested that future payments be made through the Probation Division.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

\_\_\_\_\_  
Dated: \_\_\_\_\_ Family Staff

.....  
**Certification: No Contest**

The undersigned certifies that no request to contest payments through Probation has been received in response to the attached notice and that 20 days have elapsed since its postmarked date.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

\_\_\_\_\_  
Dated: \_\_\_\_\_ Family Staff

.....  
**Proof of Service Notice**

The undersigned certifies that a copy of the annexed Notice to  Obligee  Obligor of payments to be administered through Probation was served upon the person to whom it is addressed.

1. Personally on \_\_\_\_\_.
2. By certified or registered and regular mail with return receipt requested addressed to the last known address with postage thereon prepaid. Service was made on \_\_\_\_\_ (attach proof).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

\_\_\_\_\_  
Dated: \_\_\_\_\_ Family Staff

Plaintiff:  Obligee  Obligor

vs.

**Certification to Reinstitute  
Child Support Services**

Defendant:  Obligee  Obligor

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 \_\_\_\_\_, 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 \_\_\_\_\_, the Superior Court, Chancery Division, Family Part, entered an order relieving the Probation Division 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 Division and directing the obligor to make all support payments through that agency.

I certify that the forgoing statements made by me are true. I am aware that if any foregoing statements made by me are false, I am subject to punishment.

\_\_\_\_\_  
Obligee

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

# **NON - DISSOLUTION OPERATIONS MANUAL**

APPENDIX X (Added December 2007)

Certification in Support of Establishing Paternity

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant

**Certification in Support of  
Establishing Paternity**

**Do not complete this form if there is a court order or parents have signed a  
Certificate of Parentage.**

**If not, a certification form is required for each child.**

**Section I**

I, (Plaintiff) \_\_\_\_\_ under oath allege:  
Name (First, Middle, Last)

1. I am the  natural mother of the child named below:  
 natural father  
 caretaker (Grandmother, other relative, etc.-fill out **Section IV**)

Child's Full Name (First, Middle, Last)	Child's Date of Birth (Month, Day, Year)	Place of Birth (City, County, State, Country)

**Section II (To be Completed by Natural Mother Only)**

Date of Approximate Conception (Month, Date, Year)	Full Term Pregnancy <input type="checkbox"/> Yes <input type="checkbox"/> No (if No explain)	Where Conception Occurred (City, County, State)

1. The child was conceived as a result of sexual intercourse between  
\_\_\_\_\_ and me during the time stated above.  
Alleged Father's Name (First, Middle, Last)

2. I  did  did not have sexual intercourse with another man (other than the man I am naming as the child's natural father) during the time 30 days before or 30 days after the child was conceived.

(if yes, complete the following)

- a. The name(s) and addresses of the other man/men:
- b. The other man/men are biologically related to the man I am naming as the child's natural father.  Yes  No
- c. I do not believe the other man/men is/are the father because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. I was  married  not married at the time of this child's birth.

(If yes, complete the following)

- a. Husband's name (First, middle, last) and last known address:
- b. Explain why the husband is not the father of this child and attach all appropriate documents including divorce decree, blood test results and prior findings of non paternity, if any.

4. I am naming: \_\_\_\_\_ as the father of the child.  
Alleged Father's Name (First, Middle, Last)

The following statements support my allegations of paternity:

- a. We lived together  Yes  No Dates \_\_\_\_\_ To \_\_\_\_\_  
Location \_\_\_\_\_
- b. I told him that he was the father of the child.  Yes  No
- c. He is named as the father on the birth certificate.  Yes  No
- d. He admitted being the father of the child.  Yes  No
- e. He signed the Certificate of Paternity (COP).  Yes  No
- f. He was present at the birth of the child.  Yes  No
- g. He sent cards/letters regarding the pregnancy.  Yes  No
- h. He visited the child at the hospital following the birth.  Yes  No
- i. He offered to pay for an abortion/medical expenses.  Yes  No
- j. He paid for birth related expenses.  Yes  No
- k. He claimed the child as a dependent on tax returns.  Yes  No
- l. He provided food, clothing, gifts or financial support for the child.  Yes  No
- m. He lived with the child.  Yes  No
- n. He visited the child.  Yes  No

**Section III (To be Completed by Natural Father Only)**

The following facts support my belief that I am the biological father of the named child:

- |    |   |                          |     |                          |    |
|----|---|--------------------------|-----|--------------------------|----|
| a. | The mother and I lived together.  | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| b. | The mother told me I am the father.                                       | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| c. | I am named as the father on the birth certificate.                        | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| d. | I signed a Certificate of Parentage (COP).                                | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| e. | I was present at the birth of the child.                                  | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| f. | I visited the child at he hospital following the birth.                   | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| g. | I offered to pay for an abortion/medical expenses.                        | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| h. | I paid for birth related expenses.  | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| i. | I claimed the child as a dependent on my tax return.                      | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| j. | I have provided food, clothing, gifts or financial support for the child. | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| k. | I lived with the child.   | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| l. | I visited the child.  | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| m. | The child resembles me.   | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

**Section IV (To be Completed by the Plaintiff/Caretaker Who is Not the Natural Parent of the Child)**

- a. To my knowledge the biological mother of the child is  deceased (copy of death certificate attached)  is not deceased and lives at:  Whereabouts unknown  
 Street Address \_\_\_\_\_  
 City/State/Zip Code \_\_\_\_\_
- b. My relationship to this child is \_\_\_\_\_
- c. To my knowledge \_\_\_\_\_ has been named the father of  
Alleged Father's Name (First, Middle, Last)  
 the child by the  natural mother  Relative  Child  Other \_\_\_\_\_
- d. To my knowledge \_\_\_\_\_ is the name of the father on the  
Alleged Father's Name (First, Middle, Last)  
 child's birth Certificate.  Yes  No (attach copy)
- e. To my knowledge \_\_\_\_\_ resides at:  
Alleged Father's Name (First, Middle, Last)  
 Street Address \_\_\_\_\_ Apt. # \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_
- f. To my knowledge the natural mother was married but divorced, and the child's birth occurred within a year of the end of the marriage.  Yes  No  Don't know  
 Name of ex spouse \_\_\_\_\_  
 Date of Marriage \_\_\_\_\_  
 Date/place/county/state of divorce \_\_\_\_\_

- g. To my knowledge the mother of the child was married to someone else (other than the named father of the child) when the child was conceived.  Yes (If yes, complete below)  No  Don't know  
 Name of spouse \_\_\_\_\_  
 Date of Marriage \_\_\_\_\_  
 Are they Divorced?  Yes  No  Don't know  
 Date/place/county/state of divorce \_\_\_\_\_
- h. To my knowledge a Certificate of Parentage (COP) was signed by the alleged father.  
 Yes (attach copy, if available)  No  Don't know
- i. To my knowledge \_\_\_\_\_ acted and presented  
 Alleged Father's Name (First, Middle, Last) \_\_\_\_\_  
 himself to be the child's father.  Yes  No  Don't know
- j. To my knowledge genetic tests were completed to determine the father of the child  
 Yes (If Yes, attach results if available)  No  Don't know
- k. State the reasons why you believe the named father is the natural father of the child  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I agree to submit myself (natural mother/father) and if I am the custodial parent/caretaker, the child, to genetic testing as may be necessary to establish paternity.

I certify that the foregoing statements made by me are true. I am aware that if any foregoing statements made by me are willfully false, I am subject to punishment.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Plaintiff/Filer's Signature