

What is the Child Support Hearing Officer Program?

The Child Support Hearing Officer Program, managed by the Family Practice Division of the Administrative Office of the New Jersey Courts, is composed of hearing officers who hear child support cases statewide. The authority and duties of child support hearing officers are stated under the *Rules Governing the Courts of the State of New Jersey, Rule 5:25-3*. The purpose of the program is to provide quick access and relief, called “expedited process,” from the court for families filing for financial support. Child support hearing officers hear more than 100,000 cases per year.

Who is the Child Support Hearing Officer?

Child support hearing officers are appointed by the chief justice of the New Jersey Supreme Court and are authorized to hear child support matters. They are professionals who are either attorneys and/or qualified in the area of child support.

What Do Child Support Hearing Officers Do?

Child support hearing officers take testimony, review documents, consider evidence, and make recommendations to a Superior Court judge to establish, modify, and enforce support obligations. A judge reviews the recommendation and signs it, making it a court order.

Establishment Of Paternity

In many child support cases, child support hearing officers might need to determine the paternity, or legal father, of the child. The

person named as the father on the complaint has the right to request a genetic test to assist in determining paternity, or he could voluntarily admit paternity.

Establishment of Support

Once paternity is determined, the hearing officer recommends an amount of child support based on the New Jersey Child Support Guidelines. For further information on how support is calculated using the child support guidelines, see *Rule 5:6A* and Appendix IX-A at njcourts.com. Both parents have a financial obligation to support the child(ren). Therefore, child support hearing officers look at both parent’s income and/or ability to earn income. It is important that both parents bring proof of their income with them when they go to court so child support can be determined accurately. Parents could be ordered to pay child support, work-related day care expenses, and medical costs.

Modification/Change of a Support Order

Either parent can file an application to modify a child support order. The application must be filed in the county where the child support order was first entered, also called the county of venue. One reason an individual can file an application to modify the court order is if their circumstances have changed. For example, a parent might want to have the child support amount modified because he or she no longer has the ability to earn the same amount of money, is in prison, or expenses for the child(ren) have increased. The parent who files the application must be able to prove the change in circumstances. If a change in circumstances is established, the hearing

officer will recalculate the child support amount using the child support guidelines.

All child support orders and judgments are subject to a cost-of-living increase. All support orders under the supervision of the probation division also could be reviewed every three years in accordance with the law and court rules.

Participation by Telephone/Remote Hearings

In certain circumstances, parties might be permitted to participate in their court hearing by telephone. Cases considered for a telephonic hearing must meet certain criteria. Those who want to request permission to participate in the hearing remotely must first contact the family or probation division in the county where the case is scheduled. The family or probation division will send a form that must be completed and returned at least seven days before the hearing date. Remote hearings are granted at the discretion of the court by the judge or hearing officer who is hearing the case. There is no guarantee that requests to participate by telephone will be granted.

Enforcement of Support Order

If a parent is not paying child support, child support hearing officers could enforce the order by recommending certain enforcement remedies, such as taking child support directly from their pay, also called income withholding; imposing a lump sum payment of all or part of the child support owed (arrears); ordering a regular payment amount be made toward the arrears; suspending their driver’s license; or incarceration. Child

support hearing officers could recommend a bench warrant for the arrest of individuals who are summoned to court for failure to comply with a court order and do not appear for the hearing.

Your Rights if Your Case is Heard by a Child Support Hearing Officer

Right to Present Your Case

Parties to the case have the right to provide relevant testimony, submit documents, and cross-examine witnesses. All hearings are recorded and preserved.

Right to Appeal a Child Support Hearing Officer Recommendation

Parties who agree with the recommendation of the hearing officer will be asked to sign the recommendation. They will receive a copy of the recommendation and the child support guidelines worksheet at the conclusion of the hearing. However, if there is disagreement with the recommendation of the hearing officer, the parties have a right to an immediate new hearing before a Superior Court judge. This is called an appeal or a hearing de novo. Either party can request an appeal at the conclusion of the hearing with the hearing officer. If an appeal is requested, the parties will appear before a judge who could hear testimony, review documents, and issue an order.

Right to be Represented By an Attorney

Either party can represent him or herself, called self-representation or appearing *pro se*, or can hire an attorney. Attorneys are not provided for parents who have a court order to pay support. For information about getting an attorney, parties can contact Legal Services of New Jersey at lsnj.org or the New Jersey State Bar Association Lawyer Referral Service at njsba.com.

Right to an Interpreter

Individuals who are limited English proficient can ask for an interpreter. Interpreters are provided at no cost and are available for most languages, including sign language. Requests for an interpreter must be made as soon as possible and before the hearing date, either at the time the application is filed or when the notice to appear is received.

Non-Appearance

A complaint, motion, or application filed with the court can be dismissed if the person who filed it does not give proper notice and does not appear for the hearing.

If a party receives notice to appear in court and does not appear, the hearing officer could recommend a default order, which is an order in that person's absence, and/or a bench warrant for the arrest of the individual who did not appear for the hearing. Individuals who have bench warrants issued against them in child support matters could have their New Jersey driver's license denied, suspended or revoked.

Limit of the Authority

Child support hearing officers are not judges. They have the authority to hear certain cases, under certain conditions and make recommendations for the establishment, enforcement or modification of a support order.

The Child Support Hearing Officer Program is one way for the court to help resolve legal issues concerning children and families.

Questions or comments concerning the Child Support Hearing Officer Program should be addressed to:

Administrative Office of the Courts
New Jersey Judiciary
PO Box 983
Trenton, NJ 08625
609-984-0486

For more information about Child Support:

Child Support Customer Call Center
1-877-NJKIDS1
1-877-655-4371

New Jersey Judiciary
njcourts.com

New Jersey Child Support Information
njchildsupport.org

Federal Office of Child Support Enforcement
acf.hhs.gov/programs/css

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