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TO: Assignment Judges
Trial Court Administrators

FROM: Glenn A. Grant, J.A.D. 

SUBJECT: Intercounty Child Support Case Management Policy

DATE: December 8, 2021

DIRECTIVE #28-21

Supersedes Directive #12-17

[Questions and comments may be directed to 609-815-3810]

Summary

This Directive, which supersedes Directive #12-17 effective immediately, updates policy and procedures regarding the transfer of child support cases among the vicinages. The process that probation must follow has been updated to ensure that cases are thoroughly reviewed by the court and by probation prior to an intercounty transfer taking place.

As set forth in greater detail below, upon establishment of a child support order in the Family Division, that case will presumptively be assigned to the Probation Child Support Enforcement (PCSE) Unit in that county, regardless of the residence of the obligor. If at some later time the obligor moves to another county, the case ordinarily will not be transferred to the new county of residence. Except in limited circumstances described herein, monitoring and enforcement of the support obligation will remain with the PCSE Unit to which the case was originally assigned.

Initial Procedures – Family Division

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

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

If for whatever reason the court orders that the enforcement shall take place in a county other than the county of venue, the new obligation will be entered into NJKiDS by Family Division staff in the county of venue with the load number of the county in which the order will be enforced. The Family Division staff should then forward the judgment or order and supporting documents should then be forwarded to the PCSE Unit in the identified county of enforcement. The court will not transfer a case to a PCSE Unit in another county unless for cause.

Enforcement Procedures and Consolidations for Transfer – Probation Division

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

1. Conflict of Interest

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

When considering whether it is necessary to transfer a particular case, the canons should be interpreted as though they applied to all persons working in the New Jersey child support enforcement program, including, for example, employees of the Board of Social Services or the Sheriff's Office. If a potential conflict of interest situation arises, Senior Vicinage Managers or their designees should determine the appropriate action required. Prior to transferring a case, consideration should be given to restricting an NJKiDS user, case, or member ID as a possible solution to the conflict of interest. Further, reassignment of a case to a different staff member or team in the original county or vicinage may also be an adequate response to a conflict of interest situation in some circumstances.

2. Probation Transfers Initiated by Vicinage Probation Management

Prior to requesting the court transfer a case to another county, the Probation Division Manager/VCPO or Assistant Probation Division Manager/VACPO must confer with their counterpart in the proposed receiving county. Both managers must be in agreement prior to commencement of any action involving the transfer of the case.

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

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

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

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

The sending county must provide complete information about enforcement efforts to the receiving county. Only in this way can the receiving county understand why the sending county was unable to achieve compliance with the court order and avoid duplication of efforts.

The sending county must forward all required documents to the receiving county. Upon notification that documentation is missing, the sending county has three business days to correct the deficiency and provide the missing documents.

Once the case has been transferred as a result of the court order, the case shall not be transferred back without good cause and following the procedures in this directive.

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

- Resident of the obligor;
 - A case may not be transferred to the obligor's county of residence when that residence is an interim place of internment, such as a prison, halfway house, treatment center, hospital, or psychiatric facility;
- Length of residence of the obligor;
- Appropriateness of bench warrant issuance;
- Ability to have a warrant executed in the enforcing county;
- Payment history; and
- Possession by obligor of a professional license.

Pending Cases

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

- Cases in Compliance
No case in which the obligor is in compliance with the order shall be transferred except if there is a change of venue or conflict of interest as discussed above.
- Multiple Cases
The PCSE Unit will enforce the order in the county of venue even if there is already another existing case involving the same obligor in another county. When a case needs to be scheduled for an enforcement hearing and the obligor has other cases pending in

one or more additional counties, the PCSE Unit scheduling the case for enforcement should notify the other PCSE Units of the intended enforcement action. This notification, which is completed as an “alert” in NJKiDS, will allow coordination and consolidation of enforcement efforts, as necessary. Since all PCSE Units have access to all case information through NJKiDS, only the name of the obligor, the case number, and the date of the hearing need be provided in this communication.

- **Bench Warrant**
Whenever practical, the court should use available technology such as telephone and video conferencing to enable obligors and other parties to participate in remote hearings to Enforce Litigant's Rights (ELR) without unnecessary travel. These technologies are useful resources available to all courts and the vicinages should use them to the maximum extent possible.
- **Domestic Violence**
For purposes of case transfer, enforcement of the child support provisions of orders in domestic violence cases may be handled in the same manner as any other child support case.
- **Uniform Interstate Family Support Act (UIFSA)**
A case should not be transferred out of the county of venue merely because the obligee resides in another county and a Registration for Enforcement is necessary because the obligor lives in another state.
- **Change of Beneficiary of Child Support Orders**
Any change of beneficiary order shall be processed and continue to be enforced by the PCSE Unit that currently has the case, even if venue lies in another county. This administrative process, defined by Directive # 02-11, essentially continues an existing child support order. It shall not be viewed as a newly established child support order subject to the requirements of R. 5:7-4(b).

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

cc: Chief Justice Stuart Rabner
Family Presiding Judges
Patricia Risch, Assistant Director, Division of Family Development (DHS)
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Special Assistants to the Administrative Director
Larry Ashbridge, Chief, Child Support Enforcement
Amelia Watcher-Smith, Chief, Family Practice Division
Family Division Managers
Probation Division Managers
Assistant Probation Division Managers, Child Support