NEW JERSEY

Child Support Program Handbook

ChildSupport.

It's more than just money.

NEW JERSEY DEPARTMENT OF HUMAN SERVICES
NEW JERSEY JUDICIARY

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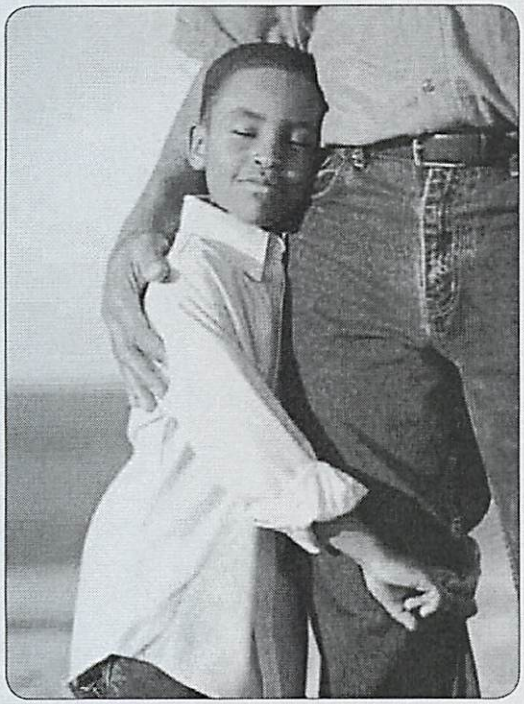
www.njchildsupport.org

1-877-NJKIDS1

(1-877-655-4371)

Chris Christie, Governor
Kim Guadagno, Lt. Governor

1 The Child Support Program in New Jersey



Confidentiality

New Jersey follows very strict federal and state laws and regulations that keep child support cases private and confidential. Personal information collected and kept by the Child Support Program is not public record. All child support staff are bound to keep your matters confidential in order to protect your privacy.

It is the responsibility of each parent —

both mother and father — to make sure their child has food to eat, clothes to wear and a safe place to live. Still, some children do not get the support they need. Regardless of their living situation or relationship, both parents should provide the financial, medical and emotional support a child needs to grow up safe and into a responsible adult. New Jersey's Child Support Program can help.

There are two parents in every child support case.

One is the custodial parent (payee) - the parent who lives with the child the majority of the time and has the primary day-to-day responsibility; the other is the non-custodial parent (payor) - who also has important responsibilities. Co-parenting is vital to maintaining a healthy relationship with your child. Although one person may have the day-to-day duties, taking shared responsibility is a key element in the support and success of children.

The information in this booklet is arranged in three sections:

1. **The Child Support Program in New Jersey**
2. **Locating Non-custodial Parents and Establishing Paternity**
3. **Paying and Receiving Child and Medical Support**

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Parents' Rights and Responsibilities

Under New Jersey's Child Support Program, parents have certain rights and responsibilities.

A parent's rights:

- to be treated professionally with respect
- to be notified of any action that significantly impacts the child support case
- to pay and receive payment timely
- to get information through the website at **www.njchildsupport.org** or the toll-free New Jersey Child Support Customer Service Hotline, **1-877-NJKIDS1**, including the amount of support collected; the amount paid toward late payments; and the account balance
- to request a review of the child support obligation every three years
- to appeal a decision or request a review of a decision

A parent's responsibilities:

- to notify the child support office of any changes that impact the case including custody
- to go to all scheduled court appearances that you are required to attend
- to help in establishing paternity and a child support order
- to notify the Child Support Program of change of address or employer
- to fulfill child support financial obligations and provide health coverage as ordered by the court
- to respond to the court's requests for information
- to access genetic testing services to determine paternity, as appropriate

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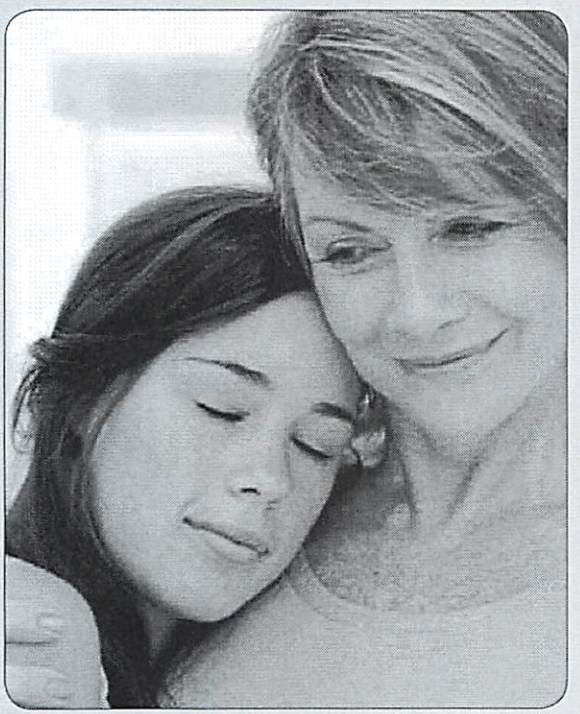

Your Child Support Account

The child support agency keeps a computerized, up-to-date record of payments, case events and enforcement activity. This valuable tool allows you to access account balances and aids in identifying when enforcement is necessary.

If you want fast, up-to-date information on your case, have your case and personal identification number ready and visit **www.njchildsupport.org** or call **1-877-NJKIDS1** anytime, day or night.

Applying for Child Support Services

You can apply for child support online through the state's Child Support Services website, **www.njchildsupport.org**. You can also get an application at your county's Board of Social Services (or welfare office), Probation Division for Child Support Enforcement or Family Court or by calling **1-877-NJKIDS1**. There is a one-time, $6 fee to apply for full child support services. If you receive public assistance, there is no fee.

The one-time $6 fee includes full Child Support Services:

- **Location of non-custodial parent**
- **Paternity establishment**
- **Medical support establishment**
- **Enforcement of order - includes a variety of federal and state authorized tools (defined in greater detail on pages 13-15)**

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Getting Connected, Getting Services

Contacting and accessing the New Jersey Child Support Program is easy, just visit the child support website, **www.njchildsupport.org** or call our toll-free Interactive Voice Response (IVR) system/call center at **1-877-NJKIDS1**.

The Interactive Voice Response System (IVR) serves as a point of contact for all child support program related matters. The IVR allows you to complete many simple transactions without the need to speak with a representative. A great deal of help is available through the features in this automated phone system.

You are able to access your specific case information through a PIN (Personal Identification Number) Security System. Additionally, it is easy for you to speak with a child support customer service representative with hours from 8 a.m. to 7 p.m., Monday through Friday.

The (IVR) and website **www.njchildsupport.org** give an easy point of contact:

- One toll-free number for all of your child support needs
- Access to specific case information, a variety of forms and other related services through a personalized PIN Security System
- An interactive voice response system
- The ability to check balances and make payments through the IVR system
- A simple way to update your personal information
- Comprehensive responses to child support questions and links to other related resources
- Announcements to keep you aware of updates within the child support program
- Links to resources, such as applications, forms, available services and other agency programs
- An online application for child support services
- The same convenient information and services available through the IVR and website

Child support customer service representatives are available to respond to your questions and concerns Monday through Friday from 8 a.m. to 7 p.m.

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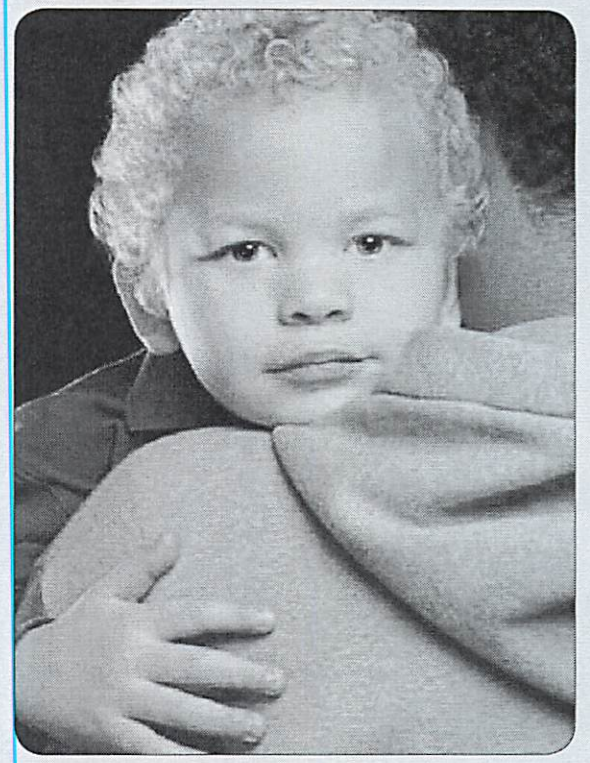
The Child Support Program In New Jersey

There is a national and state commitment to child support. To accomplish this, federal and state laws work together.

In New Jersey, the Child Support Program is supervised by the state Department of Human Services, Division of Family Development, Office of Child Support Services and is administered in individual counties.

The local/county offices:

- The county **Boards of Social Services**, also known as welfare agencies, handle child support cases. The agencies find non-custodial parents, establish paternity and file complaints with the courts for child and medical support and paternity. They also provide TANF (Temporary Assistance for Needy Families), Medicaid, NJ FamilyCare health insurance, child care and other social services.
- **Family Court** schedules, conducts, records and keeps track of court hearings and orders in a child support case, including issues of custody and visitation.
- **Probation Division** monitors money due and paid for child and medical support and helps make sure the support continues getting paid through various enforcement efforts.



The Family Court and Probation Divisions are supervised by the New Jersey Judiciary and provide services under a cooperative agreement with the Department of Human Services.

To find up-to-date locations of county offices, visit www.njchildsupport.org and click "Locate Offices."

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What The Child Support Program Does

- Locates the non-custodial parent by using federal and state tools such as the Parent Locator Services.
- Establishes legal fatherhood (paternity) for your child.
- Establishes a support order, which is the legal record of what the non-custodial parent must pay for your child. This order must address health insurance coverage or may include help with child care and parenting time. Orders may also include Spousal Support.
- Collects and distributes child support payments.
- Enforces unpaid child and medical support.
- Reviews possible changes to your support order.
- Works with other states, countries or tribal governments on child support orders that cross over borders.
- Works through the courts to resolve disputes and ensure due process.

Financial Assistance and Other Services

If you need financial help, either temporarily or in addition to child support, there is help through Work First New Jersey (WFNJ), New Jersey's public assistance program. WFNJ offers eligible families financial help (TANF) and other support services - such as child care, Medicaid and NJ SNAP benefits (formerly food stamps). WFNJ is designed to give you temporary assistance by helping you prepare for work, get a good job and only use public assistance until you become self-sufficient.

For more information on WFNJ and a variety of other support services, visit **www.njchildsupport.org** or call **1-877-NJKIDS1**.

Teenage Parents

If you are a parent under the age of 18, you are still responsible for the financial and emotional well-being of your child. Whether you are the custodial parent or non-custodial parent, all the rights, responsibilities and laws explained in this handbook apply to you.

As a minor, your parents or legal guardians will work with you to take the actions necessary to make sure your child gets support.

Once you reach the age of 18, you will have to take these steps yourself for your child.

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2 Locating Non-Custodial Parents and Establishing Paternity

Locating Non-Custodial Parents

Remember, it is important that every child gets the support they deserve. However, you may not know where to find the other parent, or your former partner may not acknowledge that he is your child's parent. The Child Support Program has many tools available to find the non-custodial parent. If he or she is in another state, the Child Support Program can access other state and national databases to help find the parent. It is critical for you to provide as much detailed information as possible as this will speed up the search.

It is important to present any records you may have. Records that are helpful include birth certificates, your child's birth certificate, the child's signed parentage certificate, your marriage certificate (if you have one) or divorce papers (if you have them). Any financial information will also help, including bank accounts, copies of stocks, bonds, pension information, tax filings and insurance papers. The more information you can present, the easier it will be to locate the parent. Once he or she is found, the process for child support continues.

Some important things you will be asked to provide about the other parent in order to locate him or her are:

- Full name and other names that may be used
- Last known address and phone number
- Last known work address, phone number and the kind of work they do/did
- Social Security number
- Birth date
- Mother's maiden name
- Relatives' names and addresses
- Whether the parent has any children by another person, and where they live
- Whether the parent belongs to a union, a social club or sports club, or other memberships and activities
- Whether the parent is in the military, and where he or she is stationed
- Whether the parent has a driver's license from New Jersey or another state
- Whether the parent owns a vehicle, and it is registered in New Jersey
- The license plate number of the parent's vehicle

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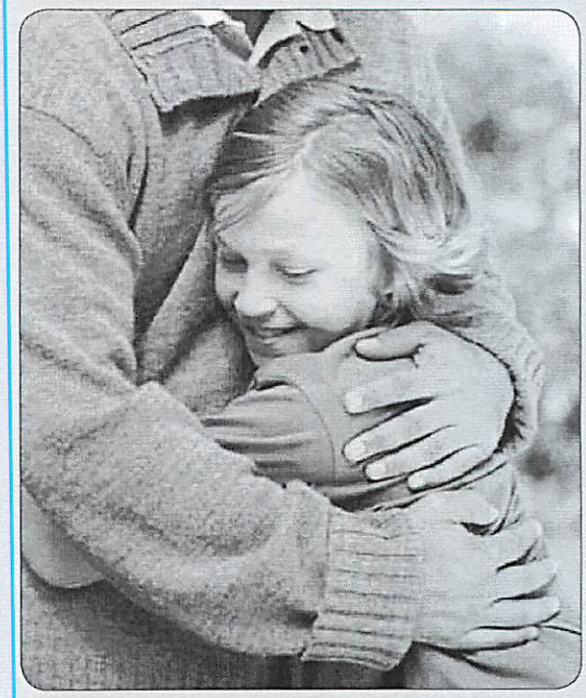
Establishing Paternity

Establishing paternity is the legal term for determining the father of the child. If the parents were married when the child was born, the husband is the legal father noted on the child's birth certificate. To create the same legal relationship between unmarried parents and their children, paternity must be established. It's an important step in ensuring that both parents support their child, and is the first step in collecting child support.

If the parents were not married, legal paternity must be established. This is important for:

- Creating a support order for the child.
- Obtaining health insurance, if it is available through an employer.
- Protecting the child's rights to benefits if the father dies, such as money or property left in a will, veteran's benefits or Social Security benefits.
- Conserving a link to the child's past. Just the knowledge of the father's name and of his medical history can help the child in years to come.
- Ensuring parenting time and that both parents are committed to the child.

When a father agrees that the child is his, he signs a document for "voluntary acknowledgement." When he doesn't agree, the program will help him take steps, including genetic testing, to establish whether or not he is the father.



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Voluntary Acknowledgement

If the father agrees that he is the father, he may sign a Certificate of Parentage (COP), which legally proves who the father of a child is. The first opportunity to sign the COP is at the hospital, right after a baby's birth. Hospital staff can help you complete it. COPs can also be signed after leaving the hospital at a state or county registrar's office, or at a local welfare office. A worker in the child support office in your county can help you with this or you can call **1-877-NJKIDS1.**

Teen parents (also called minors) have the right to establish paternity on their own without the consent of a parent or legal guardian. For information regarding the Paternity Opportunity Program (POP), please visit the POP website at **www.nj-paternity.com** or **www.njchildsupport.org.**

Genetic Testing

If a parent does not agree that the child is theirs, a genetic test may be done. This simple test can be done with a small sample of saliva. Either parent may request the test. Or, it can be required by the county office or ordered by the court. Both parents and the child must be tested. If the test scores 95 percent or higher, the man is presumed to be the father.

Once paternity is confirmed, the next step is establishing a child support order to determine the proper amount of the obligation.

Establishing the Order for Child Support

The first step in establishing an order is to determine the amount of child support and to determine if health coverage is available. The amount of child support established is consistent with law and based on the New Jersey Child Support Guidelines. These NJ Supreme Court-approved guidelines are applied in all child support cases. The guidelines have one purpose: to determine how much each parent should contribute for the care of the child. Health care is to be ordered as accessible and at a reasonable cost based on health insurance available through both parents' resources.

The guidelines are based on an Income Shares formula, in which the incomes of both parents are considered. The guidelines also take expenses into account, such as child care, medical insurance, and any factor the court deems best for the child. If both parents can agree on an amount for child support based on the guidelines, a Consent Support Agreement will be established and no court appearance is necessary.

If either parent does not agree on the amount of support, or there are other outstanding issues that must be settled, you will have to go to the Family Part of New Jersey Superior Court (often called Family Court) at your county courthouse. The court will review the facts and issue an order. This order includes the amount to be paid and the way it will be paid.

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Going to Court

If it is necessary for you to go to court, there are several ways to prepare. You can go on your own or with the help of a lawyer. If you can't afford a lawyer you can contact Legal Services of New Jersey at **1-888-LSNJLAW** (1-888-576-5529) to determine if you are eligible for services.

The next step in establishing a child support order is filing a complaint and scheduling a hearing. The child support office will assist in filing this complaint, and the Family Court will schedule the hearing and notify both parents of the date, time and place. For more information regarding the court process and to download forms, you can go to the website **www.njcourts.com** or to **www.njchildsupport.org**.

The issues of custody and parenting time are also handled by Family Court.

Your case may be heard by a child support hearing officer, or a judge may hear the case and make the decision. All orders are reviewed and signed by a judge.

In court, both parents are expected to present accurate and up-to-date information so that a proper decision can be made.

You will need to bring the following information about you and your child:

- Birth certificates for both of you
- Your Social Security number and your child's (if you have one for your child)
- Information about your income, such as a pay stub
- Address, phone numbers and other contact information

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3 Paying and Receiving Child Support and Health Care

Paying Child Support

Federal law requires child support payments to be automatically deducted from the paycheck of the payor (parent providing financial child support). Income withholding makes it easier for both the payee (parent receiving child support payments) to collect timely, regular payments and the payor to be assured of regular payments to avoid any enforcement activity. The employer deducts the child support amount and sends it to the New Jersey Family Support Payment Center (NJFSPC), which then processes the payment and sends it to the payee.

Income withholding may also be applied to unemployment benefits, Social Security benefits, disability payments, and other income the parent may receive. If the payor is self-employed, the court order for child support will set out how the support will be paid and the payor will be provided payment coupons.

If the payee receives public assistance, the child support payment goes to the State that provided the assistance. The payee may, in some circumstances in New Jersey, receive up to the first $100 of each month's current child support payment in addition to the public assistance grant.

Child support payments are received and processed through the New Jersey Family Support Payment Center (NJFSPC), a centralized payment center.

Payors who are not paying child support through income withholding must make payments as directed by court order, whether weekly, bi-weekly, monthly, etc. Checks or money orders must include your child support case number or social security number and be made payable to the **New Jersey Family Support Payment Center (NJFSPC)**. Payments must be mailed to:

New Jersey Family Support Payment Center
P.O. Box 4880
Trenton, NJ 08650-4880

To help ensure that your account is credited properly, make sure to include your payment coupon with your payment as well as your case information and name on the payment. **Do not send cash.**

IMPORTANT

The NJFSPC will not accept starter checks, counter checks or credit card checks. A starter check is one issued at the time a new checking account is opened. A counter check is issued by a bank and lacks personal information such as name, account number, address, etc. Your name and address must be preprinted on all checks. A credit card check is a check issued against a personal line of credit.

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Payments are also accepted through a secure online payment application system where you can make one-time or recurring payments directly from your bank account to the NJFSPC. This system is called ExpertPay and can be accessed at **www.expertpay.com**.

The Payment Center accepts child support payments by credit card via a secure website. The site used to accept credit cards for child support payments is **pay.njfspc.com**. This site accepts MasterCard, Visa, Discover and American Express. There is a fee to charge payments.

In the event that you have to stop a payment, you **must** contact NJFSPC customer service directly at **1-877-NJKIDS1 before** contacting your financial institution to stop payment. If you do not contact the Payment Center, your check may bounce and you not only will incur significant charges but may be prevented from making future payments with personal checks. Additional information regarding the Payment Center can be found at **www.njfspc.com**.

Receiving Child Support

The New Jersey Child Support Program offers two options for receiving support payments - direct deposit to an account of your choosing or the **New Jersey Debit MasterCard (NJ Debit Card).** This makes receiving support payments faster, easier and safer. Direct deposit means that support payments are deposited directly into the payee's bank account (either checking or savings). To sign up, you must complete an authorization form, which is available at your local child support office or can be downloaded at **www.njchildsupport.org.**

Payees who do not select or apply to use direct deposit will receive a NJ Debit Card. Your support payments are posted to a NJ Debit Card account which is designated for you; an existing bank account is not needed. At banks and ATMs, you can access your child support account. You also can make purchases and get cash back. Each month you will get one free cash withdrawal per deposit. The NJ Debit Card offers a 24-hour customer service line and website where you can check your balance and get more information: **1-866-461-4094** or **www.eppicard.com**.

Payees who are starting or changing to direct deposit or starting a New Jersey Debit Card account should allow approximately 10 days for payments to reach the account.

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Making Sure Child Support Gets Paid

If you have an order for child support payments and the payor is not paying, or the payments are incomplete or late, a variety of enforcement services will be utilized for assistance.

When the Child Support Agency identifies these cases and takes action to get the support paid, it is called enforcement. Unpaid child support is debt owed and is called arrears. Enforcement includes collecting arrears or making sure health insurance coverage is in effect. New Jersey uses a computerized system to record and monitor the amount of child support due and paid. This system also acts automatically when two payments are missed or many of the following enforcement actions are needed.

The Child Support Program has a large variety of enforcement tools available to make sure the child support gets paid.

These include, but are not limited to:

- Credit reporting
- Lottery prize intercept
- Tax refund offset
- Seizure of assets
- License suspension – driver's, professional or recreational
- Passport denial
- Civil awards/settlements
- Court enforcement
- Warrants
- Judgments

These tools are explained in general terms on the following pages.

CREDIT REPORTING

A payor who owes over $1,000 in child support payments will have this debt reported to credit agencies. This will hurt their credit rating when buying a home, car or getting credit cards.

LOTTERY PRIZE INTERCEPT

If a payor owes over $1,000 in unpaid child support and wins $600 or more in the lottery, the amount owed in child support will be deducted from the winnings and applied to the past due child support.

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TAX REFUND OFFSET

If the amount of unpaid child support is equal to or more than the limits below, and the payor is entitled to a federal or state tax refund or a homestead or other rebate, that refund may go to pay the child support order.

Federal tax offset:

- In public assistance cases, the amount of unpaid support must be at least $150.
- In non-public assistance cases, the amount of unpaid support must be at least $500, and there must be a child under 18 years old on the case.
- If you had ever received public assistance and there are arrears owed to the public assistance agency, those arrears must be paid first.

State tax and homestead/saver rebate offset:

The amount of unpaid support must be equal to or greater than one month's support obligation.

SEIZURE OF ASSETS

If the payor is not paying child support and has money in the bank or has a pending insurance liability claim, the Child Support Office may be able to take those assets to pay the support.

LICENSE SUSPENSION

A driver's license is automatically revoked if a payor is issued an arrest warrant for non-payment of child support or failure to appear at a child support hearing.

If the child support payments have not been paid for six months or more, the licensing agency—either through court or administratively—may suspend, revoke or deny any licenses the payor has or is applying for. This includes driving, professional, occupational, recreational or sporting licenses.

PASSPORT DENIAL

If the payor owes more than $2,500 in child support and applies for a passport or attempts to renew a passport, the request will be denied. He or she will have to pay the full amount of overdue support to receive or renew a passport.

CIVIL AWARDS/SETTLEMENTS

Any money that the payor may be entitled to as part of a court-awarded lawsuit or settlement will be applied to past-due child support payments.

COURT ENFORCEMENT

In some cases, court action may be necessary to enforce the child support order. Your child support worker in the Probation Division or a private lawyer may request a hearing in Family Court. At this hearing, the court will decide what action to take against a parent who owes child support. Both parents will receive notice of the court hearing. The court will hear the case, examine the facts and reach a decision, based on the case.

The decision could include:

- An order requiring an arrest, should the payment not be made as directed.
- An order requiring immediate payment of past-due support in part or in full.
- An order requiring a specific amount of payment in addition to the current child support order.

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WARRANTS

Warrants may be issued in connection with a child support case if the non-custodial parent doesn't appear for a court date or doesn't comply with the court order(s). Warrants issued for child support are civil, not criminal, warrants. They serve to ensure a non-custodial parent will make court ordered child support payments. Arrest from a child support warrant may lead to incarceration.

JUDGMENTS

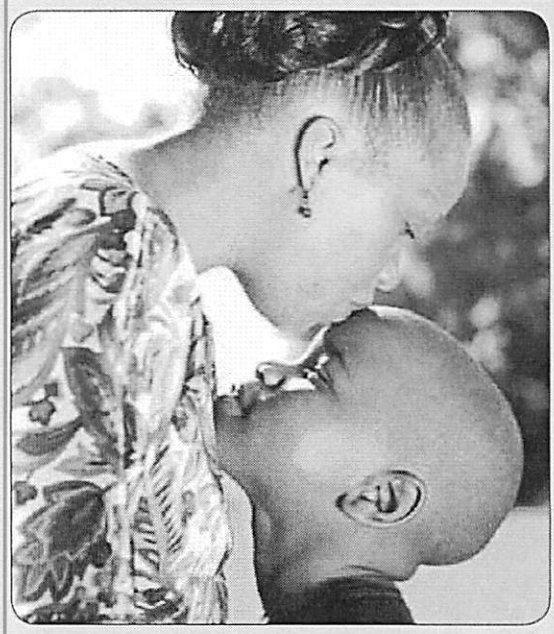
Any child support not paid becomes a judgment against the payor. A judgment is created automatically through the child support computer system. This means the amount due must be paid and satisfied before property can be sold or transferred.

Intergovernmental and International Child Support Cases

The federal Uniform Interstate Family Support Act (UIFSA) provides that New Jersey child support can be carried out if the payor lives out-of-state.

This law requires employers to comply with the incoming withholding orders of other states, countries or tribal governments and puts limits on where orders can be changed. This law also protects the payor by making sure that only one current order for each case is in effect at any time. If a payor moves to a different state in an effort to avoid paying child support, he or she may face federal criminal prosecution. Enforcement reaches across state lines.

Cases may involve other countries (international). The federal government and the State of New Jersey have established agreements with the other countries in order to facilitate the establishment and enforcement of child support orders. The Federal Government has foreign reciprocal agreements with 15 other countries. The State of New Jersey has agreements with 21 countries along with individual agreements with 11 Canadian provinces, three French territories, and five countries within the United Kingdom. These agreements make it possible to work with these countries and their intergovernmental agencies to ensure the support of the children by their parents within its jurisdiction.



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Emancipation

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

Your Changing Child Support Needs

As your child grows or your situation changes, you have the right to have your case reevaluated. Incomes may have increased or decreased substantially, your child may have special needs, or employee health insurance benefits may have changed.

There are three ways to change a child support order:

- Review for possible adjustment – Every three years, you will be automatically notified that you have the right to request a review of your child support order. Public assistance cases are reviewed automatically.
- Cases established or modified after September 1, 1998 will be eligible for a cost-of-living increase every two years.
- Request a change of order – This is called an "application for modification" and the Family Division in your county can assist in filing this request with the courts.

Conclusion

We hope the information here will help you find your way along the child support road. Keep in mind:

Child support is more than just money.

Your child deserves to be supported. All the services mentioned in this handbook are available to you once you apply and a case is established.

If you would like more information, check the website at **www.njchildsupport.org** for child support and links to other valuable family assistance programs, or call the toll-free **New Jersey Child Support Customer Service Hotline, 1-877-NJKIDS1.**

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Notes

Child Support
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