

Handout 8: Employer Enforcement

Source of Income (SOI) Show Cause Contempt

Employers that do not comply with an income withholding order can be taken into court for failure to comply with an order for income withholding. Employers can be found in contempt, in the same manner as a non-custodial parent (NCP). This same remedy also applies to any other sources of income, for example, Insurance or Pension Plan Administrators, where Qualified Domestic Relations Orders (QDRO) and Eligible Domestic Relations Orders (EDRO) are involved.

NOTE

The obligor may need to provide copies of pay stubs to substantiate employment history and deductions.

Supervisors must approve the contempt action, and the order must be signed by a judge. An Order to Show Cause for Contempt (CS670) and the Certification in Support of Order to Show Cause (CS695) are the NJKiDS documents generated to seek the judge's approval. Notes are added in NJKiDS if the supervisor decides to disapprove the Show Cause action against the **Source of Income** (the employer).

If an employer fails to send payments on behalf of the NCP within 45 days of the date of the income withholding order, or if the employer fails to respond to the National Medical Support Notice (NMSN), a Notice to Employer of Non-compliance with Income Execution (CS025) is sent to the employer through either the **Income Withholding** or **NMSN** activity chains. The child support staff will receive a **Notification** and then review the case for eligibility for the **SOI Show Cause** activity chain. If the case is eligible, the child support staff member will manually initiate the chain. Child support staff may generate an additional CS025 as needed through the **Income Withholding** activity chain.

Case Selection Criteria

NJKiDS will not identify eligibility for use of this remedy. The **Source of Income Show Cause** activity chain is manually initiated by child support staff in accordance with defined local business rules.

Cases should be selected for enforcement when the following criteria are met:

- The employer fails to provide health-care coverage for the dependent within 60 days after the NMSN was sent.
- The employer fails to remit payments on the income withholding within 45 days of the date the income withholding order was sent.

Procedures

Probation Child Support Enforcement (PCSE) Unit's Procedure

1. Navigate to the **Enforcement Processes** page.
2. Click **New** in the **New** column to start the remedy for **Source of Income Show Cause** (figure 1).

The screenshot shows the 'Enforcement Processes' page in the NJKiDS system. The top navigation bar includes 'NJKiDS Deserve Support' and 'Enforcement Processes'. The user is identified as YOLANDA GLOVER on 05/10/2019 at 02:23:23 PM. The page contains a search bar and several filters. The main table lists various remedies, including 'Bench Warrant Processing', 'Cost of Living Adjustment', 'Credit Reporting', 'Child Support Lien Network', 'Financial Institution Data Match', 'Immediate Income Withholding', 'Initiated Income Withholding', 'Lottery Intercept', 'License Suspension and Non Renewal', 'National Medical Support Notice', 'Project Save Our Children - Federal Criminal Non-Support', 'Qualified / Eligible Domestic Relations Order', 'Relief to Litigant - Cash Support', 'Relief to Litigant - Medical Support', 'Source of Income Show Cause', and 'Unemployment and Disability'. The 'Source of Income Show Cause' row is highlighted with a red box, and a red arrow points to the 'New' column for that row with the text 'Click new in the Source of Income Show Cause row.'

Figure 1: Enforcement Processes Page, Manage Enforcement Processes

3. Verify case information. Note: Go to the **Other Party Details** grid to select the SOI/member against whom the **Show Cause** remedy is to be pursued. There may be multiple entries listed in the grid.
4. Click the **Start New Remedy** button (figure 2).
 - A confirmation appears on-page stating, “You have chosen to start the action **Request Supervisor Approval of Remedy.**”
5. Click the **Update** button (figure 3).
 - The chain will rest on the blue **In Progress** line for **Supervisor Approval–Request Supervisor Approval of Remedy.**

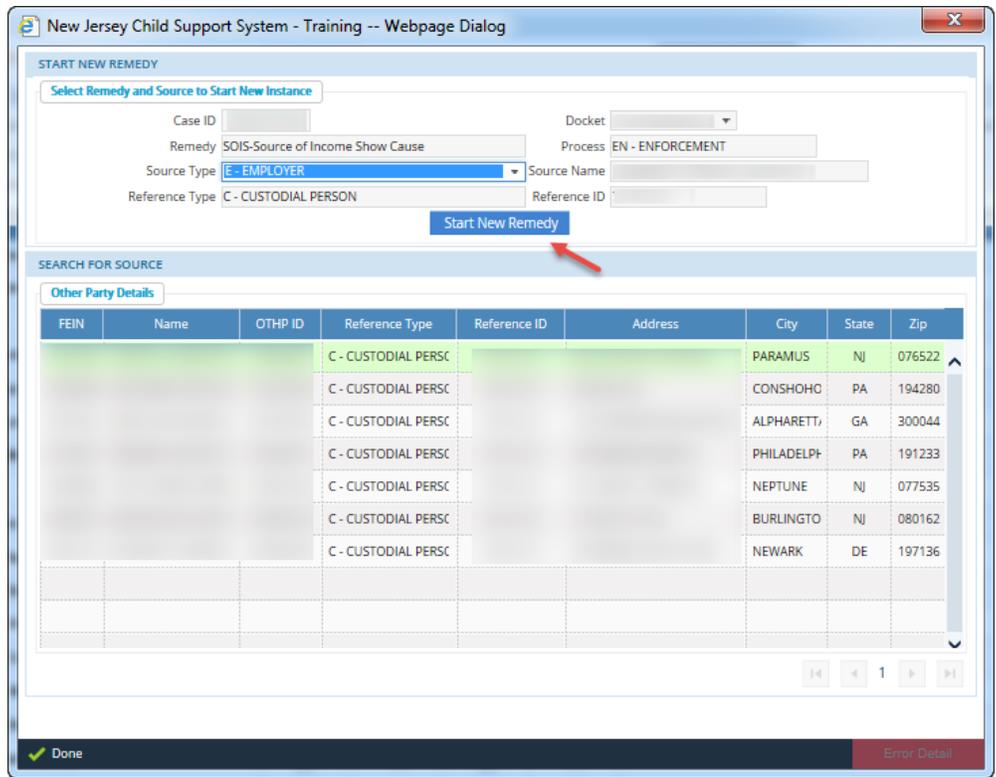


Figure 2: Start New Remedy pop-up window

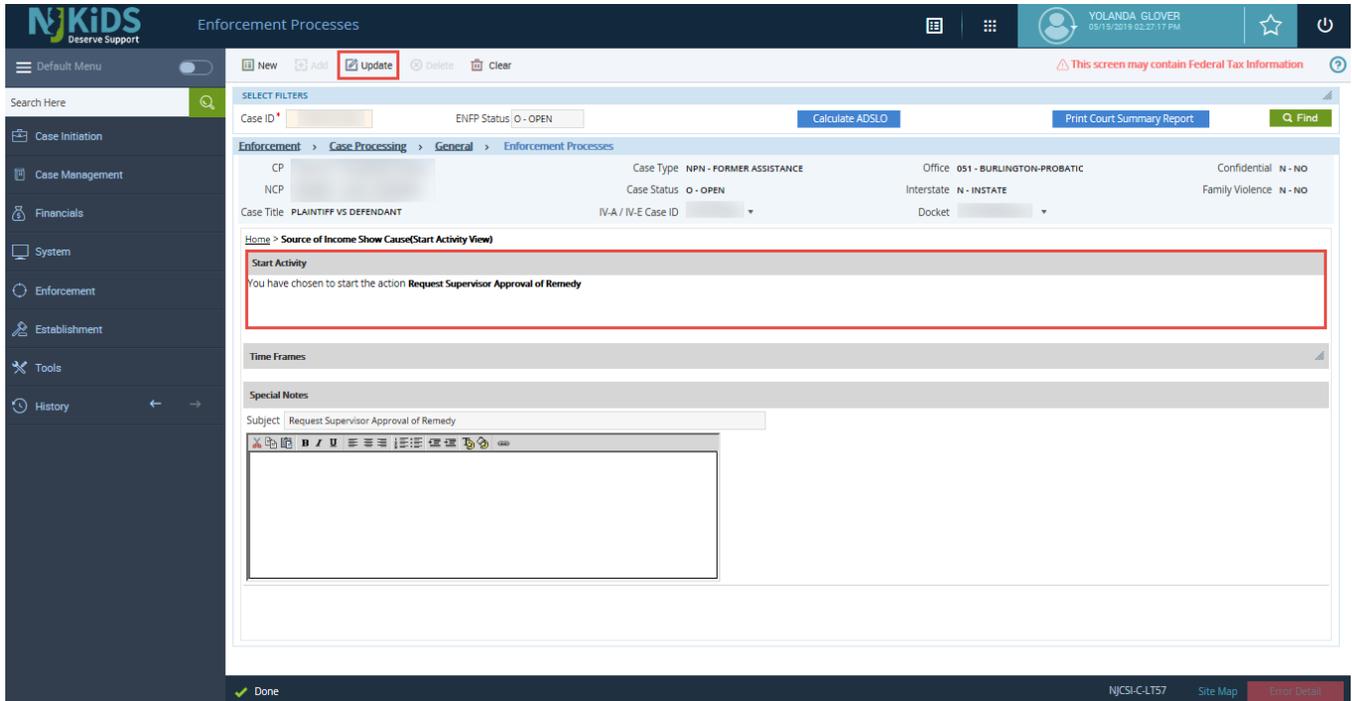


Figure 3: Enforcement Processes Page, Start Activity View

6. Double-click the blue **In Progress** line for **Supervisor Approval–Request Supervisor Approval of Remedy** (figure 4).

The screenshot shows the NJKIDS Enforcement Processes page. The main content area displays a table of activities. The first row, 'SUPERVISOR APPROVAL', is highlighted in blue and has a status of 'IN PROGRESS'. A red arrow points to this row with the text 'Double-click'. The table has columns for Group, Action, Status, Started On, Due On, Updated On, and Days Elapsed. Below the table, there are buttons for 'In Progress', 'Completed', and 'Remedy Closed'. The page also includes a sidebar with navigation options like 'Case Initiation', 'Case Management', 'Financials', 'System', 'Enforcement', 'Establishment', 'Tools', and 'History'. The top navigation bar shows the user 'YOLANDA GLOVER' and the date '05/10/2019 02:21:28 PM'.

Group	Action	Status	Started On	Due On	Updated On	Days Elapsed
SUPERVISOR APPROVAL	Request Supervisor Approval of Remedy	IN PROGRESS	05/15/2019	05/22/2019		0
JUDGES APPROVAL	Record Judge's Approval of Show Cause Remedy					0
SCHEDULE SHOW CAUSE HEARING	Schedule Show Cause Hearing					0
HEARING OFFICERS DETERMINATION	Record Hearing Officer's Determination					0
HEARING OFFICERS SIGNATURE	Await Hearing Officer's Signature					0
JUDGES DETERMINATION	Record Judge's Determination					0
ACQUIRE JUDGES SIGNATURE	Await Judge's Signature					0
CLOSE ACTIVITY CHAIN	Activity Chain Closes					0

Figure 4: Enforcement Processes Page, Worker Review in Progress

7. Double-click **Request Supervisor Approval of Remedy–Record Judge's Approval of Show Cause Remedy**.
- A task is sent to the supervisor to approve or disapprove the remedy.
 - When the supervisor approves the remedy and clicks the **Update** button (figure 5), the Order to Show Cause for Contempt (CS670) and the Certification in Support of Order to Show Cause (CS695) will each, in turn, pop up on the page (figure 6). The supervisor must fill in the required fields and save the changes to the documents.

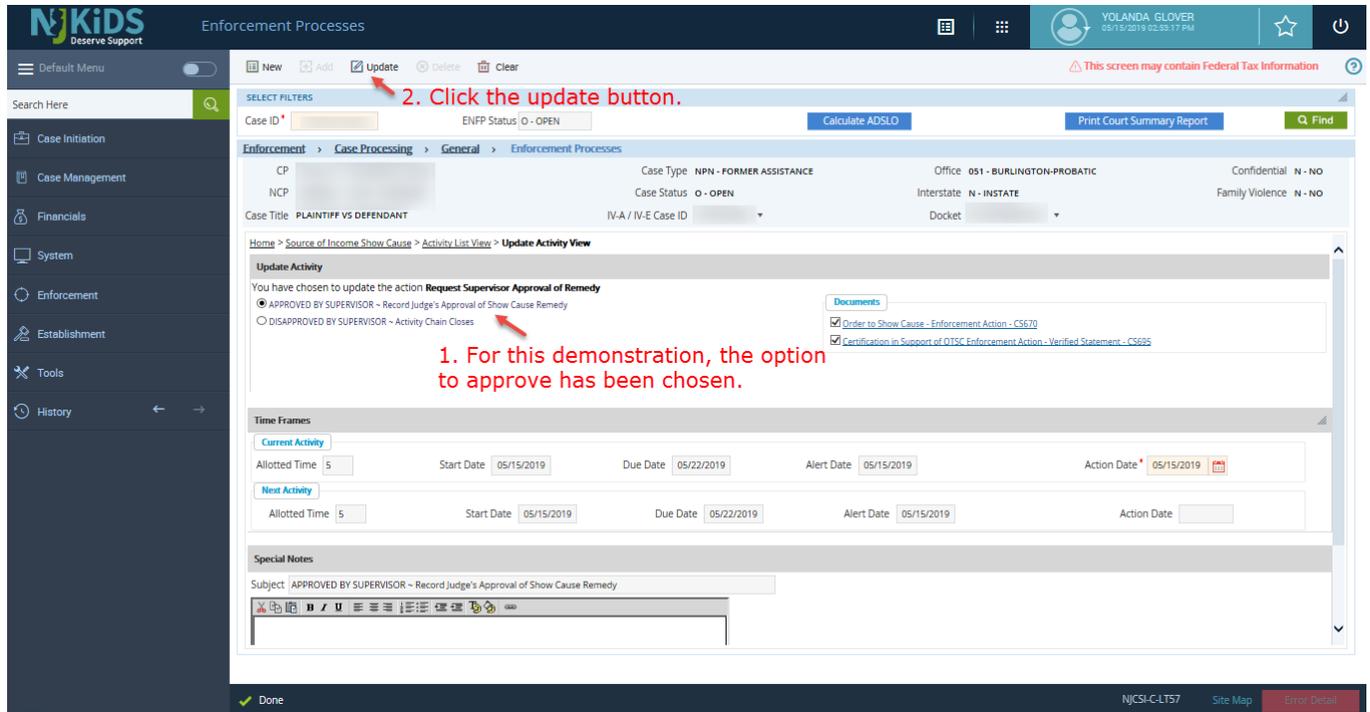


Figure 5: Enforcement Processes Page, Update Activity View for Request Supervisor Approval of Remedy

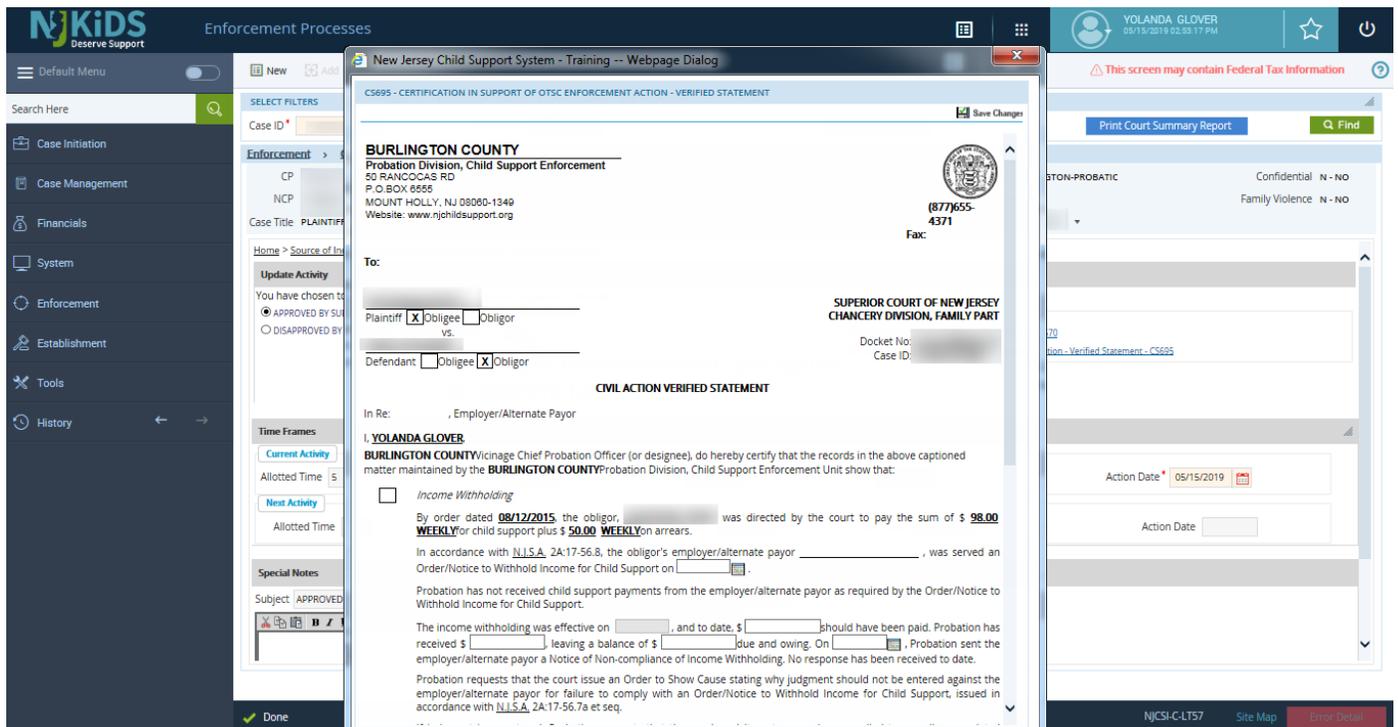


Figure 6: Certification in Support of OTSC Enforcement Action (CS695)

- When the supervisor saves the documents, the activity chain will rest on **Record Judge's Approval of Show Cause Remedy** (figure 7).
- After the supervisor approves or disapproves, a task is sent to the child support staff member.

The screenshot displays the 'Enforcement Processes' page for a case titled 'PLAINTIFF VS DEFENDANT'. The activity chain table is as follows:

Group	Action	Status	Started On	Due On	Updated On	Days Elapsed
SUPERVISOR APPROVAL	Request Supervisor Approval of Remedy	COMPLETED APPROVED BY SUPERVISOR - Record Judge's Approval of Show Cause Remedy	05/15/2019	05/22/2019	05/15/2019	0
JUDGES APPROVAL	Record Judge's Approval of Show Cause Remedy	IN PROGRESS	05/15/2019	05/22/2019		0
SCHEDULE SHOW CAUSE HEARING	Schedule Show Cause Hearing					0
HEARING OFFICERS DETERMINATION	Record Hearing Officer's Determination					0
HEARING OFFICERS SIGNATURE	Await Hearing Officer's Signature					0
JUDGES DETERMINATION	Record Judge's Determination					0
ACQUIRE JUDGES SIGNATURE	Await Judge's Signature					0
CLOSE ACTIVITY CHAIN	Activity Chain Closes					0

A red arrow points to the 'IN PROGRESS' status of the 'JUDGES APPROVAL' row, with the text 'Double-click' written in red next to it.

Figure 7: Enforcement Processes Page, Record Judge's Approval of Show Cause Remedy in Progress

Judge or Designee's Procedures

1. Double-click on the blue **In Progress** line for **Judge's Approval–Record Judge's Approval of Show Cause Remedy**.
2. Click on the radio button next to **Approved by Judge–Schedule Show Cause Hearing** (figure 8).
 - The judge or judge's designee clicks on the blue **In Progress** line. The judge or designee approves or disapproves the use of the remedy.

The screenshot displays the 'Update Activity' view in the NJKiDS system. At the top, there are navigation buttons: 'New', 'Add', 'Update', 'Delete', and 'Clear'. A red arrow points to the 'Update' button with the text '2. Click the update button.' Below this, the 'SELECT FILTERS' section shows 'Case ID' and 'ENFP Status: O - OPEN'. The main content area is titled 'Update Activity' and contains the text: 'You have chosen to update the action Record Judge's Approval of Show Cause Remedy'. There are two radio button options: 'APPROVED BY JUDGE - Schedule Show Cause Hearing' (which is selected) and 'DISAPPROVED BY JUDGE - Activity Chain Closes'. A red arrow points to the selected option with the text '1. For this demonstration, the option to approve has been chosen.' To the right, there is a 'Documents' section with two checked items: 'Certification in Support of DTSC Enforcement Action - Verified Statement - CS695' and 'Order to Show Cause - Enforcement Action - CS670'. Below this is a 'Time Frames' section with 'Current Activity' and 'Next Activity' rows, each showing 'Allotted Time' (5), 'Start Date' (05/15/2019), 'Due Date' (05/22/2019), 'Alert Date' (05/15/2019), and 'Action Date' (05/15/2019). At the bottom, there is a 'Special Notes' section with a text area containing 'Subject: APPROVED BY JUDGE - Schedule Show Cause Hearing'.

Figure 8: Enforcement Processes Page, Update Activity View for Record Judge's Approval of Show Cause Remedy

- After the judge or the judge's designee clicks the **Update** button, the CS670 and CS695 appear, and changes can be made and saved (figure 9). Once the documents are closed, the page will show that the judge approved the scheduling of the Show Cause hearing (figure 10).
- After the judge or the judge's designee approves the use of the remedy, and task is sent to the staff member with the **Probation Calendaring Role, RP031**.
- The activity chain will rest on **Schedule Show Cause Hearing**.

The screenshot displays a web-based form titled "CERTIFICATION IN SUPPORT OF OTSC ENFORCEMENT ACTION - VERIFIED STATEMENT" for case CS695. The interface includes a sidebar with navigation options like "Case Initiation", "Case Management", and "Enforcement". The main content area contains a form with the following sections:

- Case Information:** Case ID, CP, NCP, and Case Title (PLAINTIFF VS DEF).
- Update Activity:** Options for "APPROVED BY JUDGE" or "DISAPPROVED BY JUDGE".
- Time Frames:** "Current Activity" and "Next Activity" sections with "Allotted Time" fields.
- Special Notes:** A text area with a subject line "APPROVED BY JUDGE".
- Form Content:**
 - Header: "Probation Division, Child Support Enforcement"
 - Website and Fax fields.
 - To: Plaintiff/Obligor vs. Defendant/Obligee.
 - Address: SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION, FAMILY PART.
 - Docket No. and Case ID fields.
 - Title: CIVIL ACTION VERIFIED STATEMENT.
 - In Re: Employer/Alternate Payor.
 - Text: "Vicinage Chief Probation Officer (or designee), do hereby certify that the records in the above captioned matter maintained by the Probation Division, Child Support Enforcement Unit show that:"
 - Section: Income Withholding. Text: "By order dated [] the obligor, [], was directed by the court to pay the sum of \$ [] for child support plus \$ [] on arrears." "In accordance with N.J.S.A. 2A:17-56.8, the obligor's employer/alternate payor [], was served an Order/Notice to Withhold Income for Child Support on []."
 - Text: "Probation has not received child support payments from the employer/alternate payor as required by the Order/Notice to Withhold Income for Child Support."
 - Text: "The income withholding was effective on [], and to date, \$ [] should have been paid. Probation has received \$ [], leaving a balance of \$ [] due and owing. On [], Probation sent the employer/alternate payor a Notice of Non-compliance of Income Withholding. No response has been received to date."
 - Text: "Probation requests that the court issue an Order to Show Cause stating why judgment should not be entered against the employer/alternate payor for failure to comply with an Order/Notice to Withhold Income for Child Support, issued in accordance with N.J.S.A. 2A:17-56.7a et seq."
 - Text: "If judgment is so entered, Probation requests that the employer/alternate payor be compelled to pay all accumulated amounts that should have been withheld and that the court impose such other sanctions as the court may deem appropriate and just."
- Footer:** Error message: "JUDGE: Judge or electronic signature is unavailable SP_MAIN SPKG_NPRO.SP_SELECT_ORKER_ESIGN_DTLS 1 SPKG_NPRO.SP_SELECT_ORKER_ESIGN_DTLS SELECT VUSEM1 ORA-01403: no data found ID_WORKER = TRAINER005 ID_WORKER_SIGNEDON = TRAINER005".

Figure 9: Certification in Support of OTSC Enforcement Action (CS695)

The screenshot displays the 'Enforcement Processes' page in the NJKIDS system. The interface includes a top navigation bar with the NJKIDS logo, user information for Yolanda Glover, and a search bar. A left sidebar contains menu items like 'Case Initiation', 'Case Management', 'Financials', 'System', 'Enforcement', 'Establishment', 'Tools', and 'History'. The main content area shows case details for 'Enforcement Processes' with fields for Case ID, ENFP Status (O - OPEN), Case Type (NPN - FORMER ASSISTANCE), Office (051 - BURLINGTON-PROBATIC), and Case Status (O - OPEN). Below this, there are sections for 'Time Frames' (Current and Next Activity) and 'Special Notes'. The 'Special Notes' section contains a note: 'APPROVED BY JUDGE - Schedule Show Cause Hearing'.

Figure 10: Enforcement Processes Page, Approved by Judge, Schedule Show Cause Hearing

Additional Actions by the PCSE Unit

The PCSE Unit staff member will receive a task, which he or she will select from the **Manage Tasks** page. He or she will then perform the following procedures:

1. Double-click on the selected task to go to the blue **In Progress** line for **Schedule Show Cause Hearing**.
2. Select the appropriate radio button to schedule a hearing before a judge or a Child Support Hearing Officer.
3. Click on the radio button for one of the following:
 - a. **Show Cause Hearing Scheduled before a Judge** (Go to the section titled **Steps: Show Cause Hearing Scheduled before a Judge**, below.)
 - b. **Show Cause Hearing Scheduled before a Hearing Officer** (Go to the section titled **Steps: Show Cause Hearing Scheduled before a CSHO**, below.)

Steps: Show Cause Hearing Scheduled before a Judge

1. Click the **Update** button.
 - The **Add Proceeding–SOIS** pop-up appears.
2. Change the **Event Start Date** calendar field to the current date.
3. Enter the appropriate **Officiating ID**.
4. Click the **Date Search** button.
 - The event search page will appear with calendar choices.
5. Select the calendar for the **Officiating ID**.
6. Enter the **Officiating ID** and click the **Find** button.
 - A selection of calendars will appear.
7. Select and double-click the calendar.
 - The process will return to the **Add Proceeding–SOIS** pop-up and the calendar selection will be populated.
8. Enter “2600” in the **FACTS Proceeding Type** field.
9. Select a **Start Time** for the hearing using the drop-down field. (If scheduling for the present day, set the hearing for a time later than the present time.)
10. Click the **Accept Scheduling** button.
 - The Order to Show Cause–Enforcement Action (CS670) and the Certification in Support of OTSC Enforcement Action–Verified Statement (CS695) will appear and must be generated by the staff member.
 - Once the documents have been generated, the chain will advance to **Judge’s Determination–Record Judge’s Determination**.
 - Note: eSignature is not built into the **Source of Income** activity chain. One copy of each document must be printed after scheduling, manually signed, and mailed to the CP, the NCP, and the employer.
11. After the court hearing, double-click on the blue **In Progress** line for **Record Judge’s Determination**. (Local policies dictate which role advances the chain at this point.)
12. The chain will advance to the **Update Activity View**.

13. Click on the appropriate radio button: **Employer Found in Contempt–Await Judge’s Signature; Employer Complied–Await Judge’s Signature; Cancel and Relist before a Judge–Await Judge’s Signature;** or **Cancelled Prior to Hearing–Activity Chain Closes.**
14. After the appropriate radio button is chosen, click the **Update** button.
 - The chain will advance to the blue **In Progress** line for **Acquire Judge’s Signature–Await Judge’s Signature.**
 - The Uniform Summary Support Order (CS526) is generated and added to the judge’s worklist of documents requiring signature. If the Order to Show Cause Action against the employer is dismissed, the CS526 is sent to the Source of Income, the NCP, the CP, and the attorney of record for each party. If **Cancel and Relisted** is chosen, the **Scheduler** pop-up window appears and the child support staff member must reschedule the hearing.
 - A task goes to the PCSE Unit staff member with the scheduler role.
15. Double-click the blue **In Progress** line.
 - The activity chain advances to the **Update Activity View.** The staff member has three choices: **Order/Recommendation Signed–Activity Chain Closes; Cancel and Relist before a CSHO–Record Hearing Officer’s Determination; Cancel and Relist before a Judge–Record Judge’s Determination.**
 - If the judge has signed the order and the first radio button is selected, the remedy will close after the **Update** button is clicked.

Steps: Show Cause Hearing Scheduled before a Hearing Officer

- If this option is selected, the **Order to Show Cause for Contempt (CS670)** and the **Certification in Support of Order to Show Cause (CS695)** forms appear on page and are sent to the Source of Income, the NCP, and the CP.
 - The activity chain will rest on **Record Hearing Officer’s Determination.**
1. Select the appropriate radio button: **Employer Found in Contempt; Employer Complied; Cancel and Relist before a CSHO; Cancelled Prior to Hearing; Appeal to Judge; Refer to Judge.**

- For the first three options, the Uniform Summary Support Order (CS526) is generated and added to the Child Support Hearing Officer's worklist of documents requiring signature. If the Order to Show Cause Action against the employer is dismissed, the CS526 is sent to the Source of Income, the NCP, the CP, and the attorney of record for each party. If **Cancel and Relist** is chosen, the **Scheduler** pop-up window appears, and the child support staff member would reschedule the hearing. The activity chain will rest on **Await Hearing Officer's Signature**.
- For the fourth option, the Notice of Proceeding Cancellation (CS632) is used and generated if the hearing is not rescheduled, and is sent to the Source of Income, the NCP, and the CP. The activity chain closes.
- For the fifth option, the Uniform Summary Support Order (CS526) and the Child Support Hearing Officer Referral Form (CS631) appear. The CS631 is available for local print only. The activity chain will rest on **Record Judge's Determination**. Continue with step 9 in the section titled Steps: Show Cause Hearing Scheduled before a Judge.
- For the sixth option, the Notice of Adjournment and Rescheduling (CS524) is generated and sent to the Source of Income, the CP and the NCP. The activity chain will rest on **Record Judge's Determination**. Continue with step 9 in the section titled Steps: Show Cause Hearing Scheduled before a Judge.