

Handout 8: Passport Denial

Eligibility of Cases

In accordance with 42 U.S.C. § 652(k), a state Child Support Program must include procedures for the denial, revocation, or limitation of a passport when a non-custodial parent's (NCP) combined arrearage is equal to or greater than \$2,500. In New Jersey that requirement is implemented in accordance with N.J.A.C. 10:110-5.2(a)(12), which directs the Office of Child Support Services (OCSS) to certify to the Secretary of the United States Department of Health and Human Services those cases that qualify for denial or revocation of the NCP's passport. Once a passport has been denied under this provision, it can be reinstated only if the arrears are paid in full.

The federal Office of Child Support Enforcement (OCSE) generates the OCSE Pre-Offset Notice (commonly referred to as the Pre-Offset Notice) which is mailed to the NCP. The notice to the NCP regarding passport denial is contained within the Pre-Offset Notice.

Case Criteria

NJKiDS identifies cases that are eligible for passport denial based on the following criteria:

- Open IV-D case
- Verified Social Security Number (SSN) or Individual Taxpayer Identification Number
- If an NCP has \$2,500 or more in combined case arrears and is in a passport denial program, the NCP will remain in the program even if he or she reduces some of the arrears. All of the monies owed must be paid to bring the balance owed to zero.
- Valid first and last name
- Address contained in the address history

- Valid passports cannot be invalidated; only a renewal or modification can be denied.

Contest

When the NCP applies for, renews, or modifies his or her passport, the Department of State will issue a denial notice informing the NCP that the passport will be denied. The NCP has the right to contest the denial of his or her passport with the Administrative Enforcement Unit (AEU). Local staff should explain issues or answer questions of a general nature regarding the Passport Denial Program. When an NCP disputes the arrears, alleges that travel abroad is required for work, or alleges the existence of extraordinary circumstances, the AEU will fax the Administrative Resolution form, together with any supporting documents, to the local Probation Child Support Enforcement (PCSE) Unit and the Administrative Office of the Courts (AOC) for review. Upon receipt of the Administrative Resolution form and the documentation, the PCSE staff will review the documentation to determine the reason for the contest. An NCP's name may not be withdrawn from the passport denial list unless there is a valid reason for doing so.

NOTE



The **Passport Denial** remedy contains the provision that the NCP has a right to an administrative review as part of the process. See the Administrative Review document for more information on how the contest/appeal process is performed in NJKiDS.

PSCE staff must create an **Action Note to File** detailing information and events related to the passport denial and send it an AEU staff member.