

Handout 12: Arrears Payback Amount Increased

NJKiDS identifies cases eligible for **Increased Arrears Payback Amount** when a new **Source of Income (SOI)** is identified and the case meets the established criteria.

The weekly payback amount is calculated according to the formula contained in the *Probation CSE Operations* manual. Payback amounts are initiated by sending an Income Withholding Notice (CS006) to the Source of Income (SOI) 10 business days **after** the notice to the obligor is postmarked. The arrears payback amounts are shown in the table below:


Arrears Up To	Weekly Payback Amount
\$500	\$20 weekly payment
\$1,000	\$25 weekly payment
\$2,500	\$30 weekly payment
\$5,000	\$35 weekly payment
\$7,500	\$40 weekly payment
\$10,000	\$45 weekly payment
Greater than \$10,000	\$50 weekly payment

Case Selection Criteria

NJKiDS will select a case for this remedy only if the following conditions are met:

- The case must be an open IV-D case with an obligation.
- The arrears payback amount on the **Obligations by Case** page, **Obligations by CP** page, or **Obligations by NCP** page is set to \$0.
- Arrears exist for any debt type except **Interest on Alimony (AI)** and **Alimony Support (AL)**.

- The **Income Withholding Order Type** recorded on the **Court Order** page is **Immediate; Probation Initiated; or Court Ordered**.
- If the case is **Initiating Interstate**, the **Referral Type** must be **Request Registration of a Foreign Support Order for Enforcement; Request Registration of Foreign Support Order for Modification; or Request Registration of Foreign Support Order for Modification and Enforcement**.

 NOTE	NJKiDS does not generate the Notice to Obligor–Increase Arrearage Payment on Income Withholding (CS121) when the current arrears payback amount is ordered by the court.
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The following conditions will prevent a case from being selected for this remedy:

- There is an active **Arrears Payback Amount** activity chain for the same type/member/case ID.
- Specific income withholding exists in **Active** or **Pending** status for the case ID.
- There is an active case enforcement exemption.
- There is an active **Arrears Payback Amount** exemption or **Income Withholding** exemption.
- The **Status** for the compliance **Type, Periodic Amount**, indicates **Active** on the **Compliance Schedule** page.
- The member is in Chapter 13 bankruptcy.
- The member is deceased, incarcerated, or institutionalized, as recorded on the **Member Demographics** page.

NJKiDS generates the Notice to Obligor–Increase Arrearage Payment on Income Withholding (CS121) to the NCP and the Initial Income Withholding Notice (CS006) to the active SOI.

Intergovernmental Considerations

Initiating Interstate cases can be selected as long as the **Referral Type** is for modification. New Jersey must be enforcing the case. Intergovernmental cases must be reviewed to ensure that the correct **Referral Type** is indicated and that the case is coded correctly on the **Court Order** page and the **Interstate Information** page. Proper coding ensures that an arrears payback is not initiated on a case where New Jersey is not authorized to enforce a remedy. Communication with the other state will be necessary in some instances and manual adjustments to NJKiDS correspondence may be needed.

For further details, attend an Intergovernmental course offered by NJCSI.

Procedures

1. Navigate to the **Enforcement Processes** page.
2. Click on the **New** icon for the remedy, **Arrears Payback Amount Increased**.
3. On the new page that appears, click on the **Start New Remedy** button.
4. On the new page that appears, click on the **Update** button.
5. On the new page that appears, click on the blue **In Progress** line for the action, **Arrears Payback Amount Increased by Probation Formula**.
6. The **Notice to Obligor to Establish or Increase Arrears Payback** document is generated on-page. The system sends the notice to the NCP with the applicable information populated.
 - a. Navigate to the **Previously Generated Documents** page to find the date the notice was sent.

Additional Procedures—NCP Contests the Arrears Payback Amount Increase

1. Select the radio button, **Contest Received—Process NCP Contest** and click the Update button.
2. Click on the blue line that states **Process NCP Request**.
3. On the new page that appears, click on the next appropriate step: **Administrative Review—Desk** or **Review before a Child Support Hearing Officer Requested**.
(Note: If the Child Support Hearing Officer option is requested, the activity chain moves to scheduling, and a task is sent to the staff member with the **Probation Calendaring Role, RP031**.)
4. Fifteen calendar days are given for the review. Click on the appropriate radio button: **Mistake of Fact—Activity Chain Closes; Case Cannot Be Decided Administratively—Schedule Hearing; No Mistake of Fact—Record Contest of Administrative Review**.
5. The obligor has 15 calendar days to contest the administrative review. If the obligor does not respond, the activity chain closes. If the obligor contests the review, the chain advances to **Schedule Hearing**.

NOTE

The **Arrears Payback Amount** can be increased by the Probation Child Support Enforcement (PCSE) Unit only if it was initially generated from a CS121, not a court order. If the child support staff member starts the **Arrears Payback Amount** activity chain and the case is listed for court, the system will close the chain.