Handout 15: Exclusions vs. Exemptions

Exclusions

- Exclusions are related to a certain condition of the case and are not court ordered.
- When the condition has been corrected or resolved, the exclusion no longer applies, and the case is eligible for enforcement remedies.
- Exclusions from enforcement remedies do not have formal begin and end dates (as is the case with an enforcement exemption).
- Exclusions "bar from participation, consideration, or inclusion."
- Example: An active Chapter 13 bankruptcy may be a case condition that excludes a case from eligibility for an enforcement remedy.
- Cases are excluded from certain remedies when system conditions are met; they are not manually created.

NOTE	The system does not prevent a remedy from being entered initially.

Intergovernmental Considerations

Intergovernmental cases are excluded from enforcement by NJKiDS once the ANOAD (acknowledgment no further information required) transaction is received through CSENet. The local Probation Child Support Enforcement (PCSE) Units have been exempting all cases. This action is neither necessary nor appropriate.

In the event that a paper transmittal is received and an electronic transmission is **not** received, enforcement remedies would need to be manually excluded.

All enforcement remedies should be left to the responding state to enforce. However, in cases where New Jersey is the state with continuing exclusive jurisdiction (CEJ) and the responding state has not enforced eligible remedies (e.g., tax offset, Financial Institution Data Match [FIDM]), New Jersey may choose to perform those administrative enforcement remedies.

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

Exemptions

- Exempt: Free or released from some liability or requirement to which others are subject.
- Exemption from enforcement or exemption from a specific enforcement remedy is court ordered.
- Exemptions may be ordered for a period of time, and they may have an end date.

Exemptions from Enforcement Remedies

- Exemptions disallow the initiation of a remedy on the basis of exemption conditions.
- A case-level enforcement exemption does **not** include the following:
    - National Medical Support Notice (NMSN)
    - Cost-of-living adjustment (COLA)
    - Administrative Review
        - Cannot be exempted because it is not a remedy; it is an activity chain available to parties who want to contest enforcement
    - Source of Income Show Cause

- Cannot be exempted because it is used to bring employers into court for noncompliance

- A case- and remedy-level exemption is not available for the following:
  o Administrative Review
  o Source of Income Show Cause

- NJKiDS excludes cases with active exemptions for enforcement actions.

- Setting or removing an exemption does not automatically affect a remedy already in progress.

- The child support staff is expected to conduct the actions necessary to suspend or close currently open remedies.

NOTE	NJKiDS does not close in-progress activities when a case is subsequently exempt or excluded.

To Exempt the NCP from All Remedies Available for Exemption in NJKiDS

1. Navigate to the **Exempt Case Enforcement** page.
2. In the **Update Current Enforcement Status** section, click on the drop-down arrow next to the **Status** field and select **Exempt**.
3. Click on the drop-down arrow next to the **Reason** field and select **Court Ordered**.
4. Click the **Calendar** button and select an appropriate end date. The start date is populated with the current date by default.
5. Click the **Update** button .
6. In the pop-up text box that appears, enter a detailed reason for the full exemption.
7. Click the **OK** button.

    - The **View Enforcement Status History** area will update with the exemption.
    - When viewing the list of remedies on the **Enforcement Processes** page, each of the remedies eligible for exemption will display **Yes** in the **Exemption** box.

- The exemption will remain in effect until the exemption end date is reached.

To Exempt the NCP from an Individual Remedy in NJKiDS

1. Navigate to the **Enforcement Processes** page.
2. Select the remedy for exemption.
3. In the **Exempt** column for that remedy, click on the yellow button. The button should say **NO**, indicating that the NCP is not currently exempt from that remedy.
4. Click the **NO** button.
5. Select an end date for the exemption.
6. Select the only reason code available, **Court-ordered**.
7. Click the **Update** button.
   - A pop-up text box opens.
8. Type a detailed reason for the exemption. The note should mention the details of the court order authorizing the exemption of the NCP from the remedy.
9. Click the **OK** button.
   - The **Exempt** column will indicate **YES** for the remedy selected.