

State of New Jersey
Administrative Office of the Courts

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1618 Project Save Our Children (PSOC) Procedures

A. Authority

United States Code: 18 U.S.C. § 228

Other References: Federal OCSS Action Transmittal
No. 11-01

DFD Informational Transmittal
No. 12-57

B. Overview

Project Save Our Children (PSOC) is a joint initiative by federal, state, and local child support agencies to help locate and prosecute delinquent Non-Custodial Parents (NCPs)/obligors who owe support on behalf of children. PSOC provides for federal criminal misdemeanor and felony charges for the willful non-payment of child support. The U.S. Attorney's Office is charged with prosecuting the cases.

C. Case Criteria

1. 18 U.S.C.A. § 228 states the following criteria may qualify a case for prosecution due to the willful non-payment of child support:
 - a. The Non-Custodial Parent (NCP)/obligor willfully fails to pay a support obligation with respect to a child who resides in another state, if such obligation has remained unpaid for a period longer than one year, or is greater than \$5,000 (misdemeanor);
 - b. The NCP/obligor travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation

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has remained unpaid for a period longer than one year, or is greater than \$5,000; or

- c. The NCP/obligor willfully fails to pay a support obligation with respect to a child who resides in another state, if such obligation has remained unpaid for a period longer than two years or is greater than \$10,000 (felony).

Note: In New Jersey, the U.S. Attorney's Office assigned to this District has set the criteria at \$20,000 in child support arrears and the obligation must have remained unpaid for a period of longer than one year before a case will be eligible for consideration. For purposes of PSOC, spousal and medical arrears are NOT considered. The decision to pursue a case is always at the discretion of the U.S. Attorney.

2. The delinquent NCP/obligor must have made no voluntary payments for at least one year. Under limited circumstances where there are \$20,000 or more of child support arrears and the voluntary payments are nominal, the case may be considered for prosecution.

Note: Non-voluntary payments include Tax Offset, Financial Institution Data Match (FIDM), Judgment, Child Support Lien Network (CSLN), Lottery, Custodial Parent (CP)/obligee recoupment, Non-Sufficient Funds (NSF) recoupment, and bench warrant payments.

3. The Division of Family Development (DFD) obtains the NCP's/obligor's W-2's from a database in Washington D.C. The Office of the Inspector General (OIG) determines whether the delinquent parent has the ability to pay by acquiring the NCP's/obligor's W-2's and other financial sources, such as bank account information.

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4. The Probation Child Support Enforcement (PCSE) Unit must have used all other available resources to collect the arrears prior to the *PSOC Referral Application* (CS660) being completed.
5. New Jersey Kids Deserve Support (NJKiDS) will select cases only in which the NCP/obligor resides outside of New Jersey.
6. Priority is to be given to cases where the child(ren) are under the age of 18; however, for extenuating circumstances such as a disability of the child and/or CP/obligee, the case may be considered for federal prosecution even if the child(ren) are over the age of 18.

D. Case Selection

1. NJKiDS selects cases and generates tasks to the assigned PCSE staff to review for PSOC eligibility. For cases not selected by NJKiDS, staff may manually open the chain.
2. DFD may identify a case that appears to be eligible for prosecution or the Office of the Inspector General (OIG) within the federal Department of Health and Human Services (DHHS) may contact DFD and request a *State Referral: Federal Criminal Prosecution for Non-Support (Referral)* form be prepared.
3. A CP/obligee may contact either the DFD or the PCSE Unit directly and request that their child support case be reviewed for PSOC eligibility.
4. In all cases, if staff believe that the case may be eligible for PSOC, they will advance the chain for supervisory approval. If the supervisor rejects the activity, the case will not be considered eligible for the remedy for 6 months from the date rejected. The supervisor must enter a detailed explanation on the View/Update Notes/NOTE page in NJKiDS as to why the activity was rejected.

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E. PSOC Referral Application Procedures

When staff are unable to locate the person or assets of an NCP/obligor, who appears to be appropriate for PSOC criminal action, using all available state and Federal Parent Locator Service (FPLS) locate resources, the state, through its State PSOC Coordinator, may then refer the case to the Federal Office of Child Support Services (Federal OCSS) PSOC Locate Analyst to obtain multiple years of wage data and/or additional location information.

Note: Even when requesting locate services, staff must complete the entire PSOC application, including the request for criminal prosecution.

Criminal non-support referrals are sent by the State PSOC Coordinator to the Federal OCSS PSOC Coordinator for processing to the OIG. Referrals are signed by the official(s), designated by the state IV-D director, who certifies that (1) the case is believed to meet statutory criteria for federal prosecution and (2) the state has exhausted all available and reasonable alternative enforcement remedies.

1. Once the PCSE supervisor approves the PSOC chain, the PCSE Unit is responsible for completing the CS660 on NJKiDS, gathering all pertinent information as detailed below.
2. The following information must accompany the CS660 when it is forwarded to the AOC PSOC Liaison by the PCSE Unit:
 - a. Complete Payment History;
 - b. All court orders chronologically;
 - c. Detailed list of past enforcement actions (Section 7 on the CS660);
 - d. NCP's/Obligor's last known address (section 1 on the CS660);

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- e. UIFSA petitions; and
 - f. Any other relevant documentation that can serve as evidence when properly submitted to the court in an actual trial.
- 3. Once the completed CS660 is reviewed for completeness and accuracy by the AOC PSOC Liaison, it is forwarded to the DFD PSOC Coordinator and uploaded to the Electronic Documents/EDOC page.
 - 4. The DFD PSOC Coordinator will request W-2 employment data through the Federal OCSS central office and perform locate searches on the NCP/obligor. DFD will also ask the CP/obligee to complete a PSOC questionnaire to obtain the most up-to-date, detailed information about the NCP/obligor. DFD then manually forwards the completed CS660 to the federal Office of the Inspector General, updates the activity chain, and monitors the case until a decision has been made by the U.S. Attorney's Office.
 - 5. For intergovernmental cases, staff must send a Child Support Enforcement Network (CSENet) transmittal to the other state keeping it apprised of the status of the filing.

F. Federal Review

The OIG will conduct a thorough review of the case. If it is determined the child support case qualifies for prosecution for criminal non-support, the OIG will forward the CS660 to the U.S. Attorney's Office.

If there is a finding of criminal non-support, the case should be exempted from the PSOC remedy in the future. The felony willful non-payment of child support is punishable by a fine, imprisonment for not more than two years, or both, or federal probation.

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If the criminal non-support is dismissed, the case is not eligible for the PSOC remedy for one year.

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**Project Save Our Children (PSOC) Procedures – List of Associated NJKiDS
Form(s)**

NJKiDS CS Number:	NJKiDS Form Title:
CS660	PSOC Referral Application