

State of New Jersey
Administrative Office of the Courts

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1800A Terminology/Glossary of Terms

Uniform Interstate Family Support Act (UIFSA) Definitions¹:

Child

An individual, whether over or under the age of majority, who is or alleged to be owed a duty of support by the individual's parent or who is alleged to be the beneficiary of a support order directed to the parent.

Child Support Order

A support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

Continuing, Exclusive Jurisdiction (CEJ)

CEJ is the authority of a state to modify an existing order (Refer to section 1802, UIFSA 2008).

Controlling Order

The underlying order that must be used by all states and tribes when enforcing or modifying support actions prospectively. The controlling order also determines the non-modifiable terms of the support obligation such as age of majority.

Duty of Support

An obligation imposed or imposable by law to provide support for a child, spouse, or former spouse.

¹ N.J.S.A. 2A:4-30.125

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Foreign Country

A country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and: (1) which has been declared under the law of the United States to be a foreign reciprocating country; (2) which has established a reciprocal arrangement for child support with this State; (3) which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this act; or (4) in which the Hague Convention is in force with respect to the United States.

Foreign Support Order

A support order that originates from a tribunal outside of New Jersey.

Foreign Tribunal

A court, administrative agency, or quasi-judicial entity outside of the state of New Jersey which is authorized to establish, enforce, or modify support orders or to determine parentage of a child.

Home State

The state or foreign country in which a child lived with a parent or a person acting as a parent for at least six (6) consecutive months immediately preceding the time of filing of a complaint or comparable pleading for support and, if a child is less than six (6) months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

Income

For child support purposes, any periodic form of payment to an individual, regardless of source, including wages, salaries, commissions, bonuses, worker's compensation, disability, pension, retirement program payments and interest, remuneration for work performed, or any payment made in lieu of remuneration for work performed, such as social security benefits or retirement pay.

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Income Withholding Order

An order or other legal process directed to a Non-Custodial Parent (NCP)'s/obligor's source of income, as defined by the New Jersey Child Support Program Improvement Act, to withhold support from the income of the NCP/obligor.

Initiating Agency

The State, Tribal, or IV-D agency that sends a request for action to another court or agency that can exercise legal authority against a party to an action.

Intergovernmental IV-D Case

An intergovernmental IV-D case (formerly known as interstate) is a IV-D case in which the Non-Custodial Parent (NCP)/obligor lives and/or works in a jurisdiction different from that of the Custodial Parent (CP)/obligee and child(ren) and that has been referred by an initiating agency to a responding agency for services. An intergovernmental IV-D case will include referrals between states, tribes, or countries.

Issuing Foreign Country

The foreign country that issues a support order or a judgment.

Issuing State

The state that issues a support order or a judgment.

Long-Arm Jurisdiction

Legal authority that permits one state or tribe to assert personal jurisdiction over someone who lives in another state or tribe. Long-arm jurisdiction applies only to the establishment of paternity, spousal support, child support, and medical support. It does not apply to proceedings to enforce or modify an order or when issuing an income withholding order.

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Obligee/Custodial Parent (CP)

A parent, caretaker, or entity (e.g., foster care) who lives with a child and has primary day-to-day responsibility for that child. The Custodial Parent is the person to whom child support is payable. Also referred to as the obligee. See creditor definition under the Hague.

Obligor/Non-Custodial Parent (NCP)

The parent who does not have primary care, custody, and has an obligation to pay child support. Also referred to as the obligor. See debtor definition under the Hague.

Petitioner

A petitioner is a person or agency that brings an action by filing a petition in Family Court. Both obligees and obligors can now file petitions in intergovernmental child support cases, and, therefore, the term petitioner does not necessarily mean the person who should receive support payments.

Reciprocity

The process by which one jurisdiction provides services to another jurisdiction on the condition that it receives the same level of services. There are several types of reciprocal agreements that exist at different levels; state level; the federal level, the Hague Child Support Convention (Hague) level, and reciprocal agreements on the basis of comity for those countries that have not entered into any agreements.

Record

Information that is in writing or electronic that can be stored and retrieved such as CourtSmart, microfiche, transcript, and case file.

Registration

The process through which a support order is filed in another jurisdiction. Registration allows the state in which the order is registered to take action as if the order had been

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issued by that jurisdiction. An order may be registered in any state where the NCP/obligor resides, derives income, or owns property.

Respondent

The party answering a petition or motion in a tribunal.

Responding Agency

The court or administrative agency with jurisdiction over an NCP/obligor or child support order on which an initiating agency has requested action.

Spousal Support Order

A support order for a spouse or former spouse of the NCP/obligor when ordered in conjunction with child support.

State Disbursement Unit (SDU)

The single, centralized site in each State IV-D agency that is responsible for receiving and disbursing support payments.

State IV-D Agency

The agency in each state that is responsible to the Federal government for the overall administration of the Child Support Program. New Jersey's Title IV-D agency is the Office of Child Support Services (OCSS), which is located in the State Department of Human Services, Division of Family Development (DFD).

Support Enforcement Agency

An agency that exists in every state or tribe to locate NCPs/obligors or putative fathers; establish, enforce, and modify child support orders, and collect and distribute child support money. It is operated by state, tribal, or local governments in accordance with the Child Support Enforcement Program guidelines as set forth in Title IV-D of the Social

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Security Act. In New Jersey, the support enforcement agencies are the Administrative Office of the Courts (AOC) and the Division of Family Development (DFD).

Support Order

A judgment or order (whether temporary, final, or subject to modification) issued by the court. Support orders include the provision of monetary support, health care, payment of arrears, and other financial and non-financial provisions.

Tribunal

A court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage. In New Jersey, the Superior Court, Family Division is the tribunal.

The Hague Definitions²:

Application

A request under the Convention by a creditor (CP/obligee) or debtor (NCP/obligor), or on behalf of a child/spouse, made through a central authority for assistance from another central authority.

Central Authority

The public authority designated by a signatory country to discharge or carry out the duties of administrative co-operation and assistance under the Convention. The United States is a signatory country to the Hague.

² N.J.S.A. 2A:4-30.184

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Convention

An international treaty³ signed by several countries⁴ that provides important safeguards to protect the best interests of children, birth parents, and adoptive parents in intercountry proceedings.

Creditor

A creditor is defined in Article 3 as the individual to whom maintenance is owed or alleged to be owed. (The individual or entity entitled to receive support).

Debtor

A debtor is defined in Article 3 as the individual who owes or is alleged to owe maintenance. (The individual responsible for payment of support).

Direct Request

A pleading filed by an individual directly in a tribunal in a proceeding involving a creditor, debtor, and child residing outside the United States. A direct request is not made through a Central Authority.

Foreign Support Agreement (Maintenance Arrangement)

A valid and enforceable support order entered by a signatory country of the Hague.

United States Central Authority

The Office of Child Support Enforcement (OCSE) of the Administration for Children and Families within the United States Department of Health and Human Services.

³ The treaty is titled The Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

⁴ Those countries are also called Contracting State or Convention Country.