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1804 Creating an Intergovernmental Case

A. Intergovernmental Central Registry (ICR)

Intergovernmental petitions are sent to the ICR for processing. In New Jersey, the ICR is located within the Administrative Office of the Courts (AOC), Probation Child Support Enforcement Services. Upon receipt, the petition is date stamped and processed within the federally required timeframe of 10 working days. The ICR will take the following steps:

1. Petition is reviewed for completeness;
2. Create or update an existing case in NJKiDS; and
3. Send an acknowledgment to the initiating agency informing them of where the case was forwarded for the next action.

Note: If a deficiency is found in the filing, the ICR will notify the initiating agency via the acknowledgment and ask that they send the required documents to the local county office.

B. Incoming Registrations (New Jersey as the Responding Agency)

After the petition is processed by the ICR, the petition will be forwarded to the local Family Division for the next required action. The Family Division acts as the Clerk of the Superior Court for family-related actions including the processing of requests for registration of foreign support orders. Incoming Uniform Interstate Family Support Act (UIFSA) registrations must be filed with the Family Division for docketing and processing. Support orders issued by other states must be given full faith and credit in New Jersey.

The Family Division is responsible for reviewing documents, docketing the order, sending notice of the registration to the respondent, scheduling hearings, maintaining records of the registration, and distributing

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registration documents and orders. The Family Division will fully process the registration. If additional information or documents are requested and/or required, the Family Division must contact the initiating agency to obtain the information.

In accordance with the *Data Security Manual*, the handling of Federal Tax Information (FTI) contained in UIFSA-related documents received by the ICR must be identified, labeled, and tracked on the “FTI Access, Movement, and Destruction Log”. Once forwarded to the county, ICR staff will contact the local office to confirm receipt and update the log. Local offices must adhere to the Internal Revenue Service (IRS) protocols regarding FTI. Further information can be found on the IRS website, <https://www.irs.gov/pub/irs-pdf/p1075.pdf>.

Note: An example of FTI include out-of-state payment records disclosing the source as IRS. In addition, a Transmittal #2 reporting a federal tax offset collection is also FTI.

Incoming registrations can request enforcement only, modification only or modification and enforcement.

1. Registration of a Foreign Support Order

- a. Upon receipt of a petition from the ICR, the Family Division will docket the case on New Jersey Kids Deserve Support (NJKiDS) and create a Family Division case file.

Note: If an initial petition was sent directly to the local Family Division, the petition should be forwarded to the ICR for processing.

- b. The Family Division will review the documents for the required information and, if appropriate, contact the petitioner or initiating agency for additional information.

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- c. If only one order was issued by a tribunal, utilize the Registration of Foreign Orders chain in NJKiDS, prepare and send a *Notice of Registration of Foreign Support Order Pursuant to N.J.S.A. 2A:4-30.172* (CS543) to the respondent by first class mail at the address provided on the *Letter of Transmittal Requesting Registration (Registration Statement)* (CS676). Copies of the registered order and other supporting documentation must be provided with the CS543, except for family violence cases. Cases involving domestic violence require particular attention to confidentiality and have additional safeguards in NJKiDS.
- d. If multiple orders exist or are discovered (orders issued by multiple tribunals), the Family Division should contact the other agency, and if required, utilize the Registration of Foreign Orders chain, and schedule a determination of a controlling order (DCO) hearing to consolidate the arrears and determine the controlling order.
- e. Family Division staff shall be responsible for entering all financial information in NJKiDS. This shall include all financial obligations, arrears payback amount, and total arrears owed.
- f. Family Division staff will forward a copy of the registered order and accompanying documents to the Probation Child Support Enforcement (PCSE) Unit to enforce the order.
- g. If the CS543 is returned by the postal service because it could not be delivered to the respondent, place the CS543 and envelope in the Family Division case file and the Family Division will create a note to file. At this point, the registration is not confirmed, but the order remains enforceable.
- h. If the respondent contests the registration within 20 days of the mailing of the CS543, Family Division shall:

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1. Send a copy of the written contest to the PCSE Unit;
2. Schedule the contest for a court hearing; and
3. Send the *Civil Action Counter Claim* (CS516) and *Civil Action Summons for Proceeding* (CS523) to the petitioner, respondent, the support enforcement agency, or tribunal in the initiating jurisdiction, the PCSE Unit, and in Title IV-A/E cases, the County Welfare Agency (CWA).
4. Upon receiving an action note of the respondent's contest from the Family Division, PCSE will submit the appropriate financial note to the local Vicinage Finance Division to place a MNLC (pending legal action) hold to prevent disbursement until the contest is resolved. The arrears should be calculated in cooperation with the initiating agency or petitioner. Continue administrative enforcement unless otherwise ordered by the court.

Note: PCSE staff should be familiar with the valid defenses to contest that can be raised by the Non-Custodial Parent (NCP)/obligor under UIFSA 2008, which can be located on the CS543.

- i. If the contest is received more than 20 days after the CS543 is mailed, Family staff must send a letter to the respondent and the initiating agency advising that:
 1. The contest was received after the contest period expired; and
 2. The registered order was confirmed by operation of law.

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Note: If the contest period has expired, then the NCP/obligor must file in the issuing state.

- j. If the respondent fails to contest the registration within 20 days of the date that the CS543 was mailed, Family Division staff must complete the *Certification Confirmation of Registered Order* (CS544) and place it in the Family Division case file.
- k. Upon receipt of the registration documents from the Family Division, PCSE staff will create the case file and review the current support and arrears obligation entry on NJKiDS. PCSE staff should also review the following pages:
 - 1. Court Order/SORD (continuing, exclusive jurisdiction (CEJ), controlling order, and issuing order state);
 - 2. Obligations By Case/OWIZ (disbursement and Federal Information Processing Standards (FIPS));
 - 3. Interstate Information/ISIN; and
 - 4. Update Case Information/CCRT (Case Member Information).
- l. PCSE staff will enforce the registered order in the same manner as a New Jersey support order.

C. Limited Services

Under UIFSA 2008, a Transmittal #3 can be used to request limited services within the U.S. and its Territories, as well as non-Hague countries. When sending a Transmittal #1 under a traditional two-state case, we are the initiating agency. However, when sending a Transmittal #3, we are the requesting agency. The following services can be requested by PCSE staff with the intergovernmental role:

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1. Copies of support orders and payment records;
2. Assistance with Automated Administrative Enforcement in Interstate Cases (AEI);
3. Location request;
4. Request financial data/proof of respondent's income; and
5. For more information on payment forwarding, refer to the *Probation Child Support Enforcement Operations Manual*, 1804A Payment Forwarding.

If New Jersey is seeking asset information and/or seizure of assets in another state, then staff will need to include the certification of arrears and copies of the most recent court order. PCSE staff can determine which cases to submit based on the following:

- a. Specific information that NCP/obligor may have assets in another state (e.g., local state income tax, entertainers paid for performance, lump sum state benefits such as the Alaska Permanent Fund); and
- b. Location of assets within the jurisdiction or NCP's/obligor's known past association with the assisting state.

If the action is contested, New Jersey can provide assistance to the other state in resolving the contest.

An assisting state will perform the search or seizure in accordance with the state's laws and procedures where the asset is located, collect funds, and report the results¹.

¹ Within 30 working days of receiving a Transmittal #3, staff must provide or notify the other agency when the information will be provided (45 C.F.R. 303.7).

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D. Outgoing Registrations (New Jersey as the Initiating Agency)

1. The PCSE Unit is responsible for requesting registration of the orders it is monitoring/enforcing to other agencies for enforcement. If PCSE staff identifies that an NCP/obligor resides in another state and has no attachable income or assets, staff should review the case and determine if a registration to the NCP's/obligor's home state is needed. This review can be done by PCSE staff or by request from the Custodial Parent (CP)/obligee. PCSE staff, in its discretion, may register the support order for enforcement in the state of the NCP/obligor. Depending on the assigned role (RP086), staff will receive a task in NJKiDS confirming NCP/obligor is out of state.

Note: If neither the NCP/obligor/CP/obligee reside in the state of New Jersey and enforcement has become an issue, PCSE staff should consider contacting the CP/obligee to inform them of the benefits of applying for IV-D services in their home state. PCSE staff should be prepared to provide certified documents upon request.

2. PCSE staff must review and determine if the case is eligible for registration by completing the *Intergovernmental Eligibility Checklist* (Attachment 1804B).
3. Once deemed eligible for registration, PCSE staff will start to complete Attachment 1804B by reviewing the "Eligibility Criteria" section:
 - a. PCSE must send the *Notice of Delinquency* (CS022) and *Letter Requesting Current Employment Status* (CS059) and ensure that 10 days have elapsed;
 - b. PCSE must conduct a review through the Office of Child Support Enforcement (OCSE) Portal for locate and income information and jail prison searches; and

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- c. All enforcement remedies should be exhausted.
- 4. If no new information is obtained and the case remains eligible for an outgoing registration, staff can then prepare the following supporting documents as listed in Attachment 1804B:
 - a. PCSE must address any active bench warrants and monies on hold;
 - b. A postal verification confirming the NCP's/obligor's address in the other state is not required, but is strongly recommended;

Note: We are required to have locate information for the NCP/obligor for good service of process in the other state and effective enforcement. Probation will need address information for the CP/obligee so that the UIFSA forms auto populate correctly. However, the out of state agency will send support payments to New Jersey's Payment Center regardless of CP's/obligee's address.

- c. Confirm all support orders are in file; and
 - d. Obtain Proof of Paternity/Parentage for dependents (e.g., Certificate of Parentage (COP)). If no physical evidence of parentage is found, then PCSE may not be able to move forward with registration until proof is obtained.
- Note:** Additional documentation that support a registration request can include documentation of income and assets and information from social media posts.
- 5. Once the case owner has completed the *Intergovernmental Eligibility Checklist*, Intergovernmental staff must complete the *Checklist for Outgoing Registrations* (Attachment 1804B). Before the UIFSA

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forms are prepared, a record for the other state must be added on the Add Interstate Action/ISIN page in NJKiDS. In addition, staff must check the “Non-Disclosure” field on the Interstate Information/ISIN page when appropriate. Intergovernmental staff will then prepare and mail the following documents to the central registry in the jurisdiction where the NCP/obligor resides or owns property:

- a. *Certification in Support of Non-Disclosure of Identifying Information* (CS748) form or family violence restraining order (TRO or FRO), if applicable;
- b. *Child Support Enforcement Transmittal #1 – Initial Request* (CS677);
- c. *Letter of Transmittal Requesting Registration (Registration Statement)* (CS676);
- d. *Child Support Agency Confidential Information Form* (CS745);
- e. One certified and two copies of all orders required for registration (as specified in Attachment 1804B). PCSE staff is required to research other states’ requirements on the Intergovernmental Reference Guide (IRG);
- f. A certified copy of the complete payment history SLOG Audit Report and Business Intelligence (BI) Portal report;
- g. *A Civil Action Certification of Arrears* (CS028); and
- h. PCSE staff must follow up timely and complete the *Exemptions for Non-CSENet Acknowledgment* (Attachment 1804C).

Note: Refer to the *Probation Child Support Enforcement Operations Manual*, 1804A Payment Forwarding for further information.

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E. The Hague Child Support Convention (the Hague)

PCSE staff should be mindful of the new terminology when handling a case under the Hague. Refer to the *Probation Child Support Enforcement Operations Manual*, 1800A Terminology/Glossary of Terms.

1. Incoming Registrations (New Jersey as the Requested Country)

- a. Similar to UIFSA petitions, the ICR will be the central office responsible for receiving Hague pleadings from convention countries. Upon receipt, the pleading is date stamped and reviewed for completeness. Specifically, the ICR is looking for the required documents in the following:

1. Annex 1: *Transmittal Form under Article 12(2)*;

Note: On non-disclosure requests, the ICR is responsible for updating the check box on the Update Interstate Information/ISIN page; however, PCSE staff may also update when needed.

2. Annex 2: *Acknowledgment Form under Article 12(3)*;

3. A1: *Application for Recognition or Recognition for Enforcement*;

4. A copy of the order in its original language and a translated copy in English, or an abstract of the order to be enforced;

5. A3: *Statement of Enforceability of a Decision*;

6. A4: *Statement of Proper Notice*, if a default order was entered; and

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7. *A5: Status of Application Report (Recognition and Enforcement).*

- b. Once all documents have been received, the ICR will create or update an existing case in NJKiDS. The ICR completes and returns the *Annex 2: Acknowledgment Form under Article 12(3)* provided by the requesting country informing them that the pleadings were submitted to the Family Division. If a deficiency is found in the pleading, the ICR will notify the requesting country and allow them up to 3 months to provide the required documents. Once that information is received, the ICR completes case processing and forwards the pleading to the local county office.
- c. The Family Division acts as the Clerk of the Superior Court for family-related actions including the processing for recognition and enforcement of a convention order. Incoming Hague pleadings sent from the ICR will be filed with the Family Division for docketing and processing. Foreign orders under UIFSA are ordinarily afforded full faith and credit under the U.S. Constitution. However, under Hague, the tribunal may vacate the registration on its motion if the court finds that the foreign order is manifestly incompatible with public policy. This would only apply under certain exceptional circumstances.
- d. The Family Division is responsible for reviewing documents, docketing the order, sending notice of the registration to the debtor, scheduling hearings, maintaining records of the registration, and distributing registration documents and orders. If additional information or documents are requested and/or required, the Family Division must contact the requesting country to obtain the information.

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Note: PCSE staff should be familiar with the valid defenses to contest that can be raised by the debtor under Hague pursuant to N.J.S.A. 2A:4-30.191. A few examples include, but are not limited to, dispute of the arrears balance and/or lack of personal jurisdiction.

- e. If the debtor is contesting the registration, he/she has 30 days after notice of the registration, but if the debtor resides outside the U.S., the contest shall be filed no later than 60 days after the notice of registration (N.J.S.A. 2A:4-30.190(b)). Upon receiving an action note notification of the debtor's contest from the Family Division, PCSE will submit the appropriate financial note to the local Vicinage Finance Division to place a MNLC (pending legal action) hold to prevent disbursement until the contest is resolved.
- f. When entering obligations into the system, staff must select the proper FIPS code on the Obligations By Case/OWIZ page for disbursement to the requesting country. Since countries vary on how they accept disbursements (e.g., no physical checks), staff should contact the AOC for additional guidance, as needed.

2. Limited Services

Under the Hague, a limited service request is known as a request for a specific measure. The following services can be requested by PCSE staff with the intergovernmental role:

- 1. Help locate a debtor or creditor;
- 2. Help obtain information about the income and financial circumstances of the debtor or creditor, including information about assets; and

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3. Initiate or facilitate the obtaining of provisional measures pending the completion of the maintenance application. For example, obtaining copies of documents.

There is no recommended form for a request for a specific measure. The Country Profile found on the OCSE website will provide information about whether the requested country has a specific form for PCSE staff to use. The central authority in the requested country has discretion to refuse assistance if it is not satisfied that the measures are necessary. Therefore, it is important to fully explain the reason(s) for the request. Once the central authority is satisfied, it is bound to take appropriate measures.

3. Outgoing Registrations (New Jersey as the Requesting Country)

- a. The PCSE Unit is responsible for requesting recognition and enforcement of the orders it is monitoring and enforcing, once one-state enforcement remedies have been unsuccessful. PCSE staff with intergovernmental role are responsible for preparing the documents required for recognition and enforcement and forwarding them to the central authority in the country where the debtor resides or owns property.

Note: PCSE staff can refer to the Hague Convention website for a list of enforcement remedies. It can be found under Country Profiles, Article IV, Information Concerning Enforcement Rules and Procedures, section 4, Measures Available for Enforcement of Maintenance Decisions.

- b. PCSE Intergovernmental staff must review the case to determine if a request for recognition and enforcement is appropriate. In its discretion, staff may request recognition and enforcement of the support order in the country of where the debtor resides.

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- c. Once identified for an outgoing referral to another country, an ISIN record must be added. The system will then change the interstate status from instate to initiating.
- d. PCSE Intergovernmental staff will prepare and mail the following documents to the central authority in the jurisdiction where the debtor resides or owns property:

1. Annex 1: *Transmittal Form under Article 12(2)*;

Note: On non-disclosure requests, PCSE staff must mark the Non-Disclosure indicator on the Update Interstate Information/ISIN page and include any personal information found on the A1, Application for Recognition or Recognition and Enforcement, under Restricted Information on the Applicant.

2. Annex 2: *Acknowledgment Form under Article 12(3)*;

3. A1: *Application for Recognition or Recognition and Enforcement*;

4. A copy of the order in its original language is required. Refer to the country profiles under the Hague Convention website for any additional requirements regarding translation and copies of the order (Hague Convention website, Country Profiles, Article I, Designated Central Authorities, section 3, Language Requirements);

Note: An abstract (A2: *Abstract of a Decision*) of an order can be completed instead of translating the entire order; however, PCSE staff must first verify in the requested country profile if an

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abstract is acceptable (Hague Convention website, Country Profiles, Article II, Information Concerning Applications Under the Convention, section 1, Applications for Recognition or Recognition and Enforcement of a Decision).

5. *A3: Statement of Enforceability of a Decision;*
6. *A4: Statement of Proper Notice* if a default order was entered;

Note: An order should disclose how service of process was effectuated, if it is not indicated, PCSE staff can request further documentation from the Family Division.

7. *A5: Status of Application Report (Recognition and Enforcement);* and
8. *E1: Financial Circumstances Form* while not required, the form can be useful in providing debtor information to enforce an order.

Note: PCSE staff should allow at least 60 days before initiating efforts to obtain an acknowledgment or status of application report. Each country's preferred contact method can be found on the Hague Convention website.

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**Creating an Intergovernmental Case – List of Associated Forms and NJKiDS
Forms**

The forms listed with a catalog number (CN) can be found under [Forms/Probation Services Forms/Child Support Forms](#).

Catalog/Attachment Number:	NJKiDS CS Number:	NJKiDS Form Title:
N/A	CS543	Notice of Registration of Foreign Support Order Pursuant to N.J.S.A. 2A:4-30.172
N/A	CS676	Letter of Transmittal Requesting Registration (Registration Statement)
N/A	CS516	Civil Action Counter Claim
N/A	CS523	Civil Action Summons for Proceeding
N/A	CS544	Certification Confirmation of Registered Order
12860/1804B with Instructions	N/A	Intergovernmental Eligibility Checklist
N/A	CS022	Notice of Delinquency
N/A	CS059	Letter Requesting Current Employment Status
12860/1804B with Instructions	N/A	Checklist for Outgoing Registrations
N/A	CS677	Child Support Enforcement Transmittal #1 – Initial Request

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N/A	CS745	Child Support Agency Confidential Information Form
N/A	CS748	Certification in Support of Non-Disclosure of Identifying Information
N/A	CS028	Civil Action Certification of Arrears
12864/1804C	N/A	Exemptions for Non-CSENet Acknowledgment
N/A	CS680	Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery
N/A	CS746	Child Support Agency Request for Change of Support Payment Support Location Pursuant to UIFSA § 319