

State of New Jersey  
Administrative Office of the Courts

<b>Probation Child Support Enforcement Operations Manual</b>	<b>Volume A</b>	<b>Revised: 01/06/23</b>
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## **1806 Intergovernmental Modification of Orders**

### **A. Overview**

Under the Uniform Interstate Family Support Act (UIFSA) a state with continuing, exclusive jurisdiction (CEJ) has the authority to modify an existing child support order if the order is the controlling order and a party or child resides in that state at the time of the filing.

If a state loses CEJ, it loses the ability to modify the current support order. In that event, another state that successfully modifies the order will gain CEJ. However, the state that gained CEJ may not modify any non-modifiable terms (See the *Probation Child Support Enforcement Operations Manual*, 1802 Uniform Interstate Family Support Act 2008).

CEJ may be lost if one or more of the following circumstances exist (see Section 1802):

1. All parties and the child(ren) have left the issuing jurisdiction; or
2. The parties agree on the record for another state to assume jurisdiction.

When two or more child support orders exist for the same parties and dependents, Probation should request a hearing be scheduled in the Family Division for the determination of the controlling order.

The Non-Custodial Parent (NCP)/obligor or Custodial Parent (CP)/obligee may seek modification of an order issued in another state. The party seeking the modification must file in the jurisdiction of the non-requesting party (Play Away Rule). Once registered, the modified order is subject to the procedural and substantive laws of the responding agency.

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**B. Petitions Requesting Modification**

UIFSA allows modification petitions to be sent directly to the local Family Division for child support cases existing on New Jersey Kids Deserve Support (NJKiDS). If these petitions are misdirected to the Probation Division, they should be forwarded to the Family Division with venue.

Family Division reviews the documents for the required information and, if appropriate, contacts the petitioner or initiating agency for additional information. Family Division is responsible for scheduling, noticing all parties, including the County Welfare Agency (CWA) attorney and case disposition.

**C. Reviewing Modified Orders**

Once the court has modified an order, Probation Child Support Enforcement (PCSE) staff will receive a “Judge Signed USSO Order” task. Probation staff must review the USSO and Court Order/SORD pages to ensure that court order date, controlling state order, and CEJ fields are updated correctly. PCSE staff must also ensure that the Payment FIPS code on the Obligations by Case/OWIZ page is accurate.

**1. Outgoing Modified Orders (New Jersey Orders)**

When a New Jersey order has been modified, including cost of living adjustments (COLAs) and termination/continuation orders, PCSE staff must ensure that the other jurisdiction is provided a copy of the order in a timely manner. The other agency should be contacted to see what is required to update their records. Some states require a formal registration of the modified order, while others may accept a certified copy of the order, updated certification of arrears and payment record (Arrears Balance History By Case ID/SLOG page). PCSE staff must note all actions taken.

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**Note:** The Financial Audit Report found on the Arrears Balance History By Case ID/SLOG page does not contain federal tax information (FTI). It's an approved document that may be provided to the other state.

2. Incoming Foreign Orders (Modifications and COLA Orders)

When New Jersey is enforcing a foreign order that has been modified or adjusted, PCSE staff must obtain a copy of the order, certified statement of arrears, and make the financial adjustments. When PCSE receives a copy of the order, staff must upload the document into Electronic Documents/EDOC page.

**D. Modifying Account Balances**

1. Reconciliation of Arrears

The controlling order state generally governs the accounting of the case, which may include accrued interest. However, this may not always translate to an accurate accounting. All jurisdictions involved may not be aware of all payments/credits received such as the application of tax refund, levy payment, reconciliation of fees, and interest. Therefore, it's important for staff to compare/review payment records with the other jurisdiction on a regular basis (per Federal recommendation, minimally once a year).

**Note:** If notification of a federal tax offset is provided, staff must comply with FTI Data Security protocols and send a Child Support Enforcement Network (CSENet) transaction, which will confirm to the other state that New Jersey has applied the credit for the payment.

When a discrepancy in the accounting is identified, contact the other jurisdiction to resolve it and make the necessary adjustments, if

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warranted. Documentation must be provided to/from the other jurisdiction verifying the final balances.

2. Emancipation or Termination

Emancipation or termination is a non-modifiable term of the controlling order, which governs the duration of a child support order. It is important for jurisdictions' end-dates to coincide. Staff must identify if the underlying order was entered in New Jersey or another jurisdiction.

If the order was issued by another jurisdiction and a dependent is reaching the age of majority, staff must research the Intergovernmental Reference Guide (IRG) (Program Category: D. Age of Majority) and conduct outreach in an attempt to obtain documentation (See *Probation Child Support Enforcement Operations Manual*, 1807 Duration of Support). If a court order is received, staff can make the financial adjustments. Additional acceptable documentation may be in the form of a CSENet transaction, Electronic Document Exchange (EDE) transaction, paper transmittal, or email. Staff must prepare a Probation Prepared Child Support Order (PPCSO) and then make the financial adjustments. In limited circumstances, documentation may not be available.

The following are possible outcomes:

In the event documentation cannot be obtained because the controlling order state is no longer involved, PCSE staff must send the *Intergovernmental Age of Majority Letter* (Attachment 1806A) to both parties via certified and regular mail. If no response is received to Attachment 1806A after 30 days, PCSE staff must send the *Intergovernmental Customer Service Contact Letter* (Attachment 1806B) to both parties via certified and regular mail. After 30 days have elapsed and neither party responds to Attachment 1806B,

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Probation may terminate IV-D services (no longer monitor and/or enforce the support order).

If the parties' consent to terminate current support for the dependent(s), PCSE staff must prepare a PPCSO and submit the appropriate financial adjustments.

If the parties do not consent to terminate support and the NCP/obligor fails to file a motion/application, a Status Review Hearing must be scheduled before a judge or Child Support Hearing Officer (CSHO). PCSE must provide information regarding the duration of support according to the other jurisdictions' law and supporting documentation provided by the parties. For additional information, staff can refer to the *Probation Child Support Enforcement Operations Manual*, 1620 Status Review Hearing Procedures.

3. Interest Charges and Fees

New Jersey does not charge interest on missed payments. Instead, New Jersey charges post judgment interest at the time the debtor (i.e., obligor) seeks to satisfy the judgment. However, some states do charge interest on arrears with ongoing support charges such as California and Virginia. PCSE staff can refer to the IRG under section F, Support Details for additional information. Therefore, it's important for staff to compare/review payment records with the other jurisdiction on a regular basis to identify when interest charges are appropriate. When New Jersey has the controlling order, interest should not be charged by other states. However, if a state that issued the order charges interest, staff must add those interest charges to our IV-D arrears.

**Note:** When New Jersey is responsible for enforcing another state's order, it is especially important to reconcile interest charges prior to an enforcement action or hearing.

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Federal regulations allow states the option of charging cost recovery fees to offset a portion of their costs, from either the obligor or obligee. When a state elects to recover their costs, the payor is given credit for the full amount of the payment including the fee. New Jersey records this by entering one receipt for the payment received, and a second receipt for the fee. The client will receive only the payment we receive from the other state. The cost recovery fee is credited to the case (keeping our arrears in synch with the other state) and identified on NJKiDS with the receipt source of FF (Interstate IV-D-Fee).

4. Returned Payment From Other States
  - a. The payment is identified as a refund by the New Jersey State Disbursement Unit (SDU).
  - b. The Administrative Office of the Courts (AOC) Exception Processing Unit will update the View/Update Notes/NOTE page on NJKiDS with the following information: refund check number, refund check date, refund check amount and indicate that the Notice of Refund has been forwarded to Probation (specifically, the IV-D supervisor).
  - c. A Notice of Refund is emailed to the IV-D supervisor along with a scanned image of the refund check and any documents that came with the check. The payment and remittance documents are also viewable on All Receipts/RHIS.
  - d. Probation will then follow up with the state that returned the payment and make any necessary changes to NJKiDS. This may include adjusting the arrears to avoid a double credit and/or placing the case on hold. Some common reasons for states to return payments include the case is closed in the other state, no arrears exist, and the payment was sent to the wrong FIPS code.

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- e. When the necessary actions have been completed, Probation will notify the AOC Exception Processing Unit that the necessary actions have been taken and the funds can be applied to the case.
  - f. Upon receipt of the notification, the AOC Exception Processing Unit will submit a FNOTE to the SDU asking that the refund be applied to the case. If no response is received within 30 days, the funds will be applied to the case.
- Note:** If your investigation identifies that the returned payment needs to be refunded to the NCP/obligor, staff must request that the receipt source be changed to RE in the email to the AOC Exception Processing Unit. If not specifically noted, the returned payment will be applied as an F4 receipt.
- g. PCSE staff must respond within 30 days of the Notice of Refund. Consider placing a distribution hold on the account if the research will exceed 30 days. This also prevents funds from being disbursed to the other state until the case issues have been resolved.

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**Intergovernmental Modification of Orders – List of Associated Forms**  
The forms listed with a catalog number (CN) can be found under [Forms/Probation  
Services Forms/Child Support Forms](#).

<b>Catalog/Attachment Number:</b>	<b>Form Title:</b>
12903 and 12904/1806A	Intergovernmental Age of Majority Letter
12905/1806B	Intergovernmental Customer Service Contact Letter