

State of New Jersey
Administrative Office of the Courts

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2000 Intercounty Case Management Procedures

A. Authority

New Jersey Court Rules: R. 5:7-4(b)

Authorities: AOC Directive #28-21

B. Overview

Upon the establishment of a child support order, the case will be assigned to the Probation Child Support Enforcement (PCSE) Unit in the county of establishment, regardless of the residence of the Non-Custodial Parent (NCP)/obligor. This is true even if there are one or more existing child support orders for the same NCP/obligor currently being enforced by a PCSE Unit in another county. The transfer of a child support case to another county for enforcement should occur only under limited circumstances.

C. Qualifying Criteria to Transfer a Case

Cases should infrequently be transferred outside the county of venue. This transfer should only occur in the following two circumstances:

1. Conflict of Interest

A case may be transferred due to an actual or apparent conflict of interest arising from a personal interest or relationship with a party in a child support case(s). This usually arises when a Judiciary employee is a party to a child support case in the vicinage in which they are employed.

- a. The Code of Conduct for Judiciary Employees, specifically Canons 3 (Avoiding Actual or Apparent Impropriety) and 4 (Avoiding Actual or Apparent Conflicts of Interest), are applicable to all Judiciary employees. These Canons are also

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to be used as a guide for all other persons employed by the New Jersey IV-D Program including, but not limited to, staff of the County Welfare Agencies (CWAs)/Board of Social Services and the Sheriffs' Offices.

- b. A conflict of interest exists when the court employee's objective ability or independence of judgment in the performance of his or her job is impaired or reasonably may appear to be impaired. For example, if an employee has a case being enforced in their county. The employee should report the possible conflict of interest to their senior manager of any familial relationship using the *Personal or Family Member Involvement in Litigation Confidential Reporting Form*.
- c. The Assignment Judge, or their designee, in consultation with the Family Presiding Judge, the Trial Court Administrator and/or the Chief Probation Officer or their designees will determine when a case may pose a conflict of interest and recommend its transfer.
- d. New Jersey Kids Deserve Support (NJKiDS) functionality provides for the option to restrict access to case information based on an NJKiDS user, or case or member ID. This process can be found on the "Add Restricted By Worker" or "Add Restricted by Case/Member" pages of NJKiDS. In the instance an employee has a case or family member/friend that has a case, the worker can be restricted from access to that specific case. When using this functionality, the supervisor/manager must note the reason for the restriction.
- e. Similarly, if deemed necessary by the vicinage, the reassignment of a case to a different worker or team in the original county or another county in the vicinage may be adequate to resolve any possible conflict of interest, in addition to restricting access to the case.

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Note: If the case is retained in the county, the physical file should be maintained in a secure manner by the manager or a supervisor and not available to the staff in question.

- f. No party to the case should participate in the support hearing in an official capacity (e.g., Sheriff's Officer, court clerk, CWA, Family, and interpreter). When a conflict of interest arises unexpectedly, staff should alert their immediate supervisor and ask for guidance. The courtroom duties may need to be assigned to a different staff member, in order to avoid the appearance of impropriety.
- g. A conflict of interest case does not need to be scheduled for a hearing; instead, the case but should be administratively transferred, once identified.
- h. The sending PCSE Unit shall provide all appropriate documentation in the file, in addition to the *Conflict of Interest Cover Letter* (Attachment 2000A).
- i. A case may not be transferred to the NCP's/obligor's county of residence when it is an interim place of residence, such as a prison, halfway house, treatment center, hospital, or psychiatric facility.
- j. For purposes of case transfer, enforcement of child support provisions of orders in domestic violence cases may be handled in the same manner as any other child support case.

2. Probation Transfers Initiated by Vicinage Probation Management

The court may order the transfer of a case to another county if it finds that the transfer is necessary.

- a. Prior to transferring the case, the Probation Division

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Manager/VCPO or Assistant Probation Division Manager/VACPO will confer with the receiving county counterpart to discuss the transfer. If both managers agree (a case cannot be transferred for this reason without the approval of both affected counties), the case should be scheduled for a Status Review Hearing before a judge or Child Support Hearing Officer (CSHO). Notice must be provided to the Custodial Parent (CP)/obligee and NCP/obligor, and they must be given an opportunity to be heard on the transfer, as well as on the enforcement issues.

- b. Where possible, the court should utilize available technology such as telephone or video conferencing to enable the parties the opportunity to participate in remote Status Review Hearings, thus eliminating unnecessary travel. In those instances, the parties must request a telephonic hearing, using the appropriate process.
- c. For PCSE to initiate a transfer request, PCSE must show good cause to the court. PCSE must represent to the court that all enforcement remedies, including bench warrants have been attempted and that effective enforcement has not been possible. At that point, the intent would be to transfer the case to the NCP's/obligor's county of residence in anticipation of a more effective enforcement. Transfers for this reason may already have an active bench warrant. If the court approves the transfer, PCSE must discharge any existing bench warrant prior to the Status Review Hearing and transfer to the NCP's/obligor's county of residence. Upon receipt of the case, that county would be able to begin enforcement, as necessary.
- d. The good cause for case transfer shall be stated in the body of the court order.

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3. Other Considerations

No case in which the NCP/obligor is complying shall be transferred, except if there is a conflict of interest, change of venue or the court otherwise orders transfer for cause. When the NCP/obligor has multiple cases in different enforcement offices, coordination between the counties is necessary for effective enforcement.

D. Preparing a Case for a Status Review Upon Probation Management Approval

For further information about preparing for Status Review Hearings, refer to section 1620, Status Review Hearing Procedures.

E. Preparing a Case for Transfer

When the court has ordered that a child support case be transferred, the sending PCSE Unit should complete the following steps:

1. Review and update, as necessary, the Member Demographics/DEMO, Address History/AHIS, Employment Address and Verification Status/EHIS, Member Licenses/MLIC, Financial Events on a Case/ELOG, Arrears Balances/OBAA, View/Update Notes/NOTE and Obligations By Case/OWIZ pages. Ensure that the Obligations By Case/OWIZ and Arrears Balance/OBAA pages reflect the correct balances and arrears owed;
2. Ensure that all family reliefs have been disposed;
3. Cases with a hold should be reviewed to determine if the hold should be released prior to transfer. Review the case with your supervisor prior to any release of funds for a transfer;
4. Prepare the transfer file, which shall include the items found in Section F below, *Documents Comprising the Transfer File*, and forward the file onto the receiving county; and

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5. The sending PCSE Unit must send copies of the signed order of transfer to the NCP/obligor and Custodial Parent (CP)/obligee along with a letter advising the clients of the transfer. Copies of the letters are to be made a part of the transfer package (*Letter Advising CP/Obligee of Pending Transfer*, Attachment 2000B and *Letter Advising NCP/Obligor of Pending Transfer*, Attachment 2000C).

F. Documents Comprising the Transfer File

The documents listed in the following shall be uploaded on NJKiDS:

1. Original *Transfer Checklist* (Attachment 2000D) along with an action note to file/task sent to the receiving county transfer officer for review, processing, and assignment to a caseworker;
2. All orders not currently on NJKiDS;
3. Copy of pertinent correspondence;
4. *IV-D Application* (CS500) or Certification, if not on the system, for any case coded IV-D, excluding prior assistance, foster care cases or intergovernmental responding cases; and
5. Certificate of Parentage (COP)/or other parentage documentation not in NJKiDS.

Note: Should the file include any Federal Tax Information (FTI), for example, payment histories, the FTI must be redacted in order to be uploaded to NJKiDS. FTI records that are not redacted must be sent via mail using the Internal Revenue Service (IRS) FTI mailing protocol.

G. Receipt of a Transfer Case

1. In a venue transfer, NJKiDS automatically changes enforcement to the receiving PCSE Unit by the Family Division. In a Probation

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Division Manager/VCPO or Assistant Probation Division Manager/VACPO transfer, the PCSE Unit can reassign the case on the Transfer Case By Office/ASMT page. The sending county shall send an action note to file/task to the receiving county transfer officer as found on the InfoNet transfer directory.

2. The receiving PCSE Unit shall, immediately upon receipt of a case, resolve the action note to file/task by acknowledging the receipt of the case.
3. Should the transfer package be missing an item listed on Attachment D, contact by phone or e-mail should be made to the sending county to correct the deficiency within 3 business days.

Note: The sending county is responsible for obtaining and sending all the required documents.

4. Once the case has been accepted by the receiving PCSE Unit, the unit shall:
 - a. Review the documentation on NJKiDS; and
 - b. Within 3 business days, send a letter informing both the CP/obligee and NCP/obligor that the transfer has been completed and provide general payment instruction (*Letter Advising CP/Obligee of Completion of Transfer*, Attachment 2000E and *Letter Advising NCP/Obligor of Completion of Transfer*, Attachment 2000F).

H. Miscellaneous

1. If the CP/obligee/NCP/obligor seeks to transfer the case, for enforcement only, to a new county of residence he/she should contact the Family Division in the county of venue to file a motion/application to obtain an order to have the case transferred. Upon receipt of an order to transfer, the PCSE Unit shall follow the

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2. procedures found in Section E above, *Preparing a Case for Transfer*. If the court enters an order transferring venue and the case includes a provision for support, the responsibility for monitoring and enforcement will transfer along with the venue.
3. A new child support case shall be enforced in the county in which the order was entered, except as otherwise provided in the establishment order.
4. When the establishment order requires the case be transferred, the county of venue shall enter the demographic and obligation information in NJKiDS and forward the mandatory case file documentation to the PCSE Unit that will be monitoring the case within 8 business days of the hearing.
5. Under the Uniform Interstate Family Support Act (UIFSA), a case should not be transferred out of venue merely because the CP/obligee resides in another county and a registration for enforcement is necessary because the NCP/obligor lives in another state. The county that is currently enforcing the case shall prepare and monitor the acceptance of the registration.

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Intercounty Case Management Procedures – List of Associated Forms

Attachment Number:	Form Title:
2000A	Conflict of Interest Cover Letter
2000B	Letter Advising CP/Obligee of Pending Transfer
2000C	Letter Advising NCP/Obligor of Pending Transfer
2000D	Transfer Checklist
2000E	Letter Advising CP/Obligee of Completion of Transfer
2000F	Letter Advising NCP/Obligor of Completion of Transfer