

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 1 of 10	Domestic Violence in Child Support	Section 1624

1624 Domestic Violence in Child Support

A. Authority

United States Code:	42 <u>U.S.C.</u> § 654(26)(B) 42 <u>U.S.C.</u> § 654(26)(C) 42 U.S.C. § 654(26)(E)
New Jersey Statutes Annotated:	<u>N.J.S.A</u> 2A:4-30.151
New Jersey Court Rules:	<u>R.</u> 1:13-1 <u>R.</u> 1:38-3(d)(9) <u>R.</u> 1:38-3(d)(10)
Other References:	DFD Annual Action Transmittal Child Support Data Security Policy DFD Action Transmittal No. 20-09

B. Intake

Information regarding the *Temporary Restraining Order* (TRO) (CN: 10010) and *Final Restraining Order* (FRO) (CN: 10211) process can be found in the Family Division Domestic Violence Procedures Manual – 2022.

C. Hearings

1. The Child Support Hearing Officer (CSHO) is authorized to hear some cases (in person or remote) with active domestic violence restraints, e.g., establishment, enforcement, and modification of support. Both parties must be amenable to appearing before the CSHO.

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 2 of 10	Domestic Violence in Child Support	Section 1624

2. The restraining order must be in effect for six (6) months without further activity before the case may be placed before the CSHO for enforcement and modification of child support; otherwise, the hearing shall be scheduled before a judge. This six-month requirement does not apply to FD (Non-Dissolution) establishment of support cases in the presence of active restraints if it is filed by the County Social Service Agency (CSSA).
3. The matter should go before a judge, where other factors or concerns exist that make the matter complex, e.g., indication of inappropriate behavior by either party or both parties that occurred while waiting to be heard or during the hearing. When there are other pending actions or outstanding issues such as contempt or enforcement of other provisions of the restraining order including custody, parenting time, or pending FM (Dissolution) with other outstanding issues, the matter shall not be scheduled before the CSHO for establishment, enforcement, or modification of child support.
4. The child support is payable through Probation on a Title IV-D case.
5. All staff must pay close attention to ensure the protected party's address is protected if the case has a Family Violence (FV) indicator or domestic violence order.

D. Customer Service

In cases where a client feels threatened (e.g., domestic violence), arrange for a Sheriff to escort them. Court employees must never act as security detail.

E. Probation Prepared Child Support Order (PPCSO)

1. A PPCSO cannot be used to modify an order that has been entered under the Prevention of Domestic Violence Act or where there is a documented domestic violence history when the basis for the PPCSO is the consent of the parties; except as described in the note

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 3 of 10	Domestic Violence in Child Support	Section 1624

below. Such modifications must be initiated by one of the parties through the filing of a motion/application and require a hearing before the court.

Note: A PPCSO may only be used in the intake process to address direct payment credits. Discrepancies or any concerns regarding coercion should be referred by staff for a Status Review Hearing. For additional information, staff can refer to the *Probation Child Support Enforcement Operations Manual*, 1100 Intake Procedures.

2. A PPCSO may be used; however, in situations where a domestic violence case requires Probation Child Support Enforcement (PCSE) action and consent of the parties is not needed.
3. A child support judgment that was erroneously entered as the direct result of staff action can be removed using a PPCSO, including domestic violence cases. The PPCSO should specifically say that the judgment was erroneously entered and that it therefore should be vacated. The parties' consent is not needed for PCSE staff to prepare a PPCSO for this reason.
4. In domestic violence cases, a PPCSO may be used when PCSE amends a bench warrant or recommends a discharge of the warrant as a result of a negotiated settlement. The order must fully state the reasons/terms of the amendment or negotiated settlement and also state that it is at the request of PCSE. The consent of the parties is not needed for PCSE staff to amend a bench warrant. The consent of the person paying support is required for a negotiated settlement.
5. Pursuant to R. 1:13-1, PCSE can use a PPCSO to correct court staff clerical or calculation errors in an order, including domestic violence matters. The parties' consent is not needed for PCSE staff to take this action. PCSE staff must send copies of the signed PPCSO to the parties to notify them of the corrections.

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 4 of 10	Domestic Violence in Child Support	Section 1624

F. Medical

1. If a case is selected that has an FV indicator in place, the address of the protected party will continue to be protected through the National Medical Support Notice (NMSN) process.

Note: If the case has an FV indicator, *the National Medical Support Notice for Confidential Cases (Initial) Cover Letter* (CS186) is sent.

2. The address of the vendor will replace the protected party's address on any correspondence to the employer. The CS186 will be sent to the protected party advising them of the possibility that the other party could obtain their address as a result of the insurance processing, and suggesting additional steps be taken to safeguard the address, such as participation in the Address Confidentiality Program (ACP).
3. Insurance cards that are sent to the vendor will be forwarded to the client using the address stored on NJKiDS. In cases where insurance cards sent to the protected party are returned as undeliverable, the vendor will forward them to the appropriate PCSE Unit. PCSE staff should verify the address and resend the card or initiate location efforts to obtain a new address.
4. In cases coded with the FV indicator subsequent to the sending of the NMSN, NJKiDS will automatically generate a *National Medical Support Notice for Confidential Cases (Existing) Cover Letter* (CS187) to the protected party in order to alert them that this information went to the other party and suggest additional steps to safeguard the address.

G. Bankruptcy

Domestic violence court proceedings are allowed under bankruptcy chapters 7, 11, 12, and 13.

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 5 of 10	Domestic Violence in Child Support	Section 1624

H. Case Transfer

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.

I. Security/Data Security

1. No information shall be disclosed to any person when PCSE has reasonable evidence of domestic violence or child abuse, and the disclosure of such information could be harmful to the CP/obligee, NCP/obligor, or the child(ren). In such cases, the court makes determinations of exceptions to the rule of non-disclosure.

PCSE staff must pay particular attention to cases involving domestic violence. Additional safeguards are in place to protect the confidentiality of information.

2. In domestic violence cases, NJKiDS can be coded to indicate the risk to the safety of the individual and their child(ren) and to electronically report the data to the Federal Case Registry (FCR). The Non-Disclosure indicator should be manually checked on Interstate Information/ISIN when a party completes a *Certification in Support of Non-Disclosure of Identifying Information* (CS748), or a protective/domestic violence order is obtained from the court.

Note: The Federal Parent Locator System (FPLS) will not disclose information concerning persons whose record on the FCR contain an FV indicator for as long as any state has an indicator placed on the records of that individual.

3. New Jersey participates in an Address Confidentiality Program (ACP) that permits anyone who is affected by domestic violence to apply to have their address changed to a State P.O. Box number to protect their location. ACP is handled by the Division on Women, New Jersey Department of Community Affairs. If the individual is

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 6 of 10	Domestic Violence in Child Support	Section 1624

approved, then that address appears on all state-agency documents/systems, including NJKiDS. The ACP provided address must be entered as the mailing address and all other addresses must be end dated.

4. Only staff with the assigned roles (RS060) can print the protected information displayed on pertinent NJKiDS pages and on designated reports listed herein. Otherwise, no protected information is visible on printouts. Awareness of the physical surroundings and people in the vicinity of the computer while viewing or printing protected data is critical. All pages printed containing the protected data must be destroyed by shredding immediately after use.
5. Data is protected on the applicable NJKiDS pages when an entry is placed in the "Family Violence" field for a protected party on an IV-D case. This includes Address History/AHIS, Member Demographics/DEMO, Interstate Information/ISIN, Court Order/SORD, Obligations By Case/OWIZ, and Employment Address and Verification Status/EHIS pages.

Note: The child(ren) identified in the protected party's child support case or order is(are) protected when that individual, who is the caregiver to the child(ren) is the party requesting protection. Thus, if a "Yes" is in the FV Indicator for the either party, the child(ren)'s information will not be displayed on the Member Demographics/DEMO page. A message will indicate that the information is protected.

6. The FV indicator remains effective on the case for an indefinite duration to provide the maximum level of protection or safety possible to at-risk people. Therefore, the FV indicator designation remains on the party for as long as necessary unless presented with a request in writing from the protected party that removal is appropriate and desired or an order by a court with proper jurisdiction that specifically orders the FV indicator removed. "As long as necessary" may mean, but is not limited to, the duration of any one

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 7 of 10	Domestic Violence in Child Support	Section 1624

or more of the following criteria per 42 U.S.C. 654(26)(B) and (C):

- a. A restraining order or protective order (42 U.S.C. 654(26)(B)); or
- b. An affidavit request for a good cause exception to cooperation with child support requirements if the participant is a Temporary Assistance for Needy Families (TANF) cash benefit/Medicaid applicant/recipient; or
- c. Participation in the State's Address Confidentiality Program (as detailed above in paragraph 3) handled by the NJ Division on Women, Department of Community Affairs, while residing in the State of New Jersey; or
- d. Existence of a domestic violence court Docket Number (when the first two positions of the Docket Number is "FV"); or
- e. At the continued request of the participant.

7. The FV indicator may only be removed in the following:

- a. The protected party must complete *the Protected Party Family Violence Waiver* (CS080) requesting to remove the FV indicator safeguards in place; or
- b. Removal is specifically ordered by a court with proper jurisdiction.

Note: Safety of the party remains the priority consideration in determining the removal of the FV indicator.

8. When a restraining order is dismissed in the Family Automated Case Tracking System (FACTS) and no other active FV dockets exist for the party, a transaction is sent to NJKiDS. This transaction from FACTS will not systemically set the FV indicator to "N-NO." A

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 8 of 10	Domestic Violence in Child Support	Section 1624

dismissal of a restraining order does not mean the FV indicator should be removed. This notification will automatically delete 10 days after generation.

J. NJKiDS

If the FV case has child support, the Probation Division should be sent copies of all amended FROs and TROs. If the restraining order is dismissed, the FV indicator must be updated by Family Division staff and a copy of the dismissed restraining order must be forwarded to Probation. If the restraining order is dismissed and support is not converted under an FD/FM, the case will go to closure. If the case is to remain open, PCSE staff must take the appropriate steps to determine if the FV indicator should be removed.

K. Intergovernmental

1. Before the UIFSA 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 required documents to the central registry in the jurisdiction where the NCP/obligor resides or owns property, including the CS748 form or family violence restraining order (TRO or FRO), if applicable [See *Checklist for Outgoing Registrations* (Attachment 1804B)].
2. Query Interstate Cases for Kids (QUICK) does not display case information when a party has an FV indicator.
3. For additional information, staff can refer to the *Probation Child Support Enforcement Operations Manual*, 1804 Creating an Intergovernmental Case.

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 9 of 10	Domestic Violence in Child Support	Section 1624

L. Domestic Violence Specialists (DVS)

Select child support staff complete a comprehensive training program to become domestic violence subject matter experts. Those staff who have completed the training program are provided with a greater understanding of the issues surrounding domestic violence and how that may affect child support cases. This knowledge enables staff to better manage domestic violence cases on their caseload and be a resource for other staff in their vicinage regarding domestic violence issues and managing cases.

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 02/07/25
Page 10 of 10	Domestic Violence in Child Support	Section 1624

**Domestic Violence in Child Support – List of Associated Forms
and NJKiDS Forms**

The forms listed with a catalog number (CN) can be found under
[Forms/Family/Domestic Violence \(DV\) Forms](#) or [Forms/Probation/Child Support
Enforcement \(CSE\) Forms](#).

Catalog/Attachment Number:	NJKiDS CS Number:	Form Title:
10010	N/A	Temporary Restraining Order
10211	N/A	Final Restraining Order
N/A	CS186	National Medical Support Notice for Confidential Cases (Initial) Cover Letter
N/A	CS187	National Medical Support Notice for Confidential Cases (Existing) Cover Letter
N/A	CS748	Certification in Support of Non-Disclosure of Identifying Information
N/A	CS080	Protected Party Family Violence Waiver
12860/1804B with Instructions	N/A	Checklist for Outgoing Registrations