

(b) (No change.)

(c) Federal [regulations] **law** concerning EBT [are] **may be found at 7 U.S.C. § 2016 and 7 CFR Part 274.**

(d)-(f) (No change.)

10:88-1.3 Properties of Families First accounts

(a) Families First accounts have the following properties:

1.-2. (No change.)

3. Account balances which are not used by a recipient in the month of issuance shall be carried forward into the following month. [The accounts shall be accessed] **A recipient shall access their account** periodically in order to avoid [account aging] **benefit expungement**, pursuant to N.J.A.C. 10:88-[4]4.2.

4.-5. (No change.)

10:88-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...
 [“Aging” means the procedure of terminating or suspending a household’s Families First account, and closing or suspending the household’s public assistance case, when the household has not accessed the Families First account for three months.]

...
“Benefit” means the value of cash or NJ SNAP assistance provided to a household through an EBT card.

...
“Expungement” means permanent removal of benefits from a Families First account.

...
“Inactive account” means an account where the household has not taken any action that affects the balance of the account, such as making a purchase, return, or cash withdrawal.

...
 [“Supplemental Nutrition Assistance Program (SNAP)” means the Federally funded assistance program authorized by the Food Stamp Act of 1964 that enables individuals and households to purchase food items to maintain nutritionally adequate diets. Eligibility is determined and benefits are issued by the states.]

...
“Supplemental Nutrition Assistance Program (SNAP)” means the program operated pursuant to the Food and Nutrition Act of 2008.

SUBCHAPTER 2. RECIPIENT TRAINING

10:88-2.3 Card issuance.

(a)-(b) (No change.)

(c) The payee shall receive training on the following items:

1.-10. (No change.)

11. The [“aging”] **expungement** process, as specified [in] at N.J.A.C. 10:88-4.2 [and 4.3].

(d)-(e) (No change.)

SUBCHAPTER 3. CARD UTILIZATION

10:88-3.1 Obtaining benefits

(a)-(c) (No change.)

(d) [Food stamp] **NJ SNAP** benefits shall not be converted into cash.

(e)-(g) (No change.)

SUBCHAPTER 4. INACTIVE ACCOUNTS [(AGING)] AND EXPUNGEMENT OF BENEFITS

10:88-4.1 Overview

The Families First system shall [suspend or terminate] **expunge** Families First cash and NJ SNAP [accounts that have not been accessed] **benefits** in accordance with N.J.A.C. 10:88-4.2 [and 4.4, as appropriate].

10:88-4.2 Expungement of Families First NJ SNAP and cash benefits

(a) **NJ SNAP and cash assistance benefits that are 274 days old or older shall be expunged from the EBT account when the EBT account has been inactive for 274 days.**

1. At least 30 days prior to the expungement of NJ SNAP or cash benefits, the Department shall provide a household with a written pre-expungement notice informing the household that the EBT account is inactive and the date that benefits will be expunged should the account remain inactive. The notice shall also include the steps necessary to prevent the expungement.

2. On the 274th day of account inactivity, any benefits on the EBT account that are older than 274 days will be expunged. Any benefits on the account that are under 274 days old will remain available on the account until the benefit reaches the 274th day.

3. Should the account subsequently become active, the expungement timeline for the remaining unexpunged benefits will reset until the account has been inactive for another 274 days.

(b) Benefits may be immediately expunged without notice in situations where it has been verified that all recipient members of the household are deceased.

SUBCHAPTER 6 FISCAL PROCEDURES

10:88-6.2 NJ SNAP claims

(a) (No change.)

(b) Any payments made using Families First **NJ SNAP** benefits should be reported on line 15 of the FNS-209, Status of Claims Against Households report.

(c) (No change.)

[(d) The CWA shall secure and retain an FNS-135, Affidavit of Return or Exchange of Food Coupons, signed by the household.]

[(e)] **(d) CWAs [may] shall offset Families First NJ SNAP benefits that [are about to be] have been expunged against outstanding NJ SNAP claims [if the CWA is able to secure the household’s written permission prior to expunging the benefits from the account]. This collection would then be reported on line [15]3(b) of the FNS-209 report.**

10:88-6.3 [Aged Families First cash benefits] **WFNJ cash claims**

(a) CWAs shall offset Families First cash benefits that have been expunged against outstanding cash claims.

(b) [Aged] Expunged Families First cash benefits shall be credited on the CWA’s fiscal reports.

(a)

DIVISION OF FAMILY DEVELOPMENT

Child Support Program

Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs

Proposed Amendments: N.J.A.C. 10:110-1A.1, 3.1, 3.3, 9.5, 11.2, 12.2, 13.1, 14.2, 15.2, 20.3, and 20.4

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2022-147.

Submit comments by January 6, 2023, to:

Miguel Mendez, Administrative Practice Officer

Division of Family Development

PO Box 716

Trenton, New Jersey 08625-0716

or through email to: DFD-Regulations@dhs.nj.gov

The agency proposal follows:

Summary

N.J.A.C. 10:110 contains the rules of the Department of Human Services (Department), Division of Family Development (Division) governing the Child Support Program. The Department is proposing amendments required by the Federal Final Rule for Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (Final Rule), 42 CFR Part 433, as well as 45 CFR Parts 301, 302, 303, 304, 305, 307, 308, and 309 and to update Division practices. As the Department is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

The Final Rule makes changes to strengthen the Child Support Enforcement Program and updates current practices to increase regular, on-time payments to families, to increase the number of noncustodial parents supporting their children, and to improve program operations. These regulatory improvements are grouped in the following categories: (1) procedures to promote program flexibility, efficiency, and modernization; (2) updates to account for advances in technology; and (3) technical corrections. The goals of the rules are to:

- increase State and employer flexibility to better serve families;
- improve program effectiveness, efficiency, and innovation;
- improve customer service; and
- remove barriers identified by employers, states, and families that impede efficient and timely child support payments.

Throughout the chapter, the Division is updating some references to “health care coverage” by replacing them with “medical support,” as health care coverage is only one option by which a medical support obligation may be met.

Proposed amendments at N.J.A.C. 10:110-1A.1, add a new definition for “cash medical support,” as well as amend definitions for “health care coverage” and “medical support,” to include both private and public healthcare options under which medical services could be provided to the dependent child(ren) in accordance with the Final Rule. Medical support is ordered by the court and can include health care coverage or cash medical support.

Proposed new N.J.A.C. 10:110-3.1(r)1 states that payments processed through the State Disbursement Unit (SDU) are required to be made directly to the resident parent, legal guardian, caretaker relative having custody of, or responsibility for, the child or children, judicially appointed conservator with a legal and fiduciary duty to the custodial parent and the child, or alternate caretaker designated in a record by the custodial parent.

The proposed amendment at N.J.A.C. 10:110-3.3(a)5 clarifies the procedures and noticing process for when a Title IV-A recipient is no longer eligible for services.

The proposed amendment at N.J.A.C. 10:110-11.2(l)2 replaces “public utilities” with “utility companies” and “replaces cable television companies” with “electronic communications and internet service providers” for records held by private entities in relation to the location of noncustodial parents. These were replaced to match the language in Federal regulations at 45 CFR 303.3.

Proposed new N.J.A.C. 10:110-14.2(d)1i provides that incarceration must not be excluded as a basis when reviewing the child support order for an adjustment of the order.

The proposed amendment at N.J.A.C. 10:110-15.2(a)4i(2) provides financial institution data match eligibility criteria for arrears-only cases.

The proposed amendment at N.J.A.C. 10:110-15.2(a)4ii(1) provides that accounts with less than \$100.00 are not subject to levy.

Proposed new N.J.A.C. 10:110-15.2(a)4ii(3) allows the program to provide notices to financial institutions through electronic correspondence, mail, facsimile, automated data exchange, or any other means deemed appropriate by the Department.

Proposed new N.J.A.C. 10:110-15.2(a)4v(4) and (5) provide procedures to identify cases involving a non-custodial parent who is a recipient of Supplemental Security Income (SSI) or concurrent SSI payments and Social Security Disability Insurance (SSDI) benefits or Social Security Retirement (SSR), in order to preclude garnishing the financial accounts of those individuals and if the funds have been garnished, they shall be returned within five business days.

The proposed amendments at N.J.A.C. 10:110-15.2(a)12 provide clarification of the procedures for denial and revocation of a passport,

called the Passport Denial Program, including the process to contest the denial determination.

The proposed amendments at N.J.A.C. 10:110-20.3(c)4 and 5 revise when a case may close, including a shortened time frame.

Proposed new N.J.A.C. 10:110-20.3(c)15 through 19 provide new case closure reasons for child support cases, as provided for at 45 CFR 303.11.

Social Impact

The proposed amendments at N.J.A.C. 10:110-1A.1, 3.1(p), 9.5(c) and (d), 12.2(c)2vi, 13.1(a), and 20.4(a) will have a positive social impact as they allow for public health insurance to be included in the definition of health care coverage and medical support to ensure more children are covered by insurance.

Proposed new N.J.A.C. 10:110-3.1(r)1 will have a positive social impact as it will ensure that payments processed through the SDU are made to the appropriate individual.

The proposed amendment at N.J.A.C. 10:110-14.2(d)1i, which provides that incarceration must not be excluded as a basis when reviewing the child support order for an adjustment, will have a positive social impact. The CWA/CSU will be able to adjust an order, accordingly, based on the noncustodial parent’s ability to pay.

The proposed amendment at N.J.A.C. 10:110-15.2(a)4i(2) will have a positive social impact as it clarifies eligibility requirements for financial institution data matches (FIDM) for arrears-only cases, which aids in reducing poverty and homelessness.

The proposed amendments at N.J.A.C. 10:110-15.2(a)4v(4) and (5) will have a positive social impact as they will ensure that funds are not garnished from recipients of SSI, SSDI, or SSR. The proposed amendment at N.J.A.C. 10:110-3.3(a)5 will have a positive social impact, as it will ensure that the appropriate entities are informed when a Title IV-A case is no longer eligible for services.

The proposed amendments at N.J.A.C. 10:110-15.2(a)12 will have a positive social impact, as they will clarify procedures for the Passport Denial Program, which will provide noncustodial parents with the ability to travel for work and medical-related purposes.

Proposed new N.J.A.C. 10:110-20.3(c)15 through 19 will have a positive social impact, as they will allow for the closure of child support cases that should no longer remain open.

Economic Impact

N.J.A.C. 10:110-1A.1, 3.1(p), 9.5(c) and (d), 12.2(c)2vi, 13.1(a), and 20.4(a) will allow for public health insurance to be included in the definition of health care coverage and medical support to ensure more children are covered by insurance.

The proposed amendment at N.J.A.C. 10:110-14.2(d)1i, which provides that incarceration must not be excluded as a basis when reviewing the child support order for an adjustment of the order, will result in a positive economic impact. Incarceration can result in the accumulation of high levels of child support debt because incarcerated obligors have little to no ability to earn income while they are incarcerated. Those who are able to make payments, at a reduced amount, will see less debt accrual.

The rest of the proposed amendments will not have an economic impact as they serve to clarify current processes and procedures in the Department.

Federal Standards Statement

The proposed amendments implement the Federal requirements in the Final Rule for Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs. The Department has reviewed the applicable Federal laws and regulations and that review indicates that the proposed amendments do not exceed the Federal standards for the Child Support Program. Therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed amendments will not result in the generation or loss of jobs in New Jersey.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments impose no reporting, recordkeeping, or other compliance requirements on small businesses and, thus, a regulatory flexibility analysis is not required. The proposed amendments address the Child Support Program, which provides benefits to eligible clients.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules proposed for amendment would evoke a change in the average costs associated with housing. The proposed amendments address the Child Support Program, which provides benefits to eligible clients.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth and there is an extreme unlikelihood that the rules proposed for amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey. The proposed amendments address the Child Support Program, which provides benefits to eligible clients.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department of Human Services has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

SUBCHAPTER 1A. DEFINITIONS

10:110-1A.1 Definitions

The following words and terms, as used within this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...
“Cash medical support” means an amount ordered to be paid toward the cost of health care coverage provided by a public entity or by another parent through employment or otherwise, or for other medical costs not covered by insurance.
 ...

...
“Health care coverage” [means cash medical support, health insurance,] includes fee for service, health maintenance organization, preferred provider organization, dental insurance, eye care, pharmaceutical assistance, and other types of [medical support, as defined herein, which are ordered by the court to maintain the health coverage of a child] private health insurance and public health care coverage under which medical services could be provided to the dependent child(ren).
 ...

...
“Medical support” means a legal provision for payment of medical and dental premiums, which can be linked to a parent’s access to medical insurance as a form of child support where such healthcare coverage, as defined in this section, is paid by the non-custodial parent (NCP) in accordance with 45 C.F.R. 303.30, 31, and 302.80 and State statutes. Depending on the court order, medical support can be a NCP’s sole financial obligation, or it can be one of several obligations, with child and/or spousal support being the others.]
 ...

...
“Medical support” means medical coverage pursuant to a court order. Medical support includes private and public health care coverage, cash medical support, including payment of health insurance premiums, and payment of medical bills, including dental or eye care. Medical support may be provided by the person paying support, the person receiving support, or another person, such as a step-parent.
 ...

...
“Non-custodial parent” or “NCP” means the parent who does not have physical custody of the child on a day-to-day basis. In shared parenting

situations, the non-custodial parent is known as the parent of alternate residence.

SUBCHAPTER 3. RESPONSIBILITIES IN THE DELIVERY OF SERVICES

10:110-3.1 OCSS’ responsibilities in IV-D cases as the IV-D Agency (a)-(o) (No change.)

(p) The OCSS shall ensure that medical support enforcement services, including petitioning for [health care coverage] **medical support**, are provided in accordance with Federal and State provisions; and that the Medicaid Agency is notified that assigned medical support payments are being, or have been retained, by a non-IV-A Medicaid recipient.

(q) (No change.)
 (r) The OCSS shall establish and oversee the State disbursement unit (SDU), in accordance with 45 [C.F.R.] CFR 302.32, for the processing of the collection of child support funds made [under] **pursuant** to support orders in IV-D and non-IV-D cases, where the order was initially issued on or after January 1, 1994, when the income of the NCP is subject to income withholding.

1. Payments processed through the SDU shall be made directly to the resident parent, legal guardian, caretaker relative having custody of, or responsibility for, the child or children, judicially appointed conservator with a legal and fiduciary duty to the custodial parent and the child, or alternate caretaker designated in a record by the custodial parent. An alternate caretaker is a nonrelative caretaker, who is designated in a record by the custodial parent to take care of the child(ren) for a temporary time period.

(s)-(u) (No change.)

10:110-3.3 CWA/CSU’s responsibilities

(a) The CWA/CSU shall:

1.-4. (No change.)

5. Notify the [WFNJ/TANF custodial parent] **family whenever they are no longer eligible for assistance under the Title IV-A and Medicaid programs, within five working days of ineligibility, [when public assistance is terminated] that child support services shall continue unless the client requests[, in writing, that such services be terminated;] that they no longer want services, but instead want to close the case. This notice must inform the recipient of the benefits and consequences of continuing to receive Title IV-D services, including the available services and the State’s fees, cost recovery, and distribution policies. The requirement to notify the recipient that services will be continued, unless the family notifies the Title IV-D agency to the contrary, also applies when a child is no longer eligible for Title IV-E foster care, but only in those cases that the Title IV-D agency determines that such services and notice would be appropriate.**

6.-11. (No change.)

SUBCHAPTER 9. CHILD SUPPORT AND PATERNITY

10:110-9.5 Good cause exceptions to cooperation

(a)-(b) (No change.)

(c) WFNJ/TANF applicants/recipients who are granted good cause exceptions from the child support requirements, due to past or present family violence concerns or the risk of family violence, shall be handled in accordance with the regulations for the FVO Initiative at N.J.A.C. 10:90-20. The name and address of the non-custodial/alleged parent, if known, shall be provided to the CWA/CSU.

1. Proceedings to establish paternity, collect and/or enforce child support collections, and/or obtain [health care coverage] **medical support** in a particular case is not in the best interest of a child, due to reason of family violence, when:

i.-iii. (No change.)

2.-3. (No change.)

(d) Paternity determinations, child support collections and/or enforcement, and [health care coverage] **medical support** shall be pursued in cases involving family violence or the risk of family violence when the WFNJ/TANF applicant/recipient does not request or wish to

request a WFNJ/TANF Waiver as a good cause exception from the child support requirements.

(e)-(n) (No change.)

SUBCHAPTER 11. LOCATION

10:110-11.2 Location sources

(a)-(k) (No change.)

(l) In accordance with N.J.A.C. 10:110-1.7, the OCSS shall have access, including automated access, when feasible, to the following resources, if appropriate, for child support enforcement purposes:

1. (No change.)

2. Records held by private entities, including information on the assets and liabilities of individuals held by financial institutions and the names and addresses of individuals and the names and addresses of the employers of the individual appearing in customer records of [public utilities] **utility companies** and [cable television companies] **electronic communications and internet service providers**, in accordance with N.J.A.C. 10:110-5.2.

(m)-(o) (No change.)

SUBCHAPTER 12. PATERNITY ESTABLISHMENT

10:110-12.2 Voluntary acknowledgment of paternity

(a)-(b) (No change.)

(c) Prior to the parties signing the COP, both the custodial parent and the alleged father shall be notified of the legal consequences associated with signing the COP, their rights in the COP process, and the alternatives to signing the COP.

1. (No change.)

2. The notice shall specify that:

i.-v. (No change.)

vi. By signing the COP, the alleged father shall become responsible for child support and [health care coverage] **medical support** for the child, and the OCSS may seek, modify, and enforce orders regarding support issues.

(d) (No change.)

SUBCHAPTER 13. ESTABLISHING SUPPORT OBLIGATIONS

10:110-13.1 General statement

(a) In cases where there is no order for child support and [health care coverage] **medical support** within no more than 90 calendar days of determining the location of the non-custodial parent, an order for support shall be established or service of process completed, as necessary, to commence proceedings to establish an order.

1. (No change.)

2. If parentage is acknowledged and/or **child** support and [health care coverage] **medical support** are agreed upon, the consent order shall be forwarded to the appropriate court for review and approval by the court.

SUBCHAPTER 14. TRIENNIAL REVIEWS

10:110-14.2 Triennial review process

(a)-(c) (No change.)

(d) When all necessary information is obtained, but in no event before expiration of the 10-day period for completing and returning the Financial Information Sheet, a review shall be conducted to determine if an adjustment to the order is appropriate.

1. To conduct a review means to apply the Child Support Guidelines using the most recently available financial information for the parties or to determine whether a [health care coverage] **medical support** provision should be added to a support order.

i. The Child Support Program shall not exclude incarceration as a basis for determining whether an inconsistency between the existing child support order amount and the amount of support determined as a result of a review is adequate grounds for petitioning for adjustment of the order.

2. (No change.)

(e)-(h) (No change.)

SUBCHAPTER 15. ENFORCING SUPPORT OBLIGATIONS

10:110-15.2 Child support enforcement remedies

(a) Available enforcement remedies shall include, but are not limited to:

1.-3. (No change.)

4. Financial institution data match (FIDM) provisions are as follows:

i. The OCSS, in accordance with N.J.S.A. 2A:17-56.53 and 2A:17-56.57 et seq., shall conduct both [in State] **in-State** and multistate [financial institution data matches (JFIDM)] to identify assets of non-custodial parents held in financial institution accounts or in accordance with this subsection and Federal law at 42 U.S.C. § 666(a)17. The OCSS has authority to enter into cooperative alliances with other states for purposes of obtaining FIDM information.

(1) (No change.)

(2) Each financial institution shall provide information on all [non-custodial parents] **NCPs** who maintain an account at the financial institution and who owe past due child support that equals or exceeds the amount of **the current support obligation** payable for three months **or the amount of \$500.00 in an arrears-only case** and for which no regular payments are being made.

(A) (No change.)

(3)-(6) (No change.)

ii. Provisions concerning action to be taken where there is a match as identified [under] **at** (a)4i above are as follows.

(1) In response to a lien or a levy, a financial institution shall encumber or surrender assets of an obligor who is the subject of a child support lien, held by the financial institution. If the account is closed, **has less than \$100.00**, or is such that assets are not subject to levy for purposes of child support pursuant to Federal or State law, the financial institution shall provide notice to OCSS. **Accounts with less than \$100.00 are not subject to levy.**

(2) All the levies for accounts at a particular financial institution shall be sent to the financial institution by OCSS.

(A) (No change.)

(B) The financial institution shall remit the funds as directed in the [Notice of Levy to Financial Institution, or other appropriate] notice[s] or letter[s] that the financial institution [may] receives from OCSS.

(C) (No change.)

(3) OCSS shall provide notices and/or letters to financial institutions through electronic correspondence, mail, facsimile, automated data exchange method, or other means authorized by the Department.

iii. (No change.)

iv. Disclosure of information provisions are as follows:

(1) A financial institution shall not be liable under any Federal or State law, notwithstanding any other provision of Federal or State law to the contrary, to any person for any disclosure of information to the Department for the purpose of establishing, modifying, or enforcing a child support obligation of an individual, or for encumbering, holding, refusing to release to the obligor, or surrendering any assets held by the financial institution, in response to a notice [of lien or levy] **or letter** issued by the Department, or for any other action taken in good faith to comply with the requirement [of] **at** P.L. 1998, [c.1] **c. 1.**

(2)-(4) (No change.)

v. Account seizure provisions are as follows:

(1)-(3) (No change.)

(4) OCSS will use, to the maximum extent practicable, automated processes to identify and prevent the garnishment of funds from NCPs that are recipients of Supplemental Security Income (SSI) payments pursuant to Title XVI of the Federal Social Security Act (42 U.S.C. §§ 1381 et seq.), or concurrent SSI payments and Social Security Disability Insurance (SSDI) benefits or Social Security Retirement benefits pursuant to Title II of the Federal Social Security Act (42 U.S.C. §§ 401 et seq.).

(5) If OCSS determines that SSI payments or concurrent SSI payments and SSDI benefits or Social Security Retirement benefits pursuant to Title II of the Federal Social Security Act have been incorrectly garnished from the NCP's financial account, they shall return the funds to the NCP within five business days.

5.-11. (No change.)

12. [Denial, revocation, or limitation of passport] **Passport Denial Program** provisions are as follows:

i. Cases shall be certified by the OCSS to the Secretary of the U.S. Department of Health and Human Services for the possible denial, revocation, or limitation of delinquent obligors' passports, pursuant to 42 U.S.C. § 652(K).

(1) Cases shall be submitted as part of the Federal Intercept process. However, only obligors who owe past-due child support meeting the Federally established criteria shall be considered for [this process] **the Passport Denial Program**.

(A) Notice to the obligor of the intent to deny, suspend, or revoke a passport, [will] **shall** be provided by the Federal Office of Child Support Enforcement.

(2) (No change.)

(3) **Notwithstanding a granted contest, full payment of the support arrears amount, including spousal support arrears, shall be due to remove an obligor from the Passport Denial Program.**

ii. **The obligor shall have the right to contest the denial, revocation, or limitation of their passport by contacting OCSS.**

iii. **OCSS shall grant or deny passport denial contests with assistance from local child support staff, as needed.**

(1) **The bases to contest the passport denial are:**

(A) **Mistaken identity;**

(B) **Incorrect arrears amount; or**

(C) **Exceptional circumstances, including, but not limited to:**

I. **Death of an immediate family member;**

II. **Terminal illness or medical treatment for the obligor or an immediate family member;**

III. **Current or potential employment-related travel; or**

IV. **Extreme financial hardship.**

(2) **OCSS shall review the contest of passport denial, revocation, or limitation and may request additional information from the obligor within 10 calendar days from the receipt of the contest request. Such additional information may include a death certificate, obituary, letter from medical provider, letter from current or potential employer, benefit award letter, pay stubs and tax returns, or 1099 form.**

(3) **In the event that a contest is granted due to exceptional circumstances, OCSS has sole discretion to approve and accept payment that is less than the full arrears amount.**

(A) **Upon confirmation of the accepted payment amount from the obligor, OCSS shall take the necessary steps to remove the obligor from the Passport Denial Program. Obligor with remaining qualifying arrears will continue to be eligible for the Passport Denial Program.**

(B) **The obligor may be required to undertake additional action to obtain a passport or remove the limitation on a passport through the Federal Office of Child Support Enforcement or the U.S. Department of State. The obligor may incur additional passport processing fees at their own cost.**

13.-14. (No change.)

SUBCHAPTER 20. CASE CLOSURE

10:110-20.3 Case closure criteria

(a)-(b) (No change.)

(c) **Circumstances under which a case could be closed shall meet at least one of the following criteria:**

1.-3. (No change.)

4. **The [noncustodial parent's] NCP's location is unknown and the IV-D Agency has made diligent efforts using multiple sources, in accordance with 45 [C.F.R.] CFR 303.3, all of which have been unsuccessful, to locate the [noncustodial parent] NCP:**

i. **Over a [three-year] two-year period when there is sufficient information to initiate an automated locate effort; or**

ii. **Over a [one-year] six-month period when there is not sufficient information to initiate an automated locate effort;**

iii. **After a one-year period when there is sufficient information to initiate an automated locate effort, but locate interfaces are unable to verify a Social Security number.**

5. **The IV-D agency has determined that throughout the duration of the child's minority (or after the child has reached the age of majority), the noncustodial parent cannot pay support [for the duration of the child's minority] and shows no evidence of support potential because the parent has been institutionalized in a psychiatric facility, is incarcerated [with no chance for parole], or has a medically-verified total and permanent disability [with no evidence of support potential]. The IV-D Agency must also determine that the noncustodial parent has no income or assets [are] available [to the noncustodial parent which] above the subsistence level that could be levied or attached for support;**

6.-12. (No change.)

13. **The initiating agency has notified the responding state that the initiating state has closed its case under 45 CFR 303.7(c)(11); [or]**

14. **The initiating agency has notified the responding state that its intergovernmental services are no longer needed[.];**

15. **There is no longer a current support order and all arrearages in the case are assigned to the State;**

16. **The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate;**

17. **The noncustodial parent's sole income is from:**

i. **Supplemental Security Income (SSI) payments made in accordance with section 1601 et seq., of Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.; or**

ii. **Both SSI payments and Social Security Disability Insurance benefits or Social Security Retirement benefits under Title II of the Social Security Act;**

18. **The IV-D agency has completed a limited service pursuant to 45 CFR 302.33(a)(6); or**

19. **Another assistance program, including IV-A, IV-E, SNAP, and Medicaid, has referred a case to the IV-D agency that is inappropriate to establish, enforce, or continue to enforce a child support order and the custodial or noncustodial parent has not applied for services.**

(d) (No change.)

10:110-20.4 Reopening a closed case

(a) **A closed WFNJ/TANF case shall be reopened if new information is received that may make establishment of paternity and/or an order for support, including [health care coverage] medical support, or enforcement of an order possible.**

(b) (No change.)

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS

Marriage and Family Therapy Supervision Through Technology-Assisted Media (Telesupervision)

Proposed Amendments: N.J.A.C. 13:34-2.4 and 3.3

Proposed New Rule: N.J.A.C. 13:34-3.5

Authorized By: Board of Marriage and Family Therapy Examiners, Milagros Collazo, Executive Director.

Authority: N.J.S.A. 45:8B-13 and 34 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2022-142.

Submit comments by January 6, 2023, to:

Milagros Collazo, Executive Director
Board of Marriage and Family Therapy Examiners