

Right to an Interpreter

Individuals who do not speak English and/or do not fully understand the language may ask for an interpreter. Interpreters are provided for many different languages as well as for the hard of hearing or the deaf. Requests should be made for an interpreter before an individual's hearing, at the time of filing or receipt of notice to appear, to avoid delays or adjournments.

Non-Appearence

A complaint, motion, or application may be dismissed if the person who filed it does not give proper notice and does not appear for the hearing.

The child support hearing officer may recommend a default order (order in a person's absence) and/or bench warrant for the arrest of individuals who have a complaint or motion filed against them, but who do not appear for a hearing. Individuals who have bench warrants issued against them in child support matters may have their New Jersey driver's licenses denied, suspended or revoked.

Limit of the Authority

The child support hearing officer is not a judge. In certain cases, under certain conditions, the child support hearing officer may make a recommendation for establishment, enforcement or a change in the support order in a matter where the parties have a domestic violence restraining order.

The Child Support Hearing Officer Program is one way for the court to help resolve legal issues concerning children and families.

Questions or comments concerning the Child Support Hearing Officer Program may be addressed to:

Administrative Office of the Courts
New Jersey Judiciary
PO Box 983
Trenton, NJ 08625
609-984-0486

For more information about child support:

Administrative Office of the Courts
Child Support Enforcement Services
609-292-8908

The Call Center
1-877-655-4371 (Ext. 5)

Child Support Hotline
1-800-621-KIDS (5437)
(follow prompts)

New Jersey Office of Child Support Services
1-877-NJKIDS1

New Jersey Judiciary
njcourts.com

Department of Human Services:
njchildsupport.org

Federal Programs:
acf.dhhs.gov/program/cse.index.html

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CHILD SUPPORT HEARING OFFICER PROGRAM

New Jersey Courts

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Independence • Integrity
Fairness • Quality Service

Family Practice Division
Administrative Office of the Courts
New Jersey Judiciary
Trenton, New Jersey 08625

This brochure contains answers general questions about the Child Support Hearing Officer Program.

What is the Child Support Hearing Officer Program?

The Child Support Hearing Officer Program is statewide. The authority and duties of the Child Support Hearing Officer are stated under the Rules Governing the Courts of the State of New Jersey 5:25-3. The program is managed by the Family Practice Division of the Administrative Office of the Courts. The purpose of the program is to provide quicker (called "Expedited Process") access and relief from the court for the families filing for financial support. The child support hearing officers hear more than 100,000 cases a year and only a small percentage of them are appealed.

Who is the Child Support Hearing Officer?

The child support hearing officer is either a professional who is an attorney or a qualified person in the area of child support appointed by the Chief Justice of the New Jersey Supreme Court and authorized to hear child support matters.

What Does the Child Support Hearing Officer Do?

A child support hearing officer hears testimony, reviews documents, weighs evidence, makes findings of fact in the case and makes recommendations to a superior court judge on issues of establishment, modification and enforcement of child support and in certain cases, spousal support. The judge reviews the recommendation and signs it, making it a court order.

The child support hearing officer may also mediate custody and parenting time issues. If the parties reach an agreement concerning custody and parenting time, their agreement is referred to a Superior Court judge for review and signature to become an order. The child support hearing officer may refer the case to a judge if the issues in the case are complex.

Establishment Of Paternity

In most child support cases, the child support hearing officer must first determine the paternity (legal father)

of the child. The person named as the father on the complaint has the right to request a genetic test to assist in determining paternity. However, he may waive the genetic test and voluntarily admit paternity. After the test results are received, he still has the right to a paternity trial before a Superior Court judge.

Establishment of Support/Medical Coverage

Once paternity is determined, the hearing officer recommends a child support order based on the New Jersey Child Support Guidelines. Usually, both parents are obligated to support a child financially. The child support hearing officer will look at the ability of the parents to earn. It is important that parents bring in proof of income to the hearings. Parents may be required to pay child support, work-related day care, and medical costs based on their incomes. The non-custodial parent may request that parenting time be considered in the calculation. You should receive a copy of the child support guidelines worksheet at the hearing. For further information on the Guidelines, see R. 5:6A and Appendix IX-A. In limited cases, the child support hearing officer may not use the Child Support Guidelines because they do not apply. In some cases under certain conditions, the child support hearing officer may make recommendations to establish a child support order in cases with an active domestic violence order.

Modification/Change of Support Order

Upon a proper application, the child support hearing officer may consider whether to change or modify a child support order. A motion must be filed in the county where the order was first entered (also called the county of venue.) An individual also may file to have an order reviewed based on changed circumstances. For example, a parent may file a motion because he or she has lost the ability to earn the same amount of money and/or is in prison or the custodial parent may have additional cost of work related day care expenses for the child. Any change that the child support hearing officer recommends in the child support order will only be changed as of the filing date of the motion. The burden of proof is on the parent or legal guardian who filed the motion to prove

the change in circumstance. Once change of circumstances is shown, the hearing officer determines the support based on the Guidelines.

All child support orders and judgments established, modified or enforced after Sept. 1, 1998, and those on or before August 31, 1998 (prospectively) are subject to cost-of-living, COLA, increases (R.5:6B). All child support orders under supervision of the Probation Division may also be reviewed every three years by the Division of Family Development in accordance with N.J.S.A. 2A:17-56.9a and R 5:6-6. In order to stop the child support order, the parent or guardian must file to emancipate the child.

A motion may be filed to lower, increase or stop child support. In New Jersey, the order does not automatically stop when a child is 18 years or older. The parent or legal guardian must file to emancipate the child. Then, a determination may be made whether the child should be emancipated and if the support payments should stop. If more than one child is on the support order, the order usually must be recalculated to determine the child support amount for the remaining child(ren). In some cases under certain conditions, the child support hearing officer may make recommendations on child support orders for modification when domestic violence is involved with the parties.

The child support hearing officer may also make recommendations to modify child support orders after parties are divorced.

Telephonic Hearing

In cases to establish paternity and/or child support a modification case and some divorce cases, a party may request to participate in the hearing by telephone. The party asking to testify by telephone must submit in advance of the hearing a request for approval in writing to the county Family Division.

Enforcement of Support Order

When a parent is not paying the child support ordered, the child support hearing officer may enforce the order. The officer may recommend several enforcement remedies such as medical coverage to be obtained by a

set date, income withholding in New Jersey or other states (taking money directly from the paycheck), lump sum payment of all or part of the money owed (arrearage), establish a regular payment toward the arrearage, license suspension, incarceration or work release. For failure to appear at the hearing, the hearing officer may recommend a bench warrant to issue.

Rights before a Child Support Hearing Officer

Right to Present a Case

An individual has the right to provide relevant testimony, submit documents, and cross-examine witnesses. The hearing is recorded and preserved.

Right to Appeal

If you agree with the recommendation of the child support hearing officer, you will be asked to sign the recommendation. You will receive a copy of the recommendation and a copy of the child support guidelines worksheet at the hearing. However, if there is disagreement with the recommendation made by the child support hearing officer, a party has a right to an immediate new hearing before a superior court judge. You will be able to request an appeal of the child support hearing officer recommendation at the hearing. If you request an appeal, the judge may hear testimony, review documents, and issue an order. If a party does not request an appeal on the day of the hearing, it will require a motion before further relief can be considered.

Right to be Represented By an Attorney

An individual may represent him or herself (called *self representation* or appearing *pro se*) or hire an attorney for these matters. There is no requirement that an attorney be appointed to represent the parent who is obligated to pay support. If you are interested in obtaining legal representation, the local legal services office, the local bar association or the Lawyer Referral Service provides information on obtaining a lawyer.