

Temporary Child Support Orders

Directive #12-88
Issued by:

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Administrative Director

On September 24, 1985, the Supreme Court adopted *Rule* 5:25-3, Child Support Hearing Officers, to expedite the processing of child support matters and to comply with Title IV-D of the Social Security Act.

Rule 5:25-3(b)(7) states that: "If any establishment case involves a complex issue requiring judicial resolution, the Child Support Hearing Officer shall recommend a temporary order establishing the obligation of child support pending referral of the matter to court."

The federal Office of Child Support Enforcement, which monitors state compliance with federal child support regulations, has advised the Administrative Office of the Courts that the Rule does not fully comply with 45 *CFR* 303.101(b)(4) which requires that a state must enter a temporary support order through its expedited process. The Office of Child Support Enforcement is concerned that temporary orders recommended by Child Support Hearing Officers may not always be ratified by the reviewing judge, thus leaving the family without support while the matter is awaiting a judicial hearing on the complex issues.

The Supreme Court is advising Family Division judges that, in all cases involving complex issues that are referred for a subsequent judicial hearing by a Child Support Hearing Officer, the judge reviewing hearing officer recommendations must enter a temporary order prior to referral for full judicial review. The judge may ratify, modify or reject any temporary order recommended by a Child Support Hearing Officer.

EDITOR'S NOTE

No change has been made to the original text.