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DIRECTIVE #17-19

[Supersedes #02-87]

[Questions or comments may be directed to
(609) 815-3810]

TO: Assignment Judges
Trial Court Administrators

FROM: Glenn A. Grant, J.A.D. 

SUBJECT: Child Support - Posting of Security Bond or Other Guarantee of Payment for Overdue Support

DATE: August 5, 2019

This Directive supersedes Directive #2-87 (issued on August 4, 1987), and sets forth the current procedures for the deposit and withdrawal of security funds related to overdue Child Support. Security funds in this instance are those ordered by the court to secure future child support payments. In child support matters, these monies are deposited with the New Jersey Family Support Payment Center (NJFSPC) rather than with the Clerk of the Superior Court as stated in Rule 4:57-2. While the posting of a bond as security is infrequently ordered, on those occasions when it is deemed appropriate, the following guidelines should be followed:

1. The requirement to provide advance notice to all Non-Custodial Parents (NCPs) of orders resulting from enforcement proceedings has been automated as part of the Notice of Motion to Enforce Litigants Rights document (CS040). The NCP is advised therein of possible enforcement remedies as follows, "...income withholding against your present and future income, incarceration (jail), entry of a judgment in the amount of arrears due, which may be filed as a lien against your real and personal property, the posting of a bond or other guarantee to ensure future payments, or other relief as allowed by R. 1:10-3 and 5:7-5."
2. The below criteria should be considered when an order requiring the posting of security or a bond is entered:
 - a. arrears in excess of the monthly support order;
 - b. the NCP is self-employed;

- c. the NCP has a history of non-payment;
 - d. no income withholding or other intercept remedy is available;
 - e. there is no likelihood of collection through other means; and
 - f. the NCP has assets which exceed the amount of the support arrears;
3. The NCP must be directed to make the check payable to the New Jersey Family Support Payment Center (NJFSPC) and it should clearly state it is a security or bond payment in the reference line.
 4. When such a check is received by a vicinage Finance Division through the mail or as an exception under the check acceptance procedures, it must be clearly identified to ensure correct processing on NJKiDS which includes the NCP's name and case number. Additionally, the payment must be recorded on the attached Transmittal log with the appropriate code to indicate the receipt source. The log and check must be transmitted to the NJFSPC.
 5. Security payments are recorded in NJKiDS as distribution holds. When the monthly support order and arrears payback amount are not paid, NJKIDS will release that amount from the distribution hold. A court order is no longer required for release of these monies as the automated system does it automatically.

Any questions regarding this directive may be directed to the Chief of Child Support Enforcement, Probation Services, at 609-815-3810.

EDITOR'S NOTE

*2019 Update – This Superseding Directive updates Directive #2-87 to reflect current protocols and procedures. The reference to depositing funds through the Clerk of the Superior Court has been changed to the New Jersey Family Support Payment Center (NJFSPC). The directive clarifies that the requirement to provide advance notice has been automated and that the criteria has changed to arrears in excess of the monthly order rather than a specific arrears dollar amount. In addition, language was changed to indicate that checks are only received in the Vicinage Finance Office through the mail or as an exception under the check acceptance procedures.

8/4/87 – Originally issued by Robert D. Lipscher, Administrative Director

Attachment

cc:	Chief Justice Stuart Rabner	Larry Ashbridge, Chief
	Family Division Presiding Judges	Vicinage Probation Managers/VCPOs
	Stephen D. Bonville, Chief of Staff	Family Division Managers
	AOC Directors and Assistant Directors	Finance Division Managers
	Clerks of Court	Vicinage Assistant Probation Managers, Child Support/VACPOs
	Special Assistants to the Administrative Director	

**Transmittal to the New Jersey Family Support Payment Center
Misdirected Payments Received at the Local Finance Office**

LOCAL PROCESSING UNIT

LPU CONTACT:

PHONE #

FAX #

DATE MAILED:

	PAYOR NAME	CHECK / MO#	AMOUNT
1			
2			
3			
4			
5			
6			
7			
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11			
12			
13			
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16			
17			
	TOTAL NO. OF ITEMS THIS PAGE	0	
	TOTAL DOLLAR AMOUNT THIS PAGE		\$0.00