

HIGHER EDUCATION

PROPOSALS

<u>Undergraduate</u>	<u>Semester Minimum</u>	<u>Semester Maximum</u>	<u>Academic Year Maximum</u>
<u>Community Colleges</u>			
Full-time	\$100.00	\$[525.00] <b>575.00</b>	\$[1,050] <b>1,150</b>
Part-time:			
6-8 credits	\$100.00	\$[263.00] <b>288.00</b>	\$[526.00] <b>576.00</b>
9-11 credits	\$100.00	\$[394.00] <b>431.00</b>	\$[788.00] <b>862.00</b>
<u>State Colleges and Universities</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$[575.00] <b>625.00</b>	\$[1,150] <b>1,250</b>
Part-time:			
6-8 credits	\$100.00	\$[288.00] <b>313.00</b>	\$[576.00] <b>626.00</b>
9-11 credits	\$100.00	\$[431.00] <b>469.00</b>	\$[862.00] <b>938.00</b>
<u>Residential</u>			
Full-time	\$100.00	\$[700.00] <b>750.00</b>	\$[1,400] <b>1,500</b>
Part-time:			
6-8 credits	\$100.00	\$[427.00] <b>450.00</b>	\$[854.00] <b>900.00</b>
9-11 credits	\$100.00	\$[560.00] <b>600.00</b>	\$[1,120] <b>1,200</b>
<u>Public Research Universities</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$[575.00] <b>625.00</b>	\$[1,150] <b>1,250</b>
Part-time:			
6-8 credits	\$100.00	\$[288.00] <b>313.00</b>	\$[576.00] <b>626.00</b>
9-11 credits	\$100.00	\$[431.00] <b>469.00</b>	\$[862.00] <b>938.00</b>
<u>Residential</u>			
Full-time	\$100.00	\$[700.00] <b>750.00</b>	\$[1,400] <b>1,500</b>
Part-time:			
6-8 credits	\$100.00	\$[427.00] <b>450.00</b>	\$[854.00] <b>900.00</b>
9-11 credits	\$100.00	\$[560.00] <b>600.00</b>	\$[1,120] <b>1,200</b>
<u>Independent Colleges</u>			
Full-time	\$100.00	\$[1,250] <b>1,300</b>	\$[2,500] <b>2,600</b>
Part-time:			
6-8 credits	\$100.00	\$[625.00] <b>650.00</b>	\$[1,250] <b>1,300</b>
9-11 credits	\$100.00	\$[938.00] <b>975.00</b>	\$[1,876] <b>1,950</b>

SUBCHAPTER 3. GRADUATE EOF FINANCIAL ELIGIBILITY

9A:11-3.4 Grant amounts

(a)-(c) (No changes.)

(d) The Board shall annually review the State grant amounts for EOF students and make adjustments, if necessary. The minimum and maximum semester and maximum academic year award ranges for Article III graduate grants for each sector of higher education follows:

<u>Graduate</u>	<u>Semester Minimum</u>	<u>Semester Maximum</u>	<u>Academic Year Maximum</u>
State Colleges and Universities	\$100.00	\$[1,150] <b>1,200</b>	\$[2,300] <b>2,400</b>
Independent	100.00	[1,425] <b>1,475</b>	[2,850] <b>2,950</b>
Public Research Universities	100.00	[1,425] <b>1,475</b>	[2,850] <b>2,950</b>
Biomedical and Health Sciences Schools	100.00	[2,175] <b>2,225</b>	[4,350] <b>4,450</b>

(e) (No change.)

**HUMAN SERVICES**

**(a)**

**DIVISION OF FAMILY DEVELOPMENT**

**Child Support Program**

**Clarification of the Term “Regular Payments” When Used to Determine FIDM Eligibility; Denial, Revocation, or Limitation of U.S. Passport**

**Proposed Amendment: N.J.A.C. 10:110-15.2**

Authorized By: Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12, Claims Resolution Act (Public Law 111-291).

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

Proposal Number: PRN 2017-227.

Submit comments by November 4, 2017, to:

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The agency proposal follows:

#### Summary

As the Department of Human Services (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 proposed amendment at N.J.A.C. 10:110-15.2(a)4i(2)(A) clarifies that, when used to determine eligibility for the Financial Institution Data Match (FIDM) enforcement remedy, “regular payments” is defined as a payment of the full monthly support order, including any required arrears repayment amount due for the month. The clarification is required since delinquent child support obligors who owe more than three months of child support arrearages, are currently able to avoid the reporting of their cases to banks or other financial institutions even if they pay less than the amount due each month. Clarifying that payments are not “regular” unless they cover the full monthly support obligation, including any arrears repayment amount, would allow for more cases to be eligible for FIDM, thus leading to higher child support collections for New Jersey families.

The proposed amendment at N.J.A.C. 10:110-15.2(a)4i(2)(A) and proposed new (a)12i(2) would add a criterion for purposes of financial institution data match and/or passport denial, revocation, or limitation to include past-due spousal support when the obligee is living with the child and the spousal support and child support obligations are included in the same order. The Federal Office of Child Support Enforcement issued a Policy Interpretation Question (PIQ-11-01) that addressed issues surrounding the handling and enforcement of spousal support cases. According to that guidance, the Code of Federal Regulation (45 CFR 303.72(a)(3)(i)) allows for collection of past-due support when the support is owed to or on behalf of a child, or a child and the parent with whom the child is living if the same support order includes support for the child and the parent.

#### Social Impact

The proposed amendment at N.J.A.C. 10:110-15.2(a)4i(2)(A), which clarifies that payments are not “regular” unless they cover the full monthly support obligation, including any arrears repayment amount, would allow for more cases to be eligible for FIDM, thus leading to higher child support collections for New Jersey families.

Proposed new N.J.A.C. 10:110-15.2(a)12i(2) will have a minimal but positive social impact because the State would be able to include spousal support arrears in passport eligibility, which would result in increased collections to families.

#### Economic Impact

The proposed amendments will result in increased collections to families, thereby, providing them with additional money that was due to them.

#### Federal Standards Statement

The Department has reviewed the applicable Federal laws and regulations and that review indicates that the proposed amendments do not exceed Federal standards, as stated in the Summary above. Therefore, a Federal standards analysis is not required.

#### Jobs Impact

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

#### Agricultural 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 relate to a limited administrative enforcement tool for collection of support and to eligibility for a child support enforcement remedy. Therefore, a regulatory flexibility analysis is not required.

#### Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing in New Jersey and will not evoke a change in the average costs associated with housing because the proposed amendments relate to a limited administrative enforcement tool for collection of support.

#### Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth and will not 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 because the proposed amendments relate to a limited administrative enforcement tool for collection of support.

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

#### 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 and multistate financial institution data matches (FIDM) 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)] **§ 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 who maintain an account at the financial institution and who owe past due child support that equals or exceeds the amount of support payable for three months and for which no regular payments are being made.

**(A) As used in this sub-subparagraph, “regular payments” is defined as a payment of the full monthly support order, including any required arrears repayment amount due for the month. Past-due spousal support is only eligible when the obligee is living with the child and the spousal support and child support obligations are included in the same order.**

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

ii.-v. (No change.)

5.-11. (No change.)

12. Denial, revocation, or limitation of passport 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) (No change.)

**(2) Past-due spousal support is only eligible for denial, revocation, or limitation of an obligor’s passport when the obligee is living with the child and the spousal support and child support obligations are included in the same order.**

13.-14. (No change.)