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DIRECTIVE #09-17

[Supersedes Directive #14-89]

[Questions or comments may be directed to
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**TO: Assignment Judges
Trial Court Administrators**

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

SUBJECT: Change of Beneficiary of Child Support Orders - Foster Care Cases

DATE: June 23, 2017

The issue had been raised in child support cases where the child was the beneficiary of an existing order and was later placed in foster care. When this situation occurs, district offices of the Division of Child Protection and Permanency (DCP&P) will either (1) file a motion with the Superior Court, Family Division requesting that DCP&P be named as beneficiary of the court order, (2) informally request that the probation department change the beneficiary to DCP&P, or (3) take no action. In instances where DCP&P formally requests a change of beneficiary by filing a motion with the court, probation departments change the beneficiary once an appropriate court order has been entered. Prior to the issuance of the originally issued Directive, probation departments had been unclear as to the proper response to informal requests made by DCP&P.

The Conference of Family Division Presiding Judges had recommended that in all cases a motion should be filed with the court for a change of beneficiary of a support order when a child is placed in foster care. The Conference's recommendation provided for a uniform procedure, satisfied due process on behalf of the original beneficiary, and ensured that support was distributed only to a litigant in the action. Therefore, a probation department should only change the beneficiary of a support order in a foster care case after DCP&P files a motion with the court, and a court order has been entered.

EDITOR'S NOTE

*2017 Update - The reference to the Division of Youth and Family Services was changed to reflect the reorganization of the Department of Children and Families effective July 2, 2012. The Division of Youth and Family Services is now the Division of Child Protection and Permanency.

12/29/1989 - Directive #14-89 -- Originally issued by Robert D. Lipscher, Administrative Director.

cc: Chief Justice Stuart Rabner
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