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"Christie signs law overhauling rules for enforcing court-ordered family support," NorthJersey.com, March 23, 2016

RWH/CL

§§1-78 -
C.2A:4-30.124 to
C.2A:4-30.201
§81 - Repealer
§82 - Note

P.L.2016, CHAPTER 1, *approved March 23, 2016*
Senate, No. 995 (*First Reprint*)

1 AN ACT concerning support proceedings, supplementing Title 2A of
2 the New Jersey Statutes, amending P.L.1996, c.7 and P.L.1998,
3 c.1 and repealing P.L.1998, c.2.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7 ARTICLE 1
8 GENERAL PROVISIONS
9

10 1. (New section) This act may be cited as the “Uniform
11 Interstate Family Support Act.”
12

13 2. (New section) Definitions.

14 As used in this act:

15 a. “Child” means an individual, whether over or under the age
16 of majority, who is or is alleged to be owed a duty of support by the
17 individual’s parent or who is or is alleged to be the beneficiary of a
18 support order directed to the parent.

19 b. “Child support order” means a support order for a child,
20 including a child who has attained the age of majority under the law
21 of the issuing state or foreign country.

22 c. “Convention” means the Convention on the International
23 Recovery of Child Support and Other Forms of Family
24 Maintenance, concluded at The Hague on November 23, 2007.

25 d. “Duty of support” means an obligation imposed or
26 imposed by law to provide support for a child, spouse, or former
27 spouse, including an unsatisfied obligation to provide support.

28 e. “Foreign country” means a country, including a political
29 subdivision thereof, other than the United States, that authorizes the
30 issuance of support orders and: (1) which has been declared under
31 the law of the United States to be a foreign reciprocating country;
32 (2) which has established a reciprocal arrangement for child support
33 with this State as provided in section 24 of this act; (3) which has
34 enacted a law or established procedures for the issuance and
35 enforcement of support orders which are substantially similar to the
36 procedures under this act; or (4) in which the Convention is in force
37 with respect to the United States.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted February 8, 2016.

- 1 f. "Foreign support order" means a support order of a foreign
2 tribunal.
- 3 g. "Foreign tribunal" means a court, administrative agency, or
4 quasi-judicial entity of a foreign country which is authorized to
5 establish, enforce, or modify support orders or to determine
6 parentage of a child. The term includes a competent authority under
7 the Convention.
- 8 h. "Home state" means the state or foreign country in which a
9 child lived with a parent or a person acting as parent for at least six
10 consecutive months immediately preceding the time of filing of a
11 complaint or comparable pleading for support and, if a child is less
12 than six months old, the state or foreign country in which the child
13 lived from birth with any of them. A period of temporary absence of
14 any of them is counted as part of the six-month or other period.
- 15 i. "Income" includes earnings or other periodic entitlements to
16 money from any source and any other property subject to
17 withholding for support under the law of this State.
- 18 j. "Income-withholding order" means an order or other legal
19 process directed to an obligor's employer, as defined by the "New
20 Jersey Child Support ¹Program¹ Improvement Act," P.L.1998,
21 c.1 (C.2A:17-56.7a et al.), to withhold support from the income of
22 the obligor.
- 23 k. "Initiating tribunal" means the tribunal of a state or foreign
24 country from which a petition or comparable pleading is forwarded
25 or in which a petition or comparable pleading is filed for
26 forwarding to another state or foreign country.
- 27 l. "Issuing foreign country" means the foreign country in
28 which a tribunal issues a support order or a judgment determining
29 parentage of a child.
- 30 m. "Issuing state" means the state in which a tribunal issues a
31 support order or a judgment determining parentage of a child.
- 32 n. "Issuing tribunal" means the tribunal of a state or foreign
33 country that issues a support order or a judgment determining
34 parentage of a child.
- 35 o. "Law" includes decisional and statutory law and rules and
36 regulations having the force of law.
- 37 p. "Obligee" means: (1) an individual to whom a duty of
38 support is or is alleged to be owed or in whose favor a support order
39 or a judgment determining parentage of a child has been issued; (2)
40 a foreign country, state, or political subdivision of a state to which
41 the rights under a duty of support or support order have been
42 assigned or which has independent claims based on financial
43 assistance provided to an individual obligee in place of child
44 support; (3) an individual seeking a judgment determining
45 parentage of the individual's child; or (4) a person that is a creditor
46 under Article 7 of this act (the Convention).
- 47 q. "Obligor" means an individual, or the estate of a decedent
48 that: (1) owes or is alleged to owe a duty of support; (2) is alleged

- 1 but has not been adjudicated to be a parent of a child; (3) is liable
2 under a support order; or (4) is a debtor in a proceeding under
3 Article 7 of this act (the Convention).
- 4 r. “Outside this State” means a location in another state or a
5 country other than the United States, whether or not the country is a
6 foreign country.
- 7 s. “Person” means an individual, corporation, business trust,
8 estate, trust, partnership, limited liability company, association,
9 joint venture, public corporation, government or governmental
10 subdivision, agency, or instrumentality, or any other legal or
11 commercial entity.
- 12 t. “Record” means information that is inscribed on a tangible
13 medium or that is stored in an electronic or other medium and is
14 retrievable in perceivable form.
- 15 u. “Register” means to file in a tribunal of this State a support
16 order or judgment determining parentage of a child issued in
17 another state or a foreign country.
- 18 v. “Registering tribunal” means a tribunal in which a support
19 order or judgment determining parentage of a child is registered.
- 20 w. “Responding state” means a state in which a petition or
21 comparable pleading for support or to determine parentage of a
22 child is filed or to which a petition or comparable pleading is
23 forwarded for filing from another state or a foreign country.
- 24 x. “Responding tribunal” means the authorized tribunal in a
25 responding state or foreign country.
- 26 y. “Spousal support order” means a support order for a spouse
27 or former spouse of the obligor.
- 28 z. “State” means a state of the United States, the District of
29 Columbia, Puerto Rico, the United States Virgin Islands, or any
30 territory or insular possession under the jurisdiction of the United
31 States. The term includes an Indian nation or tribe.
- 32 aa. ¹“State IV-D Agency” means the Department of Human
33 Services.
- 34 bb.¹ “Support enforcement agency” means a public official,
35 governmental entity, or private agency authorized to: (1) seek
36 enforcement of support orders or laws relating to the duty of
37 support; (2) seek establishment or modification of child support; (3)
38 request determination of parentage of a child; (4) attempt to locate
39 obligors or their assets; or (5) request determination of the
40 controlling child support order.
- 41 ¹**[bb.] cc.**¹ “Support order” means a judgment, decree, order,
42 decision, or directive, whether temporary, final, or subject to
43 modification, issued in a state or foreign country for the benefit of a
44 child, a spouse, or a former spouse, which provides for monetary
45 support, health care, arrearages, retroactive support, or
46 reimbursement for financial assistance provided to an individual
47 obligee in place of child support. The term may include related

1 costs and fees, interest, income withholding, automatic adjustment,
2 reasonable attorney's fees, and other relief.

3 ¹~~cc.~~ dd. ¹ "Tribunal" means a court, administrative agency, or
4 quasi-judicial entity authorized to establish, enforce, or modify
5 support orders or to determine parentage of a child.

6
7 3. (New section) State tribunal and support enforcement
8 agency.

9 a. The Superior Court, Chancery Division, Family Part is the
10 tribunal of this State.

11 b. The Probation Division of the Superior Court ¹~~is~~ and the
12 State IV-D Agency are ¹ the support enforcement agencies of this
13 State.

14 ¹~~c.~~ The Department of Human Services is the State IV-D
15 Agency. ¹

16
17 4. (New section) Remedies cumulative.

18 a. Remedies provided by this act are cumulative and do not
19 affect the availability of remedies under other law or the recognition
20 of a foreign support order on the basis of comity.

21 b. This act does not:

22 (1) provide the exclusive method of establishing or enforcing a
23 support order under the law of this State; or

24 (2) grant a tribunal of this State jurisdiction to render judgment
25 or issue an order relating to child custody or visitation in a
26 proceeding under this act.

27
28 5. (New section) Application of act to resident of foreign
29 country and foreign support proceeding.

30 a. A tribunal of this State shall apply Articles 1 through 6 of
31 this act and, as applicable, Article 7 of this act, to a support
32 proceeding involving:

33 (1) a foreign support order;

34 (2) a foreign tribunal; or

35 (3) an obligee, obligor, or child residing in a foreign country.

36 b. A tribunal of this State that is requested to recognize and
37 enforce a support order on the basis of comity may apply the
38 procedural and substantive provisions of Articles 1 through 6 of this
39 act.

40 c. Article 7 applies only to a support proceeding under the
41 Convention. In such a proceeding, if a provision of Article 7 of this
42 act is inconsistent with Article 1 through 6 of this act, Article 7 of
43 this act controls.

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ARTICLE 2
JURISDICTION

6. (New section) Bases for jurisdiction over nonresident.

a. In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual’s guardian or conservator if:

(1) the individual is personally served with a summons or notice within this State;

(2) the individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in this State;

(4) the individual resided in this State and provided prenatal expenses or support for the child;

(5) the child resides in this State as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse;

(7) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

b. The bases of personal jurisdiction set forth in subsection a. or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of this State to modify a child support order of another state unless the requirements of section 55 are met, or, in the case of a foreign support order, unless the requirements of section 59 are met.

7. (New section) Duration of personal jurisdiction.

Personal jurisdiction acquired by a tribunal of this State in a proceeding under this act or other law of this State relating to a support order continues as long as a tribunal of this State has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 10, 11 and 16 of this act.

8. (New section) Initiating and responding tribunal of state.

Under this act, a tribunal of this State may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in another state or a foreign country.

9. (New section) Simultaneous proceedings.

1 a. A tribunal of this State may exercise jurisdiction to establish
2 a support order if the petition or comparable pleading is filed after a
3 pleading is filed in another state or a foreign country only if:

4 (1) the petition or comparable pleading in this State is filed
5 before the expiration of the time allowed in the other state or the
6 foreign country for filing a responsive pleading challenging the
7 exercise of jurisdiction by the other state or the foreign country;

8 (2) the contesting party timely challenges the exercise of
9 jurisdiction in the other state or the foreign country; and

10 (3) if relevant, this State is the home state of the child.

11 b. A tribunal of this State may not exercise jurisdiction to
12 establish a support order if the petition or comparable pleading is
13 filed before a petition or comparable pleading is filed in another
14 state or a foreign country if:

15 (1) the petition or comparable pleading in the other state or
16 foreign country is filed before the expiration of the time allowed in
17 this State for filing a responsive pleading challenging the exercise
18 of jurisdiction by this State;

19 (2) the contesting party timely challenges the exercise of
20 jurisdiction in this State; and

21 (3) if relevant, the other state or foreign country is the home
22 state of the child.

23

24 10. (New section) Continuing, exclusive jurisdiction to modify
25 child support order.

26 a. A tribunal of this State that has issued a child support order
27 consistent with the law of this State has and shall exercise
28 continuing, exclusive jurisdiction to modify its child support order
29 if the order is the controlling order and:

30 (1) at the time of the filing of a request for modification this
31 State is the residence of the obligor, the individual obligee, or the
32 child for whose benefit the support order is issued; or

33 (2) even if this State is not the residence of the obligor, the
34 individual obligee, or the child for whose benefit the support order
35 is issued, the parties consent in a record or in open court that the
36 tribunal of this State may continue to exercise jurisdiction to modify
37 its order.

38 b. A tribunal of this State that has issued a child support order
39 consistent with the law of this State may not exercise continuing,
40 exclusive jurisdiction to modify the order if:

41 (1) all of the parties who are individuals file consent in a record
42 with the tribunal of this State that a tribunal of another state that has
43 jurisdiction over at least one of the parties who is an individual or
44 that is located in the state of residence of the child may modify the
45 order and assume continuing, exclusive jurisdiction; or

46 (2) its order is not the controlling order.

47 c. If a tribunal of another state has issued a child support order
48 pursuant to the "Uniform Interstate Family Support Act,"

1 P.L. , c. (C.) (pending before the Legislature as this bill) or
2 a law substantially similar to that act which modifies a child support
3 order of a tribunal of this State, tribunals of this State shall
4 recognize the continuing, exclusive jurisdiction of the tribunal of
5 the other state.

6 d. A tribunal of this State that lacks continuing, exclusive
7 jurisdiction to modify a child support order may serve as an
8 initiating tribunal to request a tribunal of another state to modify a
9 support order issued in that state.

10 e. A temporary support order issued ex parte or pending
11 resolution of a jurisdictional conflict does not create continuing,
12 exclusive jurisdiction in the issuing tribunal.

13

14 11. (New section) Continuing jurisdiction to enforce child
15 support order.

16 a. A tribunal of this State that has issued a child support order
17 consistent with the law of this State may serve as an initiating
18 tribunal to request a tribunal of another state to enforce:

19 (1) the order if the order is the controlling order and has not
20 been modified by a tribunal of another state that assumed
21 jurisdiction pursuant to the “Uniform Interstate Family Support
22 Act,” P.L. , c. (C.) (pending before the Legislature as this
23 bill); or

24 (2) a money judgment for arrears of support and interest on the
25 order accrued before a determination that an order of a tribunal of
26 another state is the controlling order.

27 b. A tribunal of this State having continuing jurisdiction over a
28 support order may act as a responding tribunal to enforce the order.

29

30 12. (New section) Determination of controlling child support
31 order.

32 a. If a proceeding is brought under this act and only one
33 tribunal has issued a child support order, the order of that tribunal
34 controls and shall be recognized.

35 b. If a proceeding is brought under this act, and two or more
36 child support orders have been issued by tribunals of this State,
37 another state, or a foreign country with regard to the same obligor
38 and same child, a tribunal of this State having personal jurisdiction
39 over both the obligor and individual obligee shall apply the
40 following rules and by order shall determine which order controls
41 and shall be recognized:

42 (1) If only one of the tribunals would have continuing, exclusive
43 jurisdiction under this act, the order of that tribunal controls.

44 (2) If more than one of the tribunals would have continuing,
45 exclusive jurisdiction under this act:

46 (a) an order issued by a tribunal in the current home state of the
47 child controls; or

1 (b) if an order has not been issued in the current home state of
2 the child, the order most recently issued controls.

3 (3) If none of the tribunals would have continuing, exclusive
4 jurisdiction under this act, the tribunal of this State shall issue a
5 child support order, which controls.

6 c. If two or more child support orders have been issued for the
7 same obligor and same child, upon request of a party who is an
8 individual or that is a support enforcement agency, a tribunal of this
9 State having personal jurisdiction over both the obligor and the
10 obligee who is an individual shall determine which order controls
11 under subsection b. The request may be filed with a registration for
12 enforcement or registration for modification pursuant to Article 6 of
13 this act, or may be filed as a separate proceeding.

14 d. A request to determine which is the controlling order shall
15 be accompanied by a copy of every child support order in effect and
16 the applicable record of payments. The requesting party shall give
17 notice of the request to each party whose rights may be affected by
18 the determination.

19 e. The tribunal that issued the controlling order under
20 subsection a., b., or c. of this section has continuing jurisdiction to
21 the extent provided in sections 10 or 11 of this act.

22 f. A tribunal of this State that determines by order which is the
23 controlling order under paragraphs (1) or (2) of subsection b. or
24 subsection c. of this section, or that issues a new controlling order
25 under paragraph (3) of subsection b. of this section, shall state in
26 that order:

27 (1) the basis upon which the tribunal made its determination;

28 (2) the amount of prospective support, if any; and

29 (3) the total amount of consolidated arrears and accrued interest,
30 if any, under all of the orders after all payments made are credited
31 as provided by section 14 of this act .

32 g. Within 30 days after issuance of an order determining which
33 is the controlling order, the party obtaining the order shall file a
34 certified copy of it in each tribunal that issued or registered an
35 earlier order of child support. A party or support enforcement
36 agency obtaining the order that fails to file a certified copy is
37 subject to appropriate sanctions by a tribunal in which the issue of
38 failure to file arises. The failure to file does not affect the validity
39 or enforceability of the controlling order.

40 h. An order that has been determined to be the controlling
41 order, or a judgment for consolidated arrears of support and interest,
42 if any, made pursuant to this section shall be recognized in
43 proceedings under this act.

44

45 13. (New section) Child support orders for two or more
46 obligees.

47 In responding to registrations or petitions for enforcement of two
48 or more child support orders in effect at the same time with regard

1 to the same obligor and different individual obligees, at least one of
2 which was issued by a tribunal of another state or a foreign country,
3 a tribunal of this State shall enforce those orders in the same
4 manner as if the orders had been issued by a tribunal of this State.
5

6 14. (New section) Credit for payments.

7 A tribunal of this State shall credit amounts collected for a
8 particular period pursuant to any child support order against the
9 amounts owed for the same period under any other child support
10 order for support of the same child issued by a tribunal of this State,
11 another state, or a foreign country.
12

13 15. (New section) Application of act to nonresident subject to
14 personal jurisdiction.

15 A tribunal of this State exercising personal jurisdiction over a
16 nonresident in a proceeding under this act, under other law of this
17 State relating to a support order, or recognizing a foreign support
18 order may receive evidence from outside this State pursuant to
19 section 32 of this act, communicate with a tribunal outside this State
20 pursuant to section 33 of this act, and obtain discovery through a
21 tribunal outside this State pursuant to section 34 of this act. In all
22 other respects, Articles 3 through 6 do not apply, and the tribunal
23 shall apply the procedural and substantive law of this State.
24

25 16. (New section) Continuing, exclusive jurisdiction to modify
26 spousal support order.

27 a. A tribunal of this State issuing a spousal support order
28 consistent with the law of this State has continuing, exclusive
29 jurisdiction to modify the spousal support order throughout the
30 existence of the support obligation.

31 b. A tribunal of this State may not modify a spousal support
32 order issued by a tribunal of another state or a foreign country
33 having continuing, exclusive jurisdiction over that order under the
34 law of that state or foreign country.

35 c. A tribunal of this State that has continuing, exclusive
36 jurisdiction over a spousal support order may serve as:

37 (1) an initiating tribunal to request a tribunal of another state to
38 enforce the spousal support order issued in this State; or

39 (2) a responding tribunal to enforce or modify its own spousal
40 support order.
41

42 ARTICLE 3

43 CIVIL PROVISIONS OF GENERAL APPLICATION
44

45 17. (New section) Proceedings under act.

46 a. Except as otherwise provided in this act, this article applies
47 to all proceedings under this act.

1 b. An individual petitioner or a support enforcement agency
2 may initiate a proceeding authorized under this act by filing a
3 petition in an initiating tribunal for forwarding to a responding
4 tribunal or by filing a petition or a comparable pleading directly in a
5 tribunal of another state or a foreign country which has or can
6 obtain personal jurisdiction over the respondent.
7

8 18. (New section) Proceeding by minor parent.

9 A minor parent, or a guardian or other legal representative of a
10 minor parent, may maintain a proceeding on behalf of or for the
11 benefit of the minor's child.
12

13 19. (New section) Application of law of State.

14 Except as otherwise provided in this act, a responding tribunal of
15 this State shall:

16 a. apply the procedural and substantive law generally
17 applicable to similar proceedings originating in this State and may
18 exercise all powers and provide all remedies available in those
19 proceedings; and

20 b. determine the duty of support and the amount payable in
21 accordance with the law and support guidelines of this State.
22

23 20. (New section) Duties of initiating tribunal.

24 a. Upon the filing of a petition authorized by this act, an
25 initiating tribunal of this State shall forward the petition and its
26 accompanying documents:

27 (1) to the responding tribunal or appropriate support
28 enforcement agency in the responding state; or

29 (2) if the identity of the responding tribunal is unknown, to the
30 state information agency of the responding state with a request that
31 they be forwarded to the appropriate tribunal and that receipt be
32 acknowledged.

33 b. If requested by the responding tribunal, a tribunal of this
34 State shall issue a certificate or other document and make findings
35 required by the law of the responding state. If the responding
36 tribunal is in a foreign country, upon request the tribunal of this
37 State shall specify the amount of support sought, convert that
38 amount into the equivalent amount in the foreign currency under
39 applicable official or market exchange rate as publicly reported, and
40 provide any other documents necessary to satisfy the requirements
41 of the responding foreign tribunal.
42

43 21. (New section) Duties and powers of responding tribunal.

44 a. When a responding tribunal of this State receives a petition
45 or comparable pleading from an initiating tribunal or directly
46 pursuant to subsection b. of section 17 of this act, it shall cause the
47 petition or pleading to be filed and notify the petitioner where and
48 when it was filed.

- 1 b. A responding tribunal of this State, to the extent not
2 prohibited by other law, may do one or more of the following:
- 3 (1) establish or enforce a support order, modify a child support
4 order, determine the controlling child support order, or determine
5 parentage of a child;
- 6 (2) order an obligor to comply with a support order, specifying
7 the amount and the manner of compliance;
- 8 (3) order income withholding;
- 9 (4) determine the amount of any arrearages, and specify a
10 method of payment;
- 11 (5) enforce orders by civil or criminal contempt, or both;
- 12 (6) set aside property for satisfaction of the support order;
- 13 (7) place liens and order execution on the obligor's property;
- 14 (8) order an obligor to keep the tribunal informed of the
15 obligor's current residential address, electronic-mail address,
16 telephone number, employer, address of employment, and telephone
17 number at the place of employment;
- 18 (9) issue a bench warrant for an obligor who has failed after
19 proper notice to appear at a hearing ordered by the tribunal and
20 enter the bench warrant in any local and state computer systems for
21 criminal warrants;
- 22 (10) order the obligor to seek appropriate employment by
23 specified methods;
- 24 (11) award reasonable attorney's fees and other fees and costs;
25 and
- 26 (12) grant any other available remedy.
- 27 c. A responding tribunal of this State shall include in a support
28 order issued under this act, or in the documents accompanying the
29 order, the calculations on which the support order is based.
- 30 d. A responding tribunal of this State may not condition the
31 payment of a support order issued under this act upon compliance
32 by a party with provisions for visitation.
- 33 e. If a responding tribunal of this State issues an order under
34 this act, the tribunal shall send a copy of the order to the petitioner
35 and the respondent and to the initiating tribunal, if any.
- 36 f. If requested to enforce a support order, arrears, or judgment
37 or modify a support order stated in a foreign currency, a responding
38 tribunal of this State shall convert the amount stated in the foreign
39 currency to the equivalent amount in dollars under the applicable
40 official or market exchange rate as publicly reported.
- 41
- 42 22. (New section) Inappropriate tribunal.
- 43 If a petition or comparable pleading is received by an
44 inappropriate tribunal of this State, the tribunal shall forward the
45 pleading and accompanying documents to an appropriate tribunal of
46 this State or another state and notify the petitioner where and when
47 the pleading was sent.

- 1 23. (New section) Duties of support enforcement agency.
- 2 a. In a proceeding under this act, a support enforcement agency
- 3 of this State, upon request:
- 4 (1) shall provide services to a petitioner residing in a state;
- 5 (2) shall provide services to a petitioner requesting services
- 6 through a central authority of a foreign country as described in
- 7 paragraph (1) or (4) of subsection e. of section 2 of this act; and
- 8 (3) may provide services to a petitioner who is an individual not
- 9 residing in a state.
- 10 b. A support enforcement agency of this State that is providing
- 11 services to the petitioner shall:
- 12 (1) take all steps necessary to enable an appropriate tribunal of
- 13 this State, another state, or a foreign country to obtain jurisdiction
- 14 over the respondent;
- 15 (2) request an appropriate tribunal to set a date, time, and place
- 16 for a hearing;
- 17 (3) make a reasonable effort to obtain all relevant information,
- 18 including information as to income and property of the parties;
- 19 (4) within two days, exclusive of Saturdays, Sundays, and legal
- 20 holidays, after receipt of notice in a record from an initiating,
- 21 responding, or registering tribunal, send a copy of the notice to the
- 22 petitioner;
- 23 (5) within two days, exclusive of Saturdays, Sundays, and legal
- 24 holidays, after receipt of communication in a record from the
- 25 respondent or the respondent's attorney, send a copy of the
- 26 communication to the petitioner; and
- 27 (6) notify the petitioner if jurisdiction over the respondent
- 28 cannot be obtained.
- 29 c. A support enforcement agency of this State that requests
- 30 registration of a child support order in this State for enforcement or
- 31 for modification shall make reasonable efforts:
- 32 (1) to ensure that the order to be registered is the controlling
- 33 order; or
- 34 (2) if two or more child support orders exist and the identity of
- 35 the controlling order has not been determined, to ensure that a
- 36 request for such a determination is made in a tribunal having
- 37 jurisdiction to do so.
- 38 d. A support enforcement agency of this State that requests
- 39 registration and enforcement of a support order, arrears, or
- 40 judgment stated in a foreign currency shall convert the amounts
- 41 stated in the foreign currency into the equivalent amounts in dollars
- 42 under the applicable official or market exchange rate as publicly
- 43 reported.
- 44 e. A support enforcement agency of this State shall request a
- 45 tribunal of this State to issue a child support order and an income-
- 46 withholding order that redirect payment of current support, arrears,
- 47 and interest if requested to do so by a support enforcement agency
- 48 of another state pursuant to section 35 of this act.

1 f. This act does not create or negate a relationship of attorney
2 and client or other fiduciary relationship between a support
3 enforcement agency or the attorney for the agency and the
4 individual being assisted by the agency.

5
6 24. (New section) Duty of the Attorney General.

7 a. If the Attorney General determines that the support
8 enforcement agency is neglecting or refusing to provide services to
9 an individual, the Attorney General may¹:

10 (1) when the support enforcement agency is the Probation
11 Division of the Superior Court,¹ apply to the Superior Court for an
12 order directing the Probation Division to perform its duties under
13 this act ¹**[or may]** ; or

14 (2) when the support enforcement agency is the State IV-D
15 agency, order the State IV-D agency to perform its duties under this
16 act; or

17 (3)¹ provide those services directly to the individual.

18 b. The Attorney General may determine that a foreign country
19 has established a reciprocal arrangement for child support with this
20 State and take appropriate action for notification of the
21 determination.

22
23 25. (New section) Private Counsel.

24 An individual may employ private counsel to represent the
25 individual in proceedings authorized by this act.

26
27 26. (New section) Duties of State Information Agency.

28 a. The Administrative Office of the Courts ¹**[is]** and the State
29 IV-D Agency are¹ the State information ¹**[agency]** agencies¹ under
30 this act.

31 b. The State information agency shall:

32 (1) compile and maintain a current list, including addresses, of
33 the tribunals in this State which have jurisdiction under this act and
34 any support enforcement agencies in this State and transmit a copy
35 to the state information agency of every other state;

36 (2) maintain a register of names and addresses of tribunals and
37 support enforcement agencies received from other states;

38 (3) forward to the appropriate tribunal in the county in this State
39 in which the obligee who is an individual or the obligor resides, or
40 in which the obligor's property is believed to be located, all
41 documents concerning a proceeding under this act received from
42 another state or a foreign country; and

43 (4) obtain information concerning the location of the obligor
44 and the obligor's property within this State not exempt from
45 execution, by such means as postal verification and federal or state
46 locator services, examination of telephone directories, requests for
47 the obligor's address from employers, and examination of

1 governmental records, including, to the extent not prohibited by
2 other law, those relating to real property, vital statistics, law
3 enforcement, taxation, motor vehicles, driver's licenses, and social
4 security.

5

6 27. (New section) Pleadings and accompanying documents.

7 a. In a proceeding under this act, a petitioner seeking to
8 establish a support order, to determine parentage of a child, or to
9 register and modify a support order of a tribunal of another state or
10 a foreign country shall file a petition. Unless otherwise ordered
11 under section 28 of this act, the petition or accompanying
12 documents shall provide, so far as known, the name, residential
13 address, and social security numbers of the obligor and the obligee
14 or the parent and alleged parent, and the name, sex, residential
15 address, social security number, and date of birth of each child for
16 whose benefit support is sought or whose parentage is to be
17 determined. Unless filed at the time of registration, the petition
18 shall be accompanied by a copy of any support order known to have
19 been issued by another tribunal. The petition may include any other
20 information that may assist in locating or identifying the
21 respondent.

22 b. The petition shall specify the relief sought. The petition and
23 accompanying documents shall conform substantially with the
24 requirements imposed by the forms mandated by federal law for use
25 in cases filed by a support enforcement agency.

26

27 28. (New section) Nondisclosure of information in exceptional
28 circumstances.

29 If a party alleges in an affidavit or a pleading under oath that the
30 health, safety, or liberty of a party or child would be jeopardized by
31 disclosure of specific identifying information, that information shall
32 be sealed and may not be disclosed to the other party or the public.
33 After a hearing in which a tribunal takes into consideration the
34 health, safety, or liberty of the party or child, the tribunal may order
35 disclosure of information that the tribunal determines to be in the
36 interest of justice.

37

38 29. (New section) Costs and fees.

39 a. The petitioner shall not be required to pay a filing fee or
40 other costs.

41 b. If an obligee prevails, a responding tribunal of this State
42 may assess against an obligor filing fees, reasonable attorney's fees,
43 other costs, and necessary travel and other reasonable expenses
44 incurred by the obligee and the obligee's witnesses. The tribunal
45 may not assess fees, costs, or expenses against the obligee or the
46 support enforcement agency of either the initiating or responding
47 state or foreign country, except as provided by other law.
48 Attorney's fees may be taxed as costs, and may be ordered paid

1 directly to the attorney, who may enforce the order in the attorney's
2 own name. Payment of support owed to the obligee has priority
3 over fees, costs, and expenses.

4 c. The tribunal shall order the payment of costs and reasonable
5 attorney's fees if it determines that a hearing was requested
6 primarily for delay. In a proceeding under Article 6, a hearing is
7 presumed to have been requested primarily for delay if a registered
8 support order is confirmed or enforced without change.

9
10 30. (New section) Limited immunity of petitioner.

11 a. Participation by a petitioner in a proceeding under this act
12 before a responding tribunal, whether in person, by private attorney,
13 or through services provided by the support enforcement agency,
14 does not confer personal jurisdiction over the petitioner in another
15 proceeding.

16 b. A petitioner is not amenable to service of civil process while
17 physically present in this State to participate in a proceeding under
18 this act.

19 c. The immunity granted by this section does not extend to
20 civil litigation based on acts unrelated to a proceeding under this act
21 committed by a party while physically present in this State to
22 participate in the proceeding.

23
24 31. (New section) Nonparentage as defense.

25 A party whose parentage of a child has been previously
26 determined by or pursuant to law may not plead nonparentage as a
27 defense to a proceeding under this act.

28
29 32. (New section) Special rules of evidence and procedure.

30 a. The physical presence of a nonresident party who is an
31 individual in a tribunal of this State is not required for the
32 establishment, enforcement, or modification of a support order or
33 the rendition of a judgment determining parentage of a child.

34 b. An affidavit, a document substantially complying with
35 federally mandated forms, or a document incorporated by reference
36 in any of them, which would not be excluded under the hearsay rule
37 if given in person, is admissible in evidence if given under penalty
38 of perjury by a party or witness residing outside this State.

39 c. A copy of the record of child support payments certified as a
40 true copy of the original by the custodian of the record may be
41 forwarded to a responding tribunal. The copy is evidence of facts
42 asserted in it, and is admissible to show whether payments were
43 made.

44 d. Copies of bills for testing for parentage of a child, and for
45 prenatal and postnatal health care of the mother and child, furnished
46 to the adverse party at least 10 days before trial, are admissible in
47 evidence to prove the amount of the charges billed and that the
48 charges were reasonable, necessary, and customary.

1 e. Documentary evidence transmitted from outside this State to
2 a tribunal of this State by telephone, telecopier, or other electronic
3 means that do not provide an original record may not be excluded
4 from evidence on an objection based on the means of transmission.

5 f. In a proceeding under this act, a tribunal of this State shall
6 permit a party or witness residing outside this State to be deposed or
7 to testify under penalty of perjury by telephone, audiovisual means,
8 or other electronic means at a designated tribunal or other location.
9 A tribunal of this State shall cooperate with other tribunals in
10 designating an appropriate location for the deposition or testimony.

11 g. If a party called to testify at a civil hearing refuses to answer
12 on the ground that the testimony may be self-incriminating, the trier
13 of fact may draw an adverse inference from the refusal.

14 h. A privilege against disclosure of communications between
15 spouses does not apply in a proceeding under this act.

16 i. The defense of immunity based on the relationship of
17 husband and wife or parent and child does not apply in a proceeding
18 under this act.

19 j. A voluntary acknowledgment of paternity, certified as a true
20 copy, is admissible to establish parentage of the child.

21
22 33. (New section) Communications between tribunals

23 A tribunal of this State may communicate with a tribunal outside
24 this State in a record or by telephone, electronic mail, or other
25 means, to obtain information concerning the laws, the legal effect of
26 a judgment, decree, or order of that tribunal, and the status of a
27 proceeding. A tribunal of this State may furnish similar information
28 by similar means to a tribunal outside this State.

29
30 34. (New section) Assistance with discovery.

31 A tribunal of this State may:

32 a. request a tribunal outside this State to assist in obtaining
33 discovery; and

34 b. upon request, compel a person over which it has jurisdiction
35 to respond to a discovery order issued by a tribunal outside this
36 State.

37
38 35. (New section) Receipt and disbursement of payments.

39 a. A support enforcement agency or tribunal of this State shall
40 disburse promptly any amounts received pursuant to a support
41 order, as directed by the order. The agency or tribunal shall furnish
42 to a requesting party or tribunal of another state or a foreign country
43 a certified statement by the custodian of the record of the amounts
44 and dates of all payments received.

45 b. If neither the obligor, nor the obligee who is an individual,
46 nor the child resides in this State, upon request from the support
47 enforcement agency of this State or another state or a tribunal of
48 this State shall:

- 1 (1) direct that the support payment be made to the support
2 enforcement agency in the State in which the obligee is receiving
3 services; and
4 (2) issue and send to the obligor's employer a conforming
5 income-withholding order or an administrative notice of change of
6 payee, reflecting the redirected payments.
7 c. The support enforcement agency of this State receiving
8 redirected payments from another state pursuant to a law similar to
9 subsection b. of this section shall furnish to a requesting party or
10 tribunal of the other state a certified statement by the custodian of
11 the record of the amount and dates of all payments received.

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ARTICLE 4
ESTABLISHMENT OF SUPPORT ORDER OR
DETERMINATION OF PARENTAGE

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36. (New section) Establishment of support order.

a. If a support order entitled to recognition under this act has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

(1) the individual seeking the order resides outside this State; or

(2) the support enforcement agency seeking the order is located outside this State.

b. The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

(1) a presumed father of the child;

(2) petitioning to have his paternity adjudicated;

(3) identified as the father of the child through genetic testing;

(4) an alleged father who has declined to submit to genetic testing;

(5) shown by clear and convincing evidence to be the father of the child;

(6) an acknowledged father as provided by law;

(7) the mother of the child; or

(8) an individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

c. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 21 of this act.

37. (New section) Proceeding to determine parentage.

A tribunal of this State authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this act or a law or procedure substantially similar to this act.

1 40. (New section) Employers compliance with two or more
2 income withholding orders.

3 If an obligor's employer receives two or more income-
4 withholding orders with respect to the earnings of the same obligor,
5 the employer satisfies the terms of the orders if the employer
6 complies with the law of the state of the obligor's principal place of
7 employment to establish the priorities for withholding and
8 allocating income withheld for two or more child support obligees.

9
10 41. (New section) Immunity from civil liability.

11 An employer that complies with an income-withholding order
12 issued in another state in accordance with this article is not subject
13 to civil liability to an individual or agency with regard to the
14 employer's withholding of child support from the obligor's income.

15
16 42. (New section) Penalties for noncompliance.

17 An employer who willfully fails to comply with an income-
18 withholding order issued in another state and received for
19 enforcement is subject to the same penalties that may be imposed
20 for noncompliance with an order issued by a tribunal of this State.

21
22 43. (New section) Contest by obligor.

23 a. An obligor may contest the validity or enforcement of an
24 income-withholding order issued in another state and received
25 directly by an employer in this State by registering the order in a
26 tribunal of this State and filing a contest to that order as provided in
27 Article 6 of this act, or otherwise contesting the order in the same
28 manner as if the order had been issued by a tribunal of this State.

29 b. The obligor shall give notice of the contest to:

30 (1) a support enforcement agency providing services to the
31 obligee;

32 (2) each employer that has directly received an income-
33 withholding order relating to the obligor; and

34 (3) the person designated to receive payments in the income-
35 withholding order or, if no person is designated, to the obligee.

36
37 44. (New section) Administrative enforcement of orders.

38 a. A party or support enforcement agency seeking to enforce a
39 support order or an income-withholding order, or both, issued in
40 another state or a foreign support order may send the documents
41 required for registering the order to a support enforcement agency
42 of this State.

43 b. Upon receipt of the documents, the support enforcement
44 agency, without initially seeking to register the order, shall consider
45 and, if appropriate, use any administrative procedure authorized by
46 the law of this State to enforce a support order or an income-
47 withholding order, or both. If the obligor does not contest
48 administrative enforcement, the order need not be registered. If the

1 obligor contests the validity or administrative enforcement of the
2 order, the support enforcement agency shall register the order
3 pursuant to this act.

4

5

ARTICLE 6

6

REGISTRATION, ENFORCEMENT, AND MODIFICATION OF
SUPPORT ORDER

7

8

PART 1 -- REGISTRATION FOR ENFORCEMENT OF

9

SUPPORT ORDER

10

11

45. (New section) Registration of order for enforcement.

12

A support order or income-withholding order issued in another
13 state or a foreign support order may be registered in this State for
14 enforcement.

15

16

46. (New section) Procedure to register order for enforcement.

17

a. Except as otherwise provided in section 66 of this act, a
18 support order or income-withholding order of another state or a
19 foreign support order may be registered in this State by sending the
20 following records to the appropriate tribunal in this State:

21

(1) a letter of transmittal to the tribunal requesting registration
22 and enforcement;

23

(2) two copies, including one certified copy, of the order to be
24 registered, including any modification of the order;

25

(3) a sworn statement by the person requesting registration or a
26 certified statement by the custodian of the records showing the
27 amount of any arrearage;

28

(4) the name of the obligor and, if known:

29

(a) the obligor's address and social security number;

30

(b) the name and address of the obligor's employer and any
31 other source of income of the obligor; and

32

(c) a description and the location of property of the obligor
33 in this State not exempt from execution; and

34

(5) except as otherwise provided in section 28 of this act, the
35 name and address of the obligee and, if applicable, the person to
36 whom support payments are to be remitted.

37

b. On receipt of a request for registration, the registering
38 tribunal shall cause the order to be filed as an order of a tribunal of
39 another state or a foreign support order, together with one copy of
40 the documents and information, regardless of their form.

41

c. A petition or comparable pleading seeking a remedy that
42 shall be affirmatively sought under other law of this State may be
43 filed at the same time as the request for registration or later. The
44 pleading shall specify the grounds for the remedy sought.

45

d. If two or more orders are in effect, the person requesting
46 registration shall:

47

(1) furnish to the tribunal a copy of every support order asserted
48 to be in effect in addition to the documents specified in this section;

1 (2) specify the order alleged to be the controlling order, if any;
2 and

3 (3) specify the amount of consolidated arrears, if any.

4 e. A request for a determination of which is the controlling
5 order may be filed separately or with a request for registration and
6 enforcement or for registration and modification. The person
7 requesting registration shall give notice of the request to each party
8 whose rights may be affected by the determination.

9
10 47. (New section) Effect of registration for enforcement.

11 a. A support order or income-withholding order issued in
12 another state or a foreign support order is registered when the order
13 is filed in the registering tribunal of this State.

14 b. A registered support order issued in another state or a
15 foreign country is enforceable in the same manner and is subject to
16 the same procedures as an order issued by a tribunal of this State.

17 c. Except as otherwise provided in this act, a tribunal of this
18 State shall recognize and enforce, but may not modify, a registered
19 support order if the issuing tribunal had jurisdiction.

20
21 48. (New section) Choice of law.

22 a. Except as otherwise provided in subsection d. of this section,
23 the law of the issuing state or foreign country governs:

24 (1) the nature, extent, amount, and duration of current payments
25 under a registered support order;

26 (2) the computation and payment of arrearages and accrual of
27 interest on the arrearages under the support order; and

28 (3) the existence and satisfaction of other obligations under the
29 support order.

30 b. In a proceeding for arrears under a registered support order,
31 the statute of limitations of this State, or of the issuing state or
32 foreign country, whichever is longer, applies.

33 c. A responding tribunal of this State shall apply the
34 procedures and remedies of this State to enforce current support and
35 collect arrears and interest due on a support order of another state or
36 a foreign country registered in this State.

37 d. After a tribunal of this State or another state determines
38 which is the controlling order and issues an order consolidating
39 arrears, if any, a tribunal of this State shall prospectively apply the
40 law of the state or foreign country issuing the controlling order,
41 including its law on interest on arrears, on current and future
42 support, and on consolidated arrears.

43
44 Part 2 -- CONTEST OF VALIDITY OR ENFORCEMENT

45
46 49. (New section) Notice of registration of order.

47 a. When a support order or income-withholding order issued in
48 another state or a foreign support order is registered, the registering

1 tribunal of this State shall notify the nonregistering party. The
2 notice shall be accompanied by a copy of the registered order and
3 the documents and relevant information accompanying the order.

4 b. A notice shall inform the nonregistering party:

5 (1) that a registered support order is enforceable as of the date
6 of registration in the same manner as an order issued by a tribunal
7 of this State;

8 (2) that a hearing to contest the validity or enforcement of the
9 registered order shall be requested within 20 days after notice
10 unless the registered order is under section 67 of this act;

11 (3) that failure to contest the validity or enforcement of the
12 registered order in a timely manner will result in confirmation of
13 the order and enforcement of the order and the alleged arrearages;
14 and

15 (4) of the amount of any alleged arrearages.

16 c. If the registering party asserts that two or more orders are in
17 effect, a notice shall also:

18 (1) identify the two or more orders and the order alleged by the
19 registering party to be the controlling order and the consolidated
20 arrears, if any;

21 (2) notify the nonregistering party of the right to a determination
22 of which is the controlling order;

23 (3) state that the procedures provided in subsection b. apply to
24 the determination of which is the controlling order; and

25 (4) state that failure to contest the validity or enforcement of the
26 order alleged to be the controlling order in a timely manner may
27 result in confirmation that the order is the controlling order.

28 d. Upon registration of an income-withholding order for
29 enforcement, the support enforcement agency or the registering
30 tribunal shall notify the obligor's employer pursuant to the "New
31 Jersey Child Support Program Improvement Act,"
32 P.L.1998, c.1 (C.2A:17-56.7a et al.).

33

34 50. (New section) Procedure to contest validity or enforcement
35 of registered support order.

36 a. A nonregistering party seeking to contest the validity or
37 enforcement of a registered support order in this State shall request
38 a hearing within the time required by section 49 of this act. The
39 nonregistering party may seek to vacate the registration, to assert
40 any defense to an allegation of noncompliance with the registered
41 order, or to contest the remedies being sought or the amount of any
42 alleged arrearages pursuant to section 51 of this act.

43 b. If the nonregistering party fails to contest the validity or
44 enforcement of the registered support order in a timely manner, the
45 order is confirmed by operation of law.

46 c. If a nonregistering party requests a hearing to contest the
47 validity or enforcement of the registered support order, the

1 registering tribunal shall schedule the matter for hearing and give
2 notice to the parties of the date, time, and place of the hearing.

3

4 51. (New section) Contest of registration or enforcement.

5 a. A party contesting the validity or enforcement of a registered
6 support order or seeking to vacate the registration has the burden of
7 proving one or more of the following defenses:

8 (1) the issuing tribunal lacked personal jurisdiction over the
9 contesting party;

10 (2) the order was obtained by fraud;

11 (3) the order has been vacated, suspended, or modified by a later
12 order;

13 (4) the issuing tribunal has stayed the order pending appeal;

14 (5) there is a defense under the law of this State to the remedy
15 sought;

16 (6) full or partial payment has been made;

17 (7) the statute of limitation under section 48 of this act
18 precludes enforcement of some or all of the alleged arrearages; or

19 (8) the alleged controlling order is not the controlling order.

20 b. If a party presents evidence establishing a full or partial
21 defense under subsection a., a tribunal may stay enforcement of a
22 registered support order, continue the proceeding to permit
23 production of additional relevant evidence, and issue other
24 appropriate orders. An uncontested portion of the registered support
25 order may be enforced by all remedies available under the law of
26 this State.

27 c. If the contesting party does not establish a defense under
28 subsection a. to the validity or enforcement of a registered support
29 order, the registering tribunal shall issue an order confirming the
30 order.

31

32 52. (New section) Confirmed order.

33 Confirmation of a registered support order, whether by operation
34 of law or after notice and hearing, precludes further contest of the
35 order with respect to any matter that could have been asserted at the
36 time of registration.

37

38 PART 3 -- REGISTRATION AND MODIFICATION OF
39 CHILD SUPPORT ORDER OF ANOTHER STATE

40

41 53. (New section) Procedure to register child support order of
42 another state for modification.

43 A party or support enforcement agency seeking to modify, or to
44 modify and enforce, a child support order issued in another state
45 shall register that order in this State in the same manner provided in
46 sections 45 through 52 of this act if the order has not been
47 registered. A petition for modification may be filed at the same time

1 as a request for registration, or later. The pleading shall specify the
2 grounds for modification.

3

4 54. (New section) Effect of registration for modification.

5 A tribunal of this State may enforce a child support order of
6 another state registered for purposes of modification, in the same
7 manner as if the order had been issued by a tribunal of this State,
8 but the registered support order may be modified only if the
9 requirements of section 55 or 57 of this act have been met.

10

11 55. (New section) Modification of child support order of
12 another state.

13 a. If section 57 of this act does not apply, upon petition a
14 tribunal of this State may modify a child support order issued in
15 another state which is registered in this State if, after notice and
16 hearing, the tribunal finds that:

17 (1) the following requirements are met:

18 (a) neither the child, nor the obligee who is an individual, nor
19 the obligor resides in the issuing state;

20 (b) a petitioner who is a nonresident of this State seeks
21 modification; and

22 (c) the respondent is subject to the personal jurisdiction of the
23 tribunal of this State; or

24 (2) this State is the residence of the child, or a party who is an
25 individual is subject to the personal jurisdiction of the tribunal of
26 this State, and all of the parties who are individuals have filed
27 consents in a record in the issuing tribunal for a tribunal of this
28 State to modify the support order and assume continuing, exclusive
29 jurisdiction.

30 b. Modification of a registered child support order is subject to
31 the same requirements, procedures, and defenses that apply to the
32 modification of an order issued by a tribunal of this State and the
33 order may be enforced and satisfied in the same manner.

34 c. A tribunal of this State may not modify any aspect of a child
35 support order that may not be modified under the law of the issuing
36 state, including the duration of the obligation of support. If two or
37 more tribunals have issued child support orders for the same obligor
38 and same child, the order that controls and shall be so recognized
39 under section 12 of this act establishes the aspects of the support
40 order which are nonmodifiable.

41 d. In a proceeding to modify a child support order, the law of
42 the state that is determined to have issued the initial controlling
43 order governs the duration of the obligation of support. The
44 obligor's fulfillment of the duty of support established by that order
45 precludes imposition of a further obligation of support by a tribunal
46 of this State.

47 e. On the issuance of an order by a tribunal of this State
48 modifying a child support order issued in another state, the tribunal

1 of this State becomes the tribunal having continuing, exclusive
2 jurisdiction.

3 f. Notwithstanding subsections a. through e. of this section and
4 subsection b. of section 6 of this act, a tribunal of this State retains
5 jurisdiction to modify an order issued by a tribunal of this State if:

- 6 (1) one party resides in another state; and
7 (2) the other party resides outside the United States.

8
9 56. (New section) Recognition of order modified in another
10 state.

11 If a child support order issued by a tribunal of this State is
12 modified by a tribunal of another state which assumed jurisdiction
13 pursuant to the “Uniform Interstate Family Support Act,”
14 P.L. , c. (C.) (pending before the Legislature as this bill), a
15 tribunal of this State:

16 a. may enforce its order that was modified only as to arrears
17 and interest accruing before the modification;

18 b. may provide appropriate relief for violations of its order
19 which occurred before the effective date of the modification; and

20 c. shall recognize the modifying order of the other state, upon
21 registration, for the purpose of enforcement.

22
23 57. (New section) Jurisdiction to modify child support order of
24 another state when parties reside in this State.

25 a. If all of the parties who are individuals reside in this State
26 and the child does not reside in the issuing state, a tribunal of this
27 State has jurisdiction to enforce and to modify the issuing state’s
28 child support order in a proceeding to register that order.

29 b. A tribunal of this State exercising jurisdiction under this
30 section shall apply the provisions of Articles 1 and 2, this article,
31 and the procedural and substantive law of this State to the
32 proceeding for enforcement or modification. Articles 3, 4, 5, 7, and
33 8 of this act do not apply.

34
35 58. (New section) Notice to issuing tribunal of modification.

36 Within 30 days after issuance of a modified child support order,
37 the party obtaining the modification shall file a certified copy of the
38 order with the issuing tribunal that had continuing, exclusive
39 jurisdiction over the earlier order, and in each tribunal in which the
40 party knows the earlier order has been registered. A party who
41 obtains the order and fails to file a certified copy is subject to
42 appropriate sanctions by a tribunal in which the issue of failure to
43 file arises. The failure to file does not affect the validity or
44 enforceability of the modified order of the new tribunal having
45 continuing, exclusive jurisdiction.

1 PART 4 -- REGISTRATION AND MODIFICATION
2 OF FOREIGN CHILD SUPPORT ORDER
3

4 59. (New section) Jurisdiction to modify child support order of
5 foreign country.

6 a. Except as otherwise provided in section 71 of this act, if a
7 foreign country lacks or refuses to exercise jurisdiction to modify
8 its child support order pursuant to its laws, a tribunal of this State
9 may assume jurisdiction to modify the child support order and bind
10 all individuals subject to the personal jurisdiction of the tribunal
11 whether the consent to modification of a child support order
12 otherwise required of the individual pursuant to section 55 of this
13 act has been given or whether the individual seeking modification is
14 a resident of this State or of the foreign country.

15 b. An order issued by a tribunal of this State modifying a
16 foreign child support order pursuant to this section is the controlling
17 order.
18

19 60. (New section) Procedure to register child support order of
20 foreign country for modification.

21 A party or support enforcement agency seeking to modify, or to
22 modify and enforce, a foreign child support order not under the
23 Convention may register that order in this State under sections 45
24 through 52 of this act if the order has not been registered. A petition
25 for modification may be filed at the same time as a request for
26 registration, or at another time. The petition shall specify the
27 grounds for modification.
28

29 ARTICLE 7
30 SUPPORT PROCEEDING UNDER CONVENTION
31

32 61. (New section) Definitions.

33 As used in this article:

34 “Application” means a request under the Convention by an
35 obligee or obligor, or on behalf of a child, made through a central
36 authority for assistance from another central authority.

37 “Central authority” means the entity designated by the United
38 States or a foreign country described in paragraph (4) of subsection
39 e. of section 2 of this act to perform the functions specified in the
40 Convention.

41 “Convention support order” means a support order of a tribunal
42 of a foreign country described in paragraph (4) of subsection e. of
43 section 2 of this act.

44 “Direct request” means an application filed by an individual in a
45 tribunal of this State in a proceeding involving an obligee, obligor,
46 or child residing outside the United States.

47 “Foreign central authority” means the entity designated by a
48 foreign country described in paragraph (4) of subsection e. of

1 section 2 of this act to perform the functions specified in the
2 Convention.

3 “Foreign support agreement”: means an agreement for support in
4 a record that: (1) is enforceable as a support order in the country of
5 origin; (2) has been: (a) formally drawn up or registered as an
6 authentic instrument by a foreign tribunal; or (b) authenticated by,
7 or concluded, registered, or filed with a foreign tribunal; and (c)
8 may be reviewed and modified by a foreign tribunal; and (3)
9 includes a maintenance arrangement or authentic instrument under
10 the Convention.

11 “United States central authority” means the Secretary of the
12 United States Department of Health and Human Services.

13

14 62. (New section) Applicability.

15 This article applies only to a support proceeding under the
16 Convention. In such a proceeding, if a provision of this article is
17 inconsistent with Articles 1 through 6 of this act, this article
18 controls.

19

20 63. (New section) Relationship of the State IV-D agency to
21 United States central authority.

22 The State IV-D Agency or its designee is recognized as the
23 agency designated by the United States central authority to perform
24 specific functions under the Convention.

25

26 64. (New section) Initiation by the State IV-D Agency of
27 support proceeding under Convention.

28 a. In a support proceeding under this article, the State IV-D
29 Agency or its designee shall:

30 (1) transmit and receive applications; and

31 (2) initiate or facilitate the institution of a proceeding regarding
32 an application in a tribunal of this State.

33 b. The following support proceedings are available to an
34 obligee under the Convention:

35 (1) recognition or recognition and enforcement of a foreign
36 support order;

37 (2) enforcement of a support order issued or recognized in this
38 State;

39 (3) establishment of a support order if there is no existing order,
40 including, if necessary, determination of parentage of a child;

41 (4) establishment of a support order if recognition of a foreign
42 support order is refused under paragraph (2), (4), or (9) of
43 subsection b. of section 68 of this act;

44 (5) modification of a support order of a tribunal of this State;
45 and

46 (6) modification of a support order of a tribunal of another state
47 or a foreign country.

1 c. The following support proceedings are available under the
2 Convention to an obligor against which there is an existing support
3 order:

4 (1) recognition of an order suspending or limiting enforcement
5 of an existing support order of a tribunal of this State;

6 (2) modification of a support order of a tribunal of this State;
7 and

8 (3) modification of a support order of a tribunal of another state
9 or a foreign country.

10 d. A tribunal of this State may not require security, bond, or
11 deposit, however described, to guarantee the payment of costs and
12 expenses in proceedings under the Convention.

13

14 65. (New section) Direct request.

15 a. A petitioner may file a direct request seeking establishment
16 or modification of a support order or determination of parentage of
17 a child. In the proceeding, the law of this State applies.

18 b. A petitioner may file a direct request seeking recognition
19 and enforcement of a support order or support agreement. In the
20 proceeding, sections 66 through 73 of this act.

21 c. In a direct request for recognition and enforcement of a
22 Convention support order or foreign support agreement:

23 (1) a security, bond, or deposit is not required to guarantee the
24 payment of costs and expenses; and

25 (2) an obligee or obligor that in the issuing country has
26 benefited from free legal assistance is entitled to benefit, at least to
27 the same extent, from any free legal assistance provided for by the
28 law of this State under the same circumstances.

29 d. A petitioner filing a direct request is not entitled to
30 assistance from the State IV-D Agency or its designee.

31 e. This article does not prevent the application of laws of this
32 State that provide simplified, more expeditious rules regarding a
33 direct request for recognition and enforcement of a foreign support
34 order or foreign support agreement.

35

36 66. (New section) Registration of Convention support order.

37 a. Except as otherwise provided in this article, a party who is
38 an individual or a support enforcement agency seeking recognition
39 of a Convention support order shall register the order in this State
40 as provided in Article 6.

41 b. Notwithstanding section 27 and subsection a. of section 46
42 of this act, a request for registration of a Convention support order
43 shall be accompanied by:

44 (1) a complete text of the support order or an abstract or extract
45 of the support order drawn up by the issuing foreign tribunal, which
46 may be in the form recommended by the Hague Conference on
47 Private International Law;

- 1 (2) a record stating that the support order is enforceable in the
- 2 issuing country;
- 3 (3) if the respondent did not appear and was not represented in
- 4 the proceedings in the issuing country, a record attesting, as
- 5 appropriate, either that the respondent had proper notice of the
- 6 proceedings and an opportunity to be heard or that the respondent
- 7 had proper notice of the support order and an opportunity to be
- 8 heard in a challenge or appeal on fact or law before a tribunal;
- 9 (4) a record showing the amount of arrears, if any, and the date
- 10 the amount was calculated;
- 11 (5) a record showing a requirement for automatic adjustment of
- 12 the amount of support, if any, and the information necessary to
- 13 make the appropriate calculations; and
- 14 (6) if necessary, a record showing the extent to which the
- 15 applicant received free legal assistance in the issuing country.
- 16 c. A request for registration of a Convention support order may
- 17 seek recognition and partial enforcement of the order.
- 18 d. A tribunal of this State may vacate the registration of a
- 19 Convention support order without the filing of a contest under
- 20 section 67 of this act only if, acting on its own motion, the tribunal
- 21 finds that recognition and enforcement of the order would be
- 22 manifestly incompatible with public policy.
- 23 e. The tribunal shall promptly notify the parties of the
- 24 registration or the order vacating the registration of a Convention
- 25 support order.
- 26
- 27 67. (New section) Contest of registered Convention support
- 28 order.
- 29 a. Except as otherwise provided in this article, sections 49
- 30 through 52 of this act apply to a contest of a registered Convention
- 31 support order.
- 32 b. A party contesting a registered Convention support order
- 33 shall file a contest not later than 30 days after notice of the
- 34 registration, but if the contesting party does not reside in the United
- 35 States, the contest shall be filed not later than 60 days after notice
- 36 of the registration.
- 37 c. If the nonregistering party fails to contest the registered
- 38 Convention support order by the time specified in subsection b., the
- 39 order is enforceable.
- 40 d. A contest of a registered Convention support order may be
- 41 based only on grounds set forth in section 68 of this act. The
- 42 contesting party bears the burden of proof.
- 43 e. In a contest of a registered Convention support order, a
- 44 tribunal of this State:
- 45 (1) is bound by the findings of fact on which the foreign tribunal
- 46 based its jurisdiction; and
- 47 (2) may not review the merits of the order.

1 f. A tribunal of this State deciding a contest of a registered
2 Convention support order shall promptly notify the parties of its
3 decision.

4 g. A challenge or appeal, if any, does not stay the enforcement
5 of a Convention support order unless there are exceptional
6 circumstances.

7

8 68. (New section) Recognition and enforcement of registered
9 Convention support order.

10 a. Except as otherwise provided in subsection b., a tribunal of
11 this State shall recognize and enforce a registered Convention
12 support order.

13 b. The following grounds are the only grounds on which a
14 tribunal of this State may refuse recognition and enforcement of a
15 registered Convention support order:

16 (1) recognition and enforcement of the order is manifestly
17 incompatible with public policy, including the failure of the issuing
18 tribunal to observe minimum standards of due process, which
19 include notice and an opportunity to be heard;

20 (2) the issuing tribunal lacked personal jurisdiction consistent
21 with section 6 of this act ;

22 (3) the order is not enforceable in the issuing country;

23 (4) the order was obtained by fraud in connection with a matter
24 of procedure;

25 (5) a record transmitted in accordance with section 66 of this act
26 lacks authenticity or integrity;

27 (6) a proceeding between the same parties and having the same
28 purpose is pending before a tribunal of this State and that
29 proceeding was the first to be filed;

30 (7) the order is incompatible with a more recent support order
31 involving the same parties and having the same purpose if the more
32 recent support order is entitled to recognition and enforcement
33 under this act in this State;

34 (8) payment, to the extent alleged arrears have been paid in
35 whole or in part;

36 (9) in a case in which the respondent neither appeared nor was
37 represented in the proceeding in the issuing foreign country:

38 (a) if the law of that country provides for prior notice of
39 proceedings, the respondent did not have proper notice of the
40 proceedings and an opportunity to be heard; or

41 (b) if the law of that country does not provide for prior notice of
42 the proceedings, the respondent did not have proper notice of the
43 order and an opportunity to be heard in a challenge or appeal on fact
44 or law before a tribunal; or

45 (10) the order was made in violation of section 71 of this act.

46 c. If a tribunal of this State does not recognize a Convention
47 support order under paragraph (2), (4) or (9) of subsection b. of this
48 section:

1 (1) the tribunal may not dismiss the proceeding without
2 allowing a reasonable time for a party to request the establishment
3 of a new Convention support order; and

4 (2) the State IV-D Agency or its designee shall take all
5 appropriate measures to request a child support order for the obligee
6 if the application for recognition and enforcement was received
7 under section 64 of this act.

8

9 69. (New section) Partial enforcement.

10 If a tribunal of this State does not recognize and enforce a
11 Convention support order in its entirety, it shall enforce any
12 severable part of the order. An application or direct request may
13 seek recognition and partial enforcement of a Convention support
14 order.

15

16 70. (New section) Foreign support agreement.

17 a. Except as otherwise provided in subsections c. and d., a
18 tribunal of this State shall recognize and enforce a foreign support
19 agreement registered in this State.

20 b. An application or direct request for recognition and
21 enforcement of a foreign support agreement shall be accompanied
22 by:

23 (1) a complete text of the foreign support agreement; and

24 (2) a record stating that the foreign support agreement is
25 enforceable as an order of support in the issuing country.

26 c. A tribunal of this State may vacate the registration of a
27 foreign support agreement only if, acting on its own motion, the
28 tribunal finds that recognition and enforcement would be manifestly
29 incompatible with public policy.

30 d. In a contest of a foreign support agreement, a tribunal of this
31 State may refuse recognition and enforcement of the agreement if it
32 finds:

33 (1) recognition and enforcement of the agreement is manifestly
34 incompatible with public policy;

35 (2) the agreement was obtained by fraud or falsification;

36 (3) the agreement is incompatible with a support order involving
37 the same parties and having the same purpose in this State, another
38 state, or a foreign country if the support order is entitled to
39 recognition and enforcement under this act in this State; or

40 (4) the record submitted under subsection b. lacks authenticity
41 or integrity.

42 e. A proceeding for recognition and enforcement of a foreign
43 support agreement shall be suspended during the pendency of a
44 challenge to or appeal of the agreement before a tribunal of another
45 state or a foreign country.

46

47 71. (New section) Modification of Convention child support
48 order.

1 a. A tribunal of this State may not modify a Convention child
2 support order if the obligee remains a resident of the foreign
3 country where the support order was issued unless:

4 (1) the obligee submits to the jurisdiction of a tribunal of this
5 State, either expressly or by defending on the merits of the case
6 without objecting to the jurisdiction at the first available
7 opportunity; or

8 (2) the foreign tribunal lacks or refuses to exercise jurisdiction
9 to modify its support order or issue a new support order.

10 b. If a tribunal of this State does not modify a Convention child
11 support order because the order is not recognized in this State,
12 subsection c. of section 68 of this act applies.

13

14 72. (New section) Personal information; limit on use.

15 Personal information gathered or transmitted under this article
16 may be used only for the purposes for which it was gathered or
17 transmitted.

18

19 73. (New section) Record in original language; English
20 translation.

21 A record filed with a tribunal of this State under this article shall
22 be in the original language and, if not in English, shall be
23 accompanied by an English translation.

24

25

ARTICLE 8

26

INTERSTATE RENDITION

27

28 74. (New section) Grounds for rendition.

29 a. For purposes of this article, “governor” includes an
30 individual performing the functions of governor or the executive
31 authority of a state covered by this act.

32 b. The Governor of this State may:

33 (1) demand that the governor of another state surrender an
34 individual found in the other state who is charged criminally in this
35 State with having failed to provide for the support of an obligee; or

36 (2) on the demand of the governor of another state, surrender an
37 individual found in this State who is charged criminally in the other
38 state with having failed to provide for the support of an obligee.

39 c. A provision for extradition of individuals not inconsistent
40 with this act applies to the demand even if the individual whose
41 surrender is demanded was not in the demanding state when the
42 crime was allegedly committed and has not fled therefrom.

43

44 75. (New section) Conditions of rendition.

45 a. Before making a demand that the governor of another state
46 surrender an individual charged criminally in this State with having
47 failed to provide for the support of an obligee, the Governor of this
48 State may require a prosecutor of this State to demonstrate that at

1 least 60 days previously the obligee had initiated proceedings for
2 support pursuant to this act or that the proceeding would be of no
3 avail.

4 b. If, under this act or a law substantially similar to this act, the
5 governor of another state makes a demand that the Governor of this
6 State surrender an individual charged criminally in that state with
7 having failed to provide for the support of a child or other
8 individual to whom a duty of support is owed, the governor may
9 require a prosecutor to investigate the demand and report whether a
10 proceeding for support has been initiated or would be effective. If it
11 appears that a proceeding would be effective but has not been
12 initiated, the governor may delay honoring the demand for a
13 reasonable time to permit the initiation of a proceeding.

14 c. If a proceeding for support has been initiated and the
15 individual whose rendition is demanded prevails, the governor may
16 decline to honor the demand. If the petitioner prevails and the
17 individual whose rendition is demanded is subject to a support
18 order, the governor may decline to honor the demand if the
19 individual is complying with the support order.

20

21

ARTICLE 9

22

MISCELLANEOUS PROVISIONS

23

24 76. (New section) Uniformity of application and construction.

25 In applying and construing this uniform act, consideration shall
26 be given to the need to promote uniformity of the law with respect
27 to its subject matter among states that enact it.

28

29 77. (New section) Transitional provision.

30 a. This act applies to proceedings begun on or after the
31 effective date of this act to establish a support order or determine
32 parentage of a child or to register, recognize, enforce, or modify a
33 prior support order, determination, or agreement, whenever issued
34 or entered.

35 b. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and
36 sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-
37 56.19) and the repeal of the former "Uniform Interstate Family
38 Support Act," P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123)
39 and its replacement with this act does not affect pending actions,
40 rights, duties or liabilities based on those repealed laws, nor does it
41 alter, discharge, release or extinguish any penalty, forfeiture, or
42 liability incurred under those laws. After the effective date of this
43 act, all laws repealed shall be treated as remaining in full force and
44 effect for the purpose of sustaining any pending actions or rights
45 filed prior to the effective date of this act and the enforcement of
46 any rights, duties, penalties, forfeitures, or liabilities under the
47 repealed laws.

1 78. (New section) Severability.

2 If any provision of this act or its application to any person or
3 circumstance is held invalid, the invalidity does not affect other
4 provisions or applications of this act which can be given effect
5 without the invalid provision or application, and to this end the
6 provisions of this act are severable.

7

8 79. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to
9 read as follows:

10 11. The license revocation provisions of P.L.1996, c.7 (C.2A:17-
11 56.41 et seq.) apply to all orders issued before or after the effective
12 date of P.L.1996, c.7 (C.2A:17-56.41 et seq.). All child support
13 arrearage and health care coverage provisions in existence on or
14 before the effective date of P.L.1996, c.7 (C.2A:17-56.41 et seq.)
15 shall be included in determining whether a case is eligible for
16 enforcement in accordance with P.L.1996, c.7 (C.2A:17-56.41 et
17 seq.). P.L.1996, c.7 (C.2A:17-56.41 et seq.) applies to all child
18 support obligations ordered by any state, territory or district of the
19 United States that are being enforced by the Probation Division,
20 that are payable directly to the obligee, or have been registered in
21 this State in accordance with the "Uniform Interstate Family
22 Support Act," originally enacted as P.L.1998, c.2 (C.2A:4-30.65 et
23 seq.), and repealed and replaced by P.L. _____, c. _____ (pending before
24 the Legislature as this bill).
25 (cf: P.L.1998, c.1, s.31)

26

27 80. Section 3 of P.L.1998, c.1 (C.2A:17-56.52) is amended to
28 read as follows:

29 3. As used in P.L.1998, c.1 (C.2A:17-56.7a et al.), P.L.1981,
30 c.417 (C.2A:17-56.8 et al.), P.L.1988, c.111 (C.2A:17-56.23a),
31 sections 13, 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-
32 56.16, 2A:17-56.20 through 2A:17-56.23, and 2A:17-56.25),
33 P.L.1990, c.53 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990,
34 c.92 (C.2A:17-56.9a and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-
35 56.11a), P.L.1995, c.290 (C.2A:17-56.11b), P.L.1995,
36 c.322 (C.2A:17-56.34 et seq.) and P.L.1996, c.7 (C.2A:17-56.41 et
37 seq.):

38 "Account" means a demand deposit account, checking or
39 negotiable order of withdrawal account, savings account, time
40 deposit account, or money market mutual fund account. "Account"
41 also includes an equity securities account if permitted under federal
42 law.

43 "Administrative enforcement" means the use of high volume
44 automated data processing to search various State data bases,
45 including, but not limited to, license records, employment service
46 data and State new hire registries, to determine whether information
47 is available in response to a request made by another jurisdiction to
48 enforce a support order.

1 "Appropriate enforcement methods" means mechanisms such as
2 income withholding, withholding of civil lawsuits, and execution of
3 the assets of the obligor which can result in immediate payment of
4 the child support arrearage when available. In appropriate cases,
5 the license revocation process may be used as an alternative to Rule
6 5:7-5 of the court rules.

7 "Arrearage" means the amount of unpaid support as determined
8 by a court order or an administrative order from a state for support
9 of a child or of a child and the custodial parent.

10 "Child" means a person, whether over or under the age of
11 majority, who is or is alleged to be owed a duty of child support by
12 that person's parent or who is or is alleged to be the beneficiary of a
13 support order directed to the parent.

14 "Child support" means the amount required to be paid under a
15 judgment, decree, or order, whether temporary, final or subject to
16 modification, issued by the Superior Court, Chancery Division,
17 Family Part or a court or administrative agency of competent
18 jurisdiction of another state, for the support and maintenance of a
19 child, or the support and maintenance of a child and the parent with
20 whom the child is living, which provides monetary support, health
21 care coverage, any arrearage or reimbursement, and which may
22 include other related costs and fees, interest and penalties, income
23 withholding, attorney's fees and other relief.

24 "Child support related warrant" means an outstanding warrant for
25 the arrest of a child support obligor or putative father issued by the
26 court for failure to pay child support as ordered, failure to appear at
27 a hearing to establish paternity or child support, or failure to appear
28 at a hearing to enforce a child support order.

29 "Commissioner" means the Commissioner of Human Services.

30 "Court" means the Superior Court, Chancery Division, Family
31 Part.

32 "Court order" means an order of the court or an order from an
33 administrative or judicial tribunal in another state that is competent
34 to enter or modify orders for paternity or child support.

35 "Court rules" means the Rules Governing the Courts of the State
36 of New Jersey.

37 "Credit reporting agency" means a nationally recognized credit
38 reporting agency as approved by the commissioner and defined in
39 the federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any
40 entity which, for monetary fees, dues, or on a cooperative nonprofit
41 basis, regularly engages in whole or in part in the practice of
42 assembling or evaluating consumer credit information or other
43 information on consumers for the purpose of furnishing reports to
44 third parties and which uses any means or facility of interstate
45 commerce for the purpose of preparing or furnishing consumer
46 reports.

47 "Custodial parent" means the parent or other person who has
48 legal and physical custody of a child for the majority of the time.

1 The custodial parent is responsible for the day-to-day decisions
2 related to the child and for providing the basic needs of the child on
3 a daily basis. The custodial parent is the person to whom child
4 support is payable. In shared parenting situations, the custodial
5 parent is known as the Parent of Primary Residence.

6 "Default order" means a court order entered due to a party's
7 failure to answer a complaint or motion or to appear at a court
8 proceeding as required, after being properly served with notice.

9 "Department" means the Department of Human Services.

10 "Employee" means an individual who is an employee within the
11 meaning of chapter 24 of the Internal Revenue Code of 1986.
12 Employee does not include an employee of a federal or state agency
13 performing intelligence or counter-intelligence functions, if the
14 head of such agency has determined that reporting could endanger
15 the safety of the employee or compromise an ongoing investigation
16 or intelligence mission.

17 "Employer" has the meaning given the term in section 3401(d) of
18 the Internal Revenue Code of 1986 and includes any governmental
19 entity and labor organization.

20 "Financial institution" means: a depository institution as defined
21 in 12 U.S.C. s.1813(c); an institution affiliated party as defined in
22 12 U.S.C. s.1813(u); a federal or State credit union as defined in
23 12 U.S.C. s.1752, including an institution affiliated party of a credit
24 union as defined in 12 U.S.C. s.1786(r); a benefit association,
25 insurance company, safe deposit company, money market mutual
26 fund, or similar entity authorized to do business in this State.
27 "Financial institution" also includes an investment and loan
28 corporation if permitted under federal law.

29 "Health care coverage" means cash medical support, health
30 insurance, dental insurance, eye care, pharmaceutical assistance and
31 other types of medical support which are ordered by the court to
32 maintain the health coverage of a child.

33 "Income" for the purposes of enforcing a support order, means,
34 but is not limited to, commissions, salaries, earnings, wages, rent
35 monies, unemployment compensation, workers' compensation, any
36 legal or equitable interest or entitlement owed that was acquired by
37 a cause of action, suit, claim or counterclaim, insurance benefits,
38 claims, accounts, assets of estates, inheritances, trusts, federal or
39 State income tax refunds, homestead rebates, State lottery prizes,
40 casino and racetrack winnings, annuities, retirement benefits,
41 veteran's benefits, union benefits, or any other earnings or other
42 periodic entitlements to money from any source and any other
43 property subject to withholding for child support pursuant to State
44 law.

45 For the purposes of establishing a support order, income is
46 defined pursuant to the child support guidelines in Appendix IX of
47 the court rules.

1 "Labor organization" means a labor organization as defined in
2 paragraph (5) of section 2 of the federal "National Labor Relations
3 Act" (29 U.S.C. s.152) and includes any entity used by the
4 organization and an employer to carry out the requirements of
5 paragraph (3) of subsection (f) of section 8 of that act
6 (29 U.S.C. s.158(f)(3)) or an agreement between the organization
7 and the employer.

8 "License" means any license, registration or certificate issued by
9 the State or its agencies or boards that is directly necessary to
10 provide a product or service for compensation, to operate a motor
11 vehicle, or for recreational or sporting purposes.

12 "Licensing authority" means any department, division, board,
13 agency or other instrumentality of State government that issues a
14 license, registration, certificate or other authorization to provide
15 goods or services for compensation, to operate a motor vehicle, or
16 for recreational or sporting purposes.

17 "Non-custodial parent" means the parent who does not have
18 physical custody of the child on a day-to-day basis. In shared
19 parenting situations, the non-custodial parent is known as the Parent
20 of Alternate Residence.

21 "Obligee" means an individual to whom a duty of support is or is
22 alleged to be owed or in whose favor a support order has been
23 issued or a judgment determining parentage has been rendered; a
24 state or political subdivision to which the rights under a duty of
25 support or support order have been assigned or which has
26 independent claims based on financial assistance provided to an
27 individual obligee; or an individual seeking a judgment determining
28 parentage of the individual's child or providing for the support of a
29 child.

30 "Obligor" means an individual, or the estate of a decedent, who
31 owes or is alleged to owe a duty of support, who is alleged but has
32 not been adjudicated to be a parent of a child, or who is liable under
33 a support order.

34 "Payor" means an employer or individual or entity that disburses
35 or is in possession of income or assets payable to an obligor.

36 "Probation Division" means the Probation Division of the
37 Superior Court, Chancery Division, Family Part.

38 "RURESA" means the "Revised Uniform Reciprocal
39 Enforcement of Support Act (1968)," adopted in New Jersey as
40 P.L.1981, c.243 (C.2A:4-30.24 et seq.).

41 "Spousal support" means a legally enforceable obligation
42 assessed against a person for the support of a spouse or former
43 spouse.

44 "State case registry" means the automated system maintained by
45 the State IV-D agency that contains federally required information
46 on child support cases.

47 "State IV-D agency" means the Department of Human Services.

1 "Support guidelines" means the set of presumptive standards for
2 determining the amount of child support as established by the court
3 in Appendix IX of the court rules.

4 "Support order" means a judgment, decree, or order, whether
5 temporary, final or subject to modification, for the benefit of a
6 child, a spouse or a former spouse, which provides for monetary
7 support, health care coverage, arrearages or reimbursement, and
8 may include related costs and fees, interest, income withholding,
9 attorney's fees and other relief.

10 A support order shall be issued by the court or a court or
11 administrative agency of another state.

12 "TANF" means the "Temporary Assistance to Needy Families"
13 program established pursuant to Title IV-A of the federal Social
14 Security Act (42 U.S.C. s.601 et seq.). TANF includes the Work
15 First New Jersey program for dependent children and their parents
16 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

17 "Title IV-D" means Title IV-D of the federal Social Security Act
18 (42 U.S.C. s.651 et seq.).

19 "Title IV-D case" means a case under Title IV-A or Title XIX of
20 the federal Social Security Act (42 U.S.C. s.601 et seq.) that
21 involves an assignment of support rights, an appropriate referral
22 under Title IV-E of the federal Social Security Act
23 (42 U.S.C. s.670 et seq.), a non-public assistance case in which an
24 application for Title IV-D services has been filed and a fee paid, as
25 appropriate, with the department, or an interstate case referred to
26 the department by another jurisdiction.

27 "UIFSA" means the "Uniform Interstate Family Support Act,"
28 P.L. _____, c. _____ (pending before the Legislature as this bill), to be
29 adopted by each state to replace RURESA pursuant to Pub.L.104-
30 193 and the former "Uniform Interstate Family Support Act,"
31 P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123).
32 (cf: P.L. 1998, c.1, s.3)

33
34 81. (New section) Repealer.

35 Sections 1 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through
36 2A:4-30.123) are repealed.

37
38 82. Effective date.

39 This act shall take effect on April 1, 2016.
40
41
42
43

44 Enacts new "Uniform Interstate Family Support Act"; repeals
45 previous uniform law.

SENATE, No. 995

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

Sponsored by:

Senator PETER J. BARNES, III

District 18 (Middlesex)

SYNOPSIS

Enacts new "Uniform Interstate Family Support Act"; repeals previous uniform law.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning support proceedings, supplementing Title 2A of
2 the New Jersey Statutes, amending P.L.1996, c.7 and P.L.1998,
3 c.1 and repealing P.L.1998, c.2.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7 ARTICLE 1
8 GENERAL PROVISIONS

9
10 1. (New section) This act may be cited as the “Uniform
11 Interstate Family Support Act.”

12
13 2. (New section) Definitions.

14 As used in this act:

15 a. “Child” means an individual, whether over or under the age
16 of majority, who is or is alleged to be owed a duty of support by the
17 individual’s parent or who is or is alleged to be the beneficiary of a
18 support order directed to the parent.

19 b. “Child support order” means a support order for a child,
20 including a child who has attained the age of majority under the law
21 of the issuing state or foreign country.

22 c. “Convention” means the Convention on the International
23 Recovery of Child Support and Other Forms of Family
24 Maintenance, concluded at The Hague on November 23, 2007.

25 d. “Duty of support” means an obligation imposed or
26 imposable by law to provide support for a child, spouse, or former
27 spouse, including an unsatisfied obligation to provide support.

28 e. “Foreign country” means a country, including a political
29 subdivision thereof, other than the United States, that authorizes the
30 issuance of support orders and: (1) which has been declared under
31 the law of the United States to be a foreign reciprocating country;
32 (2) which has established a reciprocal arrangement for child support
33 with this State as provided in section 24 of this act; (3) which has
34 enacted a law or established procedures for the issuance and
35 enforcement of support orders which are substantially similar to the
36 procedures under this act; or (4) in which the Convention is in force
37 with respect to the United States.

38 f. “Foreign support order” means a support order of a foreign
39 tribunal.

40 g. “Foreign tribunal” means a court, administrative agency, or
41 quasi-judicial entity of a foreign country which is authorized to
42 establish, enforce, or modify support orders or to determine
43 parentage of a child. The term includes a competent authority under
44 the Convention.

45 h. “Home state” means the state or foreign country in which a
46 child lived with a parent or a person acting as parent for at least six

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 consecutive months immediately preceding the time of filing of a
2 complaint or comparable pleading for support and, if a child is less
3 than six months old, the state or foreign country in which the child
4 lived from birth with any of them. A period of temporary absence of
5 any of them is counted as part of the six-month or other period.

6 i. "Income" includes earnings or other periodic entitlements to
7 money from any source and any other property subject to
8 withholding for support under the law of this State.

9 j. "Income-withholding order" means an order or other legal
10 process directed to an obligor's employer, as defined by the "New
11 Jersey Child Support Improvement Act," P.L.1998, c.1 (C.2A:17-
12 56.7a et al.), to withhold support from the income of the obligor.

13 k. "Initiating tribunal" means the tribunal of a state or foreign
14 country from which a petition or comparable pleading is forwarded
15 or in which a petition or comparable pleading is filed for
16 forwarding to another state or foreign country.

17 l. "Issuing foreign country" means the foreign country in
18 which a tribunal issues a support order or a judgment determining
19 parentage of a child.

20 m. "Issuing state" means the state in which a tribunal issues a
21 support order or a judgment determining parentage of a child.

22 n. "Issuing tribunal" means the tribunal of a state or foreign
23 country that issues a support order or a judgment determining
24 parentage of a child.

25 o. "Law" includes decisional and statutory law and rules and
26 regulations having the force of law.

27 p. "Obligee" means: (1) an individual to whom a duty of
28 support is or is alleged to be owed or in whose favor a support order
29 or a judgment determining parentage of a child has been issued; (2)
30 a foreign country, state, or political subdivision of a state to which
31 the rights under a duty of support or support order have been
32 assigned or which has independent claims based on financial
33 assistance provided to an individual obligee in place of child
34 support; (3) an individual seeking a judgment determining
35 parentage of the individual's child; or (4) a person that is a creditor
36 under Article 7 of this act (the Convention).

37 q. "Obligor" means an individual, or the estate of a decedent
38 that: (1) owes or is alleged to owe a duty of support; (2) is alleged
39 but has not been adjudicated to be a parent of a child; (3) is liable
40 under a support order; or (4) is a debtor in a proceeding under
41 Article 7 of this act (the Convention).

42 r. "Outside this State" means a location in another state or a
43 country other than the United States, whether or not the country is a
44 foreign country.

45 s. "Person" means an individual, corporation, business trust,
46 estate, trust, partnership, limited liability company, association,
47 joint venture, public corporation, government or governmental

1 subdivision, agency, or instrumentality, or any other legal or
2 commercial entity.

3 t. “Record” means information that is inscribed on a tangible
4 medium or that is stored in an electronic or other medium and is
5 retrievable in perceivable form.

6 u. “Register” means to file in a tribunal of this State a support
7 order or judgment determining parentage of a child issued in
8 another state or a foreign country.

9 v. “Registering tribunal” means a tribunal in which a support
10 order or judgment determining parentage of a child is registered.

11 w. “Responding state” means a state in which a petition or
12 comparable pleading for support or to determine parentage of a
13 child is filed or to which a petition or comparable pleading is
14 forwarded for filing from another state or a foreign country.

15 x. “Responding tribunal” means the authorized tribunal in a
16 responding state or foreign country.

17 y. “Spousal support order” means a support order for a spouse
18 or former spouse of the obligor.

19 z. “State” means a state of the United States, the District of
20 Columbia, Puerto Rico, the United States Virgin Islands, or any
21 territory or insular possession under the jurisdiction of the United
22 States. The term includes an Indian nation or tribe.

23 aa. “Support enforcement agency” means a public official,
24 governmental entity, or private agency authorized to: (1) seek
25 enforcement of support orders or laws relating to the duty of
26 support; (2) seek establishment or modification of child support; (3)
27 request determination of parentage of a child; (4) attempt to locate
28 obligors or their assets; or (5) request determination of the
29 controlling child support order.

30 bb. “Support order” means a judgment, decree, order, decision,
31 or directive, whether temporary, final, or subject to modification,
32 issued in a state or foreign country for the benefit of a child, a
33 spouse, or a former spouse, which provides for monetary support,
34 health care, arrearages, retroactive support, or reimbursement for
35 financial assistance provided to an individual obligee in place of
36 child support. The term may include related costs and fees, interest,
37 income withholding, automatic adjustment, reasonable attorney’s
38 fees, and other relief.

39 cc. “Tribunal” means a court, administrative agency, or quasi-
40 judicial entity authorized to establish, enforce, or modify support
41 orders or to determine parentage of a child.

42

43 3. (New section) State tribunal and support enforcement
44 agency.

45 a. The Superior Court, Chancery Division, Family Part is the
46 tribunal of this State.

47 b. The Probation Division of the Superior Court is the support
48 enforcement agencies of this State.

1 c. The Department of Human Services is the State IV-D
2 Agency.

3

4 4. (New section) Remedies cumulative.

5 a. Remedies provided by this act are cumulative and do not
6 affect the availability of remedies under other law or the recognition
7 of a foreign support order on the basis of comity.

8 b. This act does not:

9 (1) provide the exclusive method of establishing or enforcing a
10 support order under the law of this State; or

11 (2) grant a tribunal of this State jurisdiction to render judgment
12 or issue an order relating to child custody or visitation in a
13 proceeding under this act.

14

15 5. (New section) Application of act to resident of foreign
16 country and foreign support proceeding.

17 a. A tribunal of this State shall apply Articles 1 through 6 of
18 this act and, as applicable, Article 7 of this act, to a support
19 proceeding involving:

20 (1) a foreign support order;

21 (2) a foreign tribunal; or

22 (3) an obligee, obligor, or child residing in a foreign country.

23 b. A tribunal of this State that is requested to recognize and
24 enforce a support order on the basis of comity may apply the
25 procedural and substantive provisions of Articles 1 through 6 of this
26 act.

27 c. Article 7 applies only to a support proceeding under the
28 Convention. In such a proceeding, if a provision of Article 7 of this
29 act is inconsistent with Article 1 through 6 of this act, Article 7 of
30 this act controls.

31

32

ARTICLE 2
JURISDICTION

33

34 6. (New section) Bases for jurisdiction over nonresident.

35 a. In a proceeding to establish or enforce a support order or to
36 determine parentage of a child, a tribunal of this State may exercise
37 personal jurisdiction over a nonresident individual or the
38 individual's guardian or conservator if:

39 (1) the individual is personally served with a summons or notice
40 within this State;

41 (2) the individual submits to the jurisdiction of this State by
42 consent in a record, by entering a general appearance, or by filing a
43 responsive document having the effect of waiving any contest to
44 personal jurisdiction;

45 (3) the individual resided with the child in this State;

46 (4) the individual resided in this State and provided prenatal
47 expenses or support for the child;
48

1 (5) the child resides in this State as a result of the acts or
2 directives of the individual;

3 (6) the individual engaged in sexual intercourse in this State and
4 the child may have been conceived by that act of intercourse;

5 (7) there is any other basis consistent with the constitutions of
6 this State and the United States for the exercise of personal
7 jurisdiction.

8 b. The bases of personal jurisdiction set forth in subsection a.
9 or in any other law of this State may not be used to acquire personal
10 jurisdiction for a tribunal of this State to modify a child support
11 order of another state unless the requirements of section 55 are met,
12 or, in the case of a foreign support order, unless the requirements of
13 section 59 are met.

14

15 7. (New section) Duration of personal jurisdiction.

16 Personal jurisdiction acquired by a tribunal of this State in a
17 proceeding under this act or other law of this State relating to a
18 support order continues as long as a tribunal of this State has
19 continuing, exclusive jurisdiction to modify its order or continuing
20 jurisdiction to enforce its order as provided by sections 10, 11 and
21 16 of this act.

22

23 8. (New section) Initiating and responding tribunal of state.

24 Under this act, a tribunal of this State may serve as an initiating
25 tribunal to forward proceedings to a tribunal of another state, and as
26 a responding tribunal for proceedings initiated in another state or a
27 foreign country.

28

29 9. (New section) Simultaneous proceedings.

30 a. A tribunal of this State may exercise jurisdiction to establish
31 a support order if the petition or comparable pleading is filed after a
32 pleading is filed in another state or a foreign country only if:

33 (1) the petition or comparable pleading in this State is filed
34 before the expiration of the time allowed in the other state or the
35 foreign country for filing a responsive pleading challenging the
36 exercise of jurisdiction by the other state or the foreign country;

37 (2) the contesting party timely challenges the exercise of
38 jurisdiction in the other state or the foreign country; and

39 (3) if relevant, this State is the home state of the child.

40 b. A tribunal of this State may not exercise jurisdiction to
41 establish a support order if the petition or comparable pleading is
42 filed before a petition or comparable pleading is filed in another
43 state or a foreign country if:

44 (1) the petition or comparable pleading in the other state or
45 foreign country is filed before the expiration of the time allowed in
46 this State for filing a responsive pleading challenging the exercise
47 of jurisdiction by this State;

1 (2) the contesting party timely challenges the exercise of
2 jurisdiction in this State; and

3 (3) if relevant, the other state or foreign country is the home
4 state of the child.

5

6 10. (New section) Continuing, exclusive jurisdiction to modify
7 child support order.

8 a. A tribunal of this State that has issued a child support order
9 consistent with the law of this State has and shall exercise
10 continuing, exclusive jurisdiction to modify its child support order
11 if the order is the controlling order and:

12 (1) at the time of the filing of a request for modification this
13 State is the residence of the obligor, the individual obligee, or the
14 child for whose benefit the support order is issued; or

15 (2) even if this State is not the residence of the obligor, the
16 individual obligee, or the child for whose benefit the support order
17 is issued, the parties consent in a record or in open court that the
18 tribunal of this State may continue to exercise jurisdiction to modify
19 its order.

20 b. A tribunal of this State that has issued a child support order
21 consistent with the law of this State may not exercise continuing,
22 exclusive jurisdiction to modify the order if:

23 (1) all of the parties who are individuals file consent in a record
24 with the tribunal of this State that a tribunal of another state that has
25 jurisdiction over at least one of the parties who is an individual or
26 that is located in the state of residence of the child may modify the
27 order and assume continuing, exclusive jurisdiction; or

28 (2) its order is not the controlling order.

29 c. If a tribunal of another state has issued a child support order
30 pursuant to the "Uniform Interstate Family Support Act,"
31 P.L. , c. (C.) (pending before the Legislature as this bill) or
32 a law substantially similar to that act which modifies a child support
33 order of a tribunal of this State, tribunals of this State shall
34 recognize the continuing, exclusive jurisdiction of the tribunal of
35 the other state.

36 d. A tribunal of this State that lacks continuing, exclusive
37 jurisdiction to modify a child support order may serve as an
38 initiating tribunal to request a tribunal of another state to modify a
39 support order issued in that state.

40 e. A temporary support order issued ex parte or pending
41 resolution of a jurisdictional conflict does not create continuing,
42 exclusive jurisdiction in the issuing tribunal.

43

44 11. (New section) Continuing jurisdiction to enforce child
45 support order.

46 a. A tribunal of this State that has issued a child support order
47 consistent with the law of this State may serve as an initiating
48 tribunal to request a tribunal of another state to enforce:

1 (1) the order if the order is the controlling order and has not
2 been modified by a tribunal of another state that assumed
3 jurisdiction pursuant to the “Uniform Interstate Family Support
4 Act,” P.L. , c. (C.) (pending before the Legislature as this
5 bill); or

6 (2) a money judgment for arrears of support and interest on the
7 order accrued before a determination that an order of a tribunal of
8 another state is the controlling order.

9 b. A tribunal of this State having continuing jurisdiction over a
10 support order may act as a responding tribunal to enforce the order.
11

12 12. (New section) Determination of controlling child support
13 order.

14 a. If a proceeding is brought under this act and only one
15 tribunal has issued a child support order, the order of that tribunal
16 controls and shall be recognized.

17 b. If a proceeding is brought under this act, and two or more
18 child support orders have been issued by tribunals of this State,
19 another state, or a foreign country with regard to the same obligor
20 and same child, a tribunal of this State having personal jurisdiction
21 over both the obligor and individual obligee shall apply the
22 following rules and by order shall determine which order controls
23 and shall be recognized:

24 (1) If only one of the tribunals would have continuing, exclusive
25 jurisdiction under this act, the order of that tribunal controls.

26 (2) If more than one of the tribunals would have continuing,
27 exclusive jurisdiction under this act:

28 (a) an order issued by a tribunal in the current home state of the
29 child controls; or

30 (b) if an order has not been issued in the current home state of
31 the child, the order most recently issued controls.

32 (3) If none of the tribunals would have continuing, exclusive
33 jurisdiction under this act, the tribunal of this State shall issue a
34 child support order, which controls.

35 c. If two or more child support orders have been issued for the
36 same obligor and same child, upon request of a party who is an
37 individual or that is a support enforcement agency, a tribunal of this
38 State having personal jurisdiction over both the obligor and the
39 obligee who is an individual shall determine which order controls
40 under subsection b. The request may be filed with a registration for
41 enforcement or registration for modification pursuant to Article 6 of
42 this act, or may be filed as a separate proceeding.

43 d. A request to determine which is the controlling order shall
44 be accompanied by a copy of every child support order in effect and
45 the applicable record of payments. The requesting party shall give
46 notice of the request to each party whose rights may be affected by
47 the determination.

1 e. The tribunal that issued the controlling order under
2 subsection a., b., or c. of this section has continuing jurisdiction to
3 the extent provided in sections 10 or 11 of this act.

4 f. A tribunal of this State that determines by order which is the
5 controlling order under paragraphs (1) or (2) of subsection b. or
6 subsection c. of this section, or that issues a new controlling order
7 under paragraph (3) of subsection b. of this section, shall state in
8 that order:

9 (1) the basis upon which the tribunal made its determination;

10 (2) the amount of prospective support, if any; and

11 (3) the total amount of consolidated arrears and accrued interest,
12 if any, under all of the orders after all payments made are credited
13 as provided by section 14 of this act .

14 g. Within 30 days after issuance of an order determining which
15 is the controlling order, the party obtaining the order shall file a
16 certified copy of it in each tribunal that issued or registered an
17 earlier order of child support. A party or support enforcement
18 agency obtaining the order that fails to file a certified copy is
19 subject to appropriate sanctions by a tribunal in which the issue of
20 failure to file arises. The failure to file does not affect the validity
21 or enforceability of the controlling order.

22 h. An order that has been determined to be the controlling
23 order, or a judgment for consolidated arrears of support and interest,
24 if any, made pursuant to this section shall be recognized in
25 proceedings under this act.

26

27 13. (New section) Child support orders for two or more
28 obligees.

29 In responding to registrations or petitions for enforcement of two
30 or more child support orders in effect at the same time with regard
31 to the same obligor and different individual obligees, at least one of
32 which was issued by a tribunal of another state or a foreign country,
33 a tribunal of this State shall enforce those orders in the same
34 manner as if the orders had been issued by a tribunal of this State.

35

36 14. (New section) Credit for payments.

37 A tribunal of this State shall credit amounts collected for a
38 particular period pursuant to any child support order against the
39 amounts owed for the same period under any other child support
40 order for support of the same child issued by a tribunal of this State,
41 another state, or a foreign country.

42

43 15. (New section) Application of act to nonresident subject to
44 personal jurisdiction.

45 A tribunal of this State exercising personal jurisdiction over a
46 nonresident in a proceeding under this act, under other law of this
47 State relating to a support order, or recognizing a foreign support
48 order may receive evidence from outside this State pursuant to

1 section 32 of this act, communicate with a tribunal outside this State
2 pursuant to section 33 of this act, and obtain discovery through a
3 tribunal outside this State pursuant to section 34 of this act. In all
4 other respects, Articles 3 through 6 do not apply, and the tribunal
5 shall apply the procedural and substantive law of this State.
6

7 16. (New section) Continuing, exclusive jurisdiction to modify
8 spousal support order.

9 a. A tribunal of this State issuing a spousal support order
10 consistent with the law of this State has continuing, exclusive
11 jurisdiction to modify the spousal support order throughout the
12 existence of the support obligation.

13 b. A tribunal of this State may not modify a spousal support
14 order issued by a tribunal of another state or a foreign country
15 having continuing, exclusive jurisdiction over that order under the
16 law of that state or foreign country.

17 c. A tribunal of this State that has continuing, exclusive
18 jurisdiction over a spousal support order may serve as:

19 (1) an initiating tribunal to request a tribunal of another state to
20 enforce the spousal support order issued in this State; or

21 (2) a responding tribunal to enforce or modify its own spousal
22 support order.
23

24 ARTICLE 3

25 CIVIL PROVISIONS OF GENERAL APPLICATION

26

27 17. (New section) Proceedings under act.

28 a. Except as otherwise provided in this act, this article applies
29 to all proceedings under this act.

30 b. An individual petitioner or a support enforcement agency
31 may initiate a proceeding authorized under this act by filing a
32 petition in an initiating tribunal for forwarding to a responding
33 tribunal or by filing a petition or a comparable pleading directly in a
34 tribunal of another state or a foreign country which has or can
35 obtain personal jurisdiction over the respondent.
36

37 18. (New section) Proceeding by minor parent.

38 A minor parent, or a guardian or other legal representative of a
39 minor parent, may maintain a proceeding on behalf of or for the
40 benefit of the minor's child.
41

42 19. (New section) Application of law of State.

43 Except as otherwise provided in this act, a responding tribunal of
44 this State shall:

45 a. apply the procedural and substantive law generally
46 applicable to similar proceedings originating in this State and may
47 exercise all powers and provide all remedies available in those
48 proceedings; and

1 b. determine the duty of support and the amount payable in
2 accordance with the law and support guidelines of this State.

3

4 20. (New section) Duties of initiating tribunal.

5 a. Upon the filing of a petition authorized by this act, an
6 initiating tribunal of this State shall forward the petition and its
7 accompanying documents:

8 (1) to the responding tribunal or appropriate support
9 enforcement agency in the responding state; or

10 (2) if the identity of the responding tribunal is unknown, to the
11 state information agency of the responding state with a request that
12 they be forwarded to the appropriate tribunal and that receipt be
13 acknowledged.

14 b. If requested by the responding tribunal, a tribunal of this
15 State shall issue a certificate or other document and make findings
16 required by the law of the responding state. If the responding
17 tribunal is in a foreign country, upon request the tribunal of this
18 State shall specify the amount of support sought, convert that
19 amount into the equivalent amount in the foreign currency under
20 applicable official or market exchange rate as publicly reported, and
21 provide any other documents necessary to satisfy the requirements
22 of the responding foreign tribunal.

23

24 21. (New section) Duties and powers of responding tribunal.

25 a. When a responding tribunal of this State receives a petition
26 or comparable pleading from an initiating tribunal or directly
27 pursuant to subsection b. of section 17 of this act, it shall cause the
28 petition or pleading to be filed and notify the petitioner where and
29 when it was filed.

30 b. A responding tribunal of this State, to the extent not
31 prohibited by other law, may do one or more of the following:

32 (1) establish or enforce a support order, modify a child support
33 order, determine the controlling child support order, or determine
34 parentage of a child;

35 (2) order an obligor to comply with a support order, specifying
36 the amount and the manner of compliance;

37 (3) order income withholding;

38 (4) determine the amount of any arrearages, and specify a
39 method of payment;

40 (5) enforce orders by civil or criminal contempt, or both;

41 (6) set aside property for satisfaction of the support order;

42 (7) place liens and order execution on the obligor's property;

43 (8) order an obligor to keep the tribunal informed of the
44 obligor's current residential address, electronic-mail address,
45 telephone number, employer, address of employment, and telephone
46 number at the place of employment;

47 (9) issue a bench warrant for an obligor who has failed after
48 proper notice to appear at a hearing ordered by the tribunal and

1 enter the bench warrant in any local and state computer systems for
2 criminal warrants;

3 (10) order the obligor to seek appropriate employment by
4 specified methods;

5 (11) award reasonable attorney's fees and other fees and costs;
6 and

7 (12) grant any other available remedy.

8 c. A responding tribunal of this State shall include in a support
9 order issued under this act, or in the documents accompanying the
10 order, the calculations on which the support order is based.

11 d. A responding tribunal of this State may not condition the
12 payment of a support order issued under this act upon compliance
13 by a party with provisions for visitation.

14 e. If a responding tribunal of this State issues an order under
15 this act, the tribunal shall send a copy of the order to the petitioner
16 and the respondent and to the initiating tribunal, if any.

17 f. If requested to enforce a support order, arrears, or judgment
18 or modify a support order stated in a foreign currency, a responding
19 tribunal of this State shall convert the amount stated in the foreign
20 currency to the equivalent amount in dollars under the applicable
21 official or market exchange rate as publicly reported.

22

23 22. (New section) Inappropriate tribunal.

24 If a petition or comparable pleading is received by an
25 inappropriate tribunal of this State, the tribunal shall forward the
26 pleading and accompanying documents to an appropriate tribunal of
27 this State or another state and notify the petitioner where and when
28 the pleading was sent.

29

30 23. (New section) Duties of support enforcement agency.

31 a. In a proceeding under this act, a support enforcement agency
32 of this State, upon request:

33 (1) shall provide services to a petitioner residing in a state;

34 (2) shall provide services to a petitioner requesting services
35 through a central authority of a foreign country as described in
36 paragraph (1) or (4) of subsection e. of section 2 of this act; and

37 (3) may provide services to a petitioner who is an individual not
38 residing in a state.

39 b. A support enforcement agency of this State that is providing
40 services to the petitioner shall:

41 (1) take all steps necessary to enable an appropriate tribunal of
42 this State, another state, or a foreign country to obtain jurisdiction
43 over the respondent;

44 (2) request an appropriate tribunal to set a date, time, and place
45 for a hearing;

46 (3) make a reasonable effort to obtain all relevant information,
47 including information as to income and property of the parties;

1 (4) within two days, exclusive of Saturdays, Sundays, and legal
2 holidays, after receipt of notice in a record from an initiating,
3 responding, or registering tribunal, send a copy of the notice to the
4 petitioner;

5 (5) within two days, exclusive of Saturdays, Sundays, and legal
6 holidays, after receipt of communication in a record from the
7 respondent or the respondent's attorney, send a copy of the
8 communication to the petitioner; and

9 (6) notify the petitioner if jurisdiction over the respondent
10 cannot be obtained.

11 c. A support enforcement agency of this State that requests
12 registration of a child support order in this State for enforcement or
13 for modification shall make reasonable efforts:

14 (1) to ensure that the order to be registered is the controlling
15 order; or

16 (2) if two or more child support orders exist and the identity of
17 the controlling order has not been determined, to ensure that a
18 request for such a determination is made in a tribunal having
19 jurisdiction to do so.

20 d. A support enforcement agency of this State that requests
21 registration and enforcement of a support order, arrears, or
22 judgment stated in a foreign currency shall convert the amounts
23 stated in the foreign currency into the equivalent amounts in dollars
24 under the applicable official or market exchange rate as publicly
25 reported.

26 e. A support enforcement agency of this State shall request a
27 tribunal of this State to issue a child support order and an income-
28 withholding order that redirect payment of current support, arrears,
29 and interest if requested to do so by a support enforcement agency
30 of another state pursuant to section 35 of this act.

31 f. This act does not create or negate a relationship of attorney
32 and client or other fiduciary relationship between a support
33 enforcement agency or the attorney for the agency and the
34 individual being assisted by the agency.

35

36 24. (New section) Duty of the Attorney General.

37 a. If the Attorney General determines that the support
38 enforcement agency is neglecting or refusing to provide services to
39 an individual, the Attorney General may apply to the Superior Court
40 for an order directing the Probation Division to perform its duties
41 under this act or may provide those services directly to the
42 individual.

43 b. The Attorney General may determine that a foreign country
44 has established a reciprocal arrangement for child support with this
45 State and take appropriate action for notification of the
46 determination.

47

48 25. (New section) Private Counsel.

1 An individual may employ private counsel to represent the
2 individual in proceedings authorized by this act.

3
4 26. (New section) Duties of State Information Agency.

5 a. The Administrative Office of the Courts is the State
6 information agency under this act.

7 b. The State information agency shall:

8 (1) compile and maintain a current list, including addresses, of
9 the tribunals in this State which have jurisdiction under this act and
10 any support enforcement agencies in this State and transmit a copy
11 to the state information agency of every other state;

12 (2) maintain a register of names and addresses of tribunals and
13 support enforcement agencies received from other states;

14 (3) forward to the appropriate tribunal in the county in this State
15 in which the obligee who is an individual or the obligor resides, or
16 in which the obligor's property is believed to be located, all
17 documents concerning a proceeding under this act received from
18 another state or a foreign country; and

19 (4) obtain information concerning the location of the obligor
20 and the obligor's property within this State not exempt from
21 execution, by such means as postal verification and federal or state
22 locator services, examination of telephone directories, requests for
23 the obligor's address from employers, and examination of
24 governmental records, including, to the extent not prohibited by
25 other law, those relating to real property, vital statistics, law
26 enforcement, taxation, motor vehicles, driver's licenses, and social
27 security.

28
29 27. (New section) Pleadings and accompanying documents.

30 a. In a proceeding under this act, a petitioner seeking to
31 establish a support order, to determine parentage of a child, or to
32 register and modify a support order of a tribunal of another state or
33 a foreign country shall file a petition. Unless otherwise ordered
34 under section 28 of this act, the petition or accompanying
35 documents shall provide, so far as known, the name, residential
36 address, and social security numbers of the obligor and the obligee
37 or the parent and alleged parent, and the name, sex, residential
38 address, social security number, and date of birth of each child for
39 whose benefit support is sought or whose parentage is to be
40 determined. Unless filed at the time of registration, the petition
41 shall be accompanied by a copy of any support order known to have
42 been issued by another tribunal. The petition may include any other
43 information that may assist in locating or identifying the
44 respondent.

45 b. The petition shall specify the relief sought. The petition and
46 accompanying documents shall conform substantially with the
47 requirements imposed by the forms mandated by federal law for use
48 in cases filed by a support enforcement agency.

1 28. (New section) Nondisclosure of information in exceptional
2 circumstances.

3 If a party alleges in an affidavit or a pleading under oath that the
4 health, safety, or liberty of a party or child would be jeopardized by
5 disclosure of specific identifying information, that information shall
6 be sealed and may not be disclosed to the other party or the public.
7 After a hearing in which a tribunal takes into consideration the
8 health, safety, or liberty of the party or child, the tribunal may order
9 disclosure of information that the tribunal determines to be in the
10 interest of justice.

11

12 29. (New section) Costs and fees.

13 a. The petitioner shall not be required to pay a filing fee or
14 other costs.

15 b. If an obligee prevails, a responding tribunal of this State
16 may assess against an obligor filing fees, reasonable attorney's fees,
17 other costs, and necessary travel and other reasonable expenses
18 incurred by the obligee and the obligee's witnesses. The tribunal
19 may not assess fees, costs, or expenses against the obligee or the
20 support enforcement agency of either the initiating or responding
21 state or foreign country, except as provided by other law.
22 Attorney's fees may be taxed as costs, and may be ordered paid
23 directly to the attorney, who may enforce the order in the attorney's
24 own name. Payment of support owed to the obligee has priority
25 over fees, costs, and expenses.

26 c. The tribunal shall order the payment of costs and reasonable
27 attorney's fees if it determines that a hearing was requested
28 primarily for delay. In a proceeding under Article 6, a hearing is
29 presumed to have been requested primarily for delay if a registered
30 support order is confirmed or enforced without change.

31

32 30. (New section) Limited immunity of petitioner.

33 a. Participation by a petitioner in a proceeding under this act
34 before a responding tribunal, whether in person, by private attorney,
35 or through services provided by the support enforcement agency,
36 does not confer personal jurisdiction over the petitioner in another
37 proceeding.

38 b. A petitioner is not amenable to service of civil process while
39 physically present in this State to participate in a proceeding under
40 this act.

41 c. The immunity granted by this section does not extend to
42 civil litigation based on acts unrelated to a proceeding under this act
43 committed by a party while physically present in this State to
44 participate in the proceeding.

45

46 31. (New section) Nonparentage as defense.

1 A party whose parentage of a child has been previously
2 determined by or pursuant to law may not plead nonparentage as a
3 defense to a proceeding under this act.

4
5 32. (New section) Special rules of evidence and procedure.

6 a. The physical presence of a nonresident party who is an
7 individual in a tribunal of this State is not required for the
8 establishment, enforcement, or modification of a support order or
9 the rendition of a judgment determining parentage of a child.

10 b. An affidavit, a document substantially complying with
11 federally mandated forms, or a document incorporated by reference
12 in any of them, which would not be excluded under the hearsay rule
13 if given in person, is admissible in evidence if given under penalty
14 of perjury by a party or witness residing outside this State.

15 c. A copy of the record of child support payments certified as a
16 true copy of the original by the custodian of the record may be
17 forwarded to a responding tribunal. The copy is evidence of facts
18 asserted in it, and is admissible to show whether payments were
19 made.

20 d. Copies of bills for testing for parentage of a child, and for
21 prenatal and postnatal health care of the mother and child, furnished
22 to the adverse party at least 10 days before trial, are admissible in
23 evidence to prove the amount of the charges billed and that the
24 charges were reasonable, necessary, and customary.

25 e. Documentary evidence transmitted from outside this State to
26 a tribunal of this State by telephone, telecopier, or other electronic
27 means that do not provide an original record may not be excluded
28 from evidence on an objection based on the means of transmission.

29 f. In a proceeding under this act, a tribunal of this State shall
30 permit a party or witness residing outside this State to be deposed or
31 to testify under penalty of perjury by telephone, audiovisual means,
32 or other electronic means at a designated tribunal or other location.
33 A tribunal of this State shall cooperate with other tribunals in
34 designating an appropriate location for the deposition or testimony.

35 g. If a party called to testify at a civil hearing refuses to answer
36 on the ground that the testimony may be self-incriminating, the trier
37 of fact may draw an adverse inference from the refusal.

38 h. A privilege against disclosure of communications between
39 spouses does not apply in a proceeding under this act.

40 i. The defense of immunity based on the relationship of
41 husband and wife or parent and child does not apply in a proceeding
42 under this act.

43 j. A voluntary acknowledgment of paternity, certified as a true
44 copy, is admissible to establish parentage of the child.

45
46 33. (New section) Communications between tribunals

47 A tribunal of this State may communicate with a tribunal outside
48 this State in a record or by telephone, electronic mail, or other

1 means, to obtain information concerning the laws, the legal effect of
2 a judgment, decree, or order of that tribunal, and the status of a
3 proceeding. A tribunal of this State may furnish similar information
4 by similar means to a tribunal outside this State.

5

6 34. (New section) Assistance with discovery.

7 A tribunal of this State may:

8 a. request a tribunal outside this State to assist in obtaining
9 discovery; and

10 b. upon request, compel a person over which it has jurisdiction
11 to respond to a discovery order issued by a tribunal outside this
12 State.

13

14 35. (New section) Receipt and disbursement of payments.

15 a. A support enforcement agency or tribunal of this State shall
16 disburse promptly any amounts received pursuant to a support
17 order, as directed by the order. The agency or tribunal shall furnish
18 to a requesting party or tribunal of another state or a foreign country
19 a certified statement by the custodian of the record of the amounts
20 and dates of all payments received.

21 b. If neither the obligor, nor the obligee who is an individual, nor
22 the child resides in this State, upon request from the support
23 enforcement agency of this State or another state or a tribunal of
24 this State shall:

25 (1) direct that the support payment be made to the support
26 enforcement agency in the State in which the obligee is receiving
27 services; and

28 (2) issue and send to the obligor's employer a conforming
29 income-withholding order or an administrative notice of change of
30 payee, reflecting the redirected payments.

31 c. The support enforcement agency of this State receiving
32 redirected payments from another state pursuant to a law similar to
33 subsection b. of this section shall furnish to a requesting party or
34 tribunal of the other state a certified statement by the custodian of
35 the record of the amount and dates of all payments received.

36

37

ARTICLE 4

38

ESTABLISHMENT OF SUPPORT ORDER OR

39

DETERMINATION OF PARENTAGE

40

41 36. (New section) Establishment of support order.

42 a. If a support order entitled to recognition under this act has
43 not been issued, a responding tribunal of this State with personal
44 jurisdiction over the parties may issue a support order if:

45 (1) the individual seeking the order resides outside this State; or

46 (2) the support enforcement agency seeking the order is located
47 outside this State.

1 distribute the funds as directed in the withholding order by
2 complying with terms of the order which specify:

3 (1) the duration and amount of periodic payments of current
4 child support, stated as a sum certain;

5 (2) the person designated to receive payments and the address to
6 which the payments are to be forwarded;

7 (3) medical support, whether in the form of periodic cash
8 payment, stated as a sum certain, or ordering the obligor to provide
9 health insurance coverage for the child under a policy available
10 through the obligor's employment;

11 (4) the amount of periodic payments of fees and costs for a
12 support enforcement agency, the issuing tribunal, and the obligee's
13 attorney, stated as sums certain; and

14 (5) the amount of periodic payments of arrearages and interest
15 on arrearages, stated as sums certain.

16 d. An employer shall comply with the law of the state of the
17 obligor's principal place of employment for withholding from
18 income with respect to:

19 (1) the employer's fee for processing an income-withholding
20 order;

21 (2) the maximum amount permitted to be withheld from the
22 obligor's income; and

23 (3) the times within which the employer shall implement the
24 withholding order and forward the child support payment.

25

26 40. (New section) Employers compliance with two or more
27 income withholding orders.

28 If an obligor's employer receives two or more income-
29 withholding orders with respect to the earnings of the same obligor,
30 the employer satisfies the terms of the orders if the employer
31 complies with the law of the state of the obligor's principal place of
32 employment to establish the priorities for withholding and
33 allocating income withheld for two or more child support obligees.

34

35 41. (New section) Immunity from civil liability.

36 An employer that complies with an income-withholding order
37 issued in another state in accordance with this article is not subject
38 to civil liability to an individual or agency with regard to the
39 employer's withholding of child support from the obligor's income.

40

41 42. (New section) Penalties for noncompliance.

42 An employer who willfully fails to comply with an income-
43 withholding order issued in another state and received for
44 enforcement is subject to the same penalties that may be imposed
45 for noncompliance with an order issued by a tribunal of this State.

46

47 43. (New section) Contest by obligor.

1 a. An obligor may contest the validity or enforcement of an
2 income-withholding order issued in another state and received
3 directly by an employer in this State by registering the order in a
4 tribunal of this State and filing a contest to that order as provided in
5 Article 6 of this act, or otherwise contesting the order in the same
6 manner as if the order had been issued by a tribunal of this State.

7 b. The obligor shall give notice of the contest to:

8 (1) a support enforcement agency providing services to the
9 obligee;

10 (2) each employer that has directly received an income-
11 withholding order relating to the obligor; and

12 (3) the person designated to receive payments in the income-
13 withholding order or, if no person is designated, to the obligee.

14
15 44. (New section) Administrative enforcement of orders.

16 a. A party or support enforcement agency seeking to enforce a
17 support order or an income-withholding order, or both, issued in
18 another state or a foreign support order may send the documents
19 required for registering the order to a support enforcement agency
20 of this State.

21 b. Upon receipt of the documents, the support enforcement
22 agency, without initially seeking to register the order, shall consider
23 and, if appropriate, use any administrative procedure authorized by
24 the law of this State to enforce a support order or an income-
25 withholding order, or both. If the obligor does not contest
26 administrative enforcement, the order need not be registered. If the
27 obligor contests the validity or administrative enforcement of the
28 order, the support enforcement agency shall register the order
29 pursuant to this act.

30
31 ARTICLE 6

32 REGISTRATION, ENFORCEMENT, AND MODIFICATION OF
33 SUPPORT ORDER

34 PART 1 -- REGISTRATION FOR ENFORCEMENT OF
35 SUPPORT ORDER

36
37 45. (New section) Registration of order for enforcement.

38 A support order or income-withholding order issued in another
39 state or a foreign support order may be registered in this State for
40 enforcement.

41
42 46. (New section) Procedure to register order for enforcement.

43 a. Except as otherwise provided in section 66 of this act, a
44 support order or income-withholding order of another state or a
45 foreign support order may be registered in this State by sending the
46 following records to the appropriate tribunal in this State:

47 (1) a letter of transmittal to the tribunal requesting registration
48 and enforcement;

- 1 (2) two copies, including one certified copy, of the order to be
2 registered, including any modification of the order;
- 3 (3) a sworn statement by the person requesting registration or a
4 certified statement by the custodian of the records showing the
5 amount of any arrearage;
- 6 (4) the name of the obligor and, if known:
7 (a) the obligor's address and social security number;
8 (b) the name and address of the obligor's employer and any
9 other source of income of the obligor; and
10 (c) a description and the location of property of the obligor
11 in this State not exempt from execution; and
- 12 (5) except as otherwise provided in section 28 of this act, the
13 name and address of the obligee and, if applicable, the person to
14 whom support payments are to be remitted.
- 15 b. On receipt of a request for registration, the registering
16 tribunal shall cause the order to be filed as an order of a tribunal of
17 another state or a foreign support order, together with one copy of
18 the documents and information, regardless of their form.
- 19 c. A petition or comparable pleading seeking a remedy that
20 shall be affirmatively sought under other law of this State may be
21 filed at the same time as the request for registration or later. The
22 pleading shall specify the grounds for the remedy sought.
- 23 d. If two or more orders are in effect, the person requesting
24 registration shall:
25 (1) furnish to the tribunal a copy of every support order asserted
26 to be in effect in addition to the documents specified in this section;
27 (2) specify the order alleged to be the controlling order, if any;
28 and
29 (3) specify the amount of consolidated arrears, if any.
- 30 e. A request for a determination of which is the controlling
31 order may be filed separately or with a request for registration and
32 enforcement or for registration and modification. The person
33 requesting registration shall give notice of the request to each party
34 whose rights may be affected by the determination.
- 35
- 36 47. (New section) Effect of registration for enforcement.
- 37 a. A support order or income-withholding order issued in
38 another state or a foreign support order is registered when the order
39 is filed in the registering tribunal of this State.
- 40 b. A registered support order issued in another state or a
41 foreign country is enforceable in the same manner and is subject to
42 the same procedures as an order issued by a tribunal of this State.
- 43 c. Except as otherwise provided in this act, a tribunal of this
44 State shall recognize and enforce, but may not modify, a registered
45 support order if the issuing tribunal had jurisdiction.
- 46
- 47 48. (New section) Choice of law.

- 1 a. Except as otherwise provided in subsection d. of this section,
2 the law of the issuing state or foreign country governs:
- 3 (1) the nature, extent, amount, and duration of current payments
4 under a registered support order;
- 5 (2) the computation and payment of arrearages and accrual of
6 interest on the arrearages under the support order; and
- 7 (3) the existence and satisfaction of other obligations under the
8 support order.
- 9 b. In a proceeding for arrears under a registered support order,
10 the statute of limitations of this State, or of the issuing state or
11 foreign country, whichever is longer, applies.
- 12 c. A responding tribunal of this State shall apply the
13 procedures and remedies of this State to enforce current support and
14 collect arrears and interest due on a support order of another state or
15 a foreign country registered in this State.
- 16 d. After a tribunal of this State or another state determines
17 which is the controlling order and issues an order consolidating
18 arrears, if any, a tribunal of this State shall prospectively apply the
19 law of the state or foreign country issuing the controlling order,
20 including its law on interest on arrears, on current and future
21 support, and on consolidated arrears.

22

23 Part 2 -- CONTEST OF VALIDITY OR ENFORCEMENT

24

25 49. (New section) Notice of registration of order.

- 26 a. When a support order or income-withholding order issued in
27 another state or a foreign support order is registered, the registering
28 tribunal of this State shall notify the nonregistering party. The
29 notice shall be accompanied by a copy of the registered order and
30 the documents and relevant information accompanying the order.
- 31 b. A notice shall inform the nonregistering party:
- 32 (1) that a registered support order is enforceable as of the date
33 of registration in the same manner as an order issued by a tribunal
34 of this State;
- 35 (2) that a hearing to contest the validity or enforcement of the
36 registered order shall be requested within 20 days after notice
37 unless the registered order is under section 67 of this act;
- 38 (3) that failure to contest the validity or enforcement of the
39 registered order in a timely manner will result in confirmation of
40 the order and enforcement of the order and the alleged arrearages;
41 and
- 42 (4) of the amount of any alleged arrearages.
- 43 c. If the registering party asserts that two or more orders are in
44 effect, a notice shall also:
- 45 (1) identify the two or more orders and the order alleged by the
46 registering party to be the controlling order and the consolidated
47 arrears, if any;

1 (2) notify the nonregistering party of the right to a determination
2 of which is the controlling order;

3 (3) state that the procedures provided in subsection b. apply to
4 the determination of which is the controlling order; and

5 (4) state that failure to contest the validity or enforcement of the
6 order alleged to be the controlling order in a timely manner may
7 result in confirmation that the order is the controlling order.

8 d. Upon registration of an income-withholding order for
9 enforcement, the support enforcement agency or the registering
10 tribunal shall notify the obligor's employer pursuant to the "New
11 Jersey Child Support Program Improvement Act,"
12 P.L.1998, c.1 (C.2A:17-56.7a et al.).

13

14 50. (New section) Procedure to contest validity or enforcement
15 of registered support order.

16 a. A nonregistering party seeking to contest the validity or
17 enforcement of a registered support order in this State shall request
18 a hearing within the time required by section 49 of this act. The
19 nonregistering party may seek to vacate the registration, to assert
20 any defense to an allegation of noncompliance with the registered
21 order, or to contest the remedies being sought or the amount of any
22 alleged arrearages pursuant to section 51 of this act.

23 b. If the nonregistering party fails to contest the validity or
24 enforcement of the registered support order in a timely manner, the
25 order is confirmed by operation of law.

26 c. If a nonregistering party requests a hearing to contest the
27 validity or enforcement of the registered support order, the
28 registering tribunal shall schedule the matter for hearing and give
29 notice to the parties of the date, time, and place of the hearing.

30

31 51. (New section) Contest of registration or enforcement.

32 a. A party contesting the validity or enforcement of a registered
33 support order or seeking to vacate the registration has the burden of
34 proving one or more of the following defenses:

35 (1) the issuing tribunal lacked personal jurisdiction over the
36 contesting party;

37 (2) the order was obtained by fraud;

38 (3) the order has been vacated, suspended, or modified by a later
39 order;

40 (4) the issuing tribunal has stayed the order pending appeal;

41 (5) there is a defense under the law of this State to the remedy
42 sought;

43 (6) full or partial payment has been made;

44 (7) the statute of limitation under section 48 of this act
45 precludes enforcement of some or all of the alleged arrearages; or

46 (8) the alleged controlling order is not the controlling order.

47 b. If a party presents evidence establishing a full or partial
48 defense under subsection a., a tribunal may stay enforcement of a

1 registered support order, continue the proceeding to permit
2 production of additional relevant evidence, and issue other
3 appropriate orders. An uncontested portion of the registered support
4 order may be enforced by all remedies available under the law of
5 this State.

6 c. If the contesting party does not establish a defense under
7 subsection a. to the validity or enforcement of a registered support
8 order, the registering tribunal shall issue an order confirming the
9 order.

10

11 52. (New section) Confirmed order.

12 Confirmation of a registered support order, whether by operation
13 of law or after notice and hearing, precludes further contest of the
14 order with respect to any matter that could have been asserted at the
15 time of registration.

16

17 PART 3 -- REGISTRATION AND MODIFICATION OF
18 CHILD SUPPORT ORDER OF ANOTHER STATE

19

20 53. (New section) Procedure to register child support order of
21 another state for modification.

22 A party or support enforcement agency seeking to modify, or to
23 modify and enforce, a child support order issued in another state
24 shall register that order in this State in the same manner provided in
25 sections 45 through 52 of this act if the order has not been
26 registered. A petition for modification may be filed at the same time
27 as a request for registration, or later. The pleading shall specify the
28 grounds for modification.

29

30 54. (New section) Effect of registration for modification.

31 A tribunal of this State may enforce a child support order of
32 another state registered for purposes of modification, in the same
33 manner as if the order had been issued by a tribunal of this State,
34 but the registered support order may be modified only if the
35 requirements of section 55 or 57 of this act have been met.

36

37 55. (New section) Modification of child support order of
38 another state.

39 a. If section 57 of this act does not apply, upon petition a
40 tribunal of this State may modify a child support order issued in
41 another state which is registered in this State if, after notice and
42 hearing, the tribunal finds that:

43 (1) the following requirements are met:

44 (a) neither the child, nor the obligee who is an individual, nor
45 the obligor resides in the issuing state;

46 (b) a petitioner who is a nonresident of this State seeks
47 modification; and

1 (c) the respondent is subject to the personal jurisdiction of the
2 tribunal of this State; or

3 (2) this State is the residence of the child, or a party who is an
4 individual is subject to the personal jurisdiction of the tribunal of
5 this State, and all of the parties who are individuals have filed
6 consents in a record in the issuing tribunal for a tribunal of this
7 State to modify the support order and assume continuing, exclusive
8 jurisdiction.

9 b. Modification of a registered child support order is subject to
10 the same requirements, procedures, and defenses that apply to the
11 modification of an order issued by a tribunal of this State and the
12 order may be enforced and satisfied in the same manner.

13 c. A tribunal of this State may not modify any aspect of a child
14 support order that may not be modified under the law of the issuing
15 state, including the duration of the obligation of support. If two or
16 more tribunals have issued child support orders for the same obligor
17 and same child, the order that controls and shall be so recognized
18 under section 12 of this act establishes the aspects of the support
19 order which are nonmodifiable.

20 d. In a proceeding to modify a child support order, the law of
21 the state that is determined to have issued the initial controlling
22 order governs the duration of the obligation of support. The
23 obligor's fulfillment of the duty of support established by that order
24 precludes imposition of a further obligation of support by a tribunal
25 of this State.

26 e. On the issuance of an order by a tribunal of this State
27 modifying a child support order issued in another state, the tribunal
28 of this State becomes the tribunal having continuing, exclusive
29 jurisdiction.

30 f. Notwithstanding subsections a. through e. of this section and
31 subsection b. of section 6 of this act, a tribunal of this State retains
32 jurisdiction to modify an order issued by a tribunal of this State if:

33 (1) one party resides in another state; and

34 (2) the other party resides outside the United States.

35

36 56. (New section) Recognition of order modified in another
37 state.

38 If a child support order issued by a tribunal of this State is
39 modified by a tribunal of another state which assumed jurisdiction
40 pursuant to the "Uniform Interstate Family Support Act,"
41 P.L. , c. (C.) (pending before the Legislature as this bill), a
42 tribunal of this State:

43 a. may enforce its order that was modified only as to arrears
44 and interest accruing before the modification;

45 b. may provide appropriate relief for violations of its order
46 which occurred before the effective date of the modification; and

47 c. shall recognize the modifying order of the other state, upon
48 registration, for the purpose of enforcement.

1 57. (New section) Jurisdiction to modify child support order of
2 another state when parties reside in this State.

3 a. If all of the parties who are individuals reside in this State
4 and the child does not reside in the issuing state, a tribunal of this
5 State has jurisdiction to enforce and to modify the issuing state's
6 child support order in a proceeding to register that order.

7 b. A tribunal of this State exercising jurisdiction under this
8 section shall apply the provisions of Articles 1 and 2, this article,
9 and the procedural and substantive law of this State to the
10 proceeding for enforcement or modification. Articles 3, 4, 5, 7, and
11 8 of this act do not apply.

12

13 58. (New section) Notice to issuing tribunal of modification.

14 Within 30 days after issuance of a modified child support order,
15 the party obtaining the modification shall file a certified copy of the
16 order with the issuing tribunal that had continuing, exclusive
17 jurisdiction over the earlier order, and in each tribunal in which the
18 party knows the earlier order has been registered. A party who
19 obtains the order and fails to file a certified copy is subject to
20 appropriate sanctions by a tribunal in which the issue of failure to
21 file arises. The failure to file does not affect the validity or
22 enforceability of the modified order of the new tribunal having
23 continuing, exclusive jurisdiction.

24

PART 4 -- REGISTRATION AND MODIFICATION
OF FOREIGN CHILD SUPPORT ORDER

25
26

27 59. (New section) Jurisdiction to modify child support order of
28 foreign country.

29 a. Except as otherwise provided in section 71 of this act, if a
30 foreign country lacks or refuses to exercise jurisdiction to modify
31 its child support order pursuant to its laws, a tribunal of this State
32 may assume jurisdiction to modify the child support order and bind
33 all individuals subject to the personal jurisdiction of the tribunal
34 whether the consent to modification of a child support order
35 otherwise required of the individual pursuant to section 55 of this
36 act has been given or whether the individual seeking modification is
37 a resident of this State or of the foreign country.

38 b. An order issued by a tribunal of this State modifying a
39 foreign child support order pursuant to this section is the controlling
40 order.

41

42 60. (New section) Procedure to register child support order of
43 foreign country for modification.

44 A party or support enforcement agency seeking to modify, or to
45 modify and enforce, a foreign child support order not under the
46 Convention may register that order in this State under sections 45
47 through 52 of this act if the order has not been registered. A petition
48 for modification may be filed at the same time as a request for

1 registration, or at another time. The petition shall specify the
2 grounds for modification.

3

4

ARTICLE 7

5

SUPPORT PROCEEDING UNDER CONVENTION

6

7 61. (New section) Definitions.

8 As used in this article:

9 “Application” means a request under the Convention by an
10 obligee or obligor, or on behalf of a child, made through a central
11 authority for assistance from another central authority.

12 “Central authority” means the entity designated by the United
13 States or a foreign country described in paragraph (4) of subsection
14 e. of section 2 of this act to perform the functions specified in the
15 Convention.

16 “Convention support order” means a support order of a tribunal
17 of a foreign country described in paragraph (4) of subsection e. of
18 section 2 of this act.

19 “Direct request” means an application filed by an individual in a
20 tribunal of this State in a proceeding involving an obligee, obligor,
21 or child residing outside the United States.

22 “Foreign central authority” means the entity designated by a
23 foreign country described in paragraph (4) of subsection e. of
24 section 2 of this act to perform the functions specified in the
25 Convention.

26 “Foreign support agreement”: means an agreement for support in
27 a record that: (1) is enforceable as a support order in the country of
28 origin; (2) has been: (a) formally drawn up or registered as an
29 authentic instrument by a foreign tribunal; or (b) authenticated by,
30 or concluded, registered, or filed with a foreign tribunal; and (c)
31 may be reviewed and modified by a foreign tribunal; and (3)
32 includes a maintenance arrangement or authentic instrument under
33 the Convention.

34 “United States central authority” means the Secretary of the
35 United States Department of Health and Human Services.

36

37 62. (New section) Applicability.

38 This article applies only to a support proceeding under the
39 Convention. In such a proceeding, if a provision of this article is
40 inconsistent with Articles 1 through 6 of this act, this article
41 controls.

42

43 63. (New section) Relationship of the State IV-D agency to
44 United States central authority.

45 The State IV-D Agency or its designee is recognized as the
46 agency designated by the United States central authority to perform
47 specific functions under the Convention.

1 64. (New section) Initiation by the State IV-D Agency of
2 support proceeding under Convention.

3 a. In a support proceeding under this article, the State IV-D
4 Agency or its designee shall:

5 (1) transmit and receive applications; and

6 (2) initiate or facilitate the institution of a proceeding regarding
7 an application in a tribunal of this State.

8 b. The following support proceedings are available to an
9 obligee under the Convention:

10 (1) recognition or recognition and enforcement of a foreign
11 support order;

12 (2) enforcement of a support order issued or recognized in this
13 State;

14 (3) establishment of a support order if there is no existing order,
15 including, if necessary, determination of parentage of a child;

16 (4) establishment of a support order if recognition of a foreign
17 support order is refused under paragraph (2), (4), or (9) of
18 subsection b. of section 68 of this act;

19 (5) modification of a support order of a tribunal of this State;
20 and

21 (6) modification of a support order of a tribunal of another state
22 or a foreign country.

23 c. The following support proceedings are available under the
24 Convention to an obligor against which there is an existing support
25 order:

26 (1) recognition of an order suspending or limiting enforcement
27 of an existing support order of a tribunal of this State;

28 (2) modification of a support order of a tribunal of this State;
29 and

30 (3) modification of a support order of a tribunal of another state
31 or a foreign country.

32 d. A tribunal of this State may not require security, bond, or
33 deposit, however described, to guarantee the payment of costs and
34 expenses in proceedings under the Convention.

35
36 65. (New section) Direct request.

37 a. A petitioner may file a direct request seeking establishment
38 or modification of a support order or determination of parentage of
39 a child. In the proceeding, the law of this State applies.

40 b. A petitioner may file a direct request seeking recognition
41 and enforcement of a support order or support agreement. In the
42 proceeding, sections 66 through 73 of this act.

43 c. In a direct request for recognition and enforcement of a
44 Convention support order or foreign support agreement:

45 (1) a security, bond, or deposit is not required to guarantee the
46 payment of costs and expenses; and

47 (2) an obligee or obligor that in the issuing country has
48 benefited from free legal assistance is entitled to benefit, at least to

1 the same extent, from any free legal assistance provided for by the
2 law of this State under the same circumstances.

3 d. A petitioner filing a direct request is not entitled to
4 assistance from the State IV-D Agency or its designee.

5 e. This article does not prevent the application of laws of this
6 State that provide simplified, more expeditious rules regarding a
7 direct request for recognition and enforcement of a foreign support
8 order or foreign support agreement.

9

10 66. (New section) Registration of Convention support order.

11 a. Except as otherwise provided in this article, a party who is
12 an individual or a support enforcement agency seeking recognition
13 of a Convention support order shall register the order in this State
14 as provided in Article 6.

15 b. Notwithstanding section 27 and subsection a. of section 46
16 of this act, a request for registration of a Convention support order
17 shall be accompanied by:

18 (1) a complete text of the support order or an abstract or extract
19 of the support order drawn up by the issuing foreign tribunal, which
20 may be in the form recommended by the Hague Conference on
21 Private International Law;

22 (2) a record stating that the support order is enforceable in the
23 issuing country;

24 (3) if the respondent did not appear and was not represented in
25 the proceedings in the issuing country, a record attesting, as
26 appropriate, either that the respondent had proper notice of the
27 proceedings and an opportunity to be heard or that the respondent
28 had proper notice of the support order and an opportunity to be
29 heard in a challenge or appeal on fact or law before a tribunal;

30 (4) a record showing the amount of arrears, if any, and the date
31 the amount was calculated;

32 (5) a record showing a requirement for automatic adjustment of
33 the amount of support, if any, and the information necessary to
34 make the appropriate calculations; and

35 (6) if necessary, a record showing the extent to which the
36 applicant received free legal assistance in the issuing country.

37 c. A request for registration of a Convention support order may
38 seek recognition and partial enforcement of the order.

39 d. A tribunal of this State may vacate the registration of a
40 Convention support order without the filing of a contest under
41 section 67 of this act only if, acting on its own motion, the tribunal
42 finds that recognition and enforcement of the order would be
43 manifestly incompatible with public policy.

44 e. The tribunal shall promptly notify the parties of the
45 registration or the order vacating the registration of a Convention
46 support order.

1 67. (New section) Contest of registered Convention support
2 order.

3 a. Except as otherwise provided in this article, sections 49
4 through 52 of this act apply to a contest of a registered Convention
5 support order.

6 b. A party contesting a registered Convention support order
7 shall file a contest not later than 30 days after notice of the
8 registration, but if the contesting party does not reside in the United
9 States, the contest shall be filed not later than 60 days after notice
10 of the registration.

11 c. If the nonregistering party fails to contest the registered
12 Convention support order by the time specified in subsection b., the
13 order is enforceable.

14 d. A contest of a registered Convention support order may be
15 based only on grounds set forth in section 68 of this act. The
16 contesting party bears the burden of proof.

17 e. In a contest of a registered Convention support order, a
18 tribunal of this State:

19 (1) is bound by the findings of fact on which the foreign tribunal
20 based its jurisdiction; and

21 (2) may not review the merits of the order.

22 f. A tribunal of this State deciding a contest of a registered
23 Convention support order shall promptly notify the parties of its
24 decision.

25 g. A challenge or appeal, if any, does not stay the enforcement
26 of a Convention support order unless there are exceptional
27 circumstances.

28

29 68. (New section) Recognition and enforcement of registered
30 Convention support order.

31 a. Except as otherwise provided in subsection b., a tribunal of
32 this State shall recognize and enforce a registered Convention
33 support order.

34 b. The following grounds are the only grounds on which a
35 tribunal of this State may refuse recognition and enforcement of a
36 registered Convention support order:

37 (1) recognition and enforcement of the order is manifestly
38 incompatible with public policy, including the failure of the issuing
39 tribunal to observe minimum standards of due process, which
40 include notice and an opportunity to be heard;

41 (2) the issuing tribunal lacked personal jurisdiction consistent
42 with section 6 of this act ;

43 (3) the order is not enforceable in the issuing country;

44 (4) the order was obtained by fraud in connection with a matter
45 of procedure;

46 (5) a record transmitted in accordance with section 66 of this act
47 lacks authenticity or integrity;

1 (6) a proceeding between the same parties and having the same
2 purpose is pending before a tribunal of this State and that
3 proceeding was the first to be filed;

4 (7) the order is incompatible with a more recent support order
5 involving the same parties and having the same purpose if the more
6 recent support order is entitled to recognition and enforcement
7 under this act in this State;

8 (8) payment, to the extent alleged arrears have been paid in
9 whole or in part;

10 (9) in a case in which the respondent neither appeared nor was
11 represented in the proceeding in the issuing foreign country:

12 (a) if the law of that country provides for prior notice of
13 proceedings, the respondent did not have proper notice of the
14 proceedings and an opportunity to be heard; or

15 (b) if the law of that country does not provide for prior notice of
16 the proceedings, the respondent did not have proper notice of the
17 order and an opportunity to be heard in a challenge or appeal on fact
18 or law before a tribunal; or

19 (10) the order was made in violation of section 71 of this act.

20 c. If a tribunal of this State does not recognize a Convention
21 support order under paragraph (2), (4) or (9) of subsection b. of this
22 section:

23 (1) the tribunal may not dismiss the proceeding without
24 allowing a reasonable time for a party to request the establishment
25 of a new Convention support order; and

26 (2) the State IV-D Agency or its designee shall take all
27 appropriate measures to request a child support order for the obligee
28 if the application for recognition and enforcement was received
29 under section 64 of this act.

30

31 69. (New section) Partial enforcement.

32 If a tribunal of this State does not recognize and enforce a
33 Convention support order in its entirety, it shall enforce any
34 severable part of the order. An application or direct request may
35 seek recognition and partial enforcement of a Convention support
36 order.

37

38 70. (New section) Foreign support agreement.

39 a. Except as otherwise provided in subsections c. and d., a
40 tribunal of this State shall recognize and enforce a foreign support
41 agreement registered in this State.

42 b. An application or direct request for recognition and
43 enforcement of a foreign support agreement shall be accompanied
44 by:

45 (1) a complete text of the foreign support agreement; and

46 (2) a record stating that the foreign support agreement is
47 enforceable as an order of support in the issuing country.

1 c. A tribunal of this State may vacate the registration of a
2 foreign support agreement only if, acting on its own motion, the
3 tribunal finds that recognition and enforcement would be manifestly
4 incompatible with public policy.

5 d. In a contest of a foreign support agreement, a tribunal of this
6 State may refuse recognition and enforcement of the agreement if it
7 finds:

8 (1) recognition and enforcement of the agreement is manifestly
9 incompatible with public policy;

10 (2) the agreement was obtained by fraud or falsification;

11 (3) the agreement is incompatible with a support order involving
12 the same parties and having the same purpose in this State, another
13 state, or a foreign country if the support order is entitled to
14 recognition and enforcement under this act in this State; or

15 (4) the record submitted under subsection b. lacks authenticity
16 or integrity.

17 e. A proceeding for recognition and enforcement of a foreign
18 support agreement shall be suspended during the pendency of a
19 challenge to or appeal of the agreement before a tribunal of another
20 state or a foreign country.

21

22 71. (New section) Modification of Convention child support
23 order.

24 a. A tribunal of this State may not modify a Convention child
25 support order if the obligee remains a resident of the foreign
26 country where the support order was issued unless:

27 (1) the obligee submits to the jurisdiction of a tribunal of this
28 State, either expressly or by defending on the merits of the case
29 without objecting to the jurisdiction at the first available
30 opportunity; or

31 (2) the foreign tribunal lacks or refuses to exercise jurisdiction
32 to modify its support order or issue a new support order.

33 b. If a tribunal of this State does not modify a Convention child
34 support order because the order is not recognized in this State,
35 subsection c. of section 68 of this act applies.

36

37 72. (New section) Personal information; limit on use.

38 Personal information gathered or transmitted under this article
39 may be used only for the purposes for which it was gathered or
40 transmitted.

41

42 73. (New section) Record in original language; English
43 translation.

44 A record filed with a tribunal of this State under this article shall
45 be in the original language and, if not in English, shall be
46 accompanied by an English translation.

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ARTICLE 8
INTERSTATE RENDITION

74. (New section) Grounds for rendition.

a. For purposes of this article, “governor” includes an individual performing the functions of governor or the executive authority of a state covered by this act.

b. The Governor of this State may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or

(2) on the demand of the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

c. A provision for extradition of individuals not inconsistent with this act applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

75. (New section) Conditions of rendition.

a. Before making a demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the Governor of this State may require a prosecutor of this State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this act or that the proceeding would be of no avail.

b. If, under this act or a law substantially similar to this act, the governor of another state makes a demand that the Governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

c. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9
MISCELLANEOUS PROVISIONS

76. (New section) Uniformity of application and construction.

1 In applying and construing this uniform act, consideration shall
2 be given to the need to promote uniformity of the law with respect
3 to its subject matter among states that enact it.

4
5 77. (New section) Transitional provision.

6 a. This act applies to proceedings begun on or after the
7 effective date of this act to establish a support order or determine
8 parentage of a child or to register, recognize, enforce, or modify a
9 prior support order, determination, or agreement, whenever issued
10 or entered.

11 b. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and
12 sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-
13 56.19) and the repeal of the former "Uniform Interstate Family
14 Support Act," P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123)
15 and its replacement with this act does not affect pending actions,
16 rights, duties or liabilities based on those repealed laws, nor does it
17 alter, discharge, release or extinguish any penalty, forfeiture, or
18 liability incurred under those laws. After the effective date of this
19 act, all laws repealed shall be treated as remaining in full force and
20 effect for the purpose of sustaining any pending actions or rights
21 filed prior to the effective date of this act and the enforcement of
22 any rights, duties, penalties, forfeitures, or liabilities under the
23 repealed laws.

24
25 78. (New section) Severability.

26 If any provision of this act or its application to any person or
27 circumstance is held invalid, the invalidity does not affect other
28 provisions or applications of this act which can be given effect
29 without the invalid provision or application, and to this end the
30 provisions of this act are severable.

31
32 79. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to
33 read as follows:

34 11. The license revocation provisions of P.L.1996, c.7 (C.2A:17-
35 56.41 et seq.) apply to all orders issued before or after the effective
36 date of P.L.1996, c.7 (C.2A:17-56.41 et seq.). All child support
37 arrearage and health care coverage provisions in existence on or
38 before the effective date of P.L.1996, c.7 (C.2A:17-56.41 et seq.)
39 shall be included in determining whether a case is eligible for
40 enforcement in accordance with P.L.1996, c.7 (C.2A:17-56.41 et
41 seq.). P.L.1996, c.7 (C.2A:17-56.41 et seq.) applies to all child
42 support obligations ordered by any state, territory or district of the
43 United States that are being enforced by the Probation Division,
44 that are payable directly to the obligee, or have been registered in
45 this State in accordance with the "Uniform Interstate Family
46 Support Act," originally enacted as P.L.1998, c.2 (C.2A:4-30.65 et

1 seq.), and repealed and replaced by P.L. _____, c. _____ (pending before
2 the Legislature as this bill).

3 (cf: P.L.1998, c.1, s.31)

4

5 80. Section 3 of P.L.1998, c.1 (C.2A:17-56.52) is amended to
6 read as follows:

7 3. As used in P.L.1998, c.1 (C.2A:17-56.7a et al.), P.L.1981,
8 c.417 (C.2A:17-56.8 et al.), P.L.1988, c.111 (C.2A:17-56.23a),
9 sections 13, 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-
10 56.16, 2A:17-56.20 through 2A:17-56.23, and 2A:17-56.25),
11 P.L.1990, c.53 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990,
12 c.92 (C.2A:17-56.9a and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-
13 56.11a), P.L.1995, c.290 (C.2A:17-56.11b), P.L.1995,
14 c.322 (C.2A:17-56.34 et seq.) and P.L.1996, c.7 (C.2A:17-56.41 et
15 seq.):

16 "Account" means a demand deposit account, checking or
17 negotiable order of withdrawal account, savings account, time
18 deposit account, or money market mutual fund account. "Account"
19 also includes an equity securities account if permitted under federal
20 law.

21 "Administrative enforcement" means the use of high volume
22 automated data processing to search various State data bases,
23 including, but not limited to, license records, employment service
24 data and State new hire registries, to determine whether information
25 is available in response to a request made by another jurisdiction to
26 enforce a support order.

27 "Appropriate enforcement methods" means mechanisms such as
28 income withholding, withholding of civil lawsuits, and execution of
29 the assets of the obligor which can result in immediate payment of
30 the child support arrearage when available. In appropriate cases,
31 the license revocation process may be used as an alternative to Rule
32 5:7-5 of the court rules.

33 "Arrearage" means the amount of unpaid support as determined
34 by a court order or an administrative order from a state for support
35 of a child or of a child and the custodial parent.

36 "Child" means a person, whether over or under the age of
37 majority, who is or is alleged to be owed a duty of child support by
38 that person's parent or who is or is alleged to be the beneficiary of a
39 support order directed to the parent.

40 "Child support" means the amount required to be paid under a
41 judgment, decree, or order, whether temporary, final or subject to
42 modification, issued by the Superior Court, Chancery Division,
43 Family Part or a court or administrative agency of competent
44 jurisdiction of another state, for the support and maintenance of a
45 child, or the support and maintenance of a child and the parent with
46 whom the child is living, which provides monetary support, health
47 care coverage, any arrearage or reimbursement, and which may

1 include other related costs and fees, interest and penalties, income
2 withholding, attorney's fees and other relief.

3 "Child support related warrant" means an outstanding warrant for
4 the arrest of a child support obligor or putative father issued by the
5 court for failure to pay child support as ordered, failure to appear at
6 a hearing to establish paternity or child support, or failure to appear
7 at a hearing to enforce a child support order.

8 "Commissioner" means the Commissioner of Human Services.

9 "Court" means the Superior Court, Chancery Division, Family
10 Part.

11 "Court order" means an order of the court or an order from an
12 administrative or judicial tribunal in another state that is competent
13 to enter or modify orders for paternity or child support.

14 "Court rules" means the Rules Governing the Courts of the State
15 of New Jersey.

16 "Credit reporting agency" means a nationally recognized credit
17 reporting agency as approved by the commissioner and defined in
18 the federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any
19 entity which, for monetary fees, dues, or on a cooperative nonprofit
20 basis, regularly engages in whole or in part in the practice of
21 assembling or evaluating consumer credit information or other
22 information on consumers for the purpose of furnishing reports to
23 third parties and which uses any means or facility of interstate
24 commerce for the purpose of preparing or furnishing consumer
25 reports.

26 "Custodial parent" means the parent or other person who has
27 legal and physical custody of a child for the majority of the time.
28 The custodial parent is responsible for the day-to-day decisions
29 related to the child and for providing the basic needs of the child on
30 a daily basis. The custodial parent is the person to whom child
31 support is payable. In shared parenting situations, the custodial
32 parent is known as the Parent of Primary Residence.

33 "Default order" means a court order entered due to a party's
34 failure to answer a complaint or motion or to appear at a court
35 proceeding as required, after being properly served with notice.

36 "Department" means the Department of Human Services.

37 "Employee" means an individual who is an employee within the
38 meaning of chapter 24 of the Internal Revenue Code of 1986.
39 Employee does not include an employee of a federal or state agency
40 performing intelligence or counter-intelligence functions, if the
41 head of such agency has determined that reporting could endanger
42 the safety of the employee or compromise an ongoing investigation
43 or intelligence mission.

44 "Employer" has the meaning given the term in section 3401(d) of
45 the Internal Revenue Code of 1986 and includes any governmental
46 entity and labor organization.

47 "Financial institution" means: a depository institution as defined
48 in 12 U.S.C. s.1813(c); an institution affiliated party as defined in

1 12 U.S.C. s.1813(u); a federal or State credit union as defined in
2 12 U.S.C. s.1752, including an institution affiliated party of a credit
3 union as defined in 12 U.S.C. s.1786(r); a benefit association,
4 insurance company, safe deposit company, money market mutual
5 fund, or similar entity authorized to do business in this State.
6 "Financial institution" also includes an investment and loan
7 corporation if permitted under federal law.

8 "Health care coverage" means cash medical support, health
9 insurance, dental insurance, eye care, pharmaceutical assistance and
10 other types of medical support which are ordered by the court to
11 maintain the health coverage of a child.

12 "Income" for the purposes of enforcing a support order, means,
13 but is not limited to, commissions, salaries, earnings, wages, rent
14 monies, unemployment compensation, workers' compensation, any
15 legal or equitable interest or entitlement owed that was acquired by
16 a cause of action, suit, claim or counterclaim, insurance benefits,
17 claims, accounts, assets of estates, inheritances, trusts, federal or
18 State income tax refunds, homestead rebates, State lottery prizes,
19 casino and racetrack winnings, annuities, retirement benefits,
20 veteran's benefits, union benefits, or any other earnings or other
21 periodic entitlements to money from any source and any other
22 property subject to withholding for child support pursuant to State
23 law.

24 For the purposes of establishing a support order, income is
25 defined pursuant to the child support guidelines in Appendix IX of
26 the court rules.

27 "Labor organization" means a labor organization as defined in
28 paragraph (5) of section 2 of the federal "National Labor Relations
29 Act" (29 U.S.C. s.152) and includes any entity used by the
30 organization and an employer to carry out the requirements of
31 paragraph (3) of subsection (f) of section 8 of that act
32 (29 U.S.C. s.158(f)(3)) or an agreement between the organization
33 and the employer.

34 "License" means any license, registration or certificate issued by
35 the State or its agencies or boards that is directly necessary to
36 provide a product or service for compensation, to operate a motor
37 vehicle, or for recreational or sporting purposes.

38 "Licensing authority" means any department, division, board,
39 agency or other instrumentality of State government that issues a
40 license, registration, certificate or other authorization to provide
41 goods or services for compensation, to operate a motor vehicle, or
42 for recreational or sporting purposes.

43 "Non-custodial parent" means the parent who does not have
44 physical custody of the child on a day-to-day basis. In shared
45 parenting situations, the non-custodial parent is known as the Parent
46 of Alternate Residence.

47 "Obligee" means an individual to whom a duty of support is or is
48 alleged to be owed or in whose favor a support order has been

1 issued or a judgment determining parentage has been rendered; a
2 state or political subdivision to which the rights under a duty of
3 support or support order have been assigned or which has
4 independent claims based on financial assistance provided to an
5 individual obligee; or an individual seeking a judgment determining
6 parentage of the individual's child or providing for the support of a
7 child.

8 "Obligor" means an individual, or the estate of a decedent, who
9 owes or is alleged to owe a duty of support, who is alleged but has
10 not been adjudicated to be a parent of a child, or who is liable under
11 a support order.

12 "Payor" means an employer or individual or entity that disburses
13 or is in possession of income or assets payable to an obligor.

14 "Probation Division" means the Probation Division of the
15 Superior Court, Chancery Division, Family Part.

16 "RURESA" means the "Revised Uniform Reciprocal
17 Enforcement of Support Act (1968)," adopted in New Jersey as
18 P.L.1981, c.243 (C.2A:4-30.24 et seq.).

19 "Spousal support" means a legally enforceable obligation
20 assessed against a person for the support of a spouse or former
21 spouse.

22 "State case registry" means the automated system maintained by
23 the State IV-D agency that contains federally required information
24 on child support cases.

25 "State IV-D agency" means the Department of Human Services.

26 "Support guidelines" means the set of presumptive standards for
27 determining the amount of child support as established by the court
28 in Appendix IX of the court rules.

29 "Support order" means a judgment, decree, or order, whether
30 temporary, final or subject to modification, for the benefit of a
31 child, a spouse or a former spouse, which provides for monetary
32 support, health care coverage, arrearages or reimbursement, and
33 may include related costs and fees, interest, income withholding,
34 attorney's fees and other relief.

35 A support order shall be issued by the court or a court or
36 administrative agency of another state.

37 "TANF" means the "Temporary Assistance to Needy Families"
38 program established pursuant to Title IV-A of the federal Social
39 Security Act (42 U.S.C. s.601 et seq.). TANF includes the Work
40 First New Jersey program for dependent children and their parents
41 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

42 "Title IV-D" means Title IV-D of the federal Social Security Act
43 (42 U.S.C. s.651 et seq.).

44 "Title IV-D case" means a case under Title IV-A or Title XIX of
45 the federal Social Security Act (42 U.S.C. s.601 et seq.) that
46 involves an assignment of support rights, an appropriate referral
47 under Title IV-E of the federal Social Security Act
48 (42 U.S.C. s.670 et seq.), a non-public assistance case in which an

1 application for Title IV-D services has been filed and a fee paid, as
2 appropriate, with the department, or an interstate case referred to
3 the department by another jurisdiction.

4 "UIFSA" means the "Uniform Interstate Family Support Act,"
5 P.L. , c. (pending before the Legislature as this bill), to be
6 adopted by each state to replace RURESA pursuant to Pub.L.104-
7 193 and the former "Uniform Interstate Family Support Act,"
8 P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123).
9 (cf: P.L. 1998, c.1, s.3)

10

11 81. (New section) Repealer.

12 Sections 1 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through
13 2A:4-30.123) are repealed.

14

15 82. Effective date.

16 This act shall take effect on April 1, 2016.

17

18

19

STATEMENT

20

21 This bill enacts the new "Uniform Interstate Family Support
22 Act," (UIFSA) and repeals the existing "Uniform Interstate Family
23 Support Act," which was adopted in New Jersey as P.L.1998,
24 c.2 (C.2A:4-30.65 et seq.). UIFSA provides uniform rules for the
25 enforcement of family support orders.

26 In 2007, the United States signed the Hague Convention on the
27 International Recovery of Child Support and Other Forms of Family
28 Maintenance ("the Convention"). In 2008, the Uniform Law
29 Commission approved amendments to UIFSA which incorporated
30 the provisions required by the Convention. In 2014, Congress
31 passed federal implementing legislation for the Convention, the
32 "Preventing Sex Trafficking and Strengthening Families Act,"
33 Public Law No.113-183, which requires the 2008 UIFSA
34 amendments be enacted in every jurisdiction by April 1, 2016 as a
35 condition of continuing to receive federal funds for state child
36 support programs.

37 This bill repeals New Jersey's 1998 version of UIFSA, sections 1
38 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123),
39 and implements a new UIFSA which encompasses those
40 amendments promulgated by the Uniform Law Commission. This
41 bill provides guidelines and procedures for the registration,
42 enforcement and modification of foreign support orders. The bill
43 establishes basic jurisdictional standards including continuing
44 exclusive jurisdiction, rules for determining which state issues the
45 controlling order in the event of proceedings in multiple
46 jurisdictions, and rules for modifying support orders.

47 The most notable change is the addition of Article 7 to UIFSA
48 which is new. This article establishes guidelines and procedures for

1 the registration, recognition, enforcement, and modification of
2 foreign support orders of countries that are parties to the
3 Convention. Article 7 provides that a party seeking recognition of a
4 support order must register. Once registered, the tribunal notifies
5 the parties and an opportunity to challenge the order is provided.
6 Unless grounds for denying recognition of the order are established,
7 the order is enforced. Another change is the addition to the UIFSA
8 of a section concerning the conditions under which a tribunal has
9 the authority to modify a spousal support order.

10 The following is a summary of the bill's provisions:

11 ARTICLE 1 (SECTIONS 1-5) GENERAL PROVISIONS:

- 12 • A definitional section which differs from the 1998 UIFSA
13 statute by: (1) adding new definitions for: "convention,"
14 "foreign country," "foreign support orders," "foreign
15 tribunal" and "record"; and (2) expanding the definition of
16 "obligor" to include a debtor in a proceeding under Article 7.
- 17 • The Superior Court, Chancery Division, Family Part is
18 designated as the tribunal. The Probation Division of the
19 Superior Court is designated the support enforcement
20 agency.
- 21 • The procedures for establishment, enforcement, or
22 modification of support or a determination of parentage
23 under this act would not preclude the application of general
24 State law.

25 ARTICLE 2 (SECTIONS 6-16) JURISDICTION:

- 26 • The bases for jurisdiction over a nonresident for the
27 purposes of establishing a support order or determining
28 parentage.
- 29 • The identification of the roles a tribunal may serve, either as
30 an initiating or a responding tribunal.
- 31 • Procedures for simultaneous proceedings.
- 32 • Provides for continuing, exclusive jurisdiction of other
33 tribunals over support orders and authorizes the initiation of
34 requests for modification to the issuing state;
- 35 • Tribunals of the enacting states must adhere to the one order
36 at a time system.
- 37 • Priority scheme for recognition and enforcement of existing
38 multiple orders regarding the same obligor, obligee, and
39 child.
- 40 • Method to handle multiple orders involving two or more
41 families of the same obligor by treating all the orders as if
42 they had been issued by a tribunal of this State.
- 43 • Credit for actual payments made against all existing orders.
- 44 • New section which provides for continuing, exclusive
45 jurisdiction to modify spousal support order.

46 ARTICLE 3 (SECTIONS 17-35) CIVIL PROVISIONS OF GENERAL
47 APPLICATION:

- 1 • Procedures for initiation of a proceeding by an individual or
- 2 a support enforcement agency.
- 3 • Allows proceedings by minor parent.
- 4 • Insures efficient processing of interstate and intrastate
- 5 support cases.
- 6 • Establishes procedures for transmittal of documents or
- 7 issuing certificates and for converting the support amount
- 8 owed to an equivalent amount in the foreign country.
- 9 • Enumerates the duties and powers of the responding
- 10 tribunal, such as ordering compliance with a support order,
- 11 providing for income withholding, determining arrearages,
- 12 issuing bench warrants and placing liens.
- 13 • Enumerates the duties of a support enforcement agency.
- 14 • Provides for the Attorney General to take appropriate action
- 15 concerning neglect to provide services by the support
- 16 enforcement agency. The Attorney General may apply to the
- 17 Superior Court for an order.
- 18 • Allows a party to retain private counsel in an action.
- 19 (Currently, the State IV-D agency may provide counsel in
- 20 IV-D case to the petitioner or support agency under certain
- 21 circumstances.)
- 22 • Enumerates the duties of the Administrative Office of the
- 23 Courts as the State information agency.
- 24 • Establishes the basic requirements for the drafting and filing
- 25 of interstate pleadings.
- 26 • Nondisclosure of information when the health, safety, or
- 27 liberty of a party or child would be jeopardized. Such
- 28 information would be sealed.
- 29 • Assessment of fees and costs.
- 30 • Limited immunity of petitioner.
- 31 • A party whose parentage of a child has been previously
- 32 determined cannot plead nonparentage as a defense under
- 33 the bill.
- 34 • Provides for applicable rules of evidence and procedure
- 35 including privileges against disclosure of communications
- 36 between spouses, and admission of voluntary
- 37 acknowledgments of paternity to establish parentage of a
- 38 child.
- 39 • Provides for communication between courts in order to
- 40 expedite enforcement of the support order.
- 41 • Facilitation of cooperation in the discovery process.
- 42 • Prompt disbursal of any amounts received by a support
- 43 enforcement agency pursuant to a support order.

44 ARTICLE 4 (SECTIONS 36-37) ESTABLISHMENT OF SUPPORT ORDER
45 OR DETERMINATION OF PARENTAGE:

- 1 • Authorization for a tribunal of the responding state to issue
2 support orders binding on an obligor over whom the tribunal
3 has personal jurisdiction.
- 4 • Proceeding to determine parentage.
- 5 ARTICLE 5 (SECTIONS 38-44) ENFORCEMENT OF SUPPORT ORDER
6 WITHOUT REGISTRATION:
- 7 • Recognition by the obligor's employer of a withholding
8 order issued by another state.
- 9 • Authorization for summary enforcement of support order
10 through any administrative means.
- 11 • Immunity for employer who complies with a withholding
12 order.
- 13 • Procedures for contesting the validity of an order.
- 14 ARTICLE 6 (SECTIONS 45-60) REGISTRATION, ENFORCEMENT, AND
15 MODIFICATION OF SUPPORT ORDER:
- 16 Part 1- (sections 45-48) registration for enforcement of support
17 orders:
- 18 • Procedures for the registration of a support order issued in
19 another state or a foreign support order for the purposes of
20 enforcement.
- 21 • Provides for choice of law.
- 22 Part 2 (sections 49-52) contest of validity or enforcement:
- 23 • Procedures to contest validity or enforcement of a registered
24 order.
- 25 • Confirmation of a support order which validates both the
26 terms of the order and the asserted arrearages.
- 27 Part 3 (sections 53-58) registration and modification of child
28 support order of another state:
- 29 • Requirements for registration of child support order.
- 30 • Modification of support orders of another state.
- 31 • Recognition of a modified order of another state.
- 32 Part 4 (sections 59-60) registration and modification of foreign
33 child support order of another state:
- 34 • Procedures for modification of a support order if a foreign
35 country lacks or refuses to exercise jurisdiction to modify a
36 support order.
- 37 • Procedure to register foreign support orders.
- 38 ARTICLE 7 (SECTIONS 61-73) SUPPORT PROCEEDINGS UNDER
39 CONVENTION:
- 40 • Relationship of the State IV-D agency to the United States
41 central authority.
- 42 • Initiation of support proceedings by the State IV-D agency.
- 43 • Procedures for direct requests.
- 44 • Registration of Convention support orders.
- 45 • Procedures for contesting of registered Convention support
46 order.

- 1 • Recognition and enforcement of registered Convention
- 2 support order.
- 3 • Allows for enforcement of any part of a Convention support
- 4 orders, if a tribunal of this State does not recognize and
- 5 enforce an order in its entirety.
- 6 • Recognition and enforcement of foreign support agreement.
- 7 • Provides for modification of convention child support order.
- 8 • Record filed may be in original language, and if not in
- 9 English, it must be accompanied by an English translation.
- 10 ARTICLE 8 (SECTIONS 74-75) INTERSTATE RENDITION:
- 11 • For extradition of an individual who is charged criminally
- 12 with having failed to provide for the support of an obligee.
- 13 • Conditions that a Governor may implement before making
- 14 the demand for an individual's surrender or before honoring
- 15 this type of demand.
- 16 ARTICLE 9 (SECTIONS 76-78) MISCELLANEOUS PROVISIONS:
- 17 • Uniformity of application and construction of the act.
- 18 • The provisions of this bill apply to proceedings begun on or
- 19 after the effective date of the act.
- 20 AMENDMENTS TO THE CURRENT LAW; REPEALER; EFFECTIVE DATE
- 21 (SECTIONS 79-82):
- 22 This bill also amends several provisions of the existing statutory
- 23 law to cross-reference the new “Uniform Interstate Family Support
- 24 Act” as set forth in the bill.
- 25 The bill repeals the 1998 version of UIFSA, sections 1 through
- 26 58 of P.L. 1998, c.2 (C.2A:4-30.65 through 2A:4-30.123).
- 27 This bill would take effect on April 1, 2016.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 995

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2016

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 995.

This bill enacts the new “Uniform Interstate Family Support Act,” (UIFSA) and repeals the existing “Uniform Interstate Family Support Act,” which was adopted in New Jersey as P.L.1998, c.2 (C.2A:4-30.65 et seq.). UIFSA provides uniform rules for the enforcement of family support orders.

General Background

Legislation passed by Congress in 2014, the “Preventing Sex Trafficking and Strengthening Families Act,” Public Law No.113-183, requires certain amendments to UIFSA be enacted in every jurisdiction by April 1, 2016 as a condition of continuing to receive federal funds for state child support programs. These amendments incorporate the provisions required by the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (“the Convention”), to which the United States is a signatory. The amendments to the Uniform Act were developed and approved by the Uniform Law Commission for adoption in all jurisdictions.

The bill repeals New Jersey’s 1998 version of UIFSA, sections 1 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through C.2A:4-30.123), and implements a new UIFSA which encompasses those amendments promulgated by the Uniform Law Commission. The bill provides guidelines and procedures for the registration, enforcement and modification of foreign support orders. It also establishes basic jurisdictional standards including continuing exclusive jurisdiction, rules for determining which state issues the controlling order in the event of proceedings in multiple jurisdictions, and rules for modifying support orders.

The most notable change is the addition of a new Article 7 to UIFSA. This article establishes guidelines and procedures for the registration, recognition, enforcement, and modification of foreign support orders of countries that are parties to the Convention. Article 7 provides that a party seeking recognition of a support order must register. Once registered, the tribunal notifies the parties and an

opportunity to challenge the order is provided. Unless grounds for denying recognition of the order are established, the order is enforced. Another change between the old and new UIFSA is the addition of a section concerning the conditions under which a tribunal has the authority to modify a spousal support order.

Bill Summary

The following provides a more detailed summary of the bill's provisions:

ARTICLE 1 (SECTIONS 1-5) GENERAL PROVISIONS:

- A definitional section which differs from the 1998 UIFSA statute by: (1) adding new definitions for: “convention,” “foreign country,” “Foreign Support Orders,” “Foreign Tribunal” and “Record”; (2) expanding the definition of “Obligor” to include a debtor in a proceeding under Article 7, described above; and (3) adding a new definition, providing that “State IV-D Agency” means the Department of Human Services (the State IV-D Agency/DHS and the Superior Court’s Probation Division would both be designated as the support enforcement agencies of this State).
- The Superior Court, Chancery Division, Family Part would be designated as the tribunal of this State.
- The procedures for establishment, enforcement, or modification of support or a determination of parentage under this act would not preclude the application of general State law.

ARTICLE 2 (SECTIONS 6-16) JURISDICTION:

- Provides the bases for jurisdiction over a nonresident for the purposes of establishing a support order or determining parentage.
- Describes the roles a tribunal may serve, either as an initiating or a responding tribunal.
- Presents procedures for addressing situations involving simultaneous proceedings occurring in this State and another state or a foreign country.
- Provides for continuing, exclusive jurisdiction by one tribunal (either this State’s court/tribunal or the tribunal of another state or a foreign country) over child and spousal support orders, and authorizes the initiation of requests for support order modification to the issuing tribunal with such continuing, exclusive jurisdiction – this results in the tribunals of the enacting states coordinating and adhering to a “one order at a time system.”
- Establishes priority scheme for recognition and enforcement of existing multiple orders regarding the same obligor, obligee, and child.

- Provides method to handle multiple orders involving two or more families of the same obligor by treating all the orders as if they had been issued by a tribunal of this State.
- Allows credit for actual payments made against all existing orders.

ARTICLE 3 (SECTIONS 17-35) CIVIL PROVISIONS OF GENERAL APPLICATION:

- Sets forth procedures for initiation of a proceeding by an individual or a support enforcement agency.
- Allows proceedings by minor parent.
- Insures efficient processing of interstate and intrastate support cases.
- Enumerates the duties and powers of an initiating tribunal of this State, in response to a petition filed, including forwarding the petition and accompanying documents to a responding tribunal or appropriate support enforcement agency in the responding state, issuing certificates and making findings required by the law of the responding state, and converting the support amount owed to an equivalent amount in a foreign country, if needed.
- Enumerates the duties and powers of the responding tribunal, such as ordering compliance with a support order, providing for income withholding, determining arrearages, issuing bench warrants and placing liens.
- Enumerates the duties of a support enforcement agency.
- Provides for the Attorney General to take appropriate action concerning neglect to provide services by a support enforcement agency. If the Probation Division is involved, then the Attorney General is required to apply for an order directing the division to perform its duties under the act. If the State IV-D agency is involved, then the Attorney General would directly order the agency to perform its duties. As an alternative to either action, the Attorney General may provide the services directly to the individual.
- Permits party to retain private counsel in an action. (Currently, the State IV-D agency may provide counsel in IV-D cases to the petitioner or support agency under certain circumstances.)
- Enumerates the duties of the State information agencies, being the Administrative Office of the Courts and the State IV-D Agency, including maintaining current lists of tribunals and support enforcement agencies located in other states, forwarding lists of this State's tribunals and support enforcement agencies to other states, and obtaining and sharing information on support obligors or their property within this State.

- Establishes the basic requirements for the drafting and filing of proceedings for seeking to establish a child support order, determine parentage of a child, or register and modify a support order of a tribunal of another state or a foreign country.
- Provides for nondisclosure of information in filings when the health, safety, or liberty of a party or child would be jeopardized. Such information would be sealed.
- Provides that assessment of filing fees and other costs would not be permitted against a petitioner; but provides for fees and other costs against a support obligor when the obligee prevails.
- Provides limited immunity to a petitioner participating in a proceeding before a tribunal, such that the petitioner's participation does not establish personal jurisdiction over the petitioner, nor does the petitioner's physical presence in a jurisdiction make the petitioner amenable to service of civil process in that jurisdiction, unless service is for an act unrelated to the proceeding, committed while physically present in the jurisdiction.
- Provides that party whose parentage of a child has been previously determined cannot plead nonparentage as a defense under the bill.
- Provides for applicable rules of evidence and procedure including privileges against disclosure of communications between spouses, and admission of voluntary acknowledgments of paternity to establish parentage of a child.
- Provides for communication between tribunals in order to expedite enforcement of a support order.
- Facilitates cooperation between tribunals in the discovery process to assist in obtaining discovery.
- Establishes prompt disbursement of any amounts received by a support enforcement agency pursuant to a support order.

ARTICLE 4 (SECTIONS 36-37) ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE:

- Authorizes a responding tribunal in this State to issue support orders binding on an obligor over whom the tribunal has personal jurisdiction.
- Authorizes State tribunal to serve as a responding tribunal in a proceeding to determine parentage.

ARTICLE 5 (SECTIONS 38-44) ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION:

- Provides for recognition by an obligor's employer of an income withholding order issued by another state.
- Authorizes summary enforcement of support order through any administrative means.

- Grants immunity for employer who complies with a withholding order.
- Establishes procedures for contesting the validity of a withholding order.

ARTICLE 6 (SECTIONS 45-60) REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER:

PART 1- (SECTIONS 45-48) REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDERS:

- Establishes procedures for the registration of a support order issued in another state or a foreign support order for the purposes of enforcement.
- Provides for choice of law, with the law of the support order's issuing state or foreign country generally governing actions.

PART 2- (SECTIONS 49-52) CONTEST OF VALIDITY OR ENFORCEMENT:

- Sets forth procedures to contest validity or enforcement of a registered order.
- Provides that confirmation of a registered support order, whether by operation of law or after notice and a hearing, precludes further contest of that order with respect to any matter that could have been asserted at the time of registration.

PART 3- (SECTIONS 53-58) REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE:

- Establishes requirements for registration of a child support order issued in another state for purposes of modification.
- Provides procedure for modification of support orders of another state.
- Provides procedure for recognizing support order issued by a tribunal of this State which is subsequently modified by a tribunal of another state that assumed jurisdiction.

PART 4- (SECTIONS 59-60) REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER:

- Establishes jurisdiction for a tribunal of this State to modify a support order of a foreign county, if that country lacks or refuses to exercise jurisdiction over the order.
- Provides procedure for registering, in accordance with the bill, foreign support orders that are not covered under the Convention, for purposes of modifying, or modifying and enforcing, such orders.

ARTICLE 7 (SECTIONS 61-73) SUPPORT PROCEEDINGS UNDER CONVENTION:

- This article only applies to a support proceeding concerning a foreign support order of a country that is a party to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, i.e., a "Convention support order."

- Recognizes the State IV-D Agency as the agency designated by the United States central authority (the Secretary of the United States Department of Health and Human Services) to perform specific functions under the Convention.
- Provides procedures to initiate support proceedings concerning a Convention support order by the State IV-D agency.
- Permits a petitioner to directly request establishment or modification of a Convention support order or determination of parentage of a child.
- Establishes procedure for registering Convention support orders and for contesting a registered Convention support order.
- Sets forth general requirement for a tribunal of this State to recognize and enforce a registered Convention support order.
- Allows for enforcement of any part of a Convention support order, if a tribunal of this State does not recognize and enforce an order in its entirety.
- Additionally provides for recognition and enforcement of a foreign support agreement, which is a support agreement in a form of record that (1) is enforceable as a support order in the country of origin; (2) has been: (a) formally drawn up or registered as an authentic instrument by a foreign tribunal; or (b) authenticated by, or concluded, registered, or filed with a foreign tribunal; and (c) may be reviewed and modified by a foreign tribunal; and (3) includes a maintenance arrangement or authentic instrument under the Convention.
- Provides that records to be filed with a tribunal of this State be in their original language, and if not in English, the filing must be accompanied by an English translation.

ARTICLE 8 (SECTIONS 74-75) INTERSTATE RENDITION:

- Establishes, upon request by another state's governor, extradition authority for the Governor concerning any individual in this State who is charged criminally in that other state for having failed to provide for the support of an obligee.
- Additionally establishes authority for the Governor to demand extradition, from another state's governor, of any individual in that other state who has been charged criminally in this State for having failed to provide for the support of an obligee.

ARTICLE 9 (SECTIONS 76-78) MISCELLANEOUS PROVISIONS:

- Requires consideration amongst the enacting states of the need to promote uniformity of application and construction of the act.
- Indicates that the provisions of the bill apply to proceedings begun on or after the effective date of the act, and that the bill would not affect pending actions, rights, duties, or liabilities

tied to the repealed version of the “Uniform Interstate Family Support Act,” or other previously repealed support acts; after the effect date, all such repealed laws would be treated as remaining in full force and effect for the purpose of sustaining any pending actions or rights filed prior to the effective date, as well as the enforcement of any rights, duties, or liabilities.

AMENDMENTS TO THE CURRENT LAW; REPEALER; EFFECTIVE DATE (SECTIONS 79-82):

- The bill amends several provisions of the existing statutory law to cross-reference the new “Uniform Interstate Family Support Act” as set forth in the bill.
- As previously indicated, the bill repeals the 1998 version of UIFSA, sections 1 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123).
- The bill would take effect on April 1, 2016.

The committee amendments to the bill:

- designate both the State IV-D Agency (Department of Human Services) and the Superior Court’s Probation Division as the support enforcement agencies of this State; the underlying bill only designated the Probation Division;

- designate both the Administrative Office of the Courts and the State IV-D Agency (DHS) as the State information agencies; the underlying bill only designated the Administrative Office of the Courts; and

- as described above, provide for the Attorney General to take appropriate action against a deficient support enforcement agency for neglecting to provide services to an individual, or otherwise present those services directly to the individual.

FISCAL NOTE
[First Reprint]
SENATE, No. 995
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: FEBRUARY 17, 2016

SUMMARY

Synopsis: Enacts new "Uniform Interstate Family Support Act"; repeals previous uniform law.

Type of Impact: Annual increases in federal fund revenue and State General Fund expenditures.

Agencies Affected: Judiciary,
Department of Human Services,
Department of Law and Public Safety.

Executive Estimate

Fiscal Impact	Annual
Federal Fund Revenue Increase	Up to \$430,000,000
State Cost Increase	Indeterminate – See comments below

- The Office of Legislative Services (OLS) **concurs** with the Executive and Judiciary estimates that the bill would result in indeterminate annual expenditure increases to the Judiciary and the Department of Law and Public Safety.
- Enactment of the bill would protect significant federal fund revenues by ensuring that the State is in compliance with federal law. Federal law requires the enactment of the bill's amendments by April 1, 2016 as a condition of continuing to receive federal funds for state child support programs. According to an informal estimate submitted by the Department of Human Services, the failure to pass the bill could potentially lower the State's annual federal TANF and IV-D fund revenue by up to \$430 million.

BILL DESCRIPTION

Senate Bill No. 995 (1R) of 2016 enacts the new "Uniform Interstate Family Support Act," (UIFSA) and repeals the existing "Uniform Interstate Family Support Act." UIFSA provides uniform rules for the enforcement of family support orders.

Legislation passed by Congress in 2014, the “Preventing Sex Trafficking and Strengthening Families Act,” Public Law No.113-183, requires certain amendments to UIFSA be enacted in every jurisdiction by April 1, 2016 as a condition of continuing to receive federal funds for state child support programs. These amendments incorporate the provisions required by the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (“the Convention”), to which the United States is a signatory. The amendments to the Uniform Act were developed and approved by the Uniform Law Commission for adoption in all jurisdictions.

The bill provides guidelines and procedures for the registration, enforcement and modification of foreign support orders. It also establishes basic jurisdictional standards, including continuing exclusive jurisdiction, rules for determining which state issues the controlling order in the event of proceedings in multiple jurisdictions, and rules for modifying support orders.

The most notable change is the addition of a new article to UIFSA that establishes guidelines and procedures for the registration, recognition, enforcement, and modification of foreign support orders of countries that are parties to the Convention. The article provides that a party seeking recognition of a support order must register. Once registered, the tribunal notifies the parties and an opportunity to challenge the order is provided. Unless grounds for denying recognition of the order are established, the order is enforced. Another change between the old and new UIFSA is the addition of a section concerning the conditions under which a tribunal has the authority to modify a spousal support order.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Human Services

The Department of Human Services indicated to the OLS in an informal statement that the failure to pass the bill could potentially lower the State’s annual federal TANF and IV-D fund revenue by up to \$430 million. This would be so because the federal “Preventing Sex Trafficking and Strengthening Families Act,” Public Law No.113-183, requires that certain amendments to UIFSA be enacted in every jurisdiction by April 1, 2016 as a condition of continuing to receive federal funds for state child support programs.

Administrative Office of the Courts

The Administrative Office of the Courts (AOC) states that the bill would result in recurring indeterminate increased Judiciary expenditures. The most significant impact to Judiciary resources is anticipated to be related to the bill’s establishment of new guidelines and procedures for the registration, enforcement, and modification of foreign support orders of countries that are parties to the Hague Convention on the International Recovery of Child Support and other forms of family maintenance.

The AOC is unable to determine the number of foreign support order filings that would be created under the bill and, by extension, the additional Judiciary expenditures that would result from any growth in the Judiciary’s caseload. However, the AOC points out that under U.S.C. Title 42, c.7, sub. IV, Part D, the current federal reimbursement rate for Title IV-D related expenditures is 66 percent with the 34 percent balance paid by the Judiciary as a State match.

Department of Law and Public Safety

Information obtained informally from the Department of Law and Public Safety indicates that the bill's impact would be indeterminate and would depend on whether the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive and Judiciary estimates that the bill would result in indeterminate annual expenditure increases to the Judiciary and the Department of Law and Public Safety. Moreover, the OLS concurs that the enactment of the bill would protect significant federal fund revenues by ensuring that the State is in compliance with federal law. Federal law requires the enactment of the bill's amendments by April 1, 2016 as a condition of continuing to receive federal funds for state child support programs. According to an informal estimate submitted by the Department of Human Services, the failure to pass the bill could potentially lower the State's annual federal TANF and IV-D funds by up to \$430 million.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 2373

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

SYNOPSIS

Enacts new "Uniform Interstate Family Support Act"; repeals previous uniform law.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning support proceedings, supplementing Title 2A of
2 the New Jersey Statutes, amending P.L.1996, c.7 and P.L.1998,
3 c.1 and repealing P.L.1998, c.2.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7 ARTICLE 1
8 GENERAL PROVISIONS

9
10 1. (New section) This act may be cited as the “Uniform
11 Interstate Family Support Act.”

12
13 2. (New section) Definitions.

14 As used in this act:

15 a. “Child” means an individual, whether over or under the age
16 of majority, who is or is alleged to be owed a duty of support by the
17 individual’s parent or who is or is alleged to be the beneficiary of a
18 support order directed to the parent.

19 b. “Child support order” means a support order for a child,
20 including a child who has attained the age of majority under the law
21 of the issuing state or foreign country.

22 c. “Convention” means the Convention on the International
23 Recovery of Child Support and Other Forms of Family
24 Maintenance, concluded at The Hague on November 23, 2007.

25 d. “Duty of support” means an obligation imposed or
26 imposable by law to provide support for a child, spouse, or former
27 spouse, including an unsatisfied obligation to provide support.

28 e. “Foreign country” means a country, including a political
29 subdivision thereof, other than the United States, that authorizes the
30 issuance of support orders and: (1) which has been declared under
31 the law of the United States to be a foreign reciprocating country;
32 (2) which has established a reciprocal arrangement for child support
33 with this State as provided in section 24 of this act; (3) which has
34 enacted a law or established procedures for the issuance and
35 enforcement of support orders which are substantially similar to the
36 procedures under this act; or (4) in which the Convention is in force
37 with respect to the United States.

38 f. “Foreign support order” means a support order of a foreign
39 tribunal.

40 g. “Foreign tribunal” means a court, administrative agency, or
41 quasi-judicial entity of a foreign country which is authorized to
42 establish, enforce, or modify support orders or to determine
43 parentage of a child. The term includes a competent authority under
44 the Convention.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 h. "Home state" means the state or foreign country in which a
2 child lived with a parent or a person acting as parent for at least six
3 consecutive months immediately preceding the time of filing of a
4 complaint or comparable pleading for support and, if a child is less
5 than six months old, the state or foreign country in which the child
6 lived from birth with any of them. A period of temporary absence of
7 any of them is counted as part of the six-month or other period.
- 8 i. "Income" includes earnings or other periodic entitlements to
9 money from any source and any other property subject to
10 withholding for support under the law of this State.
- 11 j. "Income-withholding order" means an order or other legal
12 process directed to an obligor's employer, as defined by the "New
13 Jersey Child Support Improvement Act," P.L.1998, c.1 (C.2A:17-
14 56.7a et al.), to withhold support from the income of the obligor.
- 15 k. "Initiating tribunal" means the tribunal of a state or foreign
16 country from which a petition or comparable pleading is forwarded
17 or in which a petition or comparable pleading is filed for
18 forwarding to another state or foreign country.
- 19 l. "Issuing foreign country" means the foreign country in
20 which a tribunal issues a support order or a judgment determining
21 parentage of a child.
- 22 m. "Issuing state" means the state in which a tribunal issues a
23 support order or a judgment determining parentage of a child.
- 24 n. "Issuing tribunal" means the tribunal of a state or foreign
25 country that issues a support order or a judgment determining
26 parentage of a child.
- 27 o. "Law" includes decisional and statutory law and rules and
28 regulations having the force of law.
- 29 p. "Obligee" means: (1) an individual to whom a duty of
30 support is or is alleged to be owed or in whose favor a support order
31 or a judgment determining parentage of a child has been issued; (2)
32 a foreign country, state, or political subdivision of a state to which
33 the rights under a duty of support or support order have been
34 assigned or which has independent claims based on financial
35 assistance provided to an individual obligee in place of child
36 support; (3) an individual seeking a judgment determining
37 parentage of the individual's child; or (4) a person that is a creditor
38 under Article 7 of this act (the Convention).
- 39 q. "Obligor" means an individual, or the estate of a decedent
40 that: (1) owes or is alleged to owe a duty of support; (2) is alleged
41 but has not been adjudicated to be a parent of a child; (3) is liable
42 under a support order; or (4) is a debtor in a proceeding under
43 Article 7 of this act (the Convention).
- 44 r. "Outside this State" means a location in another state or a
45 country other than the United States, whether or not the country is a
46 foreign country.
- 47 s. "Person" means an individual, corporation, business trust,
48 estate, trust, partnership, limited liability company, association,

- 1 joint venture, public corporation, government or governmental
2 subdivision, agency, or instrumentality, or any other legal or
3 commercial entity.
- 4 t. “Record” means information that is inscribed on a tangible
5 medium or that is stored in an electronic or other medium and is
6 retrievable in perceivable form.
- 7 u. “Register” means to file in a tribunal of this State a support
8 order or judgment determining parentage of a child issued in
9 another state or a foreign country.
- 10 v. “Registering tribunal” means a tribunal in which a support
11 order or judgment determining parentage of a child is registered.
- 12 w. “Responding state” means a state in which a petition or
13 comparable pleading for support or to determine parentage of a
14 child is filed or to which a petition or comparable pleading is
15 forwarded for filing from another state or a foreign country.
- 16 x. “Responding tribunal” means the authorized tribunal in a
17 responding state or foreign country.
- 18 y. “Spousal support order” means a support order for a spouse
19 or former spouse of the obligor.
- 20 z. “State” means a state of the United States, the District of
21 Columbia, Puerto Rico, the United States Virgin Islands, or any
22 territory or insular possession under the jurisdiction of the United
23 States. The term includes an Indian nation or tribe.
- 24 aa. “Support enforcement agency” means a public official,
25 governmental entity, or private agency authorized to: (1) seek
26 enforcement of support orders or laws relating to the duty of
27 support; (2) seek establishment or modification of child support; (3)
28 request determination of parentage of a child; (4) attempt to locate
29 obligors or their assets; or (5) request determination of the
30 controlling child support order.
- 31 bb. “Support order” means a judgment, decree, order, decision,
32 or directive, whether temporary, final, or subject to modification,
33 issued in a state or foreign country for the benefit of a child, a
34 spouse, or a former spouse, which provides for monetary support,
35 health care, arrearages, retroactive support, or reimbursement for
36 financial assistance provided to an individual obligee in place of
37 child support. The term may include related costs and fees, interest,
38 income withholding, automatic adjustment, reasonable attorney’s
39 fees, and other relief.
- 40 cc. “Tribunal” means a court, administrative agency, or quasi-
41 judicial entity authorized to establish, enforce, or modify support
42 orders or to determine parentage of a child.
- 43
- 44 3. (New section) State tribunal and support enforcement
45 agency.
- 46 a. The Superior Court, Chancery Division, Family Part is the
47 tribunal of this State.

- 1 b. The Probation Division of the Superior Court is the support
2 enforcement agencies of this State.
- 3 c. The Department of Human Services is the State IV-D
4 Agency.
- 5
- 6 4. (New section) Remedies cumulative.
- 7 a. Remedies provided by this act are cumulative and do not
8 affect the availability of remedies under other law or the recognition
9 of a foreign support order on the basis of comity.
- 10 b. This act does not:
- 11 (1) provide the exclusive method of establishing or enforcing a
12 support order under the law of this State; or
- 13 (2) grant a tribunal of this State jurisdiction to render judgment
14 or issue an order relating to child custody or visitation in a
15 proceeding under this act.
- 16
- 17 5. (New section) Application of act to resident of foreign
18 country and foreign support proceeding.
- 19 a. A tribunal of this State shall apply Articles 1 through 6 of
20 this act and, as applicable, Article 7 of this act, to a support
21 proceeding involving:
- 22 (1) a foreign support order;
- 23 (2) a foreign tribunal; or
- 24 (3) an obligee, obligor, or child residing in a foreign country.
- 25 b. A tribunal of this State that is requested to recognize and
26 enforce a support order on the basis of comity may apply the
27 procedural and substantive provisions of Articles 1 through 6 of this
28 act.
- 29 c. Article 7 applies only to a support proceeding under the
30 Convention. In such a proceeding, if a provision of Article 7 of this
31 act is inconsistent with Article 1 through 6 of this act, Article 7 of
32 this act controls.

33

34 ARTICLE 2

35 JURISDICTION

36

- 37 6. (New section) Bases for jurisdiction over nonresident.
- 38 a. In a proceeding to establish or enforce a support order or to
39 determine parentage of a child, a tribunal of this State may exercise
40 personal jurisdiction over a nonresident individual or the
41 individual's guardian or conservator if:
- 42 (1) the individual is personally served with a summons or notice
43 within this State;
- 44 (2) the individual submits to the jurisdiction of this State by
45 consent in a record, by entering a general appearance, or by filing a
46 responsive document having the effect of waiving any contest to
47 personal jurisdiction;
- 48 (3) the individual resided with the child in this State;

1 (4) the individual resided in this State and provided prenatal
2 expenses or support for the child;

3 (5) the child resides in this State as a result of the acts or
4 directives of the individual;

5 (6) the individual engaged in sexual intercourse in this State and
6 the child may have been conceived by that act of intercourse;

7 (7) there is any other basis consistent with the constitutions of
8 this State and the United States for the exercise of personal
9 jurisdiction.

10 b. The bases of personal jurisdiction set forth in subsection a.
11 or in any other law of this State may not be used to acquire personal
12 jurisdiction for a tribunal of this State to modify a child support
13 order of another state unless the requirements of section 55 are met,
14 or, in the case of a foreign support order, unless the requirements of
15 section 59 are met.

16

17 7. (New section) Duration of personal jurisdiction.

18 Personal jurisdiction acquired by a tribunal of this State in a
19 proceeding under this act or other law of this State relating to a
20 support order continues as long as a tribunal of this State has
21 continuing, exclusive jurisdiction to modify its order or continuing
22 jurisdiction to enforce its order as provided by sections 10, 11 and
23 16 of this act.

24

25 8. (New section) Initiating and responding tribunal of state.

26 Under this act, a tribunal of this State may serve as an initiating
27 tribunal to forward proceedings to a tribunal of another state, and as
28 a responding tribunal for proceedings initiated in another state or a
29 foreign country.

30

31 9. (New section) Simultaneous proceedings.

32 a. A tribunal of this State may exercise jurisdiction to establish
33 a support order if the petition or comparable pleading is filed after a
34 pleading is filed in another state or a foreign country only if:

35 (1) the petition or comparable pleading in this State is filed
36 before the expiration of the time allowed in the other state or the
37 foreign country for filing a responsive pleading challenging the
38 exercise of jurisdiction by the other state or the foreign country;

39 (2) the contesting party timely challenges the exercise of
40 jurisdiction in the other state or the foreign country; and

41 (3) if relevant, this State is the home state of the child.

42 b. A tribunal of this State may not exercise jurisdiction to
43 establish a support order if the petition or comparable pleading is
44 filed before a petition or comparable pleading is filed in another
45 state or a foreign country if:

46 (1) the petition or comparable pleading in the other state or
47 foreign country is filed before the expiration of the time allowed in

1 this State for filing a responsive pleading challenging the exercise
2 of jurisdiction by this State;

3 (2) the contesting party timely challenges the exercise of
4 jurisdiction in this State; and

5 (3) if relevant, the other state or foreign country is the home
6 state of the child.

7

8 10. (New section) Continuing, exclusive jurisdiction to modify
9 child support order.

10 a. A tribunal of this State that has issued a child support order
11 consistent with the law of this State has and shall exercise
12 continuing, exclusive jurisdiction to modify its child support order
13 if the order is the controlling order and:

14 (1) at the time of the filing of a request for modification this
15 State is the residence of the obligor, the individual obligee, or the
16 child for whose benefit the support order is issued; or

17 (2) even if this State is not the residence of the obligor, the
18 individual obligee, or the child for whose benefit the support order
19 is issued, the parties consent in a record or in open court that the
20 tribunal of this State may continue to exercise jurisdiction to modify
21 its order.

22 b. A tribunal of this State that has issued a child support order
23 consistent with the law of this State may not exercise continuing,
24 exclusive jurisdiction to modify the order if:

25 (1) all of the parties who are individuals file consent in a record
26 with the tribunal of this State that a tribunal of another state that has
27 jurisdiction over at least one of the parties who is an individual or
28 that is located in the state of residence of the child may modify the
29 order and assume continuing, exclusive jurisdiction; or

30 (2) its order is not the controlling order.

31 c. If a tribunal of another state has issued a child support order
32 pursuant to the "Uniform Interstate Family Support Act,"
33 P.L. , c. (C.) (pending before the Legislature as this bill) or
34 a law substantially similar to that act which modifies a child support
35 order of a tribunal of this State, tribunals of this State shall
36 recognize the continuing, exclusive jurisdiction of the tribunal of
37 the other state.

38 d. A tribunal of this State that lacks continuing, exclusive
39 jurisdiction to modify a child support order may serve as an
40 initiating tribunal to request a tribunal of another state to modify a
41 support order issued in that state.

42 e. A temporary support order issued ex parte or pending
43 resolution of a jurisdictional conflict does not create continuing,
44 exclusive jurisdiction in the issuing tribunal.

45

46 11. (New section) Continuing jurisdiction to enforce child
47 support order.

1 a. A tribunal of this State that has issued a child support order
2 consistent with the law of this State may serve as an initiating
3 tribunal to request a tribunal of another state to enforce:

4 (1) the order if the order is the controlling order and has not
5 been modified by a tribunal of another state that assumed
6 jurisdiction pursuant to the “Uniform Interstate Family Support
7 Act,” P.L. , c. (C.) (pending before the Legislature as this
8 bill); or

9 (2) a money judgment for arrears of support and interest on the
10 order accrued before a determination that an order of a tribunal of
11 another state is the controlling order.

12 b. A tribunal of this State having continuing jurisdiction over a
13 support order may act as a responding tribunal to enforce the order.
14

15 12. (New section) Determination of controlling child support
16 order.

17 a. If a proceeding is brought under this act and only one
18 tribunal has issued a child support order, the order of that tribunal
19 controls and shall be recognized.

20 b. If a proceeding is brought under this act, and two or more
21 child support orders have been issued by tribunals of this State,
22 another state, or a foreign country with regard to the same obligor
23 and same child, a tribunal of this State having personal jurisdiction
24 over both the obligor and individual obligee shall apply the
25 following rules and by order shall determine which order controls
26 and shall be recognized:

27 (1) If only one of the tribunals would have continuing, exclusive
28 jurisdiction under this act, the order of that tribunal controls.

29 (2) If more than one of the tribunals would have continuing,
30 exclusive jurisdiction under this act:

31 (a) an order issued by a tribunal in the current home state of the
32 child controls; or

33 (b) if an order has not been issued in the current home state of
34 the child, the order most recently issued controls.

35 (3) If none of the tribunals would have continuing, exclusive
36 jurisdiction under this act, the tribunal of this State shall issue a
37 child support order, which controls.

38 c. If two or more child support orders have been issued for the
39 same obligor and same child, upon request of a party who is an
40 individual or that is a support enforcement agency, a tribunal of this
41 State having personal jurisdiction over both the obligor and the
42 obligee who is an individual shall determine which order controls
43 under subsection b. The request may be filed with a registration for
44 enforcement or registration for modification pursuant to Article 6 of
45 this act, or may be filed as a separate proceeding.

46 d. A request to determine which is the controlling order shall
47 be accompanied by a copy of every child support order in effect and
48 the applicable record of payments. The requesting party shall give

1 notice of the request to each party whose rights may be affected by
2 the determination.

3 e. The tribunal that issued the controlling order under
4 subsection a., b., or c. of this section has continuing jurisdiction to
5 the extent provided in sections 10 or 11 of this act.

6 f. A tribunal of this State that determines by order which is the
7 controlling order under paragraphs (1) or (2) of subsection b. or
8 subsection c. of this section, or that issues a new controlling order
9 under paragraph (3) of subsection b. of this section, shall state in
10 that order:

11 (1) the basis upon which the tribunal made its determination;

12 (2) the amount of prospective support, if any; and

13 (3) the total amount of consolidated arrears and accrued interest,
14 if any, under all of the orders after all payments made are credited
15 as provided by section 14 of this act .

16 g. Within 30 days after issuance of an order determining which
17 is the controlling order, the party obtaining the order shall file a
18 certified copy of it in each tribunal that issued or registered an
19 earlier order of child support. A party or support enforcement
20 agency obtaining the order that fails to file a certified copy is
21 subject to appropriate sanctions by a tribunal in which the issue of
22 failure to file arises. The failure to file does not affect the validity
23 or enforceability of the controlling order.

24 h. An order that has been determined to be the controlling
25 order, or a judgment for consolidated arrears of support and interest,
26 if any, made pursuant to this section shall be recognized in
27 proceedings under this act.

28

29 13. (New section) Child support orders for two or more
30 obligees.

31 In responding to registrations or petitions for enforcement of two
32 or more child support orders in effect at the same time with regard
33 to the same obligor and different individual obligees, at least one of
34 which was issued by a tribunal of another state or a foreign country,
35 a tribunal of this State shall enforce those orders in the same
36 manner as if the orders had been issued by a tribunal of this State.

37

38 14. (New section) Credit for payments.

39 A tribunal of this State shall credit amounts collected for a
40 particular period pursuant to any child support order against the
41 amounts owed for the same period under any other child support
42 order for support of the same child issued by a tribunal of this State,
43 another state, or a foreign country.

44

45 15. (New section) Application of act to nonresident subject to
46 personal jurisdiction.

47 A tribunal of this State exercising personal jurisdiction over a
48 nonresident in a proceeding under this act, under other law of this

1 State relating to a support order, or recognizing a foreign support
2 order may receive evidence from outside this State pursuant to
3 section 32 of this act, communicate with a tribunal outside this State
4 pursuant to section 33 of this act, and obtain discovery through a
5 tribunal outside this State pursuant to section 34 of this act. In all
6 other respects, Articles 3 through 6 do not apply, and the tribunal
7 shall apply the procedural and substantive law of this State.

8
9 16. (New section) Continuing, exclusive jurisdiction to modify
10 spousal support order.

11 a. A tribunal of this State issuing a spousal support order
12 consistent with the law of this State has continuing, exclusive
13 jurisdiction to modify the spousal support order throughout the
14 existence of the support obligation.

15 b. A tribunal of this State may not modify a spousal support
16 order issued by a tribunal of another state or a foreign country
17 having continuing, exclusive jurisdiction over that order under the
18 law of that state or foreign country.

19 c. A tribunal of this State that has continuing, exclusive
20 jurisdiction over a spousal support order may serve as:

21 (1) an initiating tribunal to request a tribunal of another state to
22 enforce the spousal support order issued in this State; or

23 (2) a responding tribunal to enforce or modify its own spousal
24 support order.

25
26 ARTICLE 3

27 CIVIL PROVISIONS OF GENERAL APPLICATION

28
29 17. (New section) Proceedings under act.

30 a. Except as otherwise provided in this act, this article applies
31 to all proceedings under this act.

32 b. An individual petitioner or a support enforcement agency
33 may initiate a proceeding authorized under this act by filing a
34 petition in an initiating tribunal for forwarding to a responding
35 tribunal or by filing a petition or a comparable pleading directly in a
36 tribunal of another state or a foreign country which has or can
37 obtain personal jurisdiction over the respondent.

38
39 18. (New section) Proceeding by minor parent.

40 A minor parent, or a guardian or other legal representative of a
41 minor parent, may maintain a proceeding on behalf of or for the
42 benefit of the minor's child.

43
44 19. (New section) Application of law of State.

45 Except as otherwise provided in this act, a responding tribunal of
46 this State shall:

47 a. apply the procedural and substantive law generally
48 applicable to similar proceedings originating in this State and may

1 exercise all powers and provide all remedies available in those
2 proceedings; and

3 b. determine the duty of support and the amount payable in
4 accordance with the law and support guidelines of this State.

5

6 20. (New section) Duties of initiating tribunal.

7 a. Upon the filing of a petition authorized by this act, an
8 initiating tribunal of this State shall forward the petition and its
9 accompanying documents:

10 (1) to the responding tribunal or appropriate support
11 enforcement agency in the responding state; or

12 (2) if the identity of the responding tribunal is unknown, to the
13 state information agency of the responding state with a request that
14 they be forwarded to the appropriate tribunal and that receipt be
15 acknowledged.

16 b. If requested by the responding tribunal, a tribunal of this
17 State shall issue a certificate or other document and make findings
18 required by the law of the responding state. If the responding
19 tribunal is in a foreign country, upon request the tribunal of this
20 State shall specify the amount of support sought, convert that
21 amount into the equivalent amount in the foreign currency under
22 applicable official or market exchange rate as publicly reported, and
23 provide any other documents necessary to satisfy the requirements
24 of the responding foreign tribunal.

25

26 21. (New section) Duties and powers of responding tribunal.

27 a. When a responding tribunal of this State receives a petition
28 or comparable pleading from an initiating tribunal or directly
29 pursuant to subsection b. of section 17 of this act, it shall cause the
30 petition or pleading to be filed and notify the petitioner where and
31 when it was filed.

32 b. A responding tribunal of this State, to the extent not
33 prohibited by other law, may do one or more of the following:

34 (1) establish or enforce a support order, modify a child support
35 order, determine the controlling child support order, or determine
36 parentage of a child;

37 (2) order an obligor to comply with a support order, specifying
38 the amount and the manner of compliance;

39 (3) order income withholding;

40 (4) determine the amount of any arrearages, and specify a
41 method of payment;

42 (5) enforce orders by civil or criminal contempt, or both;

43 (6) set aside property for satisfaction of the support order;

44 (7) place liens and order execution on the obligor's property;

45 (8) order an obligor to keep the tribunal informed of the
46 obligor's current residential address, electronic-mail address,
47 telephone number, employer, address of employment, and telephone
48 number at the place of employment;

1 (9) issue a bench warrant for an obligor who has failed after
2 proper notice to appear at a hearing ordered by the tribunal and
3 enter the bench warrant in any local and state computer systems for
4 criminal warrants;

5 (10) order the obligor to seek appropriate employment by
6 specified methods;

7 (11) award reasonable attorney's fees and other fees and costs;
8 and

9 (12) grant any other available remedy.

10 c. A responding tribunal of this State shall include in a support
11 order issued under this act, or in the documents accompanying the
12 order, the calculations on which the support order is based.

13 d. A responding tribunal of this State may not condition the
14 payment of a support order issued under this act upon compliance
15 by a party with provisions for visitation.

16 e. If a responding tribunal of this State issues an order under
17 this act, the tribunal shall send a copy of the order to the petitioner
18 and the respondent and to the initiating tribunal, if any.

19 f. If requested to enforce a support order, arrears, or judgment
20 or modify a support order stated in a foreign currency, a responding
21 tribunal of this State shall convert the amount stated in the foreign
22 currency to the equivalent amount in dollars under the applicable
23 official or market exchange rate as publicly reported.

24

25 22. (New section) Inappropriate tribunal.

26 If a petition or comparable pleading is received by an
27 inappropriate tribunal of this State, the tribunal shall forward the
28 pleading and accompanying documents to an appropriate tribunal of
29 this State or another state and notify the petitioner where and when
30 the pleading was sent.

31

32 23. (New section) Duties of support enforcement agency.

33 a. In a proceeding under this act, a support enforcement agency
34 of this State, upon request:

35 (1) shall provide services to a petitioner residing in a state;

36 (2) shall provide services to a petitioner requesting services
37 through a central authority of a foreign country as described in
38 paragraph (1) or (4) of subsection e. of section 2 of this act; and

39 (3) may provide services to a petitioner who is an individual not
40 residing in a state.

41 b. A support enforcement agency of this State that is providing
42 services to the petitioner shall:

43 (1) take all steps necessary to enable an appropriate tribunal of
44 this State, another state, or a foreign country to obtain jurisdiction
45 over the respondent;

46 (2) request an appropriate tribunal to set a date, time, and place
47 for a hearing;

1 (3) make a reasonable effort to obtain all relevant information,
2 including information as to income and property of the parties;

3 (4) within two days, exclusive of Saturdays, Sundays, and legal
4 holidays, after receipt of notice in a record from an initiating,
5 responding, or registering tribunal, send a copy of the notice to the
6 petitioner;

7 (5) within two days, exclusive of Saturdays, Sundays, and legal
8 holidays, after receipt of communication in a record from the
9 respondent or the respondent's attorney, send a copy of the
10 communication to the petitioner; and

11 (6) notify the petitioner if jurisdiction over the respondent
12 cannot be obtained.

13 c. A support enforcement agency of this State that requests
14 registration of a child support order in this State for enforcement or
15 for modification shall make reasonable efforts:

16 (1) to ensure that the order to be registered is the controlling
17 order; or

18 (2) if two or more child support orders exist and the identity of
19 the controlling order has not been determined, to ensure that a
20 request for such a determination is made in a tribunal having
21 jurisdiction to do so.

22 d. A support enforcement agency of this State that requests
23 registration and enforcement of a support order, arrears, or
24 judgment stated in a foreign currency shall convert the amounts
25 stated in the foreign currency into the equivalent amounts in dollars
26 under the applicable official or market exchange rate as publicly
27 reported.

28 e. A support enforcement agency of this State shall request a
29 tribunal of this State to issue a child support order and an income-
30 withholding order that redirect payment of current support, arrears,
31 and interest if requested to do so by a support enforcement agency
32 of another state pursuant to section 35 of this act.

33 f. This act does not create or negate a relationship of attorney
34 and client or other fiduciary relationship between a support
35 enforcement agency or the attorney for the agency and the
36 individual being assisted by the agency.

37

38 24. (New section) Duty of the Attorney General.

39 a. If the Attorney General determines that the support
40 enforcement agency is neglecting or refusing to provide services to
41 an individual, the Attorney General may apply to the Superior Court
42 for an order directing the Probation Division to perform its duties
43 under this act or may provide those services directly to the
44 individual.

45 b. The Attorney General may determine that a foreign country
46 has established a reciprocal arrangement for child support with this
47 State and take appropriate action for notification of the
48 determination.

1 25. (New section) Private Counsel.

2 An individual may employ private counsel to represent the
3 individual in proceedings authorized by this act.

4

5 26. (New section) Duties of State Information Agency.

6 a. The Administrative Office of the Courts is the State
7 information agency under this act.

8 b. The State information agency shall:

9 (1) compile and maintain a current list, including addresses, of
10 the tribunals in this State which have jurisdiction under this act and
11 any support enforcement agencies in this State and transmit a copy
12 to the state information agency of every other state;

13 (2) maintain a register of names and addresses of tribunals and
14 support enforcement agencies received from other states;

15 (3) forward to the appropriate tribunal in the county in this State
16 in which the obligee who is an individual or the obligor resides, or
17 in which the obligor's property is believed to be located, all
18 documents concerning a proceeding under this act received from
19 another state or a foreign country; and

20 (4) obtain information concerning the location of the obligor
21 and the obligor's property within this State not exempt from
22 execution, by such means as postal verification and federal or state
23 locator services, examination of telephone directories, requests for
24 the obligor's address from employers, and examination of
25 governmental records, including, to the extent not prohibited by
26 other law, those relating to real property, vital statistics, law
27 enforcement, taxation, motor vehicles, driver's licenses, and social
28 security.

29

30 27. (New section) Pleadings and accompanying documents.

31 a. In a proceeding under this act, a petitioner seeking to
32 establish a support order, to determine parentage of a child, or to
33 register and modify a support order of a tribunal of another state or
34 a foreign country shall file a petition. Unless otherwise ordered
35 under section 28 of this act, the petition or accompanying
36 documents shall provide, so far as known, the name, residential
37 address, and social security numbers of the obligor and the obligee
38 or the parent and alleged parent, and the name, sex, residential
39 address, social security number, and date of birth of each child for
40 whose benefit support is sought or whose parentage is to be
41 determined. Unless filed at the time of registration, the petition
42 shall be accompanied by a copy of any support order known to have
43 been issued by another tribunal. The petition may include any other
44 information that may assist in locating or identifying the
45 respondent.

46 b. The petition shall specify the relief sought. The petition and
47 accompanying documents shall conform substantially with the

1 requirements imposed by the forms mandated by federal law for use
2 in cases filed by a support enforcement agency.

3

4 28. (New section) Nondisclosure of information in exceptional
5 circumstances.

6 If a party alleges in an affidavit or a pleading under oath that the
7 health, safety, or liberty of a party or child would be jeopardized by
8 disclosure of specific identifying information, that information shall
9 be sealed and may not be disclosed to the other party or the public.
10 After a hearing in which a tribunal takes into consideration the
11 health, safety, or liberty of the party or child, the tribunal may order
12 disclosure of information that the tribunal determines to be in the
13 interest of justice.

14

15 29. (New section) Costs and fees.

16 a. The petitioner shall not be required to pay a filing fee or
17 other costs.

18 b. If an obligee prevails, a responding tribunal of this State
19 may assess against an obligor filing fees, reasonable attorney's fees,
20 other costs, and necessary travel and other reasonable expenses
21 incurred by the obligee and the obligee's witnesses. The tribunal
22 may not assess fees, costs, or expenses against the obligee or the
23 support enforcement agency of either the initiating or responding
24 state or foreign country, except as provided by other law.
25 Attorney's fees may be taxed as costs, and may be ordered paid
26 directly to the attorney, who may enforce the order in the attorney's
27 own name. Payment of support owed to the obligee has priority
28 over fees, costs, and expenses.

29 c. The tribunal shall order the payment of costs and reasonable
30 attorney's fees if it determines that a hearing was requested
31 primarily for delay. In a proceeding under Article 6, a hearing is
32 presumed to have been requested primarily for delay if a registered
33 support order is confirmed or enforced without change.

34

35 30. (New section) Limited immunity of petitioner.

36 a. Participation by a petitioner in a proceeding under this act
37 before a responding tribunal, whether in person, by private attorney,
38 or through services provided by the support enforcement agency,
39 does not confer personal jurisdiction over the petitioner in another
40 proceeding.

41 b. A petitioner is not amenable to service of civil process while
42 physically present in this State to participate in a proceeding under
43 this act.

44 c. The immunity granted by this section does not extend to
45 civil litigation based on acts unrelated to a proceeding under this act
46 committed by a party while physically present in this State to
47 participate in the proceeding.

1 31. (New section) Nonparentage as defense.

2 A party whose parentage of a child has been previously
3 determined by or pursuant to law may not plead nonparentage as a
4 defense to a proceeding under this act.

5

6 32. (New section) Special rules of evidence and procedure.

7 a. The physical presence of a nonresident party who is an
8 individual in a tribunal of this State is not required for the
9 establishment, enforcement, or modification of a support order or
10 the rendition of a judgment determining parentage of a child.

11 b. An affidavit, a document substantially complying with
12 federally mandated forms, or a document incorporated by reference
13 in any of them, which would not be excluded under the hearsay rule
14 if given in person, is admissible in evidence if given under penalty
15 of perjury by a party or witness residing outside this State.

16 c. A copy of the record of child support payments certified as a
17 true copy of the original by the custodian of the record may be
18 forwarded to a responding tribunal. The copy is evidence of facts
19 asserted in it, and is admissible to show whether payments were
20 made.

21 d. Copies of bills for testing for parentage of a child, and for
22 prenatal and postnatal health care of the mother and child, furnished
23 to the adverse party at least 10 days before trial, are admissible in
24 evidence to prove the amount of the charges billed and that the
25 charges were reasonable, necessary, and customary.

26 e. Documentary evidence transmitted from outside this State to
27 a tribunal of this State by telephone, telecopier, or other electronic
28 means that do not provide an original record may not be excluded
29 from evidence on an objection based on the means of transmission.

30 f. In a proceeding under this act, a tribunal of this State shall
31 permit a party or witness residing outside this State to be deposed or
32 to testify under penalty of perjury by telephone, audiovisual means,
33 or other electronic means at a designated tribunal or other location.
34 A tribunal of this State shall cooperate with other tribunals in
35 designating an appropriate location for the deposition or testimony.

36 g. If a party called to testify at a civil hearing refuses to answer
37 on the ground that the testimony may be self-incriminating, the trier
38 of fact may draw an adverse inference from the refusal.

39 h. A privilege against disclosure of communications between
40 spouses does not apply in a proceeding under this act.

41 i. The defense of immunity based on the relationship of
42 husband and wife or parent and child does not apply in a proceeding
43 under this act.

44 j. A voluntary acknowledgment of paternity, certified as a true
45 copy, is admissible to establish parentage of the child.

46

47 33. (New section) Communications between tribunals

1 A tribunal of this State may communicate with a tribunal outside
2 this State in a record or by telephone, electronic mail, or other
3 means, to obtain information concerning the laws, the legal effect of
4 a judgment, decree, or order of that tribunal, and the status of a
5 proceeding. A tribunal of this State may furnish similar information
6 by similar means to a tribunal outside this State.

7
8 34. (New section) Assistance with discovery.

9 A tribunal of this State may:

10 a. request a tribunal outside this State to assist in obtaining
11 discovery; and

12 b. upon request, compel a person over which it has jurisdiction
13 to respond to a discovery order issued by a tribunal outside this
14 State.

15
16 35. (New section) Receipt and disbursement of payments.

17 a. A support enforcement agency or tribunal of this State shall
18 disburse promptly any amounts received pursuant to a support
19 order, as directed by the order. The agency or tribunal shall furnish
20 to a requesting party or tribunal of another state or a foreign country
21 a certified statement by the custodian of the record of the amounts
22 and dates of all payments received.

23 b. If neither the obligor, nor the obligee who is an individual, nor
24 the child resides in this State, upon request from the support
25 enforcement agency of this State or another state or a tribunal of
26 this State shall:

27 (1) direct that the support payment be made to the support
28 enforcement agency in the State in which the obligee is receiving
29 services; and

30 (2) issue and send to the obligor's employer a conforming
31 income-withholding order or an administrative notice of change of
32 payee, reflecting the redirected payments.

33 c. The support enforcement agency of this State receiving
34 redirected payments from another state pursuant to a law similar to
35 subsection b. of this section shall furnish to a requesting party or
36 tribunal of the other state a certified statement by the custodian of
37 the record of the amount and dates of all payments received.

38
39 ARTICLE 4

40 ESTABLISHMENT OF SUPPORT ORDER OR
41 DETERMINATION OF PARENTAGE

42
43 36. (New section) Establishment of support order.

44 a. If a support order entitled to recognition under this act has
45 not been issued, a responding tribunal of this State with personal
46 jurisdiction over the parties may issue a support order if:

47 (1) the individual seeking the order resides outside this State; or

1 (2) the support enforcement agency seeking the order is located
2 outside this State.

3 b. The tribunal may issue a temporary child support order if the
4 tribunal determines that such an order is appropriate and the
5 individual ordered to pay is:

6 (1) a presumed father of the child;

7 (2) petitioning to have his paternity adjudicated;

8 (3) identified as the father of the child through genetic testing;

9 (4) an alleged father who has declined to submit to genetic
10 testing;

11 (5) shown by clear and convincing evidence to be the father of
12 the child;

13 (6) an acknowledged father as provided by law;

14 (7) the mother of the child; or

15 (8) an individual who has been ordered to pay child support in a
16 previous proceeding and the order has not been reversed or vacated.

17 c. Upon finding, after notice and opportunity to be heard, that
18 an obligor owes a duty of support, the tribunal shall issue a support
19 order directed to the obligor and may issue other orders pursuant to
20 section 21 of this act.

21

22 37. (New section) Proceeding to determine parentage.

23 A tribunal of this State authorized to determine parentage of a
24 child may serve as a responding tribunal in a proceeding to
25 determine parentage of a child brought under this act or a law or
26 procedure substantially similar to this act.

27

28 ARTICLE 5

29 ENFORCEMENT OF SUPPORT ORDER WITHOUT 30 REGISTRATION

31

32 38. (New section) Employer's receipt of income withholding
33 order of another state.

34 An income-withholding order issued in another state may be sent
35 by or on behalf of the obligee, or by the support enforcement
36 agency, to the person defined as the obligor's employer under
37 P.L.1998, c.1 (C.2A:17-56.7a et al.) without first filing a petition or
38 comparable pleading or registering the order with a tribunal of this
39 State.

40

41 39. (New section) Employer's compliance with income
42 withholding order of another state.

43 a. Upon receipt of an income-withholding order, the obligor's
44 employer shall immediately provide a copy of the order to the
45 obligor.

46 b. The employer shall treat an income-withholding order issued
47 in another state which appears regular on its face as if it had been
48 issued by a tribunal of this State.

1 c. Except as otherwise provided in subsection d. of this section
2 and section 40 of this act, the employer shall withhold and
3 distribute the funds as directed in the withholding order by
4 complying with terms of the order which specify:

5 (1) the duration and amount of periodic payments of current
6 child support, stated as a sum certain;

7 (2) the person designated to receive payments and the address to
8 which the payments are to be forwarded;

9 (3) medical support, whether in the form of periodic cash
10 payment, stated as a sum certain, or ordering the obligor to provide
11 health insurance coverage for the child under a policy available
12 through the obligor's employment;

13 (4) the amount of periodic payments of fees and costs for a
14 support enforcement agency, the issuing tribunal, and the obligee's
15 attorney, stated as sums certain; and

16 (5) the amount of periodic payments of arrearages and interest
17 on arrearages, stated as sums certain.

18 d. An employer shall comply with the law of the state of the
19 obligor's principal place of employment for withholding from
20 income with respect to:

21 (1) the employer's fee for processing an income-withholding
22 order;

23 (2) the maximum amount permitted to be withheld from the
24 obligor's income; and

25 (3) the times within which the employer shall implement the
26 withholding order and forward the child support payment.

27

28 40. (New section) Employers compliance with two or more
29 income withholding orders.

30 If an obligor's employer receives two or more income-
31 withholding orders with respect to the earnings of the same obligor,
32 the employer satisfies the terms of the orders if the employer
33 complies with the law of the state of the obligor's principal place of
34 employment to establish the priorities for withholding and
35 allocating income withheld for two or more child support obligees.

36

37 41. (New section) Immunity from civil liability.

38 An employer that complies with an income-withholding order
39 issued in another state in accordance with this article is not subject
40 to civil liability to an individual or agency with regard to the
41 employer's withholding of child support from the obligor's income.

42

43 42. (New section) Penalties for noncompliance.

44 An employer who willfully fails to comply with an income-
45 withholding order issued in another state and received for
46 enforcement is subject to the same penalties that may be imposed
47 for noncompliance with an order issued by a tribunal of this State.

1 43. (New section) Contest by obligor.

2 a. An obligor may contest the validity or enforcement of an
3 income-withholding order issued in another state and received
4 directly by an employer in this State by registering the order in a
5 tribunal of this State and filing a contest to that order as provided in
6 Article 6 of this act, or otherwise contesting the order in the same
7 manner as if the order had been issued by a tribunal of this State.

8 b. The obligor shall give notice of the contest to:

9 (1) a support enforcement agency providing services to the
10 obligee;

11 (2) each employer that has directly received an income-
12 withholding order relating to the obligor; and

13 (3) the person designated to receive payments in the income-
14 withholding order or, if no person is designated, to the obligee.

15

16 44. (New section) Administrative enforcement of orders.

17 a. A party or support enforcement agency seeking to enforce a
18 support order or an income-withholding order, or both, issued in
19 another state or a foreign support order may send the documents
20 required for registering the order to a support enforcement agency
21 of this State.

22 b. Upon receipt of the documents, the support enforcement
23 agency, without initially seeking to register the order, shall consider
24 and, if appropriate, use any administrative procedure authorized by
25 the law of this State to enforce a support order or an income-
26 withholding order, or both. If the obligor does not contest
27 administrative enforcement, the order need not be registered. If the
28 obligor contests the validity or administrative enforcement of the
29 order, the support enforcement agency shall register the order
30 pursuant to this act.

31

32

ARTICLE 6

33 REGISTRATION, ENFORCEMENT, AND MODIFICATION OF 34 SUPPORT ORDER

35 PART 1 -- REGISTRATION FOR ENFORCEMENT OF 36 SUPPORT ORDER

37

38 45. (New section) Registration of order for enforcement.

39 A support order or income-withholding order issued in another
40 state or a foreign support order may be registered in this State for
41 enforcement.

42

43 46. (New section) Procedure to register order for enforcement.

44 a. Except as otherwise provided in section 66 of this act, a
45 support order or income-withholding order of another state or a
46 foreign support order may be registered in this State by sending the
47 following records to the appropriate tribunal in this State:

- 1 (1) a letter of transmittal to the tribunal requesting registration
- 2 and enforcement;
- 3 (2) two copies, including one certified copy, of the order to be
- 4 registered, including any modification of the order;
- 5 (3) a sworn statement by the person requesting registration or a
- 6 certified statement by the custodian of the records showing the
- 7 amount of any arrearage;
- 8 (4) the name of the obligor and, if known:
 - 9 (a) the obligor's address and social security number;
 - 10 (b) the name and address of the obligor's employer and any
 - 11 other source of income of the obligor; and
 - 12 (c) a description and the location of property of the obligor
 - 13 in this State not exempt from execution; and
- 14 (5) except as otherwise provided in section 28 of this act, the
- 15 name and address of the obligee and, if applicable, the person to
- 16 whom support payments are to be remitted.
- 17 b. On receipt of a request for registration, the registering
- 18 tribunal shall cause the order to be filed as an order of a tribunal of
- 19 another state or a foreign support order, together with one copy of
- 20 the documents and information, regardless of their form.
- 21 c. A petition or comparable pleading seeking a remedy that
- 22 shall be affirmatively sought under other law of this State may be
- 23 filed at the same time as the request for registration or later. The
- 24 pleading shall specify the grounds for the remedy sought.
- 25 d. If two or more orders are in effect, the person requesting
- 26 registration shall:
 - 27 (1) furnish to the tribunal a copy of every support order asserted
 - 28 to be in effect in addition to the documents specified in this section;
 - 29 (2) specify the order alleged to be the controlling order, if any;
 - 30 and
 - 31 (3) specify the amount of consolidated arrears, if any.
- 32 e. A request for a determination of which is the controlling
- 33 order may be filed separately or with a request for registration and
- 34 enforcement or for registration and modification. The person
- 35 requesting registration shall give notice of the request to each party
- 36 whose rights may be affected by the determination.
- 37
- 38 47. (New section) Effect of registration for enforcement.
- 39 a. A support order or income-withholding order issued in
- 40 another state or a foreign support order is registered when the order
- 41 is filed in the registering tribunal of this State.
- 42 b. A registered support order issued in another state or a
- 43 foreign country is enforceable in the same manner and is subject to
- 44 the same procedures as an order issued by a tribunal of this State.
- 45 c. Except as otherwise provided in this act, a tribunal of this
- 46 State shall recognize and enforce, but may not modify, a registered
- 47 support order if the issuing tribunal had jurisdiction.

1 48. (New section) Choice of law.

2 a. Except as otherwise provided in subsection d. of this section,
3 the law of the issuing state or foreign country governs:

4 (1) the nature, extent, amount, and duration of current payments
5 under a registered support order;

6 (2) the computation and payment of arrearages and accrual of
7 interest on the arrearages under the support order; and

8 (3) the existence and satisfaction of other obligations under the
9 support order.

10 b. In a proceeding for arrears under a registered support order,
11 the statute of limitations of this State, or of the issuing state or
12 foreign country, whichever is longer, applies.

13 c. A responding tribunal of this State shall apply the
14 procedures and remedies of this State to enforce current support and
15 collect arrears and interest due on a support order of another state or
16 a foreign country registered in this State.

17 d. After a tribunal of this State or another state determines
18 which is the controlling order and issues an order consolidating
19 arrears, if any, a tribunal of this State shall prospectively apply the
20 law of the state or foreign country issuing the controlling order,
21 including its law on interest on arrears, on current and future
22 support, and on consolidated arrears.

23

24 Part 2 -- CONTEST OF VALIDITY OR ENFORCEMENT

25

26 49. (New section) Notice of registration of order.

27 a. When a support order or income-withholding order issued in
28 another state or a foreign support order is registered, the registering
29 tribunal of this State shall notify the nonregistering party. The
30 notice shall be accompanied by a copy of the registered order and
31 the documents and relevant information accompanying the order.

32 b. A notice shall inform the nonregistering party:

33 (1) that a registered support order is enforceable as of the date
34 of registration in the same manner as an order issued by a tribunal
35 of this State;

36 (2) that a hearing to contest the validity or enforcement of the
37 registered order shall be requested within 20 days after notice
38 unless the registered order is under section 67 of this act;

39 (3) that failure to contest the validity or enforcement of the
40 registered order in a timely manner will result in confirmation of
41 the order and enforcement of the order and the alleged arrearages;
42 and

43 (4) of the amount of any alleged arrearages.

44 c. If the registering party asserts that two or more orders are in
45 effect, a notice shall also:

46 (1) identify the two or more orders and the order alleged by the
47 registering party to be the controlling order and the consolidated
48 arrears, if any;

1 (2) notify the nonregistering party of the right to a determination
2 of which is the controlling order;

3 (3) state that the procedures provided in subsection b. apply to
4 the determination of which is the controlling order; and

5 (4) state that failure to contest the validity or enforcement of the
6 order alleged to be the controlling order in a timely manner may
7 result in confirmation that the order is the controlling order.

8 d. Upon registration of an income-withholding order for
9 enforcement, the support enforcement agency or the registering
10 tribunal shall notify the obligor's employer pursuant to the "New
11 Jersey Child Support Program Improvement Act,"
12 P.L.1998, c.1 (C.2A:17-56.7a et al.).

13

14 50. (New section) Procedure to contest validity or enforcement
15 of registered support order.

16 a. A nonregistering party seeking to contest the validity or
17 enforcement of a registered support order in this State shall request
18 a hearing within the time required by section 49 of this act. The
19 nonregistering party may seek to vacate the registration, to assert
20 any defense to an allegation of noncompliance with the registered
21 order, or to contest the remedies being sought or the amount of any
22 alleged arrearages pursuant to section 51 of this act.

23 b. If the nonregistering party fails to contest the validity or
24 enforcement of the registered support order in a timely manner, the
25 order is confirmed by operation of law.

26 c. If a nonregistering party requests a hearing to contest the
27 validity or enforcement of the registered support order, the
28 registering tribunal shall schedule the matter for hearing and give
29 notice to the parties of the date, time, and place of the hearing.

30

31 51. (New section) Contest of registration or enforcement.

32 a. A party contesting the validity or enforcement of a registered
33 support order or seeking to vacate the registration has the burden of
34 proving one or more of the following defenses:

35 (1) the issuing tribunal lacked personal jurisdiction over the
36 contesting party;

37 (2) the order was obtained by fraud;

38 (3) the order has been vacated, suspended, or modified by a later
39 order;

40 (4) the issuing tribunal has stayed the order pending appeal;

41 (5) there is a defense under the law of this State to the remedy
42 sought;

43 (6) full or partial payment has been made;

44 (7) the statute of limitation under section 48 of this act
45 precludes enforcement of some or all of the alleged arrearages; or

46 (8) the alleged controlling order is not the controlling order.

47 b. If a party presents evidence establishing a full or partial
48 defense under subsection a., a tribunal may stay enforcement of a

1 registered support order, continue the proceeding to permit
2 production of additional relevant evidence, and issue other
3 appropriate orders. An uncontested portion of the registered support
4 order may be enforced by all remedies available under the law of
5 this State.

6 c. If the contesting party does not establish a defense under
7 subsection a. to the validity or enforcement of a registered support
8 order, the registering tribunal shall issue an order confirming the
9 order.

10

11 52. (New section) Confirmed order.

12 Confirmation of a registered support order, whether by operation
13 of law or after notice and hearing, precludes further contest of the
14 order with respect to any matter that could have been asserted at the
15 time of registration.

16

17 PART 3 -- REGISTRATION AND MODIFICATION OF
18 CHILD SUPPORT ORDER OF ANOTHER STATE

19

20 53. (New section) Procedure to register child support order of
21 another state for modification.

22 A party or support enforcement agency seeking to modify, or to
23 modify and enforce, a child support order issued in another state
24 shall register that order in this State in the same manner provided in
25 sections 45 through 52 of this act if the order has not been
26 registered. A petition for modification may be filed at the same time
27 as a request for registration, or later. The pleading shall specify the
28 grounds for modification.

29

30 54. (New section) Effect of registration for modification.

31 A tribunal of this State may enforce a child support order of
32 another state registered for purposes of modification, in the same
33 manner as if the order had been issued by a tribunal of this State,
34 but the registered support order may be modified only if the
35 requirements of section 55 or 57 of this act have been met.

36

37 55. (New section) Modification of child support order of
38 another state.

39 a. If section 57 of this act does not apply, upon petition a
40 tribunal of this State may modify a child support order issued in
41 another state which is registered in this State if, after notice and
42 hearing, the tribunal finds that:

43 (1) the following requirements are met:

44 (a) neither the child, nor the obligee who is an individual, nor
45 the obligor resides in the issuing state;

46 (b) a petitioner who is a nonresident of this State seeks
47 modification; and

- 1 (c) the respondent is subject to the personal jurisdiction of the
2 tribunal of this State; or
- 3 (2) this State is the residence of the child, or a party who is an
4 individual is subject to the personal jurisdiction of the tribunal of
5 this State, and all of the parties who are individuals have filed
6 consents in a record in the issuing tribunal for a tribunal of this
7 State to modify the support order and assume continuing, exclusive
8 jurisdiction.
- 9 b. Modification of a registered child support order is subject to
10 the same requirements, procedures, and defenses that apply to the
11 modification of an order issued by a tribunal of this State and the
12 order may be enforced and satisfied in the same manner.
- 13 c. A tribunal of this State may not modify any aspect of a child
14 support order that may not be modified under the law of the issuing
15 state, including the duration of the obligation of support. If two or
16 more tribunals have issued child support orders for the same obligor
17 and same child, the order that controls and shall be so recognized
18 under section 12 of this act establishes the aspects of the support
19 order which are nonmodifiable.
- 20 d. In a proceeding to modify a child support order, the law of
21 the state that is determined to have issued the initial controlling
22 order governs the duration of the obligation of support. The
23 obligor's fulfillment of the duty of support established by that order
24 precludes imposition of a further obligation of support by a tribunal
25 of this State.
- 26 e. On the issuance of an order by a tribunal of this State
27 modifying a child support order issued in another state, the tribunal
28 of this State becomes the tribunal having continuing, exclusive
29 jurisdiction.
- 30 f. Notwithstanding subsections a. through e. of this section and
31 subsection b. of section 6 of this act, a tribunal of this State retains
32 jurisdiction to modify an order issued by a tribunal of this State if:
- 33 (1) one party resides in another state; and
34 (2) the other party resides outside the United States.
- 35
- 36 56. (New section) Recognition of order modified in another
37 state.
- 38 If a child support order issued by a tribunal of this State is
39 modified by a tribunal of another state which assumed jurisdiction
40 pursuant to the "Uniform Interstate Family Support Act,"
41 P.L. , c. (C.) (pending before the Legislature as this bill), a
42 tribunal of this State:
- 43 a. may enforce its order that was modified only as to arrears
44 and interest accruing before the modification;
- 45 b. may provide appropriate relief for violations of its order
46 which occurred before the effective date of the modification; and
- 47 c. shall recognize the modifying order of the other state, upon
48 registration, for the purpose of enforcement.

1 57. (New section) Jurisdiction to modify child support order of
2 another state when parties reside in this State.

3 a. If all of the parties who are individuals reside in this State
4 and the child does not reside in the issuing state, a tribunal of this
5 State has jurisdiction to enforce and to modify the issuing state's
6 child support order in a proceeding to register that order.

7 b. A tribunal of this State exercising jurisdiction under this
8 section shall apply the provisions of Articles 1 and 2, this article,
9 and the procedural and substantive law of this State to the
10 proceeding for enforcement or modification. Articles 3, 4, 5, 7, and
11 8 of this act do not apply.

12

13 58. (New section) Notice to issuing tribunal of modification.

14 Within 30 days after issuance of a modified child support order,
15 the party obtaining the modification shall file a certified copy of the
16 order with the issuing tribunal that had continuing, exclusive
17 jurisdiction over the earlier order, and in each tribunal in which the
18 party knows the earlier order has been registered. A party who
19 obtains the order and fails to file a certified copy is subject to
20 appropriate sanctions by a tribunal in which the issue of failure to
21 file arises. The failure to file does not affect the validity or
22 enforceability of the modified order of the new tribunal having
23 continuing, exclusive jurisdiction.

24

25 PART 4 -- REGISTRATION AND MODIFICATION
26 OF FOREIGN CHILD SUPPORT ORDER

27

28 59. (New section) Jurisdiction to modify child support order of
29 foreign country.

30 a. Except as otherwise provided in section 71 of this act, if a
31 foreign country lacks or refuses to exercise jurisdiction to modify
32 its child support order pursuant to its laws, a tribunal of this State
33 may assume jurisdiction to modify the child support order and bind
34 all individuals subject to the personal jurisdiction of the tribunal
35 whether the consent to modification of a child support order
36 otherwise required of the individual pursuant to section 55 of this
37 act has been given or whether the individual seeking modification is
38 a resident of this State or of the foreign country.

39 b. An order issued by a tribunal of this State modifying a
40 foreign child support order pursuant to this section is the controlling
41 order.

42

43 60. (New section) Procedure to register child support order of
44 foreign country for modification.

45 A party or support enforcement agency seeking to modify, or to
46 modify and enforce, a foreign child support order not under the
47 Convention may register that order in this State under sections 45
48 through 52 of this act if the order has not been registered. A petition

1 for modification may be filed at the same time as a request for
2 registration, or at another time. The petition shall specify the
3 grounds for modification.

4

5

ARTICLE 7

6

SUPPORT PROCEEDING UNDER CONVENTION

7

8 61. (New section) Definitions.

9 As used in this article:

10 “Application” means a request under the Convention by an
11 obligee or obligor, or on behalf of a child, made through a central
12 authority for assistance from another central authority.

13 “Central authority” means the entity designated by the United
14 States or a foreign country described in paragraph (4) of subsection
15 e. of section 2 of this act to perform the functions specified in the
16 Convention.

17 “Convention support order” means a support order of a tribunal
18 of a foreign country described in paragraph (4) of subsection e. of
19 section 2 of this act.

20 “Direct request” means an application filed by an individual in a
21 tribunal of this State in a proceeding involving an obligee, obligor,
22 or child residing outside the United States.

23 “Foreign central authority” means the entity designated by a
24 foreign country described in paragraph (4) of subsection e. of
25 section 2 of this act to perform the functions specified in the
26 Convention.

27 “Foreign support agreement”: means an agreement for support in
28 a record that: (1) is enforceable as a support order in the country of
29 origin; (2) has been: (a) formally drawn up or registered as an
30 authentic instrument by a foreign tribunal; or (b) authenticated by,
31 or concluded, registered, or filed with a foreign tribunal; and (c)
32 may be reviewed and modified by a foreign tribunal; and (3)
33 includes a maintenance arrangement or authentic instrument under
34 the Convention.

35 “United States central authority” means the Secretary of the
36 United States Department of Health and Human Services.

37

38 62. (New section) Applicability.

39 This article applies only to a support proceeding under the
40 Convention. In such a proceeding, if a provision of this article is
41 inconsistent with Articles 1 through 6 of this act, this article
42 controls.

43

44 63. (New section) Relationship of the State IV-D agency to
45 United States central authority.

46 The State IV-D Agency or its designee is recognized as the
47 agency designated by the United States central authority to perform
48 specific functions under the Convention.

- 1 64. (New section) Initiation by the State IV-D Agency of
2 support proceeding under Convention.
- 3 a. In a support proceeding under this article, the State IV-D
4 Agency or its designee shall:
- 5 (1) transmit and receive applications; and
6 (2) initiate or facilitate the institution of a proceeding regarding
7 an application in a tribunal of this State.
- 8 b. The following support proceedings are available to an
9 obligee under the Convention:
- 10 (1) recognition or recognition and enforcement of a foreign
11 support order;
12 (2) enforcement of a support order issued or recognized in this
13 State;
14 (3) establishment of a support order if there is no existing order,
15 including, if necessary, determination of parentage of a child;
16 (4) establishment of a support order if recognition of a foreign
17 support order is refused under paragraph (2), (4), or (9) of
18 subsection b. of section 68 of this act;
19 (5) modification of a support order of a tribunal of this State;
20 and
21 (6) modification of a support order of a tribunal of another state
22 or a foreign country.
- 23 c. The following support proceedings are available under the
24 Convention to an obligor against which there is an existing support
25 order:
- 26 (1) recognition of an order suspending or limiting enforcement
27 of an existing support order of a tribunal of this State;
28 (2) modification of a support order of a tribunal of this State;
29 and
30 (3) modification of a support order of a tribunal of another state
31 or a foreign country.
- 32 d. A tribunal of this State may not require security, bond, or
33 deposit, however described, to guarantee the payment of costs and
34 expenses in proceedings under the Convention.
- 35
- 36 65. (New section) Direct request.
- 37 a. A petitioner may file a direct request seeking establishment
38 or modification of a support order or determination of parentage of
39 a child. In the proceeding, the law of this State applies.
- 40 b. A petitioner may file a direct request seeking recognition
41 and enforcement of a support order or support agreement. In the
42 proceeding, sections 66 through 73 of this act.
- 43 c. In a direct request for recognition and enforcement of a
44 Convention support order or foreign support agreement:
- 45 (1) a security, bond, or deposit is not required to guarantee the
46 payment of costs and expenses; and
47 (2) an obligee or obligor that in the issuing country has
48 benefited from free legal assistance is entitled to benefit, at least to

1 the same extent, from any free legal assistance provided for by the
2 law of this State under the same circumstances.

3 d. A petitioner filing a direct request is not entitled to
4 assistance from the State IV-D Agency or its designee.

5 e. This article does not prevent the application of laws of this
6 State that provide simplified, more expeditious rules regarding a
7 direct request for recognition and enforcement of a foreign support
8 order or foreign support agreement.

9

10 66. (New section) Registration of Convention support order.

11 a. Except as otherwise provided in this article, a party who is
12 an individual or a support enforcement agency seeking recognition
13 of a Convention support order shall register the order in this State
14 as provided in Article 6.

15 b. Notwithstanding section 27 and subsection a. of section 46
16 of this act, a request for registration of a Convention support order
17 shall be accompanied by:

18 (1) a complete text of the support order or an abstract or extract
19 of the support order drawn up by the issuing foreign tribunal, which
20 may be in the form recommended by the Hague Conference on
21 Private International Law;

22 (2) a record stating that the support order is enforceable in the
23 issuing country;

24 (3) if the respondent did not appear and was not represented in
25 the proceedings in the issuing country, a record attesting, as
26 appropriate, either that the respondent had proper notice of the
27 proceedings and an opportunity to be heard or that the respondent
28 had proper notice of the support order and an opportunity to be
29 heard in a challenge or appeal on fact or law before a tribunal;

30 (4) a record showing the amount of arrears, if any, and the date
31 the amount was calculated;

32 (5) a record showing a requirement for automatic adjustment of
33 the amount of support, if any, and the information necessary to
34 make the appropriate calculations; and

35 (6) if necessary, a record showing the extent to which the
36 applicant received free legal assistance in the issuing country.

37 c. A request for registration of a Convention support order may
38 seek recognition and partial enforcement of the order.

39 d. A tribunal of this State may vacate the registration of a
40 Convention support order without the filing of a contest under
41 section 67 of this act only if, acting on its own motion, the tribunal
42 finds that recognition and enforcement of the order would be
43 manifestly incompatible with public policy.

44 e. The tribunal shall promptly notify the parties of the
45 registration or the order vacating the registration of a Convention
46 support order.

1 67. (New section) Contest of registered Convention support
2 order.

3 a. Except as otherwise provided in this article, sections 49
4 through 52 of this act apply to a contest of a registered Convention
5 support order.

6 b. A party contesting a registered Convention support order
7 shall file a contest not later than 30 days after notice of the
8 registration, but if the contesting party does not reside in the United
9 States, the contest shall be filed not later than 60 days after notice
10 of the registration.

11 c. If the nonregistering party fails to contest the registered
12 Convention support order by the time specified in subsection b., the
13 order is enforceable.

14 d. A contest of a registered Convention support order may be
15 based only on grounds set forth in section 68 of this act. The
16 contesting party bears the burden of proof.

17 e. In a contest of a registered Convention support order, a
18 tribunal of this State:

19 (1) is bound by the findings of fact on which the foreign tribunal
20 based its jurisdiction; and

21 (2) may not review the merits of the order.

22 f. A tribunal of this State deciding a contest of a registered
23 Convention support order shall promptly notify the parties of its
24 decision.

25 g. A challenge or appeal, if any, does not stay the enforcement
26 of a Convention support order unless there are exceptional
27 circumstances.

28

29 68. (New section) Recognition and enforcement of registered
30 Convention support order.

31 a. Except as otherwise provided in subsection b., a tribunal of
32 this State shall recognize and enforce a registered Convention
33 support order.

34 b. The following grounds are the only grounds on which a
35 tribunal of this State may refuse recognition and enforcement of a
36 registered Convention support order:

37 (1) recognition and enforcement of the order is manifestly
38 incompatible with public policy, including the failure of the issuing
39 tribunal to observe minimum standards of due process, which
40 include notice and an opportunity to be heard;

41 (2) the issuing tribunal lacked personal jurisdiction consistent
42 with section 6 of this act ;

43 (3) the order is not enforceable in the issuing country;

44 (4) the order was obtained by fraud in connection with a matter
45 of procedure;

46 (5) a record transmitted in accordance with section 66 of this act
47 lacks authenticity or integrity;

1 (6) a proceeding between the same parties and having the same
2 purpose is pending before a tribunal of this State and that
3 proceeding was the first to be filed;

4 (7) the order is incompatible with a more recent support order
5 involving the same parties and having the same purpose if the more
6 recent support order is entitled to recognition and enforcement
7 under this act in this State;

8 (8) payment, to the extent alleged arrears have been paid in
9 whole or in part;

10 (9) in a case in which the respondent neither appeared nor was
11 represented in the proceeding in the issuing foreign country:

12 (a) if the law of that country provides for prior notice of
13 proceedings, the respondent did not have proper notice of the
14 proceedings and an opportunity to be heard; or

15 (b) if the law of that country does not provide for prior notice of
16 the proceedings, the respondent did not have proper notice of the
17 order and an opportunity to be heard in a challenge or appeal on fact
18 or law before a tribunal; or

19 (10) the order was made in violation of section 71 of this act.

20 c. If a tribunal of this State does not recognize a Convention
21 support order under paragraph (2), (4) or (9) of subsection b. of this
22 section:

23 (1) the tribunal may not dismiss the proceeding without
24 allowing a reasonable time for a party to request the establishment
25 of a new Convention support order; and

26 (2) the State IV-D Agency or its designee shall take all
27 appropriate measures to request a child support order for the obligee
28 if the application for recognition and enforcement was received
29 under section 64 of this act.

30

31 69. (New section) Partial enforcement.

32 If a tribunal of this State does not recognize and enforce a
33 Convention support order in its entirety, it shall enforce any
34 severable part of the order. An application or direct request may
35 seek recognition and partial enforcement of a Convention support
36 order.

37

38 70. (New section) Foreign support agreement.

39 a. Except as otherwise provided in subsections c. and d., a
40 tribunal of this State shall recognize and enforce a foreign support
41 agreement registered in this State.

42 b. An application or direct request for recognition and
43 enforcement of a foreign support agreement shall be accompanied
44 by:

45 (1) a complete text of the foreign support agreement; and

46 (2) a record stating that the foreign support agreement is
47 enforceable as an order of support in the issuing country.

1 c. A tribunal of this State may vacate the registration of a
2 foreign support agreement only if, acting on its own motion, the
3 tribunal finds that recognition and enforcement would be manifestly
4 incompatible with public policy.

5 d. In a contest of a foreign support agreement, a tribunal of this
6 State may refuse recognition and enforcement of the agreement if it
7 finds:

8 (1) recognition and enforcement of the agreement is manifestly
9 incompatible with public policy;

10 (2) the agreement was obtained by fraud or falsification;

11 (3) the agreement is incompatible with a support order involving
12 the same parties and having the same purpose in this State, another
13 state, or a foreign country if the support order is entitled to
14 recognition and enforcement under this act in this State; or

15 (4) the record submitted under subsection b. lacks authenticity
16 or integrity.

17 e. A proceeding for recognition and enforcement of a foreign
18 support agreement shall be suspended during the pendency of a
19 challenge to or appeal of the agreement before a tribunal of another
20 state or a foreign country.

21

22 71. (New section) Modification of Convention child support
23 order.

24 a. A tribunal of this State may not modify a Convention child
25 support order if the obligee remains a resident of the foreign
26 country where the support order was issued unless:

27 (1) the obligee submits to the jurisdiction of a tribunal of this
28 State, either expressly or by defending on the merits of the case
29 without objecting to the jurisdiction at the first available
30 opportunity; or

31 (2) the foreign tribunal lacks or refuses to exercise jurisdiction
32 to modify its support order or issue a new support order.

33 b. If a tribunal of this State does not modify a Convention child
34 support order because the order is not recognized in this State,
35 subsection c. of section 68 of this act applies.

36

37 72. (New section) Personal information; limit on use.

38 Personal information gathered or transmitted under this article
39 may be used only for the purposes for which it was gathered or
40 transmitted.

41

42 73. (New section) Record in original language; English
43 translation.

44 A record filed with a tribunal of this State under this article shall
45 be in the original language and, if not in English, shall be
46 accompanied by an English translation.

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ARTICLE 8
INTERSTATE RENDITION

74. (New section) Grounds for rendition.

a. For purposes of this article, “governor” includes an individual performing the functions of governor or the executive authority of a state covered by this act.

b. The Governor of this State may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or

(2) on the demand of the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

c. A provision for extradition of individuals not inconsistent with this act applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

75. (New section) Conditions of rendition.

a. Before making a demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the Governor of this State may require a prosecutor of this State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this act or that the proceeding would be of no avail.

b. If, under this act or a law substantially similar to this act, the governor of another state makes a demand that the Governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

c. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9
MISCELLANEOUS PROVISIONS

76. (New section) Uniformity of application and construction.

1 In applying and construing this uniform act, consideration shall
2 be given to the need to promote uniformity of the law with respect
3 to its subject matter among states that enact it.

4
5 77. (New section) Transitional provision.

6 a. This act applies to proceedings begun on or after the
7 effective date of this act to establish a support order or determine
8 parentage of a child or to register, recognize, enforce, or modify a
9 prior support order, determination, or agreement, whenever issued
10 or entered.

11 b. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and
12 sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-
13 56.19) and the repeal of the former "Uniform Interstate Family
14 Support Act," P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123)
15 and its replacement with this act does not affect pending actions,
16 rights, duties or liabilities based on those repealed laws, nor does it
17 alter, discharge, release or extinguish any penalty, forfeiture, or
18 liability incurred under those laws. After the effective date of this
19 act, all laws repealed shall be treated as remaining in full force and
20 effect for the purpose of sustaining any pending actions or rights
21 filed prior to the effective date of this act and the enforcement of
22 any rights, duties, penalties, forfeitures, or liabilities under the
23 repealed laws.

24
25 78. (New section) Severability.

26 If any provision of this act or its application to any person or
27 circumstance is held invalid, the invalidity does not affect other
28 provisions or applications of this act which can be given effect
29 without the invalid provision or application, and to this end the
30 provisions of this act are severable.

31
32 79. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to
33 read as follows:

34 11. The license revocation provisions of P.L.1996, c.7 (C.2A:17-
35 56.41 et seq.) apply to all orders issued before or after the effective
36 date of P.L.1996, c.7 (C.2A:17-56.41 et seq.). All child support
37 arrearage and health care coverage provisions in existence on or
38 before the effective date of P.L.1996, c.7 (C.2A:17-56.41 et seq.)
39 shall be included in determining whether a case is eligible for
40 enforcement in accordance with P.L.1996, c.7 (C.2A:17-56.41 et
41 seq.). P.L.1996, c.7 (C.2A:17-56.41 et seq.) applies to all child
42 support obligations ordered by any state, territory or district of the
43 United States that are being enforced by the Probation Division,
44 that are payable directly to the obligee, or have been registered in
45 this State in accordance with the "Uniform Interstate Family
46 Support Act," originally enacted as P.L.1998, c.2 (C.2A:4-30.65 et
47 seq.), and repealed and replaced by P.L. _____, c. _____ (pending before

1 the Legislature as this bill).

2 (cf: P.L.1998, c.1, s.31)

3

4 80. Section 3 of P.L.1998, c.1 (C.2A:17-56.52) is amended to
5 read as follows:

6 3. As used in P.L.1998, c.1 (C.2A:17-56.7a et al.), P.L.1981,
7 c.417 (C.2A:17-56.8 et al.), P.L.1988, c.111 (C.2A:17-56.23a),
8 sections 13, 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-
9 56.16, 2A:17-56.20 through 2A:17-56.23, and 2A:17-56.25),
10 P.L.1990, c.53 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990, c.92
11 (C.2A:17-56.9a and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-
12 56.11a), P.L.1995, c.290 (C.2A:17-56.11b), P.L.1995, c.322
13 (C.2A:17-56.34 et seq.) and P.L.1996, c.7 (C.2A:17-56.41 et seq.):

14 "Account" means a demand deposit account, checking or
15 negotiable order of withdrawal account, savings account, time
16 deposit account, or money market mutual fund account. "Account"
17 also includes an equity securities account if permitted under federal
18 law.

19 "Administrative enforcement" means the use of high volume
20 automated data processing to search various State data bases,
21 including, but not limited to, license records, employment service
22 data and State new hire registries, to determine whether information
23 is available in response to a request made by another jurisdiction to
24 enforce a support order.

25 "Appropriate enforcement methods" means mechanisms such as
26 income withholding, withholding of civil lawsuits, and execution of
27 the assets of the obligor which can result in immediate payment of
28 the child support arrearage when available. In appropriate cases,
29 the license revocation process may be used as an alternative to Rule
30 5:7-5 of the court rules.

31 "Arrearage" means the amount of unpaid support as determined
32 by a court order or an administrative order from a state for support
33 of a child or of a child and the custodial parent.

34 "Child" means a person, whether over or under the age of
35 majority, who is or is alleged to be owed a duty of child support by
36 that person's parent or who is or is alleged to be the beneficiary of a
37 support order directed to the parent.

38 "Child support" means the amount required to be paid under a
39 judgment, decree, or order, whether temporary, final or subject to
40 modification, issued by the Superior Court, Chancery Division,
41 Family Part or a court or administrative agency of competent
42 jurisdiction of another state, for the support and maintenance of a
43 child, or the support and maintenance of a child and the parent with
44 whom the child is living, which provides monetary support, health
45 care coverage, any arrearage or reimbursement, and which may
46 include other related costs and fees, interest and penalties, income
47 withholding, attorney's fees and other relief.

1 "Child support related warrant" means an outstanding warrant for
2 the arrest of a child support obligor or putative father issued by the
3 court for failure to pay child support as ordered, failure to appear at
4 a hearing to establish paternity or child support, or failure to appear
5 at a hearing to enforce a child support order.

6 "Commissioner" means the Commissioner of Human Services.

7 "Court" means the Superior Court, Chancery Division, Family
8 Part.

9 "Court order" means an order of the court or an order from an
10 administrative or judicial tribunal in another state that is competent
11 to enter or modify orders for paternity or child support.

12 "Court rules" means the Rules Governing the Courts of the State
13 of New Jersey.

14 "Credit reporting agency" means a nationally recognized credit
15 reporting agency as approved by the commissioner and defined in
16 the federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any
17 entity which, for monetary fees, dues, or on a cooperative nonprofit
18 basis, regularly engages in whole or in part in the practice of
19 assembling or evaluating consumer credit information or other
20 information on consumers for the purpose of furnishing reports to
21 third parties and which uses any means or facility of interstate
22 commerce for the purpose of preparing or furnishing consumer
23 reports.

24 "Custodial parent" means the parent or other person who has
25 legal and physical custody of a child for the majority of the time.
26 The custodial parent is responsible for the day-to-day decisions
27 related to the child and for providing the basic needs of the child on
28 a daily basis. The custodial parent is the person to whom child
29 support is payable. In shared parenting situations, the custodial
30 parent is known as the Parent of Primary Residence.

31 "Default order" means a court order entered due to a party's
32 failure to answer a complaint or motion or to appear at a court
33 proceeding as required, after being properly served with notice.

34 "Department" means the Department of Human Services.

35 "Employee" means an individual who is an employee within the
36 meaning of chapter 24 of the Internal Revenue Code of 1986.
37 Employee does not include an employee of a federal or state agency
38 performing intelligence or counter-intelligence functions, if the
39 head of such agency has determined that reporting could endanger
40 the safety of the employee or compromise an ongoing investigation
41 or intelligence mission.

42 "Employer" has the meaning given the term in section 3401(d) of
43 the Internal Revenue Code of 1986 and includes any governmental
44 entity and labor organization.

45 "Financial institution" means: a depository institution as defined
46 in 12 U.S.C. s.1813(c); an institution affiliated party as defined in
47 12 U.S.C. s.1813(u); a federal or State credit union as defined in
48 12 U.S.C. s.1752, including an institution affiliated party of a credit

1 union as defined in 12 U.S.C. s.1786(r); a benefit association,
2 insurance company, safe deposit company, money market mutual
3 fund, or similar entity authorized to do business in this State.
4 "Financial institution" also includes an investment and loan
5 corporation if permitted under federal law.

6 "Health care coverage" means cash medical support, health
7 insurance, dental insurance, eye care, pharmaceutical assistance and
8 other types of medical support which are ordered by the court to
9 maintain the health coverage of a child.

10 "Income" for the purposes of enforcing a support order, means,
11 but is not limited to, commissions, salaries, earnings, wages, rent
12 monies, unemployment compensation, workers' compensation, any
13 legal or equitable interest or entitlement owed that was acquired by
14 a cause of action, suit, claim or counterclaim, insurance benefits,
15 claims, accounts, assets of estates, inheritances, trusts, federal or
16 State income tax refunds, homestead rebates, State lottery prizes,
17 casino and racetrack winnings, annuities, retirement benefits,
18 veteran's benefits, union benefits, or any other earnings or other
19 periodic entitlements to money from any source and any other
20 property subject to withholding for child support pursuant to State
21 law.

22 For the purposes of establishing a support order, income is
23 defined pursuant to the child support guidelines in Appendix IX of
24 the court rules.

25 "Labor organization" means a labor organization as defined in
26 paragraph (5) of section 2 of the federal "National Labor Relations
27 Act" (29 U.S.C. s.152) and includes any entity used by the
28 organization and an employer to carry out the requirements of
29 paragraph (3) of subsection (f) of section 8 of that act
30 (29 U.S.C. s.158(f)(3)) or an agreement between the organization
31 and the employer.

32 "License" means any license, registration or certificate issued by
33 the State or its agencies or boards that is directly necessary to
34 provide a product or service for compensation, to operate a motor
35 vehicle, or for recreational or sporting purposes.

36 "Licensing authority" means any department, division, board,
37 agency or other instrumentality of State government that issues a
38 license, registration, certificate or other authorization to provide
39 goods or services for compensation, to operate a motor vehicle, or
40 for recreational or sporting purposes.

41 "Non-custodial parent" means the parent who does not have
42 physical custody of the child on a day-to-day basis. In shared
43 parenting situations, the non-custodial parent is known as the Parent
44 of Alternate Residence.

45 "Obligee" means an individual to whom a duty of support is or is
46 alleged to be owed or in whose favor a support order has been
47 issued or a judgment determining parentage has been rendered; a
48 state or political subdivision to which the rights under a duty of

1 support or support order have been assigned or which has
2 independent claims based on financial assistance provided to an
3 individual obligee; or an individual seeking a judgment determining
4 parentage of the individual's child or providing for the support of a
5 child.

6 "Obligor" means an individual, or the estate of a decedent, who
7 owes or is alleged to owe a duty of support, who is alleged but has
8 not been adjudicated to be a parent of a child, or who is liable under
9 a support order.

10 "Payor" means an employer or individual or entity that disburses
11 or is in possession of income or assets payable to an obligor.

12 "Probation Division" means the Probation Division of the
13 Superior Court, Chancery Division, Family Part.

14 "RURESA" means the "Revised Uniform Reciprocal
15 Enforcement of Support Act (1968)," adopted in New Jersey as
16 P.L.1981, c.243 (C.2A:4-30.24 et seq.).

17 "Spousal support" means a legally enforceable obligation
18 assessed against a person for the support of a spouse or former
19 spouse.

20 "State case registry" means the automated system maintained by
21 the State IV-D agency that contains federally required information
22 on child support cases.

23 "State IV-D agency" means the Department of Human Services.

24 "Support guidelines" means the set of presumptive standards for
25 determining the amount of child support as established by the court
26 in Appendix IX of the court rules.

27 "Support order" means a judgment, decree, or order, whether
28 temporary, final or subject to modification, for the benefit of a
29 child, a spouse or a former spouse, which provides for monetary
30 support, health care coverage, arrearages or reimbursement, and
31 may include related costs and fees, interest, income withholding,
32 attorney's fees and other relief.

33 A support order shall be issued by the court or a court or
34 administrative agency of another state.

35 "TANF" means the "Temporary Assistance to Needy Families"
36 program established pursuant to Title IV-A of the federal Social
37 Security Act (42 U.S.C. s.601 et seq.). TANF includes the Work
38 First New Jersey program for dependent children and their parents
39 established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

40 "Title IV-D" means Title IV-D of the federal Social Security Act
41 (42 U.S.C. s.651 et seq.).

42 "Title IV-D case" means a case under Title IV-A or Title XIX of
43 the federal Social Security Act (42 U.S.C. s.601 et seq.) that
44 involves an assignment of support rights, an appropriate referral
45 under Title IV-E of the federal Social Security Act
46 (42 U.S.C. s.670 et seq.), a non-public assistance case in which an
47 application for Title IV-D services has been filed and a fee paid, as

1 appropriate, with the department, or an interstate case referred to
2 the department by another jurisdiction.

3 "UIFSA" means the "Uniform Interstate Family Support Act,"
4 P.L. , c. (pending before the Legislature as this bill), to be
5 adopted by each state to replace RURESA pursuant to Pub.L.104-
6 193 and the former "Uniform Interstate Family Support Act,"
7 P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123).
8 (cf: P.L.1998, c.1, s.3)

9
10 81. (New section) Repealer.

11 Sections 1 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through
12 2A:4-30.123) are repealed.

13
14 82. Effective date.

15 This act shall take effect on April 1, 2016.
16
17

18 STATEMENT

19
20 This bill enacts the new "Uniform Interstate Family Support
21 Act," (UIFSA) and repeals the existing "Uniform Interstate Family
22 Support Act," which was adopted in New Jersey as P.L.1998, c.2
23 (C.2A:4-30.65 et seq.). UIFSA provides uniform rules for the
24 enforcement of family support orders.

25 In 2007, the United States signed the Hague Convention on the
26 International Recovery of Child Support and Other Forms of Family
27 Maintenance ("the Convention"). In 2008, the Uniform Law
28 Commission approved amendments to UIFSA which incorporated
29 the provisions required by the Convention. In 2014, Congress
30 passed federal implementing legislation for the Convention, the
31 "Preventing Sex Trafficking and Strengthening Families Act,"
32 Public Law No.113-183, which requires the 2008 UIFSA
33 amendments be enacted in every jurisdiction by April 1, 2016 as a
34 condition of continuing to receive federal funds for state child
35 support programs.

36 This bill repeals New Jersey's 1998 version of UIFSA, sections 1
37 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123),
38 and implements a new UIFSA which encompasses those
39 amendments promulgated by the Uniform Law Commission. This
40 bill provides guidelines and procedures for the registration,
41 enforcement and modification of foreign support orders. The bill
42 establishes basic jurisdictional standards including continuing
43 exclusive jurisdiction, rules for determining which state issues the
44 controlling order in the event of proceedings in multiple
45 jurisdictions, and rules for modifying support orders.

46 The most notable change is the addition of Article 7 to UIFSA
47 which is new. This article establishes guidelines and procedures for
48 the registration, recognition, enforcement, and modification of

1 foreign support orders of countries that are parties to the
2 Convention. Article 7 provides that a party seeking recognition of a
3 support order must register. Once registered, the tribunal notifies
4 the parties and an opportunity to challenge the order is provided.
5 Unless grounds for denying recognition of the order are established,
6 the order is enforced. Another change is the addition to the UIFSA
7 of a section concerning the conditions under which a tribunal has
8 the authority to modify a spousal support order.

9 The following is a summary of the bill's provisions:

10 ARTICLE 1 (SECTIONS 1-5) GENERAL PROVISIONS:

- 11 • A definitional section which differs from the 1998 UIFSA
12 statute by: (1) adding new definitions for: "convention,"
13 "foreign country," "foreign support orders," "foreign
14 tribunal" and "record"; and (2) expanding the definition of
15 "obligor" to include a debtor in a proceeding under Article 7.
- 16 • The Superior Court, Chancery Division, Family Part is
17 designated as the tribunal. The Probation Division of the
18 Superior Court is designated the support enforcement
19 agency.
- 20 • The procedures for establishment, enforcement, or
21 modification of support or a determination of parentage
22 under this act would not preclude the application of general
23 State law.

24 ARTICLE 2 (SECTIONS 6-16) JURISDICTION:

- 25 • The bases for jurisdiction over a nonresident for the
26 purposes of establishing a support order or determining
27 parentage.
- 28 • The identification of the roles a tribunal may serve, either as
29 an initiating or a responding tribunal.
- 30 • Procedures for simultaneous proceedings.
- 31 • Provides for continuing, exclusive jurisdiction of other
32 tribunals over support orders and authorizes the initiation of
33 requests for modification to the issuing state;
- 34 • Tribunals of the enacting states must adhere to the one order
35 at a time system.
- 36 • Priority scheme for recognition and enforcement of existing
37 multiple orders regarding the same obligor, obligee, and
38 child.
- 39 • Method to handle multiple orders involving two or more
40 families of the same obligor by treating all the orders as if
41 they had been issued by a tribunal of this State.
- 42 • Credit for actual payments made against all existing orders.
- 43 • New section which provides for continuing, exclusive
44 jurisdiction to modify spousal support order.

45 ARTICLE 3 (SECTIONS 17-35) CIVIL PROVISIONS OF GENERAL
46 APPLICATION:

- 47 • Procedures for initiation of a proceeding by an individual or
48 a support enforcement agency.

- 1 • Allows proceedings by minor parent.
- 2 • Insures efficient processing of interstate and intrastate
- 3 support cases.
- 4 • Establishes procedures for transmittal of documents or
- 5 issuing certificates and for converting the support amount
- 6 owed to an equivalent amount in the foreign country.
- 7 • Enumerates the duties and powers of the responding
- 8 tribunal, such as ordering compliance with a support order,
- 9 providing for income withholding, determining arrearages,
- 10 issuing bench warrants and placing liens.
- 11 • Enumerates the duties of a support enforcement agency.
- 12 • Provides for the Attorney General to take appropriate action
- 13 concerning neglect to provide services by the support
- 14 enforcement agency. The Attorney General may apply to the
- 15 Superior Court for an order.
- 16 • Allows a party to retain private counsel in an action.
- 17 (Currently, the State IV-D agency may provide counsel in
- 18 IV-D case to the petitioner or support agency under certain
- 19 circumstances.)
- 20 • Enumerates the duties of the Administrative Office of the
- 21 Courts as the State information agency.
- 22 • Establishes the basic requirements for the drafting and filing
- 23 of interstate pleadings.
- 24 • Nondisclosure of information when the health, safety, or
- 25 liberty of a party or child would be jeopardized. Such
- 26 information would be sealed.
- 27 • Assessment of fees and costs.
- 28 • Limited immunity of petitioner.
- 29 • A party whose parentage of a child has been previously
- 30 determined cannot plead nonparentage as a defense under
- 31 the bill.
- 32 • Provides for applicable rules of evidence and procedure
- 33 including privileges against disclosure of communications
- 34 between spouses, and admission of voluntary
- 35 acknowledgments of paternity to establish parentage of a
- 36 child.
- 37 • Provides for communication between courts in order to
- 38 expedite enforcement of the support order.
- 39 • Facilitation of cooperation in the discovery process.
- 40 • Prompt disbursement of any amounts received by a support
- 41 enforcement agency pursuant to a support order.
- 42 ARTICLE 4 (SECTIONS 36-37) ESTABLISHMENT OF SUPPORT ORDER
- 43 OR DETERMINATION OF PARENTAGE:
- 44 • Authorization for a tribunal of the responding state to issue
- 45 support orders binding on an obligor over whom the tribunal
- 46 has personal jurisdiction.
- 47 • Proceeding to determine parentage.

1 ARTICLE 5 (SECTIONS 38-44) ENFORCEMENT OF SUPPORT ORDER
2 WITHOUT REGISTRATION:

- 3 • Recognition by the obligor's employer of a withholding
4 order issued by another state.
- 5 • Authorization for summary enforcement of support order
6 through any administrative means.
- 7 • Immunity for employer who complies with a withholding
8 order.
- 9 • Procedures for contesting the validity of an order.

10 ARTICLE 6 (SECTIONS 45-60) REGISTRATION, ENFORCEMENT, AND
11 MODIFICATION OF SUPPORT ORDER:

12 Part 1- (sections 45-48) registration for enforcement of support
13 orders:

- 14 • Procedures for the registration of a support order issued in
15 another state or a foreign support order for the purposes of
16 enforcement.
- 17 • Provides for choice of law.

18 Part 2 (sections 49-52) contest of validity or enforcement:

- 19 • Procedures to contest validity or enforcement of a registered
20 order.
- 21 • Confirmation of a support order which validates both the
22 terms of the order and the asserted arrearages.

23 Part 3 (sections 53-58) registration and modification of child
24 support order of another state:

- 25 • Requirements for registration of child support order.
- 26 • Modification of support orders of another state.
- 27 • Recognition of a modified order of another state.

28 Part 4 (sections 59-60) registration and modification of foreign
29 child support order of another state:

- 30 • Procedures for modification of a support order if a foreign
31 country lacks or refuses to exercise jurisdiction to modify a
32 support order.
- 33 • Procedure to register foreign support orders.

34
35 ARTICLE 7 (SECTIONS 61-73) SUPPORT PROCEEDINGS UNDER
36 CONVENTION:

- 37 • Relationship of the State IV-D agency to the United States
38 central authority.
- 39 • Initiation of support proceedings by the State IV-D agency.
- 40 • Procedures for direct requests.
- 41 • Registration of Convention support orders.
- 42 • Procedures for contesting of registered Convention support
43 order.
- 44 • Recognition and enforcement of registered Convention
45 support order.

- 1 • Allows for enforcement of any part of a Convention support
2 orders, if a tribunal of this State does not recognize and
3 enforce an order in its entirety.
- 4 • Recognition and enforcement of foreign support agreement.
5 • Provides for modification of convention child support order.
6 • Record filed may be in original language, and if not in
7 English, it must be accompanied by an English translation.
- 8 ARTICLE 8 (SECTIONS 74-75) INTERSTATE RENDITION:
- 9 • For extradition of an individual who is charged criminally
10 with having failed to provide for the support of an obligee.
11 • Conditions that a Governor may implement before making
12 the demand for an individual's surrender or before honoring
13 this type of demand.
- 14 ARTICLE 9 (SECTIONS 76-78) MISCELLANEOUS PROVISIONS:
- 15 • Uniformity of application and construction of the act.
16 • The provisions of this bill apply to proceedings begun on or
17 after the effective date of the act.
- 18 AMENDMENTS TO THE CURRENT LAW; REPEALER; EFFECTIVE DATE
19 (SECTIONS 79-82):
- 20 This bill also amends several provisions of the existing statutory
21 law to cross-reference the new “Uniform Interstate Family Support
22 Act” as set forth in the bill.
- 23 The bill repeals the 1998 version of UIFSA, sections 1 through
24 58 of P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123).
- 25 This bill would take effect on April 1, 2016.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2373

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2016

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2373.

This bill enacts the new “Uniform Interstate Family Support Act,” (UIFSA) and repeals the existing “Uniform Interstate Family Support Act,” which was adopted in New Jersey as P.L.1998, c.2 (C.2A:4-30.65 et seq.). UIFSA provides uniform rules for the enforcement of family support orders.

General Background

Legislation passed by Congress in 2014, the “Preventing Sex Trafficking and Strengthening Families Act,” Public Law No.113-183, requires certain amendments to UIFSA be enacted in every jurisdiction by April 1, 2016 as a condition of continuing to receive federal funds for state child support programs. These amendments incorporate the provisions required by the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (“the Convention”), to which the United States is a signatory. The amendments to the Uniform Act were developed and approved by the Uniform Law Commission for adoption in all jurisdictions.

The bill repeals New Jersey’s 1998 version of UIFSA, sections 1 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through C.2A:4-30.123), and implements a new UIFSA which encompasses those amendments promulgated by the Uniform Law Commission. The bill provides guidelines and procedures for the registration, enforcement and modification of foreign support orders. It also establishes basic jurisdictional standards including continuing exclusive jurisdiction, rules for determining which state issues the controlling order in the event of proceedings in multiple jurisdictions, and rules for modifying support orders.

The most notable change is the addition of a new Article 7 to UIFSA. This article establishes guidelines and procedures for the registration, recognition, enforcement, and modification of foreign support orders of countries that are parties to the Convention. Article 7 provides that a party seeking recognition of a support order must register. Once registered, the tribunal notifies the parties and an opportunity to challenge the order is provided. Unless grounds for

denying recognition of the order are established, the order is enforced. Another significant change between the old and new UIFSA is the addition of a section concerning the conditions under which a tribunal has the authority to modify a spousal support order.

Bill Summary

The following provides a more detailed summary of the bill's provisions:

ARTICLE 1 (SECTIONS 1-5) GENERAL PROVISIONS:

- A definitional section which differs from the 1998 UIFSA statute by: (1) adding new definitions for: “convention,” “foreign country,” “Foreign Support Orders,” “Foreign Tribunal” and “Record”; (2) expanding the definition of “Obligor” to include a debtor in a proceeding under Article 7, described above; and (3) adding a new definition, providing that “State IV-D Agency” means the Department of Human Services (the State IV-D Agency/DHS and the Superior Court’s Probation Division would both be designated as the support enforcement agencies of this State).
- The Superior Court, Chancery Division, Family Part would be designated as the tribunal of this State.
- Provides that the procedures for establishment, enforcement, or modification of support or a determination of parentage under this act would not preclude the application of general State law.

ARTICLE 2 (SECTIONS 6-16) JURISDICTION:

- Provides the bases for jurisdiction over a nonresident for the purposes of establishing a support order or determining parentage.
- Describes the roles a tribunal may serve, either as an initiating or a responding tribunal.
- Presents procedures for addressing situations involving simultaneous proceedings occurring in this State and another state or a foreign country.
- Provides for continuing, exclusive jurisdiction by one tribunal over child and spousal support orders (either this State’s court/tribunal or the tribunal of another state or a foreign country), and authorizes the initiation of requests for support order modification to the issuing tribunal with such continuing, exclusive jurisdiction – this results in the tribunals of the enacting states coordinating and adhering to a “one order at a time system.”
- Establishes priority scheme for recognition and enforcement of existing multiple orders regarding the same obligor, obligee, and child.

- Provides method to handle multiple orders involving two or more families of the same obligor by treating all the orders as if they had been issued by a tribunal of this State.
- Allows credit for actual payments made against all existing orders.

ARTICLE 3 (SECTIONS 17-35) CIVIL PROVISIONS OF GENERAL APPLICATION:

- Sets forth procedures for initiation of a proceeding by an individual or a support enforcement agency.
- Allows proceedings by minor parent.
- Insures efficient processing of interstate and intrastate support cases.
- Enumerates the duties and powers of an initiating tribunal of this State, in response to a petition filed, including forwarding the petition and accompanying documents to a responding tribunal or appropriate support enforcement agency in a responding state, issuing certificates and making findings required by the law of the responding state, and converting the support amount owed to an equivalent amount in a foreign country, if needed.
- Enumerates the duties and powers of the responding tribunal, such as ordering compliance with a support order, providing for income withholding, determining arrearages, issuing bench warrants and placing liens.
- Enumerates the duties of a support enforcement agency.
- Provides for the Attorney General to take appropriate action concerning neglect to provide services by a support enforcement agency. If the Probation Division is involved, then the Attorney General is required to apply for an order directing the division to perform its duties under the act. If the State IV-D agency is involved, then the Attorney General would directly order the agency to perform its duties. As an alternative to either action, the Attorney General may provide the services directly to the individual.
- Permits party to retain private counsel in an action. (Currently, the State IV-D agency may provide counsel in IV-D cases to the petitioner or support agency under certain circumstances.)
- Enumerates the duties of the State information agencies, which are the Administrative Office of the Courts and the State IV-D Agency; the duties include maintaining current lists of tribunals and support enforcement agencies located in other states, forwarding lists of this State's tribunals and support enforcement agencies to other states, and obtaining and sharing information on support obligors or their property within this State.

- Establishes the basic requirements for the drafting and filing of proceedings for seeking to establish a child support order, determine parentage of a child, or register and modify a support order of a tribunal of another state or a foreign country.
- Provides for nondisclosure of information in filings when the health, safety, or liberty of a party or child would be jeopardized. Such information would be sealed.
- Provides that assessment of filing fees and other costs would not be permitted against a petitioner; but provides for fees and other costs against a support obligor when the obligee prevails.
- Provides limited immunity to a petitioner participating in a proceeding before a tribunal, such that the petitioner's participation does not establish personal jurisdiction over the petitioner, nor does the petitioner's physical presence in a jurisdiction make the petitioner amenable to service of civil process in that jurisdiction, unless service is for an act unrelated to the proceeding, committed while physically present in the jurisdiction.
- Provides that party whose parentage of a child has been previously determined cannot plead nonparentage as a defense.
- Provides for applicable rules of evidence and procedure including privileges against disclosure of communications between spouses, and admission of voluntary acknowledgments of paternity to establish parentage of a child.
- Provides for communication between tribunals in order to expedite enforcement of a support order.
- Facilitates cooperation between tribunals in the discovery process to assist in obtaining discovery.
- Establishes prompt disbursement of any amounts received by a support enforcement agency pursuant to a support order.

ARTICLE 4 (SECTIONS 36-37) ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE:

- Authorizes a responding tribunal in this State to issue support orders binding on an obligor over whom the tribunal has personal jurisdiction.
- Authorizes a State tribunal to serve as a responding tribunal in a proceeding to determine parentage.

ARTICLE 5 (SECTIONS 38-44) ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION:

- Provides for recognition by an obligor's employer of an income withholding order issued by another state.
- Authorizes summary enforcement of a support order through any administrative means.
- Grants immunity for an employer who complies with a withholding order.

- Establishes procedures for contesting the validity of a withholding order.

ARTICLE 6 (SECTIONS 45-60) REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER:

PART 1- (SECTIONS 45-48) REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDERS:

- Establishes procedures for the registration of a support order issued in another state or a foreign support order for the purposes of enforcement.
- Provides for choice of law, with the law of the support order's issuing state or foreign country generally governing actions.

PART 2- (SECTIONS 49-52) CONTEST OF VALIDITY OR ENFORCEMENT:

- Sets forth procedures to contest validity or enforcement of a registered order.
- Provides that confirmation of a registered support order, whether by operation of law or after notice and a hearing, precludes further contest of that order with respect to any matter that could have been asserted at the time of registration.

PART 3- (SECTIONS 53-58) REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE:

- Establishes requirements for registration of a child support order issued in another state for purposes of modification.
- Provides a procedure for modification of support orders of another state.
- Provides a procedure for recognizing support orders issued by a tribunal of this State which are subsequently modified by a tribunal of another state that assumed jurisdiction.

PART 4- (SECTIONS 59-60) REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER:

- Establishes jurisdiction for a tribunal of this State to modify a support order of a foreign county, if that country lacks or refuses to exercise jurisdiction over the order.
- Provides a procedure for registering, in accordance with the bill, foreign support orders that are not covered under the Convention, for purposes of modifying, or modifying and enforcing, such orders.

ARTICLE 7 (SECTIONS 61-73) SUPPORT PROCEEDINGS UNDER CONVENTION:

- This article only applies to a support proceeding concerning a foreign support order of a country that is a party to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, i.e., a "Convention support order."
- Recognizes the State IV-D Agency as the agency designated by the United States central authority (the Secretary of the United

States Department of Health and Human Services) to perform specific functions under the Convention.

- Provides procedures to initiate support proceedings concerning a Convention support order by the State IV-D agency.
- Permits a petitioner to directly request establishment or modification of a Convention support order or determination of parentage of a child.
- Establishes a procedure for registering Convention support orders and for contesting a registered Convention support order.
- Sets forth the general requirement for a tribunal of this State to recognize and enforce a registered Convention support order.
- Allows for enforcement of any part of a Convention support order, if a tribunal of this State does not recognize and enforce an order in its entirety.
- Additionally provides for recognition and enforcement of a foreign support agreement, which is a support agreement in a form of record that (1) is enforceable as a support order in the country of origin; (2) has been: (a) formally drawn up or registered as an authentic instrument by a foreign tribunal; or (b) authenticated by, or concluded, registered, or filed with a foreign tribunal; and (c) may be reviewed and modified by a foreign tribunal; and (3) includes a maintenance arrangement or authentic instrument under the Convention.
- Provides that records to be filed with a tribunal of this State be in their original language, and if not in English, the filing must be accompanied by an English translation.

ARTICLE 8 (SECTIONS 74-75) INTERSTATE RENDITION:

- Establishes, upon request by another state's governor, extradition authority for the Governor concerning any individual in this State who is charged criminally in that other state for having failed to provide for the support of an obligee.
- Additionally establishes authority for the Governor to demand, from another state's governor, extradition of any individual in that other state who has been charged criminally in this State for having failed to provide for the support of an obligee.

ARTICLE 9 (SECTIONS 76-78) MISCELLANEOUS PROVISIONS:

- Requires consideration amongst the enacting states of the need to promote uniformity of application and construction of the act.
- Indicates that the provisions of the bill apply to proceedings begun on or after the effective date of the act, and that the bill would not affect pending actions, rights, duties, or liabilities tied to the repealed version of the "Uniform Interstate Family Support Act," or other previously repealed support acts; after

the effect date, all such repealed laws would be treated as remaining in full force and effect for the purpose of sustaining any pending actions or rights filed prior to the effective date, as well as the enforcement of any rights, duties, or liabilities.

AMENDMENTS TO THE CURRENT LAW; REPEALER; EFFECTIVE DATE (SECTIONS 79-82):

- The bill amends several provisions of the existing statutory law to cross-reference the new “Uniform Interstate Family Support Act” as set forth in the bill.
- As previously indicated, the bill repeals the 1998 version of UIFSA, sections 1 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123).
- The bill would take effect on April 1, 2016.

COMMITTEE AMENDMENTS

1. Section 2 is amended to add a new definition, providing that “State IV-D Agency” means the Department of Human Services.
2. Section 3 is amended to clarify that both the State IV-D Agency (Department of Human Services) and the Superior Court’s Probation Division are the support enforcement agencies of this State (the bill as introduced only designated the Probation Division).
3. Section 24 is amended to clarify the procedures when a support enforcement agency neglects or refuses to provide services to the individual. If the Probation Division is involved then the Attorney General is required to apply for an order directing the division to perform its duties under the act. If the State IV-D agency is involved then the Attorney General orders the agency to perform its duties. The Attorney General may also provide the services directly to the individual.
4. Section 26 is amended to clarify that both the Administrative Office of the Courts and the State IV-D Agency (DHS) are the State information agencies (the bill as introduced only designated the Administrative Office of the Courts).

FISCAL NOTE
[First Reprint]
ASSEMBLY, No. 2373
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: FEBRUARY 17, 2016

SUMMARY

Synopsis: Enacts new "Uniform Interstate Family Support Act"; repeals previous uniform law.

Type of Impact: Annual increases in federal fund revenue and State General Fund expenditures.

Agencies Affected: Judiciary,
Department of Human Services,
Department of Law and Public Safety.

Executive Estimate

Fiscal Impact	Annual
Federal Fund Revenue Increase	Up to \$430,000,000
State Cost Increase	Indeterminate – See comments below

- The Office of Legislative Services (OLS) **concurs** with the Executive and Judiciary estimates that the bill would result in indeterminate annual expenditure increases to the Judiciary and the Department of Law and Public Safety.
- Enactment of the bill would protect significant federal fund revenues by ensuring that the State is in compliance with federal law. Federal law requires the enactment of the bill's amendments by April 1, 2016 as a condition for the continued receipt of federal funds for state child support programs. According to an informal Department of Human Services estimate, the failure to pass the bill could potentially lower the State's annual federal TANF and Title IV-D fund revenue by up to \$430 million.

BILL DESCRIPTION

Assembly Bill No. 2373 (1R) of 2016 enacts the new "Uniform Interstate Family Support Act," (UIFSA) and repeals the existing "Uniform Interstate Family Support Act." The UIFSA provides uniform rules for the enforcement of family support orders.

Legislation passed by Congress in 2014, the “Preventing Sex Trafficking and Strengthening Families Act,” Public Law No.113-183, requires that certain amendments to UIFSA be enacted in every jurisdiction by April 1, 2016 as a condition for the continued receipt of federal funds for state child support programs. These amendments incorporate the provisions required by the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (“the Convention”), to which the United States is a signatory. The amendments to the Uniform Act were developed and approved by the Uniform Law Commission for adoption in all jurisdictions.

The bill provides guidelines and procedures for the registration, enforcement and modification of foreign support orders. It also establishes basic jurisdictional standards, including continuing exclusive jurisdiction, rules for determining which state issues the controlling order in the event of proceedings in multiple jurisdictions and rules for modifying support orders.

The most notable change is the addition of a new article to UIFSA that establishes guidelines and procedures for the registration, recognition, enforcement and modification of foreign support orders of countries that are parties to the Convention. The article provides that a party seeking recognition of a support order must register. Once registered, the tribunal notifies the parties and an opportunity to challenge the order is provided. Unless grounds for denying recognition of the order are established, the order is enforced. Another change between the old and new UIFSA is the addition of a section concerning the conditions under which a tribunal has the authority to modify a spousal support order.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Human Services

The Department of Human Services indicated to the OLS in an informal statement that the failure to pass the bill could potentially lower the State’s annual federal TANF and Title IV-D fund revenue by up to \$430 million. This would be so because the federal “Preventing Sex Trafficking and Strengthening Families Act,” Public Law No.113-183, requires that certain amendments to UIFSA be enacted in every jurisdiction by April 1, 2016 as a condition for the continued receipt of federal funds for state child support programs.

Administrative Office of the Courts

The Administrative Office of the Courts (AOC) states that the bill would result in recurring indeterminate increased Judiciary expenditures. The most significant impact to Judiciary resources is anticipated to be related to the bill’s establishment of new guidelines and procedures for the registration, enforcement and modification of foreign support orders of countries that are parties to the Hague Convention on the International Recovery of Child Support and other forms of family maintenance.

The AOC is unable to determine the number of foreign support order filings that would be created under the bill and, by extension, the additional Judiciary expenditures that would result from any growth in the Judiciary’s caseload. However, the AOC points out that under U.S.C. Title 42, c.7, sub. IV, Part D, the current federal reimbursement rate for Title IV-D related expenditures is 66 percent with the 34 percent balance paid by the Judiciary as a State match.

Department of Law and Public Safety

Information obtained informally from the Department of Law and Public Safety indicates that the bill's impact would be indeterminate and would depend on whether the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive and Judiciary estimates that the bill would result in indeterminate annual expenditure increases to the Judiciary and the Department of Law and Public Safety. Moreover, the OLS concurs that the enactment of the bill would protect significant federal fund revenues by ensuring that the State is in compliance with federal law. Federal law requires the enactment of the bill's amendments by April 1, 2016 as a condition for the continued receipt of federal funds for state child support programs. According to an informal Department of Human Services estimate, the failure to pass the bill could potentially lower the State's annual federal TANF and Title IV-D fund revenue by up to \$430 million.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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Governor Chris Christie Takes Action On Pending Legislation

Wednesday, March 23, 2016 Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie announced action that has been taken on the following legislation:

BILL SIGNING:

S-995/A-2373 (Barnes/Vainieri Huttie, McKeon) – Enacts new “Uniform Interstate Family Support Act”; repeals previous uniform law

###

Press Contact:
Brian Murray
609-777-2600



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Office of the Governor
PO Box 001
Trenton, NJ 08625
609-292-6000