

12/12/77

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ASSEMBLY, No. 1500

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1976

By Assemblymen LITTELL, ALBANESE and McDERMOTT

Referred to Committee on Judiciary, Law, Public Safety
and DefenseAN ACT concerning judgments and orders for support and
maintenance.1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. ***【**Whenever any judgment or order for support and mainte-
2 nance is made in any court of competent jurisdiction in the State of
3 New Jersey, such judgment or order, at the request of the plaintiff,
4 shall be sent by the Probation Department to the defendant judg-
5 ment debtor's employer and shall operate as an execution against
6 the defendant's wages for the full amount of the judgment or
7 support order.】* *In any ****【contempt】**** proceeding brought for*
8 *failure to make support and maintenance payments, upon a showing*
9 *that such payments are more than ****【90】**** **45** days overdue,*
10 *the court may grant an order directing that an execution issue*
11 *against the wages, debts, earnings, salary, income from trust funds,*
12 *or profits of the defendant for the full amount of both the arrears*
13 *payments and for the satisfaction of current support and mainte-*
14 *nance payments* notwithstanding any statutory limitation on*
15 *executions issued against the wages, earnings, salary or other*
16 *income of the judgment debtor and *such execution* shall have*
17 *priority over any other executions.*

1 2. Any employer who discharges an employee because his wages
2 are subject to execution in accordance with section 1 of this act
3 or who discriminates in hiring because of such a potential execu-
4 tion shall be adjudged a disorderly person.

1 3. An employer in remitting wages levied upon by a judgment
2 or order of support may make a \$1.00 deduction to defray his
3 bookkeeping expenses for each pay check so levied upon out of
4 the funds ordered for support.

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

1 4. Any judgment or order for support issuing from a court of
2 competent jurisdiction of any other state, which passes legislation
3 similar to this act and provides for reciprocity to this State, shall
4 have the same force and effect as if the judgment or order
5 originated from the New Jersey courts.

1 5. An execution against the defendant's wages issued pursuant
2 to section 1 of this act shall not be considered an execution against
3 wages pursuant to N. J. S. 2A:17-52, and shall not prevent the
4 simultaneous satisfaction of another execution from the amount
5 of wages remaining after satisfaction of the execution for support.

1 6. This act shall take effect immediately.

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and Defense

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maintenance.

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2 *of New Jersey:*

1 1. Whenever any judgment or order for support and maintenance
2 is made in any court of competent jurisdiction in the State of New
3 Jersey, such judgment or order, at the request of the plaintiff,
4 shall be sent by the Probation Department to the defendant judg-
5 ment debtor's employer and shall operate as an execution against
6 the defendant's wages for the full amount of the judgment or
7 support order, notwithstanding any statutory limitation on execu-
8 tions issued against the wages, earnings, salary or other income
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10 executions.

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2 competent jurisdiction of any other state, which passes legislation
3 similar to this act and provides for reciprocity to this State, shall
4 have the same force and effect as if the judgment or order
5 originated from the New Jersey courts.

1 5. An execution against the defendant's wages issued pursuant
2 to section 1 of this act shall not be considered an execution against

2A:17-56.1 et seq
 LEGISLATIVE HISTORY CHECKLIST

H.R.S.A. 2A:17-56.1 et seq. (Support payments--courts to issue wage
 executions for failure to pay)

LAWS OF 1977 CHAPTER 292

Bill No. A1500

Sponsor(s) Littell, Albanese & McDermott

Date Introduced February 19, 1976

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yes Amendments during passage denoted
 (also) according to Governor's recommendations ~~XXX~~ by asterisks

Date of Passage: Assembly April 18, 1977 Re'enacted Oct. 3, 1977

Senate May 23, 1977 Re'enacted Nov. 21, 1977

Date of approval December 12, 1977

Following statements are attached if available:

Sponsor statement	Yes	XXX
Committee Statement:	Assembly Yes	XXX
	Senate XXX	No
Fiscal Note	XXX	No
Veto message	Yes	XXX
Message on signing	XXX	No

Following were printed:

Reports	XXX	No
Hearings	XXX	No

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 LEGISLATIVE HISTORY CHECKLIST

3 wages pursuant to N. J. S. 2A:17-52, and shall not prevent the
4 simultaneous satisfaction of another execution from the amount
5 of wages remaining after satisfaction of the execution for support.
1 6. This act shall take effect immediately.

STATEMENT

Under present law, a court may order an execution against a person's wages to recover arrears payments for the support and maintenance of a spouse or child. Such an execution, however, may not be used to enforce the payment of current support obligations. The purpose of this bill is to provide that a court may order an execution against wages to insure the payment of current support and maintenance obligations.

The bill further provides that such an execution shall not be bound by the provisions of N. J. S. 2A:17-52, which allows only one execution against wages to be satisfied at any one time.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1500
with Committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 11, 1977

This bill, as amended, would allow in any contempt proceeding brought for failure to make support and maintenance payments, upon a showing that such payments are more than 90 days overdue, the court to grant an order directing an execution against a person's wages for the full amount of both the arrears payments and for the satisfaction of current support and maintenance payments. Presently, a court can only order an execution for arrears payments.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

September 26, 1977

ASSEMBLY BILL NO. 1500 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1500 (OCR) with my objections, for reconsideration.

This bill would permit a court to order garnishment of wages, debts, earnings and income from trust funds, or profits in a contempt proceeding for failure to make support or maintenance payments. It would apply only if a defendant is more than 90 days overdue in making such payments.

This is a bill which will be of great assistance to the courts in enforcing support orders; I look forward to signing this bill into law. However, two flaws in the bill would seriously hamper its effectiveness. The bill speaks in terms of its applicability to "any contempt proceeding." A contempt proceeding is a term of art; under Rule of Court 1:10-4, this type of proceeding may be used to enforce child support payments. However, another available proceeding to enforce child support payments is the proceeding to enforce litigant's rights pursuant to Rule of Court 1:10-5. That proceeding is less cumbersome, and is used in more than 95% of support enforcement cases. To be certain that this bill will be most effective, it should be amended to apply to "any proceeding brought for failure to make support and maintenance payments."

The bill also requires that payments should be 90 days overdue in order for the bill to apply. While I certainly agree that a failure to make timely payments should be demonstrated, the 90 day period now set forth is too long a time period, particularly in light of the fact that court scheduling requirements might extend the period during which a parent and child would have to do without support payments to four full months. Forty-five days appears to me to be a more reasonable period.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Accordingly, I respectfully recommend the following change in
Assembly Bill No. 1500:

Page 1, Section 1, Line 7: DELETE "contempt."

Page 1, Section 1, Line 9: DELETE "90" and INSERT "45".

Respectfully,

/s/ Brendan Byrne

GOVERNOR

(seal)

Attest:

/s/ John J. Degnan

Acting Executive Secretary to the Governor