

2A:4-30.24 to 2A:4-30.64

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:4-30.24 to 2A:4-30.64; Repeals ("Revised Uniform Reciprocity Enforcement Act")
2A:4-30.1 - 2A:4-30.23

LAWS 1981 CHAPTER 243

Bill No. A1497

Sponsor(s) Janiszewski, Kalik and Baer

Date Introduced April 14, 1980

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Institutions, Health & Welfare

Amended during passage Yes ~~No~~ Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly July 28, 1980

Re-enacted 7-28-80

Senate Jan. 26, 1981

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Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message Yes ~~No~~

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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ASSEMBLY, No. 1427

STATE OF NEW JERSEY

INTRODUCED APRIL 14, 1980

By Assemblyman JANISZEWSKI, Assemblywoman KALIK and
Assemblyman BAER

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT concerning support proceedings for or against persons
residing in other states, territories or possessions of the United
States, and foreign jurisdictions having substantially similar
or reciprocal laws, and repealing P. L. 1952, c. 197 and sections
6, 7, and 8 of P. L. 1953, c. 245.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Purposes. The purposes of this act are to improve and extend
2 by reciprocal legislation the enforcement of duties of support.

1 2. This act shall be known and may be cited as the "Revised
2 Uniform Reciprocal Enforcement of Support Act (1968)."

1 3. Definitions. a. "Court" means the juvenile and domestic
2 relations court of this State, and when the context requires, means
3 the court of any other state as defined in a substantially similar
4 reciprocal law.

5 b. "Duty of support" means a duty of support whether imposed
6 or imposable by law or by order, decree, or judgment of any court,
7 whether interlocutory or final or whether incidental to an action
8 for divorce, separation, separate maintenance, or otherwise and
9 includes the duty to pay arrearages of support past due and unpaid.

10 c. "Initiating state" means a state in which a proceeding pur-
11 suant to this or a substantially similar reciprocal law is commenced.
12 "Initiating court" means the court in which a proceeding is com-
13 menced.

14 d. "Law" includes both common and statutory law.

15 e. "Obligee" means a person including a state or political sub-
16 division to whom a duty of support is owed or a person including
17 a state or political subdivision that has commenced a proceeding
18 for enforcement of an alleged duty of support or for registration

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

19 of a support order. It is immaterial if the person to whom a duty
20 of support is owed is a recipient of public assistance.

21 f. "Obligor" means any person owing a duty of support or
22 against whom a proceeding for the enforcement of a duty of sup-
23 port or registration of a support order is commenced.

24 g. "Prosecuting attorney" means the public official in the ap-
25 propriate place who has the duty to enforce criminal laws relating
26 to the failure to provide for the support of any person.

27 h. "Register" means to record in the Registry of Foreign
28 Support Orders.

29 i. "Registering court" means any court of this State in which
30 a support order of a rendering state is registered.

31 j. "Rendering state" means a state in which the court has issued
32 a support order for which registration is sought or granted in the
33 court of another state.

34 k. "Responding state" means a state in which any responsive
35 proceeding pursuant to the proceeding in the initiating state is
36 commenced. "Responding court" means the court in which the
37 responsive proceeding is commenced.

38 l. "State" includes a state, territory, or possession of the United
39 States, the District of Columbia, the Commonwealth of Puerto
40 Rico, and any foreign jurisdiction in which this or a substantially
41 similar reciprocal law is in effect.

42 m. "Support order" means any judgment, decree, or order of
43 support in favor of an obligee whether temporary or final, or sub-
44 ject to modification, revocation, or remission, regardless of the
45 kind of action or proceeding in which it is entered.

1 4. Remedies additional to those now existing. The remedies
2 herein provided are in addition to and not in substitution for any
3 other remedies.

1 5. Extent of duties of support. Duties of support arising under
2 the law of this State, when applicable under section 8, bind the
3 obligor present in this State regardless of the presence or resi-
4 dence of the obligee.

1 6. Interstate rendition. The Governor of this State may:

2 a. Demand of the Governor of another state the surrender of
3 a person found in that state who is charged criminally in this State
4 with failing to provide for the support of any person; or

5 b. Surrender on demand by the Governor of another state a
6 person found in this State who is charged criminally in that state
7 with failing to provide for the support of any person. Provisions
8 for extradition of criminals not inconsistent with this act apply
9 to the demand even if the person whose surrender is demanded

10 was not in the demanding state at the time of the commission of
11 the crime and has not fled therefrom. The demand, the oath, and
12 any proceedings for extradition pursuant to this section need not
13 state or show that the person whose surrender is demanded has
14 fled from justice or at the time of the commission of the crime
15 was in the demanding state.

1 7. Conditions of interstate rendition. a. Before making the de-
2 mand upon the Governor of another state for the surrender of a
3 person charged criminally in this State with failing to provide for
4 the support of a person, the Governor of this State may require
5 any prosecuting attorney of this State to satisfy him that at least
6 60 days prior thereto the obligee initiated proceedings for support
7 under this act or that any proceeding would be of no avail.

8 b. If, under a substantially similar act, the Governor of another
9 state makes a demand upon the Governor of this State for the
10 surrender of a person charged criminally in that state with failure
11 to provide for the support of a person, the Governor may require
12 any prosecuting attorney to investigate the demand and to report
13 to him whether proceedings for support have been initiated or
14 would be effective. If it appears to the Governor that a proceeding
15 would be effective but has not been initiated, he may delay honoring
16 the demand for a reasonable time to permit the initiation of a
17 proceeding.

18 c. If proceedings have been initiated and the person demanded
19 has prevailed therein, the Governor may decline to honor the de-
20 mand. If the obligee prevailed and the person demanded is subject
21 to a support order, the Governor may decline to honor the demand
22 if the person demanded is complying with the support order.

1 8. Choice of law. Duties of support applicable under this act
2 are those imposed under the laws of any state where the obligor
3 was present for the period during which support is sought. The
4 obligor is presumed to have been present in the responding state
5 during the period for which support is sought until otherwise
6 shown.

1 9. Remedies of state or political subdivision furnishing support.
2 If a state or a political subdivision furnishes support to an indi-
3 vidual obligee it has the same right to initiate a proceeding under
4 this act as the individual obligee for the purpose of securing re-
5 imbursement for support furnished and of obtaining continuing
6 support.

1 10. How duties of support enforced. All duties of support, in-
2 cluding the duty to pay arrearages, are enforceable by a proceeding
3 under this act including a proceeding for civil contempt. The de-

4 fense that the parties are immune to suit because of their relation-
5 ship as husband and wife or parent and child is not available to
6 the obligor.

1 11. Jurisdiction. Jurisdiction of any proceeding under this act
2 is vested in the juvenile and domestic relations court of any county
3 of this State.

1 12. Contents and filing of complaint for support; venue. a. The
2 complaint shall be verified and shall state the name and, so far
3 as known to the obligee, the address and circumstances of the
4 obligor and the persons for whom support is sought, and all other
5 pertinent information. The obligee may include in or attach to
6 the complaint any information which may help in locating or identi-
7 fying the obligor including a photograph of the obligor, a descrip-
8 tion of any distinguishing marks on his person, other names and
9 aliases by which he has been or is known, the name of his employer,
10 his fingerprints, and his Social Security number.

11 b. The complaint may be filed in the appropriate court of any
12 state in which the obligee resides. The court shall not decline or
13 refuse to accept and forward the complaint on the ground that it
14 should be filed with some other court of this or any other state
15 where there is pending another action for divorce, separation,
16 annulment, dissolution, habeas corpus, adoption, or custody be-
17 tween the same parties or where another court has already issued
18 a support order in some other proceeding and has retained juris-
19 diction for its enforcement.

1 13. Officials to represent obligee. If this State is acting as an
2 initiating state the county adjuster upon the request of the court
3 shall represent the obligee in any proceeding under this act.

1 14. Complaint of a minor. A complaint on behalf of a minor
2 obligee may be executed and filed by a person having legal custody
3 of the minor without appointment as guardian ad litem.

1 15. Duty of initiating court. If the initiating court finds that the
2 complaint sets forth facts from which it may be determined that
3 the obligor owes a duty of support and that a court of the respond-
4 ing state may obtain jurisdiction of the obligor or his property
5 it shall so certify and cause three copies of the complaint and its
6 certificate and one copy of this act to be sent to the responding
7 court. Certification shall be in accordance with the requirements
8 of the initiating state. If the name and address of the responding
9 court are unknown and the responding state has an information
10 agency comparable to that established in the initiating state, it
11 shall cause the copies to be sent to the state information agency
12 or other proper official of the responding state, with a request that

13 the agency or official forward them to the proper court and that
14 the court of the responding state acknowledge their receipt to the
15 initiating court.

1 16. Jurisdiction by arrest. If the court of this State believes that
2 the obligor may flee it may:

3 a. As an initiating court, request in its certificate that the respond-
4 ing court obtain the body of the obligor by appropriate process; or

5 b. As a responding court, obtain the body of the obligor by appro-
6 priate process. Thereupon it may release him upon his own re-
7 cognizance or upon his giving a bond in an amount set by the court
8 to assure his appearance at the hearing.

1 17. State Information Agency. a. The Administrative Director
2 of the Courts is designated as the State Information Agency under
3 this act, and he shall:

4 (1) Compile a list of the courts and their addresses in this State
5 having jurisdiction under this act and transmit it to the State
6 Information Agency of every other state which has adopted this
7 or a substantially similar act. Upon the adjournment of each
8 session of the legislature the agency shall distribute copies of any
9 amendments to the act and a statement of their effective date to
10 all other State information agencies;

11 (2) Maintain a register of lists of courts received from other
12 states and transmit copies thereof promptly to every court in this
13 State having jurisdiction under this act; and

14 (3) Forward to the court in this State which has jurisdiction over
15 the obligor or his property petitions, certificates and copies of the
16 act it receives from courts or information agencies of other states.

17 b. If the State Information Agency does not know the location
18 of the obligor or his property in the State and no State location
19 service is available it shall use all means at its disposal to obtain
20 this information, including the examination of official records in
21 the State and other sources such as telephone directories, real
22 property records, vital statistics records, police records, requests
23 for the name and address from employers who are able or willing
24 to cooperate, records of motor vehicle license officers, requests made
25 to the tax offices both State and Federal where such offices are
26 able to cooperate, and requests made to the Social Security Admin-
27 istration as permitted by the Social Security Act as amended.

1 18. Duty of the court and officials of this State as responding
2 State. a. After the responding court receives copies of the com-
3 plaint, certificate and act from the initiating court, it shall docket
4 the case and notify the county adjuster of its action.

5 b. The county adjuster shall prosecute the case diligently. He
6 shall take all action necessary in accordance with the laws of this
7 State to enable the court to obtain jurisdiction over the obligor
8 or his property and shall request the court to set a time and place
9 for a hearing and give notice thereof to the obligor in accordance
10 with law.

1 19. Further duties of court and officials in the responding state.

2 a. The county adjuster on his own initiative shall use all means at
3 his disposal to locate the obligor or his property, and if because
4 of inaccuracies in the complaint or otherwise the court cannot
5 obtain jurisdiction, the county adjuster shall inform the court
6 of what he has done and request the court to continue the case
7 pending receipt of more accurate information or an amended
8 complaint from the initiating court.

9 b. If the obligor or his property is not found in the county, and
10 the county adjuster discovers that the obligor or his property may
11 be found in another county of this State or in another state he
12 shall so inform the court. Thereupon the clerk of the court shall
13 forward the documents received from the court in the initiating
14 state to a court in the other county or to a court in the other state
15 or to the information agency or other proper official of the other
16 state with a request that the documents be forwarded to the proper
17 court. All powers and duties provided by this act apply to the
18 recipient of the documents so forwarded. If the clerk of a court of
19 this State forwards documents to another court he shall forthwith
20 notify the initiating court.

21 c. If the county adjuster has no information as to the location
22 of the obligor or his property he shall so inform the initiating court.

1 20. Hearing and continuance. If the obligee is not present at
2 the hearing and the obligor denies owing the duty of support al-
3 leged in the complaint or offers evidence constituting a defense,
4 the court, upon request of either party, shall continue the hearing
5 to permit evidence relative to the duty to be adduced by either
6 party by deposition or by appearing in person before the court.
7 The court may designate the judge of the initiating court as a
8 person before whom a deposition may be taken.

1 ***21.** Immunity from criminal prosecution. If at the hearing the
2 obligor is called for examination as an adverse party and he de-
3 clines to answer upon the ground that his testimony may tend
4 to incriminate him, the court may require him to answer, in which
5 event he is immune from having such responsive answer given by
6 him or such responsive evidence produced by him, or evidence
7 derived therefrom used to expose him to criminal prosecution or
8 penalty except for perjury committed in this testimony.]*

1 ***[22.]*** *21.* Evidence of husband and wife. Laws attaching a
 2 privilege against the disclosure of communications between husband
 3 and wife are inapplicable to proceedings under this act. Husband
 4 and wife are competent witnesses and may be compelled to testify to
 5 any relevant matter, including marriage and parentage.

1 ***[23.]*** *22.* Rules of evidence. In any hearing for the civil en-
 2 forcement of this act the court is governed by the rules of evidence
 3 applicable in a civil court action in the Superior Court. If the
 4 action is based on a support order issued by another court a
 5 certified copy of the order shall be received as evidence of the duty
 6 of support, subject only to any defenses available to an obligor with
 7 respect to paternity (section 27) or to a defendant in an action or a
 8 proceeding to enforce a foreign money judgment. The determina-
 9 tion or enforcement of a duty of support owed to one obligee is
 10 unaffected by any interference by another obligee with rights of
 11 custody or visitation granted by a court.

1 ***[24.]*** *23.* Order of support. If the responding court finds a
 2 duty of support it may order the obligor to furnish support or
 3 reimbursement therefor and subject the property of the obligor to
 4 the order. Support orders made pursuant to this act shall require
 5 that payments be made to the probation department of the court of
 6 the responding state. The court and county adjuster of any county
 7 in which the obligor is present or has property have the same
 8 powers and duties to enforce the order as have those of the county
 9 in which it was first issued. If enforcement is impossible or cannot
 10 be completed in the county in which the order was issued, the county
 11 adjuster shall send a certified copy of the order to the county ad-
 12 juster of any county in which it appears that proceedings to enforce
 13 the order would be effective. **Before the county adjuster transfers*
 14 *an order to any other county adjuster for enforcement, he shall*
 15 *first obtain from the court an order permitting the transfer.** The
 16 county adjuster to whom the certified copy of the order is for-
 17 warded shall proceed with enforcement and report the results of the
 18 proceedings to the court first issuing the order.

1 ***[25.]*** *24.* Responding court to transmit copies to initiating
 2 court. The responding court shall cause a copy of all support orders
 3 or orders for reimbursement thereof to be sent to the initiating
 4 court.

1 ***[26.]*** *25.* Additional powers of responding court. In addition
 2 to the foregoing powers a responding court may subject the obligor
 3 to any terms and conditions proper to assure compliance with its
 4 orders and in particular to:

5 a. Require the obligor to furnish a cash deposit or a bond of a
6 character and amount to assure payment of any amount due;

7 b. Require the obligor to report personally and to make payments
8 at specified intervals to the probation department of the court; and

9 c. Punish under the power of contempt the obligor who violates
10 any order of the court.

1 ***[27.]*** *26.* Paternity. If the obligor asserts as a defense that
2 he is not the father of the child for whom support is sought and it
3 appears to the court that the defense is not frivolous, and if both of
4 the parties are present at the hearing or the proof required in the
5 case indicates that the presence of either or both of the parties is
6 not necessary, the court may adjudicate the paternity issue. Other-
7 wise the court may adjourn the hearing until the paternity issue
8 has been adjudicated.

1 ***[28.]*** *27.* Additional duties of responding court. A respond-
2 ing court has the following duties which may be carried out through
3 the probation department of the court:

4 a. To transmit to the initiating court any payment made by the
5 obligor pursuant to any order of the court or otherwise; and

6 b. To furnish to the initiating court upon request a certified
7 statement of all payments made by the obligor.

1 ***[29.]*** *28.* Additional duty of initiating court. An initiating
2 court shall receive and disburse forthwith all payments made by
3 the obligor or sent by the responding court. This duty may be
4 carried out through the probation department of the court.

1 ***[30.]*** *29.* Proceedings not to be stayed. A responding court
2 shall not stay the proceeding or refuse a hearing under this act
3 because of any pending or prior action or proceeding for divorce,
4 separation, annulment, dissolution, habeas corpus, adoption, or
5 custody in this or any other state. The court shall hold a hearing
6 and may issue a support order pendente lite. In aid thereof it may
7 require the obligor to give a bond for the prompt prosecution of the
8 pending proceeding. If the other action or proceeding is concluded
9 before the hearing in the instant proceeding and the judgment
10 therein provides for the support demanded in the complaint being
11 heard, the court must conform its support order to the amount
12 allowed in the other action or proceeding. Thereafter the court
13 shall not stay enforcement of its support order because of the reten-
14 tion of jurisdiction for enforcement purposes by the court in the
15 other action or proceeding.

1 ***[31.]*** *30.* Application of payments. A support order made by
2 a court of this State pursuant to this act does not nullify and is not
3 nullified by a support order made by a court of this State pursuant

4 to any other law or by a support order made by a court of any
 5 other state pursuant to a substantially similar act or any other law,
 6 regardless of priority of issuance, unless otherwise specifically
 7 provided by the court. Amounts paid for a particular period
 8 pursuant to any support order made by the court of another state
 9 shall be credited against the amounts accruing or accrued for the
 10 same period under any support order made by the court of this
 11 State.

1 ***[32.]*** *31.* Effect of participation in proceeding. Participation
 2 in any proceeding under this act does not confer jurisdiction upon
 3 any court over any of the parties thereto in any other proceeding.

1 ***[33.]*** *32.* Appeals. If the Attorney General is of the opinion
 2 that a support order is erroneous and presents a question of law
 3 warranting an appeal in the public interest, he may:

4 a. Perfect an appeal to the proper appellate court if the support
 5 order was issued by a court of this State, or

6 b. If the support order was issued in another state, cause the
 7 appeal to be taken in the other state. In either case expenses of
 8 appeal may be paid on his order from funds appropriated for
 9 his office.

1 ***[34.]*** *33.* Additional remedies. If the duty of support is based
 2 on a foreign support order, the obligee has the additional remedies
 3 provided in the following sections.

1 ***[35.]*** *34.* Registration. The obligee may register the foreign
 2 support order in a court of this State in the manner, with the effect,
 3 and for the purposes herein provided.

1 ***[36.]*** *35.* Registry of foreign support orders. The clerk of
 2 the court shall maintain a Registry of Foreign Support Orders in
 3 which he shall record foreign support orders.

1 ***[37.]*** *36.* Official to represent obligee. If this State is acting
 2 either as a rendering or a registering State the county adjuster
 3 upon the request of the court shall represent the obligee in pro-
 4 ceedings under this part.

1 ***[38.]*** *37.* Registration procedure; notice. a. An obligee seek-
 2 ing to register a foreign order in a court of this State shall transmit
 3 to the clerk of the court (1) three certified copies of the order with
 4 all modifications thereof, (2) one copy of the reciprocal enforcement
 5 of support act of the state in which the order was made, and (3)
 6 a statement verified and signed by the obligee, showing the post
 7 office address of the obligee, the last known place of residence and
 8 post office address of the obligor, the amount of support remaining
 9 unpaid, a description and the location of any property of the
 10 obligor available upon execution, and a list of the states in which

11 the order is registered. Upon receipt of these documents the
 12 clerk of the court, without payment of a filing fee or other cost
 13 to the obligee, shall file them in the Registry of Foreign Support
 14 Orders. The filing constitutes registration under this act.

15 b. Promptly upon registration the clerk of the court shall send
 16 by certified or registered mail to the obligor at the address given
 17 a notice of the registration with a copy of the registered support
 18 order and the post office address of the obligee. He shall also docket
 19 the case and notify the county adjuster of his action. The county
 20 adjuster shall proceed diligently to enforce the order.

1 ***[39.]*** *38.* Effect of registration: enforcement procedure. a.
 2 Upon registration the registered foreign support order shall be
 3 treated in the same manner as a support order issued by a court of
 4 this State. It has the same effect and is subject to the same pro-
 5 cedures, defenses, and proceedings for reopening, vacating, or stay-
 6 ing as a support order of this State and may be enforced and satis-
 7 fied in like manner.

8 b. The obligor has 20 days after the mailing of notice of the
 9 registration in which to petition the court to vacate the registration
 10 or for other relief. If he does not so petition the registered support
 11 order is confirmed.

12 c. At the hearing to enforce the registered support order the
 13 obligor may present only matters that would be available to him
 14-15 as defenses in an action to enforce a foreign money judgment.
 16 If he shows to the court that an appeal from the order is pending
 17 or will be taken or that a stay of execution has been granted, the
 18 court shall stay enforcement of the order until the appeal is con-
 19 cluded, the time for appeal has expired, or the order is vacated,
 20 upon satisfactory proof that the obligor has furnished security for
 21 payment of the support ordered as required by the rendering
 22 state. If he shows to the court any ground upon which enforcement
 23 of a support order of this State may be stayed the court shall stay
 24 enforcement of the order for an appropriate period if the obligor
 25 furnishes the same security for payment of the support ordered
 26 that is required for a support order of this State.

1 *39. *Notwithstanding any of the provisions of this act, an obligee*
 2 *who has previously obtained a support order for support in the*
 3 *Superior Court of New Jersey shall be permitted to docket said*
 4 *support order in the Juvenile and Domestic Relations Court of the*
 5 *appropriate county, which court shall then utilize said prior*
 6 *support order as constituting prima facie proof that a duty for*
 7 *support exists in the amount reflected in said prior support order.**

1 40. Uniformity of interpretation. This act shall be so construed
2 as to effectuate its general purpose to make uniform the law of
3 those states which enact it.

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

1 42. P. L. 1952, c. 197 (C. 2A:4-30.1 et seq.) and section 6
2 (C. 2A:4-30.12a), section 7 (C. 2A:4-30.23), and section 8
3 (C. 2A:4-30.12b) of P. L. 1953, c. 245 are repealed.

1 43. This act shall take effect on the one hundred eighty-first
2 day after enactment.

STATEMENT

The purpose of this bill is to repeal New Jersey's laws on the reciprocal enforcement of support and to replace them with the 1968 Revised Uniform Reciprocal Enforcement of Support Act.

Like other states, New Jersey recognizes that a person cannot escape the duty to support his or her family merely by moving to another state. In 1950, New Jersey passed the Uniform Reciprocal Enforcement of Support Act and, in 1953, the amendments to this act, both recommended by the National Conference of Commissioners on Uniform State Laws to improve the enforcement of child support orders across state lines.

Since the early 1950's, however, loopholes and inefficiencies in the law have become apparent; attempting to eliminate them, the National Conference of Commissioners on Uniform State Laws and the American Bar Association approved the 1968 Revised Uniform Reciprocal Enforcement of Support Act. Twenty-six states have now passed it, and others are in the process of enacting it.

The revised act would make the following improvements in New Jersey's current laws:

1. Permit reciprocity with foreign jurisdictions as well as other states in the enforcement of support orders;
2. Prohibit a court from refusing a support petition because of pending actions in other courts or existing support orders issued by other courts;
3. Provide better means of locating the person who owes support;
4. Allow the court to grant immunity from criminal prosecution to the person owing support, thus compelling him to testify;
5. Require that all support payments be made to the probation department so that the court can maintain records on compliance with its orders;
6. Allow the court in the responding state to determine the issue of paternity under certain circumstances;
7. Establish the registration of foreign support orders so that New Jersey can enforce the support orders of other states as it would enforce its own;
8. Permit a judge to continue a case until evidence can be attained from the person to whom support is owed when that person is outside the state.

Like New Jersey's current laws regarding the reciprocal enforcement of support orders, this bill creates no duties of support; it merely enforces duties already established. Over the years,

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the Uniform Reciprocal Enforcement of Support Act has helped to recover millions of dollars by placing the duty to support children on the shoulders of those who are legally responsible for them, thus relieving the state from providing assistance to those who deserve support. This bill would make current law more efficient and cure defects in the present enforcement procedure.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1427

STATE OF NEW JERSEY

DATED: JUNE 26, 1980

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4. Allow the court to grant immunity from criminal prosecution to the person owing support, thus compelling him to testify;
5. Permit a court to require that all support payments be made to the probation department so that the court can maintain records on compliance with its orders;
6. Allow the court in the responding state to determine the issue of paternity under certain circumstances;
7. Establish the registration of foreign support orders so that New Jersey can enforce the support orders of other states as it would enforce its own;

8. Permit a judge to continue a case until evidence can be obtained from the person to whom support is owed when that person is outside the state.

9. Allow for the enforcement of a valid foreign support order while it is being attacked on collateral issues.

Like New Jersey's current laws regarding the reciprocal enforcement of support orders, this bill creates no duties of support. It merely enforces duties already established, clearing away some of the obstacles that have existed or been thrown up in the way of enforcement. Over the years, the Uniform Reciprocal Enforcement of Support Act has helped to recover millions of dollars by placing the duty to support children on the shoulders of those who are legally responsible for them, thus relieving the state from providing assistance to those who deserve support. This bill would make current law more efficient and cure defects in the present enforcement procedure while retaining valid rights and protection for defendants.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1427

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1980

This bill repeals New Jersey's laws on the reciprocal enforcement of support and replaces them with the 1968 Revised Uniform Reciprocal Enforcement of Support Act. It updates the current law and provides for more rigorous enforcement of child support.

The revised act would make the following changes in New Jersey's current laws:

1. Permit reciprocity with foreign jurisdictions as well as other states in the enforcement of support orders;
2. Prohibit a court from refusing a support petition because of pending actions in other courts or existing support orders issued by other courts;
3. Provide better means of locating the person who owes support;
4. Allow the court to grant immunity from criminal prosecution to the person owing support, thus compelling him to testify;
5. Require that all support payments be made to the probation department so that the court can maintain records on compliance with its orders;
6. Allow the court in the responding state to determine the issue of paternity under certain circumstances;
7. Establish the registration of foreign support orders so that New Jersey can enforce the support orders of other states as it would enforce its own;
8. Permit a judge to continue a case until evidence can be obtained from the person to whom support is owed when that person is outside the State;
9. Allow for the enforcement of a valid foreign support order while it is being attacked on collateral issues.

Through this bill New Jersey may realize substantial benefits by increasing support collections and facilitating the uniform administration of these cases.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 11, 1981

ASSEMBLY BILL NO. 1427

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 1427 with my objections, for reconsideration.

This bill would replace the Uniform Reciprocal Enforcement of Support Act adopted in 1950 with the Revised Uniform Reciprocal Enforcement of Support Act. These acts provide a mechanism for the enforcement of support orders when the parties reside in different jurisdictions. The revised version of the uniform law strengthens these procedures and eliminates many of the procedural and technical difficulties that have arisen under the current law. While I support most of these provisions in the revised law, a few adjustments are needed so that it will be more compatible with New Jersey's policies and procedures.

First, balancing the advantages and disadvantages of the criminal immunity provision in section 21, I have concluded that the provision should be deleted from the bill. Under this section no law enforcement official would have control over the decision of granting immunity. If the testimony in question involved an illegal source of income, immunity could still be granted. I note that five other states which have adopted this revision have deleted the criminal immunity provision from their statutes and I propose that New Jersey do the same.

In addition, two technical problems have been called to my attention which we can correct now. First, section 24 of the bill permits the county adjuster to send a certified copy of the order of support to a county adjuster in another county to complete enforcement of the order. From an administrative point of view, I am advised that it will be easier to maintain the present practice of making such transfers by court order. I propose that the bill be amended to do so. In addition, in order to provide a mechanism in that act for dealing with support orders entered by New Jersey Superior Court, Chancery Division, it has been suggested that the bill be amended to permit the Chancery Division support order to be docketed in the Juvenile and Domestic Relations Court and to serve as prima facie proof that a duty of support exists. In this way the benefits of the act can accrue to the holder of a Chancery Division support order.

In view of the above, I am returning Assembly Bill No. 1427 for your reconsideration and recommend the following changes:

Page 6, Section 21: Delete entire section.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Pages 6 to 10, Sections 22 to 39: Renumber as sections 21 to 38.

Page 7, Section 23 (formerly section 24) line 13: After "effective." insert "Before the county adjuster transfers an order to any other county adjuster for enforcement, he shall first obtain from the court an order permitting the transfer."

Page 10, before Section 40: Insert new section.

39. Notwithstanding any of the provisions of this Act, an obligee who has previously obtained a support order for support in the Superior Court of New Jersey shall be permitted to docket said support order in the Juvenile & Domestic Relations Court of the appropriate county, which Court shall then utilize said prior support order as constituting prima facie proof that a duty for support exists in the amount reflected in said prior support order.

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY